

6 February 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be temporarily held in the **Civic Centre Theatre, Elizabeth Street, Moss Vale** on **Wednesday 12 February 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 Council Chambers, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 February 2020 at 3.30pm.

Time	Item
3.30pm	Opening of the Meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded AND that the Council Chamber now has 24 hour Video Surveillance.
	Acknowledgement of Country – Clr G Andrews
3.32pm	Opening Prayer – Pastor Paul Crossman, Highlands Christian Church, Mittagong
3.35pm	<ul style="list-style-type: none">• Apologies (<i>if any</i>)• Adoption of Previous Minutes<ol style="list-style-type: none">1. Ordinary Council meeting of 11 December 2019;2. Extraordinary Council Meeting 26 January 2020; and3. Extraordinary Council meeting 6 February 2020• Declarations of Interest (<i>if any</i>)• Mayoral Minute (<i>if any</i>)• Public Forum (<i>if any</i>)• Visitor Item<ol style="list-style-type: none">1. <u>Item 9.1</u> Development Application 19/0922 - Thirty One (31) Lots Subdivision - 30 Residential Lots and 1 Drainage Easement Allotment - 21 Ferguson Crescent Mittagong <u>Mr Doug McPherson will speak against the development</u>2. <u>Item 9.2</u> Development Application 20/0546 - Erection of Buildings and Carrying out of Works for the Purpose of Seniors Housing, Lot 2 DP1241233, 2 Orchid Street, Colo Vale <u>Mr Karl Batshon will speak against the development</u> <u>Mr Joshua Graham will speak in support of the development</u>• Council Reports
5.30pm	Questions with Notice Notices of Motion
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
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5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
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8. **PUBLIC FORUM**

9. **VISITOR MATTERS**
OPERATIONS, FINANCE AND RISK
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19.1 Tender for Plant and Equipment Hire

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

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

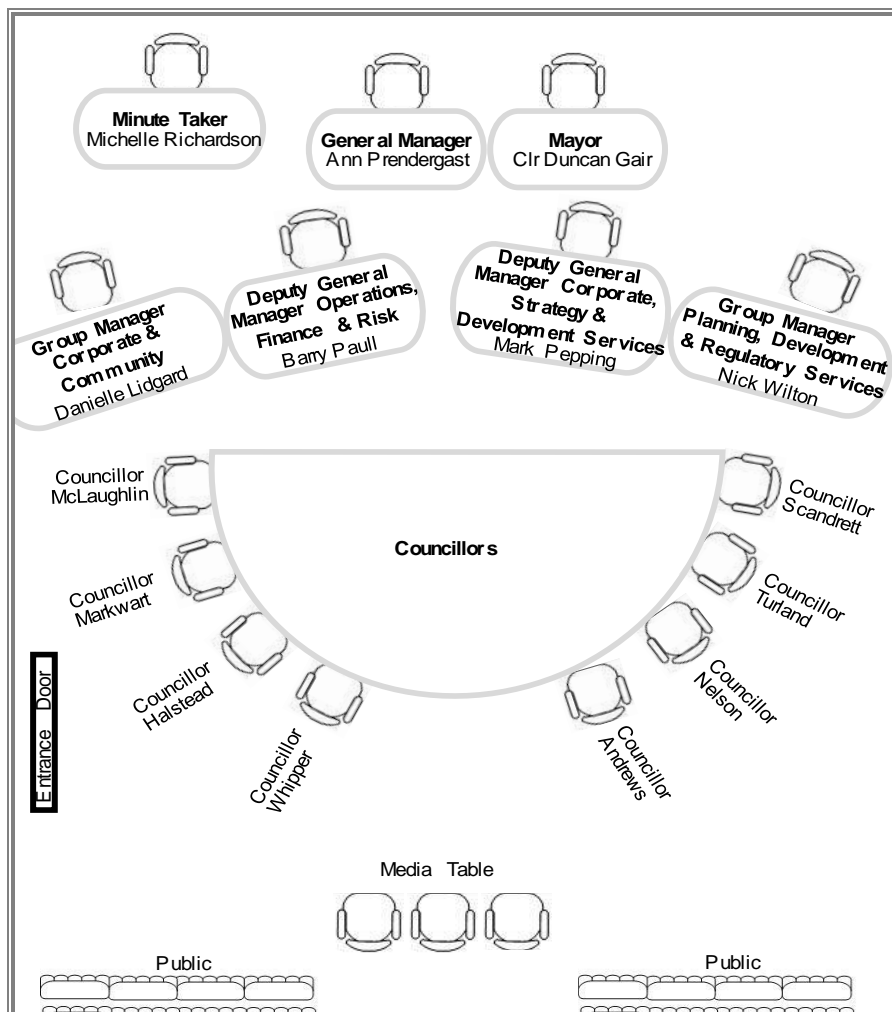
Council Theatre

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 has 24 Hour Video Surveillance.



ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil at time of print. OR

Request for Leave of Absence – Councillor

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

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

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

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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

9 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 Development Application 19/0922 - Thirty One (31) Lots Subdivision - 30 Residential Lots and 1 Drainage Easement Allotment - 21 Ferguson Crescent Mittagong

Reference:	19/0922
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Urbanesque Planning Pty Ltd
Owner:	Sett Homes Pty Ltd
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider Development Application 19/0922 which seeks approval for a 31 lot subdivision at Lot A DP 430831, Part Lot 10 & Lot 14 Sec 1 DP 651, Lots 1-3 DP 1089997 and Lot 1-4 DP 1099047, being 21 Ferguson Crescent Mittagong. This report is prepared for determination, and recommends **APPROVAL** in the form of a **Deferred Commencement**, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT development application 19/0922 which seeks approval for a 31 lot subdivision - 30 Residential Lots and 1 Drainage Easement Allotment at Lot A DP 430831, Part Lot 10 & Lot 14 Sec 1 DP 651, Lots 1-3 DP 1089997 and Lot 1-4 DP 1099047, being 21 Ferguson Crescent Mittagong be **APPROVED** in the form of a **Deferred Commencement**, subject to attached conditions of consent as described in **Attachment 1** to the report.

REPORT

Subject Site and Locality

The subject allotment is described as 21 Ferguson Crescent Mittagong which includes Lot A DP 430831, Lot 1-4 DP 1099047, Lot 1-3 DP 1089997 and Lot 14 Sec 1 DP651 and is zoned Residential R2 under the Wingecarribee Local Environmental Plan 2010.

The subject site is triangular in shape and is located on the southern side of Ferguson Crescent Mittagong and northern side of the Great Southern Railway. The site has a total area of approximately 2.75 hectares. The northern boundary has a frontage to Ferguson Crescent and the eastern boundary faces Highlander Street.

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The site is comprised of multiple allotments however is in single ownership and a part of the site was formerly used as a plant nursery and landscape supplies business (Old Ferguson's Nursery).

An artificial dam is located within the south eastern portion of the site. The site is affected by a moderate slope to the south, with a fall across the land of approximately 3m away from the Ferguson Crescent frontage.

The subject land and surrounding properties south of the Old Hume Highway are zoned predominantly R2 Low Density Residential reflecting the desired future character.

Proposed Development

Development Application 19/0922 seeks approval for a 31 lot subdivision – 30 residential lots and 1 drainage easement allotment at Lot A DP 430831, Lot 1-4 DP 1099047, Lot 1-3 DP 1089997 and Lot 14 Sec 1 DP651, being 21 Ferguson Crescent Mittagong. The proposed subdivision includes:

- Demolition Works - All existing site structures are to be demolished and removed from site.
- Earthworks and site preparation
- Tree removal – all trees within the property are proposed to be removed.
- Thirty (30) lots of 700 sqm to 1050 sqm in area to be used for residential purposes, while one (1) lot is proposed to be 530sqm to be used as drainage reserve.

The site/locality plan of the proposed subdivision can be found at **Attachment 2**. The proposed landscape plan showing internal driveways and trees proposed to be removed or protected and proposed new planting can be found at **Attachment 3**.

The proposed subdivision plan showing lot sizes with dimensions can be found at **Attachment 4**.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing wastewater management, stormwater management measures, and erosion / sediment control measures as contained within attached conditions of consent (**Attachment 1) (condition 103)**.



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 R2 Low Density Residential and in this zone a subdivision is permissible with development consent. The objectives of the ZONE are as follows:

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

The proposed 30 residential lot subdivision and one (1) nominated drainage easement allotment is not inconsistent with these zone objectives, and is further discussed below in this report.

Clause 4.1 Min Subdivision Lot Size

The Lot Size Map prescribes a minimum lot size of 700sqm over the subject land. The objectives of the clause are as follows:

- to identify minimum lot sizes,
- 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.

The application proposes the thirty residential lots with an area between 701sqm to 1146sqm and a drainage easement allotment of 530sqm. The application is not inconsistent with the requirements of clause 4.1 objectives and is further discussed below in this report.

Development Control Plans

Northern Villages Development Control Plan

The applicable sections of the Northern Villages DCP are addressed below:

DCP Control	Assessment
<p><u>Part A – A2.2 Objective of this Plan</u></p> <p>A2.2.1 Economic Function</p> <p>(a) Enhance the role of Northern Villages within the overall economic structure of Wingecarribee Shire.</p> <p>(b) Recognise and enhance the roles of Northern Villages as important retail and service centres providing for the needs of the surrounding community and visitors to the region.</p> <p>(c) Recognise and enhance the roles of</p>	<p><i>The proposed residential subdivisions will enhance the Northern Villages overall economic structure by providing additional residential parcels of land within a low density residential setting. The allotments provide a variety of sizes to accommodate various permitted land uses within the R2 Low Density residential zone. The additional residential allotments will enhance the role of the Northern Villages as an important</i></p>



DCP Control	Assessment
<p><i>Northern Villages as local employment generators.</i></p> <p><i>(d) Encourage appropriate site amalgamation and redevelopment to provide a range of business and retail opportunities throughout the villages.</i></p> <p>A2.2.2 Urban Function</p> <p><i>(a) Improvement of traffic and parking management within the villages.</i></p> <p><i>(b) Minimisation of vehicular and pedestrian conflicts.</i></p> <p><i>(c) Provision of a safe and accessible network of pedestrian links throughout the villages.</i></p> <p><i>(d) Improvement of connections to public transport facilities.</i></p> <p>A2.2.4 Residential Amenity</p> <p><i>(a) Conserve the unique characteristics of existing residential areas of the Northern Villages.</i></p> <p><i>(b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.</i></p> <p><i>(c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products where ever possible.</i></p> <p><i>(d) Contribute to the enhancement of the urban amenity</i></p> <p><i>(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.</i></p>	<p><i>retail and services hub and is likely to support the economic growth of the region by allowing greater population densities.</i></p> <p><i>The proposed subdivision will also enable greater housing land stock supply and provide for a variety of housing choice.</i></p> <p><i>The proposal has incorporated improvements to Ferguson Crescent and the development will likely have minimal impact on parking within the Balaclava village. The proposed ingress and egress of the site has been designed to maintain safe vehicle and pedestrian sightlines. New pedestrian paths are proposed along Ferguson Crescent and within the new internal road reserve which improves pedestrian connectivity. The site has strong access to existing public transport along the Old Hume Highway. The proposed pedestrian paths will improve this access.</i></p> <p><i>The proposed residential subdivision will conserve the unique characteristics of existing residential areas and has given regard to the character of existing dwellings on the eastern side of Highlander Street. The proposal is for a subdivision only, however has incorporated water sensitive urban design elements in the drainage design. The proposed subdivision seeks to undertake street improvements works and will enhance the urban amenity and drainage of the area. Any new street lighting is to be provided in accordance with Council requirements.(Attachment1)(Condition79)</i></p>
<p>A2.2.5 Residential Diversity</p> <p><i>(a) Promote a mix of housing types to increase residential choice within the villages, particularly around bus and rail connections.</i></p>	<p><i>The residential subdivision will provide a variety of allotments sizes, all meeting the minimum, to promote a mix of housing type.</i></p>

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DCP Control	Assessment
<p><i>(b) Encourage appropriate site amalgamation and redevelopment to provide a range of residential opportunities throughout the villages.</i></p>	
<p>A2.2.6 Visual Amenity</p>	
<p><i>(a) Demonstrate an appreciation of the existing streetscape.</i></p> <p><i>(b) Enhance the character of individual streets within the villages through appropriate built form design.</i></p> <p><i>(c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.</i></p>	<p><i>The proposed subdivision design includes road upgrades, natural drainage and new street trees seeks to integrate with the residential character of the area and demonstrates an appreciation of the existing streetscape. The character of the street will be improved by street upgrade works and additional street tree plantings and lighting. The development of each individual lot will be sought via separate cover and will provide areas of private open space.</i></p>
<p>A2.2.7 Public Views and Vistas</p>	
<p><i>Consider the extent to which the proposal contributes to the protection of public views and vistas.</i></p>	<p><i>The application is for a residential subdivision and is considered unlikely to impede any existing views or vistas.</i></p>
<p>A2.2.8 Environmental Sustainability</p>	
<p><i>(a) Protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality.</i></p> <p><i>(b) No net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality.</i></p> <p><i>(c) Encourage on-site tree plantings which enhance the urban environment and provide additional wildlife habitat and connectivity of habitat</i></p> <p><i>(d) Maintain and enhance existing public open space areas</i></p> <p><i>(e) Practical incorporation of the principles of ecologically sustainable development into the development</i></p> <p><i>(f) Ensure that buildings are ‘energy smart’ and meet all BASIX requirements.</i></p>	<p><i>The application is accompanied by a preliminary environmental assessment and constraints report prepared by Woodlands Environmental Management which addresses the impact of the proposed subdivision and future development on the existing site environment. It is noted that the site is not identified as containing any biodiversity or riparian land within Council’s LEP Maps. The proposal incorporates new street tree plantings to improve the landscape setting of the subdivision. The existing site contains no areas of public open space. Water sensitive urban design has been incorporated into the proposal.</i></p>
<p>A2.2.9 The Public Domain</p>	
<p><i>(a) Create a public domain which is accessible to all residents, workers and</i></p>	<p><i>The proposed subdivision presents well from the public domain and results in the</i></p>

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DCP Control	Assessment
<p><i>other visitors.</i></p> <p><i>(b) Ensure that areas of public open space are safe and attractive.</i></p> <p><i>(c) Provide additional recreation and cultural opportunities according to need.</i></p>	<p><i>improvement of the site and existing roadway and will provide a new consistent street tree planting scheme. The site currently provides no areas of public open space. This position remains unchanged. No additional recreational or cultural opportunities are warranted in a subdivision of this scale.</i></p>
<p>A1.2.1 Vegetation</p>	
<p><i>Should remnant vegetation be located within either existing or proposed road reserves it shall be conserved. Access to new lots should be located in an alternative position or to take advantage of existing road reservations where they exist. Council will require that access to lots (driveways) be nominated in Section 88(b) instruments in order to protect existing vegetation and to reduce their visual impact.</i></p>	<p><i>The site is covered with high remnant vegetation especially on Highlander Street. A condition has been placed on restriction of use of road reserve to protect the trees in from future development in (Attachment 1) (Condition 63)</i></p>
<p>A1.2.2 Road Widths</p>	
<p><i>Where there are sections of unmade road reservation adjoining new subdivisions, it is recommended that a minimum section of this reservation be sealed for access. For instance with smaller subdivisions only 6m of a 20m reservation may be required in order to allow two cars to safely pass each other. This sealed area should be designed so as to flow around existing stands of vegetation within the reservation, wherever possible. For roads designated as an existing or future bus route, the paved width shall be designed to accommodate a bus Safety features relating to the amount of space required for safe access of service and emergency vehicles, that is School buses and Fire Engine etc. is of paramount importance.</i></p>	<p><i>The proposal seeks to make road improvements to both Ferguson Crescent frontages to provide access to the new allotments and to undertake services and drainage works. A condition of consent detailing the requirements are listed in (Attachment 1) (Condition 76,78,85,87and 94-101)</i></p>
<p>A1.2.3 Drainage and Services</p>	
<p><i>Kerb and guttering is discouraged, with a more 'passive' approach to drainage design such as grass swales being the preferred option, to reduce sedimentation and water quality problems. However, where these approaches have been determined to be inappropriate for sound engineering or environmental reasons, kerb and guttering or other hard edge treatments can be</i></p>	<p><i>The proposal has incorporated a drainage reserve at lot 31 to mitigate the requirements. Condition of consent specifies the easement in Section 88B instrument at (Attachment 1) (Condition 90)</i></p> <p><i>Condition of consent also stipulates the appropriate measures at (Attachment 1)</i></p>

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DCP Control	Assessment
<i>considered. Service infrastructure is also to be located in such a way as to ensure minimal environmental disturbance.</i>	(Condition 91)

Part A – Section 8 Subdivision, Demolition, Siting and Design

Section 8.1	Clause assessment
A8.1.1 Minimum Lot Sizes	700sqm residential lot proposed
A8.1.2 Building Envelopes	<i>The proposal to incorporate dwelling envelope to mitigate the requirements. Condition of consent specifies the restrictions in Section 88B instrument at (Attachment 1) (Condition 77)</i>
A8.1.3 Noxious and Environmental Weeds	<i>All noxious weeds proposed to be removed. Condition of consent also stipulates the appropriate measures at (Attachment 1) (Condition 69)</i>
A8.1.4 Landscape Embellishment	<i>Condition of consent also stipulates the appropriate measures for landscape embellishment at (Attachment 1) (Condition 10)</i>
A8.1.5 Street Trees	<i>Street trees are proposed along Ferguson Crescent and internal roads. Condition of consent also stipulates the appropriate and additional trees to compensate the once removed, at (Attachment 1) (Condition 66)</i>
A8.1.6 Lighting	<i>Condition of consent also stipulates the appropriate measures for lighting at (Attachment 1) (Condition 79)</i>
A8.2 Demolition	<i>Condition of consent also stipulates the appropriate measures for demolition at (Attachment 1) (Condition 35 & 43)</i>
A8.3 Site Analysis	<i>The application is supported with numerous contextual plans that establish the context of the site and the strengths and weaknesses of the site. Each plan is overlaid with survey information that relates to adjoining uses, vegetation, topography and the like.</i>
A8.4 Cut and Fill	<i>The proposal requires cut and fill exceeding 600mm and is within a drinking catchment and as such development consent is sought. Condition of consent also stipulates the appropriate measures for cut and fill at (Attachment 1) (Condition 31 & 42)</i>

Section 4.15 Evaluation

(1) Matters for consideration—general

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

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*

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

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

Not applicable.

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

The impacts of the proposed development, including visual impacts, noise impacts, and traffic impacts, are discussed in other sections of this report.

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

The site is considered suitable for the proposed thirty (30) residential lot and one (1) drainage reserve allotment subdivision development as discussed in other sections of this report.

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

The proposed thirty (30) residential lots and one (1) drainage reserve allotment subdivision development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

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CONSULTATION

External Referrals

Referrals	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed thirty (30) residential lots and one (1) drainage reserve allotment subdivision development, subject to conditions of consent addressing stormwater management and construction activities. (Condition 103)
Rural Fire Services	NSW RFS supports the proposed thirty (30) residential lots and one (1) drainage reserve allotment subdivision development, subject to conditions of consent addressing asset protection zone, water and utilities and access. (Condition 102)
Transport NSW	Transport NSW has advised by letter dated 14 November 2019, does not believe that the development will have a significant impact on the State Road Network and on this basis, does not object to the development application.
Australian Rail Track Corporation	ARTC has advised by email dated 12 November 2019 that: 1. OSD include a trash filter/trap to ensure there is no rubbish from the OSD enters the rail corridor and potentially head downstream and block the railway culvert. 2. A licence to discharge water is entered into by the organisation responsible for the ongoing management of the stormwater 3. If any access to the rail corridor is needed during construction, that application is made to ARTC for access. Deferred condition for obtaining a licence had been placed at (Attachment 1)(Schedule 1)

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	The application is considered to be satisfactory in relation to engineering matters subject to conditions being imposed on the notice of determination.
Tree and Vegetation Officer	The application is considered to be satisfactory in relation to tree and vegetation matters subject to conditions being imposed on the notice of determination.
Environmental Health Officer	The application is considered to be satisfactory in relation to tree and environmental health matters subject to conditions being imposed on the notice of determination.



Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 28 days between 06/11/2019 and 06/12/2019 and Council received 5 submissions. The issues raised in the submissions have been summarised and are considered below:

Issues	Comments
Removal of trees leading to loss of fauna, increase in temperature and vista.	The proposed removal of trees is within the property and no council reserve trees are affected. Additional planting has been conditioned (Condition 11,12, 58)
During development stage (tree removal and associated work) will destruct Highlander Street creating noise, privacy, unsafe road access and dust accumulation	No use of Highlander Street for the proposed works has been conditioned to mitigate and reduce any unnecessary impacts on the adjacent residents. (Condition 63)
The application has not addressed the history of the site nor has it provided Heritage Impact Statement. All trees proposed to be removed on site is indefensible and highly insensitive to the intrinsic values of the site.	The subject site is not heritage listed nor is it in a conservation area. (Condition 57) has been placed to mitigate and protect trees within the site where possible, while not compromising the development.
Amount and the size of the lots proposed.	The minimum lot size permitted on the site under WLEP 2010 is 700sqm. The proposed development complies with the provision.

SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

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

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, *State Environmental Planning Policy No.55 Remediation of Land*, and the Northern Villages Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

THAT Council determine development application 19/0922 which seeks approval for a 31 lot subdivision at Lot A DP 430831, Part Lot 10 & Lot 14 Sec 1 DP 651, Lots 1-3 DP 1089997 and Lot 1-4 DP 1099047, being 21 Ferguson Crescent Mittagong by way of a **Deferred Commencement** subject to the attached conditions of consent in Attachment 1; or

Option 2

THAT Council determine development application 19/0922 by way of refusal, in which case Council must nominate reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

The proposal, subject to conditions of consent, is recommended for approval in form of a deferred commencement as the proposed thirty (30) residential lots and one (1) drainage reserve allotment subdivision is considered compatible with the objectives of the R2 Low Density Residential zone under WLEP 2010.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



It is recommended that Development Application 19/0922 which seeks approval for a thirty (30) residential lots and one (1) drainage reserve allotment subdivision at Lot A DP 430831, Lot 1-4 DP 1099047, Lot 1-3 DP 1089997 and Lot 14 Sec 1 DP651, being 21 Ferguson Crescent Mittagong be supported subject to conditions.

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

ATTACHMENTS

1. Attachment 1: Draft Conditions
2. Attachment 2: Site Location - *circulated under separate cover*
3. Attachment 3: Landscape Plan - *circulated under separate cover*
4. Attachment 4: Plan of Proposed Subdivision - *circulated under separate cover*



Attachment 1 – Draft Conditions of Consent

SCHEDULE 1

**CONDITIONS OF DEVELOPMENT CONSENT THAT MUST BE SATISFIED BEFORE THE
CONSENT CAN OPERATE**

1. **Licence to Discharge Water**

A licence to discharge water into the ARTC land is to be entered into prior to the consent becoming active:

- a) The developer shall enter into an 'Infrastructure Licence Agreement' with benefitting Council for the stormwater discharge into the rail corridor. All cost associated with the formalisation of the agreement will be borne by the developer at no cost to Council;
- b) The developer entering an access licence for any access to the rail corridor required during construction;



SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Subdivision (31 Lots – 30 residential lots and 1 drainage easement allotment)

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
Proposed Plan of Subdivision	170509 Issue D	Australian Survey Solutions	10/10/19
Landscape Plan	L1-E	Nicholas Bray Landscapes	16/10/19
Acoustic Report	Ref:2892/Doc1	Sebastian Giglio	7 May 2018
Bushfire Hazard Risk Assessment and Compliance Report	Ref: S - 16008	Bushfire & Evacuation Solutions	30 June 2017
Statement of Environmental Effects		Urbanesque Planning	8 November 2018
Traffic and Parking Assessment Report	PT17033r01_Final	Positive Traffic	June 2017
Flora and Fauna Assessment Report	Ref: 18012	Hayes Environmental	8 November 2018
Preliminary Contamination Assessment	15000147-CA-01	Strategic Environmental and Engineering Consulting	18 June 2015

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).*

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

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4. Asbestos Removal - Demolition of Buildings

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

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

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

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.
- c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Wingecarribee Shire Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PCA is satisfied that all measures are in place so as to comply with WorkCover's document 'Your Guide to Working with Asbestos'.
- e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- f) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Certifying Authority.
- h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- i) Protective fencing is to be installed to prevent public access to the site.
- j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must

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be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.

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

- k) After completion, the applicant shall notify the Principal Certifying Authority within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.
- l) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - (i) an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and
 - (ii) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

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

5. Amendments to Approved Plans

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

- a) a building envelope shall be incorporated in each lot
- b) two (2) ever green tree to be included for planting within each lot and shown on landscape plan
- c) Street trees to be amended in landscape plan and be as to conditions below
- d) Greater detailed landscape plan to be provided

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

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

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

6. Contaminated Land Investigation Requirements (Stage 1)

As per the recommendation in the Preliminary Contamination Assessment for Former Fergusons Nursery, Ferguson Crescent, Mittagong, prepared by Strategic Environmental & Engineering Consulting (SEEC) (Reference No. 15000147-CA-01; dated 18 June 2015) (p. 16), a supplementary Stage 1 Preliminary Investigation of the footprint of the existing house in the western part of the site after the removal of this house shall be undertaken by a suitably qualified environmental consultant in accordance with the Managing Contaminated Land Planning Guidelines under the State Environmental Planning Policy No. 55 - Remediation of Land and the Contaminated Land Management Act 1997 and relevant NSW EPA guidelines. A report on this Preliminary Investigation shall be submitted to Council prior to the issue of the

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Subdivision Certificate.

Reason: *Compliance with Statutory Requirements*

7. Contaminated Land Investigation Requirements (Stage 2)

If the abovementioned supplementary Stage 1 Preliminary Investigation of the footprint of the existing house recommends that Stage 2 Detailed Investigation has to be carried out, such investigation shall be undertaken by a suitably qualified environmental consultant in accordance with the Managing Contaminated Land Planning Guidelines under State Environmental Planning Policy No. 55 - Remediation of Land and the Contaminated Land Management Act 1997 and relevant NSW EPA guidelines. A report on this Detailed Investigation shall be submitted to Council prior to the issue of the Subdivision Certificate.

Reason: *Compliance with Statutory Requirements.*

8. Remediation Action Plan (RAP)

In the event that a Stage 1 or Stage 2 Contaminated Land Investigation Report recommends that a Remedial Action Plan (RAP) is required to be prepared, the RAP shall be prepared by a suitably qualified environmental consultant in accordance with the Managing Contaminated Land Planning Guidelines under State Environmental Planning Policy No. 55 - Remediation of Land and the Contaminated Land Management Act 1997. The RAP shall be submitted to Council prior to the commencement of the remedial works and prior to the issue of the Subdivision Certificate.

At Councils discretion, the RAP may be reviewed by a NSW EPA Accredited Auditor and written confirmation provided by the Auditor to Council that the RAP, if followed, is adequate when implemented to render the site suitable for its proposed use.

The following matters must be included as part of the Remediation Action Plan (RAP):

- Hours of Remediation Work
- Soil and Water Management Measures including stockpiles, site access, excavation pump-outs, landscaping/rehabilitation and bunding.
- Noise and Vibration
- Air quality and dust and odour control.
- Groundwater
- Transport (management plan)
- Hazardous materials - removal and disposal
- Disposal of Contaminated Soil
- Containment/Capping of Contaminated Soil
- Importation of Fill
- Site Signage and Contact Numbers
- Site Security
- Workplace Health and Safety
- Removal of Underground Storage Tanks (where relevant)

Reason: *Compliance and Site Works Management*

9. Remediation

Prior to the issue of a Subdivision Certificate, the site shall be remediated in accordance with:

- (a) The relevant approved Remediation Action Plan, and
- (b) *State Environmental Planning Policy No. 55 Remediation of Land* and
- (c) The guidelines in force under the *Contaminated Land Management Act 1997*.

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Within thirty (30) days after the completion of the remedial works, a notice of completion, including validation and/or monitoring report by a suitably qualified environmental consultant is to be provided to Council. This notice must be consistent with the State Environmental Planning Policy No. 55 - Remediation of Land and applicable NSW EPA guidelines.

At Councils discretion, the validation and/or monitoring report may be requested to be independently audited and a Site Audit Statement issued. The audit is to be carried out by an EPA Accredited Auditor. Any conditions recorded on the Site Audit Statement are to be complied with.

Reason: *Compliance with Statutory Requirements*

10. Landscape Plan

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

The plan shall include the following information:

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

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

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

11. Tree Retention

Road design and construction shall ensure preservation of existing roadside vegetation. All trees proposed to be removed within the road reservation (Ferguson Crescent) shall be clearly identified by survey and submitted to Council for approval prior to issue of Subdivision Works Certificate.

All trees shown on the development consent as being retained shall be appropriately marked and protected during construction works with fencing that shall be maintained throughout construction activities.

Reason: *To ensure retention and preservation of local vegetation.*

12. Privacy or Visual Screening

- (a) Existing native trees / landscaping shall be maintained and supplemented with additional plantings using local indigenous species.
- (c) A landscaping screen consisting of evergreen species shall be established and maintained to the satisfaction of Council on the eastern boundary adjoining Highlander Street.
- (d) Landscaping is required **Highlander Street** to reduce the visual impact. Prior to

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release of the Subdivision Works Certificate a landscape plan shall be submitted to Council for consideration, outlining the following details:

- (i) Proposed species to be used;
- (ii) Height at time of planting;
- (iii) Height and spread of maturity; and
- (iv) Notes which detail soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

A temporary screening structure shall be constructed using approved materials until the landscaping reaches an effective screening level.

Reason: *To ensure streetscape and local amenity.*

13. Protection of Existing Trees and Native Vegetation

Prior to the issue of any Subdivision Works Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reason: *To clearly articulate trees and vegetation to be removed and retained.*

14. Application for a Subdivision Works Certificate

Subdivision work in accordance with the consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council, 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.*

15. Appointment of Principal Certifying Authority

No work shall commence in connection with this 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 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

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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 notified the principal certifying authority of such appointment, and
- (ii) 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
- (iii) 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.*

16. Developer to provide photos of damage to Council property

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

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

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

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

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

17. Section 68 Local Government Act 1993 Approvals

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

- Stormwater
- Water and sewer

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

18. Section 138 Roads Act 1993 Approval

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

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

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with

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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 Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

19. Fencing - Public Reserves/Drainage Reserves/Council Lands

The developer at their expense shall erect fencing to all public reserves, drainage reserves or Council owned land to ensure public safety. Details of fencing shall be submitted to Council for approval prior to issue of the Subdivision Works Certificate.

Reason: *Public safety.*

20. Structural Engineer's Details

Structural engineering plans are to be prepared by an experienced professional chartered practicing Structural Engineer for the following work shall be lodged with the Principal Certifying Authority and approved prior to commencing the works in accordance with a Subdivision Works Certificate:

- (a) retaining walls.

Advice: *The name, address and qualifications of the practising Structural Engineer certifying the design shall be clearly indicated on the plans and any accompanying documentation. Such engineer is to hold qualifications appropriate to the project as defined in the Building Code of Australia. The design shall relate to the particular site.*

Advice: *Any such Certificate is to set forth the extent to which the Engineer has relied on relevant Specifications, Rules, Codes of Practice or Publications in respect of the construction.*

Reason: *To ensure the structural integrity of the structure is achieved.*

21. Construction Management Plan

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

- Details of site security;
- Off-street parking for employees, contractors and sub-contractors.
- Site access for construction vehicles and equipment purposes.
- Public safety in the use of roads and footpaths where development activities adjoin

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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.*

22. Provision of Works and Services

Prior to the issue of the Subdivision Works Certificate, the developer shall obtain approval for the works to be undertaken by submitting documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which demonstrates that the proposed works are compliant with Council's Engineering Plans and Specifications and other relevant standards.

Reason: *To ensure that the works are constructed in accordance with Council's Engineering Plans and Specifications and other relevant standards.*

23. Stormwater - Control of Peak Discharge

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

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the

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Subdivision Works Certificate documentation.

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

24. Detailed Stormwater Drainage System Design

Prior to the issue of the Subdivision Works 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: *Subdivision Works 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.*

25. Street & Traffic Signs and Line Markings plan

The developer shall obtain approval for proposed street and traffic signs and line markings within the road reserve, by submitting plans detailing their type, location and orientation prior to the issue of the Subdivision Works Certificate.

The signs and line markings are to be installed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved Engineering Plans.

Reason: *To ensure compliance with Council Engineering Plans and Specifications, and relevant Standards.*

26. Tree Retention - Road Design and Construction

The proposed road design and construction shall preserve and retain existing vegetation within the road reserve. Any trees proposed to be removed within the road reserve must be approved by Council and are to be clearly identified by survey and shown on submitted Subdivision Works Certificate plans.

All trees shown on approved engineering plans as being retained are to be appropriately marked and protected during construction works.

Reason: *To ensure preservation of as many existing trees as possible.*

27. Water and Sewer Assets Identification and Location

The site plan as per the water or sewer engineering design shall include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Group Manager Planning, Development and Regulatory Services prior to the

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issue of the Subdivision Works Certificate.

Reason: *Ensure appropriate servicing of sewer and water reticulation.*

28. 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.*

29. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Subdivision Works Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. 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.*

30. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Subdivision Works Certificate.

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.
- (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.

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- (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.*

31. 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 COMMENCEMENT OF WORK

32. 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 the PCA:

- (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)

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- (c) Details of the Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

33. 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.*

34. 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:
- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 Council requires that the nominated " Construction Supervisor" either hold

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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.*

35. Inspection of Demolition Works

Council will require the following inspections of the site with the owner and demolition contractor present:

- (a) Prior to demolition works commencing (fencing must be erected and approved Waste Management Plan to be on site).
- (b) At the completion of demolition works (documents relating to disposal of hazardous waste are to be provided on site).

A minimum of twenty four (24) hours notice is required to be given to Council prior to these inspections.

Reason: *To ensure compliance with the consent.*

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

Prior to any works being undertaken 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*). 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 the approved development plans and proposed works to be undertaken.
- Plans and adequate documentation which validate that the required works are in accordance with Councils Engineering Plans and Specifications and relevant standards.
- 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.

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- 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.*

37. 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.*

38. 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.*

39. 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.*

40. Tree Clearing - Notice of Commencement

Where trees have been approved for removal in the development consent, Council shall be advised of the intended commencement date and time for these clearing works. Council staff will then inspect the site and will require the applicant and contractor/site supervisor to be present. No clearing works can commence until an approval is given. All trees specified as being retained on site on the approved plans are to be protected throughout construction activities in consultation with Council.

Reason: *To appropriately manage the removal of approved trees.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

41. 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.

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Reason: *To ensure compliance with approved plans.*

42. 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.*

43. Demolition Requirements

The existing structures shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the SafeWork NSW and Council's Water and Sewer Asset Protection, including:-

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

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

- (g) Sewer Assets Temporary Disconnection or Closure

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

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

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

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

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

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

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

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

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

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

Reason: *To comply with statutory requirements.*

44. 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) Stormwater drains (Note Council only inspects stormwater drains for residential outbuildings, detached single dwellings and additions thereto. Internal stormwater drainage for medium density residential, commercial and industrial developments will need to be inspected and certified by the developer's Hydraulic Consultant. Any drainage works on Council property must be inspected by Council).
- (b) Sewer / water main extensions (Technical Services).
- (c) Final inspection of water plumbing, sanitary drainage and stormwater drainage.
- (d) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (e) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

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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.*

45. Stormwater - Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason: *To assist in the prevention of erosion of the site from storm water.*

46. 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.*

47. 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.*

48. 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.*

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

49. **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.*

50. **Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works shall be burnt or buried on the site. All waste materials shall be disposed of to a facility authorised and licensed to accept such waste.

Reason: *Health and amenity.*

51. **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.*

52. **Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

Reason: *Safety and amenity.*

53. **Noise and Vibration Adjacent to Rail Corridors**

All acoustic treatments for the proposed subdivision nominated in section 4.1 of the Acoustic Report for a Sub-Division Development Application – 21 Ferguson Crescent Mittagong prepared by Sebastian Giglio Acoustic Consultant (Ref: 2892/D01; dated 7/5/18) shall be implemented. After the completion of the subdivision works and prior to the issue of the Subdivision Certificate, the developer shall submit to Council a report from a suitably qualified professional verifying that the acoustic treatments as completed meet the Acoustic Report recommendations.

Reason: *To prevent loss of amenity to the area.*

54. **Dust Control**

Major Works

The following measures must be taken to control the emission of dust on site:

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- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

Reason: *Environmental amenity*

55. Vegetation Management

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation without the prior consent of Council (unless considered exempt development).

Any vegetation removed with Council consent and any other vegetation cleared in association of the approved development shall be disposed of in accordance with the approved Waste Management Plan.

For minor development, vegetation shall be either mulched for reuse on site or transported to an approved waste/recycling facility.

Reason: *To ensure compliance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 by preserving the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

Note: *Failure to comply with this condition may result in prosecution by Council.*

Note: *No vegetation shall be burnt except with an approval issued by Council pursuant to the Protection of the Environment Operations (Clean Air) Regulation 2010. Failure to comply may result in a penalty of up to \$500 for an individual or up to \$1,000 for a corporation.*

Advice: *Tree removal should be carried out by a competent person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

56. 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.*

57. Tree Removal/Tree Preservation

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

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Advice: *Tree removal should be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

Reason: *To comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

58. Protection of Fauna

Prior to the removal of any Hollow Bearing Tree (HBT), the following matters MUST be addressed:

- a) Ensure that a suitably qualified and licensed Ecologist (who is vaccinated for Australian Bat Lyssavirus) is engaged to supervise the removal of the HBTs in order to rescue or relocate any fauna displaced during the clearing process.
- b) Check for fauna in the zone of disturbance before clearing and scare off or remove them before commencing clearing works.
- c) Remove any non-HBTs prior to the removal of the HBTs.
- d) Leave HBTs standing for at least one night after other non-HBT clearing to allow any fauna the opportunity to remove themselves after site disturbance.
- e) After clearing, re-check the site to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be moved to adjacent habitat.
- f) Before felling the HBTs, tap trunk using heavy machinery to scare fauna from the hollows. Repeat several times. The aim is to 'substantially' shake the tree and encourage fauna to exit.
- g) Carefully fell the HBT by gently lowering the tree to the ground using an excavator arm fitted with grapples. Alternatively, arrange for qualified tree surgeons to fell the HBT using chainsaws and pulleys.
- h) After felling the tree, thoroughly check the tree for fauna in the case that any have become trapped or injured during clearing operations. Any fauna should be safely moved into adjacent habitat.
- i) If taking the tree down in stages, the non-hollow bearing branches should be removed before the hollow bearing branches are removed.
- j) Fell trees into the already disturbed areas to avoid damaging adjacent vegetation.
- k) Take care when moving equipment near vegetation to be retained.
- l) Logs from felled trees should be distributed into areas of vegetation so that they can continue to provide habitat for fauna such as terrestrial reptiles and mammals.
- m) Relocate woody debris to areas where they will not contribute a fire hazard.
- n) Provide written evidence to Council in order to document that a suitably qualified person was engaged for the specific tasks listed above.

Reason: *To ensure that the removal is undertaken in an environmentally responsible manner.*

59. Approved hours of Construction/Demolition

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

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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.*

60. **Construction Management Plan**

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

61. **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.*

62. **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

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relevant Australian Standards.

Reason: *Public safety.*

63. Protection of Highlander Street

The Highlander Street shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances. No access is permitted from Highlander Street to construction site.

Reason: *Public safety.*

64. 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.*

65. 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.*

66. Street Trees

Prior to the issue of the Subdivision Certificate, street trees shall be planted at a rate of two (2) per lot.

Additional twenty (20) trees to be planted along Highlander Street with the pot size of 45 litres.

Tree species to be considered from Council's Urban Street Tree Masterplan.

Reason: *To ensure that the landscaping is completed prior to occupation.*

67. Final Arborist Report

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Subdivision Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Subdivision Certificate, and included in the final report. The report shall also provide

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documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per AS4973 and AS4970. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Subdivision Certificate.

Reason: *To ensure the proper protection and management of any trees required to be retained.*

68. **Landscape Certification**

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Subdivision Certificate.

Reason: *To ensure that the landscaping has been carried out in accordance with the Council endorsed landscape plan.*

69. **Noxious Weeds**

Prior to the issue of the Subdivision Certificate, the applicant shall submit a noxious weeds application for approval to Council. The applicant shall demonstrate to Council that:

- There are no noxious weeds (as defined by the *Noxious Weeds Act 1993*) on the land; or that
- Action has been taken to control any such noxious weeds.

Reason: *To ensure that the land is free of noxious weeds.*

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

70. **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>>); Section 25I of the *Environmental*

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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 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.

71. 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 Subdivision 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 Subdivision 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>>); 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

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, www.abs.gov.au <<http://www.abs.gov.au>>.

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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 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).*

Compliance Certificate

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

Water \$----- + Sewer \$----- + Stormwater \$----- = \$-----

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.*

72. 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.

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

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

73. Section 138 Roads Act Final

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of the Subdivision Certificate.

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Reason: *To ensure that the development is completed as per this consent and the approved plans.*

74. Section 68 Local Government Act Final

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

75. 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 the Subdivision Certificate at no cost to Council.

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

76. Dedication of Right of Carriageway / Easements

The creation or obtaining by the Applicant of the following **right of carriageway** at the Applicant's expense prior to the issue of the Subdivision Certificate.

- (a) Right of carriageway a minimum of 3 metres wide over Lot 23 in favour of Wingecarribee Shire Council.

Reason: *To protect infrastructure.*

77. Section 88B Instrument - Various

The original plans of subdivision shall be accompanied by a Section 88B Instrument under the *Conveyancing Act 1919*, which requires:

- (a) Fencing shall be restricted to post and wire / post and rail fencing with hedging so as to respect the character of the locality.
- (b) Dwellings/buildings to be sited so as to minimise tree removal.
- (c) New dwelling houses to include on site stormwater detention tank to the satisfaction of and in consultation with Council.
- (d) Lots 1, 2, 3, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, and 33 should have external building envelope construction equal to the following:
- Habitable rooms on south, east and western facades to be fitted with minimum 6.38mm laminated glass, or other glazing with sound insulation Rw 32 and Rw+Ctr 30.
 - Habitable rooms on south, east and western facades to be fitted with alternative ventilation.
 - Habitable rooms on south, east and western facades to be fitted with two layers of minimum 13mm plasterboard to the ceiling. In addition, these rooms should have minimum R3.5 insulation batts in the roof space.
 - Habitable rooms on south, east and western facades to be constructed with external walls from insulated brick veneer construction (minimum R2.0 insulation batts).

Full details, including draft Section 88B Instrument, shall be submitted for the approval of Council with the application for a Subdivision Certificate.



Reason: *To ensure compliance with Council policy positions.*

78. Access by Right of Carriageway

The applicant shall submit to Council for approval the draft Section 88B Instrument under the *Conveyancing Act 1919* for the approved subdivision prior to issue of the Subdivision Certificate.

The Instrument shall include:

- Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

Reason: *To comply with Councils engineering requirements.*

79. Provision of Public Lighting

The applicant shall provide public lighting in accordance with the requirements of Council Development Engineering Standards and relevant Australian Standards for street lighting to:

- a) subdivision roads
- b) along Ferguson Crescent on the frontage to the subdivision

prior to the issue of the Subdivision Certificate.

Reason: *To ensure appropriate street lighting is provided.*

80. 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 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.*

81. Engineering Details in DXF Format

The Developer shall provide a copy of the Work As Executed information on disk in DXF format prior to the issue of the Subdivision Certificate. The developer may contact Council's GIS Officer for further details and technical specifications.

Reason *To ensure appropriate records are held and asset management.*

Note: *The successful handover of constructed assets to Council resulting from new developments must be accompanied by the work as executed (WAE) documents specified on the Council Website: <http://www.wsc.nsw.gov.au/engineering-standards>.*

Failure to provide completed documents in this format will result in a delay in the issue of the Subdivision Certificate and retention of bonds held until such time as Council have deemed the WAE information to be complete in the required format. The standards are updated as required; please ensure you are using the correct version. Please note the work as executed information requirements include providing surveyed levels for all underground assets. WAE Information submitted must be checked and signed off by a Registered Surveyor or suitably

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qualified Engineer.

82. Stormwater CCTV

The contractor is to provide CCTV footage as a single video file with accompanying inspection report of all stormwater pipes/culverts that is free of any defect, with the application for the Subdivision Certificate.

Reason: *To ensure Council receives all new assets without any defect.*

83. Asset Management

The developer shall provide a detailed summary of the Assets that will be handed to Council at the end of the maintenance period prior to the issue of the Subdivision Certificate. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include:

- Roadways
- Stormwater
- Sewer
- Water

Reason: *To ensure appropriate asset management.*

84. Maintenance and Bond for Public Assets - Civil Works

The developer shall at their own expense maintain all civil works constructed by them and which will fall into Councils care with respect to the development for a period of 12 months after the date of issue of the Subdivision Certificate. Prior to the issue of the Subdivision Certificate the Developer shall lodge a cash bond with regard to maintenance of the public assets constructed in an amount equal to 5% of the total engineering works with a minimum bond value of \$1,000. The bond shall be assessed by Council for release after the 12 month period on request by the developer.

Reason: *To ensure appropriate warranty periods apply for defect liability.*

85. 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.*

86. Certification of Internal Civil Works

On completion of works and prior to issue of the Subdivision Certificate, certification from a practicing appropriately qualified engineer shall be submitted to Council detailing that all internal civil works (i.e. internal driveways, paths and stormwater drainage system including any onsite detention) are in accordance with approved plans and specifications.

Reason: *To comply with Councils requirements.*

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Concrete kerb and gutter and associated drainage system in Ferguson Crescent and subdivision roads on the frontage to the development for the adequate discharge of storm water shall be constructed prior to the issue of the Subdivision Certificate.

Reason: *To ensure that storm water is appropriately managed.*

88. Inter-allotment Drainage for Upstream/Adjoining Property

Inter-allotment drainage shall be provided for all lots that do not drain natural to a public system (road, watercourse etc.) prior to the issue of the Subdivision Certificate. All inter-allotment drainage system (pipes, pits, etc.) shall be contained within a suitable easement to drain water a minimum of 2 metres wide.

Reason: *To control stormwater flows.*

89. Detention Systems

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the Australian Rainfall & Runoff. All batters shall be in accordance with Council's Engineering Standards to facilitate maintenance and provide a safe environment.

Reason: *To control storm water flows.*

90. Stormwater Facilities Alterations

A "Restriction as to User" shall be included on the plan of subdivision and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Subdivision Certificate.

Reason: *To provide appropriate storm water management.*

91. Storm water Facilities Maintenance

A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Subdivision Certificate.

Reason: *To provide appropriate storm water management.*

92. Permanent Road Survey Marks

Permanent road survey marks shall be provided to the satisfaction of the Group Manager Planning, Development and Regulatory Services prior to the issue of the Subdivision Certificate.

Reason: *Engineering Requirements.*

93. Street Name Signs and Posts

Street signage shall be provided prior to the issue of the Subdivision Certificate:

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- a) 150mm Street signage and post shall be provided prior to the issue of the Subdivision Certificate in accordance with Council's Engineering Standard Drawings and Specifications.

Reason: *To comply with Councils requirements.*

94. Driveways and Parking

The driveway to the drainage reserve shall be constructed a minimum 3.0m wide with an all-weather surface of asphaltic concrete prior to the issue of the Subdivision Certificate

Reason: *To provide appropriate access to the site.*

95. Construction of Footpath in Footway on Frontage

Concrete Footpath a minimum of 1.2 metres wide in footway on the frontage to the Subdivision in Ferguson Crescent shall be provided prior to the issue of the Subdivision Certificate. The remainder of the footway is to be regraded and grassed.

Reason: *To provide pedestrian access to the development.*

96. Construction of Footpath in Subdivision

Concrete paving a minimum of 1.2 metres wide on one side of road reserve within the footway of the subdivision roads shall be provided prior to the issue of the Subdivision Certificate. Footpath shall be constructed in accordance with Standard Drawing No SD118. Kerb ramps where required are to be constructed in accordance with Standard Drawing No SD111.

Reason: *To provide pedestrian access to the development.*

97. Construction of Footway Crossing

Residential vehicular footway crossings in accordance with Standard Drawing Nos SD107 and SD123, for access to each lot shall be constructed prior to the issue of the Subdivision Certificate.

Reason: *To ensure appropriate access to the site.*

98. Construction of Road

All road pavement construction shall be in accordance with Council's Engineering Standard and to the satisfaction of the Group Manager Planning, Development and Regulatory Services, prior to the issue of the Subdivision Certificate.

Note: *Where the subdivision is staged and required roadworks are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council.*

Reason: *To ensure that adequate access is provided.*

99. 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.*

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100. **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.*

101. **Construction of Water Service**

A water service shall be installed to each lot in the subdivision prior to the issue of the Subdivision Certificate.

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

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

INTEGRATED DEVELOPMENT CONDITIONS

102. **General Terms of Approval - NSW Rural Fire Service**

General Terms of Approval have been granted by the NSW Rural Fire Service for the development pursuant to section 100B of the *Rural Fires Act 1997*. The conditions provided by the NSW Rural Fire Service are provided below and forms part of this Notice of Determination.

Asset Protection Zones

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

1. At the issue of subdivision certificate and in perpetuity the entire development area shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

2. Water, electricity and gas are to comply with reticulated provisions within section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

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

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

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4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

General Advice - consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 4.14 of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006' or 'Planning for Bush Fire Protection 2018' (whichever is applicable at that time).

CONCURRENCE CONDITIONS

103. **Concurrence - Water NSW**

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW are provided below and forms part of this Notice of Determination.

General

1. The lot layout and works of the subdivision shall be as specified in the Statement of Environmental Effects prepared by Urbanesque Planning Town Planning Consultants (dated 8 November 2018) and shown on the Proposed Plan of Subdivision (Dwg No. 170509, Sheet No. A3, Issue D, dated 10/10/19) prepared by Australian Survey Solutions. No revisions to lot layout or works or staging of the subdivision that will have any impacts on water quality, shall be permitted without the agreement of Water NSW.

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

On-Site Wastewater Management

2. The existing on-site wastewater management system on the property shall be decommissioned in accordance with the NSW Health Advisory Note No 3 (Revised dated January 2017) for Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facility Vessels.

Reason for Condition 2 - To ensure the removal of the existing on-site wastewater management system is undertaken in a manner that does not result in a detrimental impact on water quality.

Upgrade of Existing Sewer Main

3. The proposed sewer main upgrade as specified in the Concept Sewer and Water Service Plan (Project No. 17042, Dwg No. DA05, Issue 02, dated 18/10/19) prepared by Novati Consulting Engineers Pty Ltd shall ensure it has sufficient capacity to collect and transfer all wastewater generated by the subdivision.

Reason for Condition 3 – To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows to ensure a sustainable neutral or beneficial effect (NorBE) on water quality over the longer term.

Subdivision Roads and Right-of-Access

4. The subdivision roads and right-of-access shall be located and constructed as shown on the Proposed Plan of Subdivision (Dwg No. 170509, Sheet No. A3, Issue D; dated 10/10/19) prepared by Australian Survey Solutions and the Civil Engineering Plans (Project No. 17042, Dwg Nos. DA 07 – 12, Issue 02, dated 18/10/19) prepared by Novati Consulting Engineers Pty Ltd. The roads and right-of-access shall:
- be sealed and otherwise constructed in accordance with Council's engineering standards

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- include runoff collection via a series of pits and pipes and directed to various water quality treatment measures, and
 - incorporate inlet filters (Ocean Guard or Water NSW endorsed equivalent) on all inlet pits.
5. All stormwater management measures and drainage works associated with the proposed subdivision roads and right-of-access shall be wholly included in the roads or drainage reserve or within suitably defined easements.

Reason for Conditions 4 & 5 – To ensure that the proposed subdivision roads and right-of-access and associated infrastructure will have a sustainable neutral or beneficial impact (NorBE) on water quality during the operational phase of the development.

Stormwater Management

6. All stormwater management measures as specified in Section 3 the amended Water Cycle Management Study (Ref:17042_WCMS02, dated 18 October 2019) and the revised MUSIC stormwater quality model and Concept Stormwater Drainage Plan (Project No. 17042, Dwg No. DA06 and DA13, Issue 02, dated 18/10/19) all prepared by Novati Consulting Engineers Pty Ltd shall implemented. The management measures shall include:
- pipes, pits, gross pollutant traps, and inter-allotment drainage
 - cartridge filters, and
 - on-site detention basin.
7. The stormwater management measures, to capture and treat all runoff from the subdivision roads and right-of-access, shall be constructed after all hardstand areas have been completed and all ground surfaces have been stabilised and shall be:
- permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
 - protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
8. No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
9. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of a Subdivision Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
10. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW and Council by a person with knowledge and experience in the preparation of such plans. The Plan shall be prepared prior to the issuance of a Subdivision Certificate. The Plan shall be provided to Council when the management and maintenance of the stormwater management measures are handed over to Council. The Plan shall:
- include details about the location and nature of stormwater management structures such as pits, pipes, inlet filters, gross pollutant trap and cartridge filters and OSD basin
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, before and after handing over to Council, including the frequency of such activities
 - identify the persons responsible for inspection and maintenance activities, before and after handing over to Council, before and after handing over to Council, including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities.
11. All stormwater treatment measures shall be inspected, monitored, maintained and managed in accordance with the Operational Environmental Management Plan.

Reason for Conditions 6 to 11 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact (NorBE) on water quality over the longer term.

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12. Revegetation of the drainage reserve on proposed Lot 31 shall be undertaken prior to an issuance of a Subdivision Certificate as specified in the Landscape Plan (Dwg No. L1, Revision E, dated 16.10.19) prepared by Nicholas Bray Landscapes. The drainage reserve shall:
- be required for a further round of planting if 6 months after planting less than 50% of plantings have become established, and
 - be protected from vehicles by fences, posts, bollards or equivalent structures, with appropriate signage identifying that these fenced-off revegetation areas are for water quality management.

Reason for Condition 12 – To have a sustainable neutral or beneficial impact (NorBE) on water quality over the longer term.

Construction Activities

13. The Concept Soil and Water Management and Tree Removal Plan (Project No. 17042, Dwg No. DA02, Issue 02, dated 18/10/19) and the Concept Bulk Earthworks Plan (Project No. 17042, Dwg No. DA03, Issue 02, dated 18/10/19) both prepared by Novati Consulting Engineers Pty Ltd shall be updated for all works required as part of the subdivision including the subdivision roads by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and be to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
14. The Soil and Water Management Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. The controls shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

Reason for Conditions 13 & 14 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

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 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 on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Commonwealth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's

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Network Integrity Team on Phone Number 1800 810 443.

END OF CONDITIONS

9.2 Development Application 20/0546 - Erection of Buildings and Carrying out of Works for the Purpose of Seniors Housing, Lot 2 DP1241233, 2 Orchid Street, Colo Vale

Reference:	20/0546
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Joshua Graham
Owner:	MT Graham, KM Graham, JG Graham, GL Graham
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 20/0546 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 20/0546 for erection of building and carrying out of works for the purpose of seniors housing at Lot 2 DP 1241233, No 2 Orchid Street, Colo Vale be APPROVED subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

Attachments 2 and 3 illustrate the land's location and layout. It is a vacant 1001m² low density residential lot on the western side of Orchid Street in Colo Vale. The land is accessible by vehicle from Orchid Street.

The land is fairly flat, falling very gently from southeast to northwest, away from Orchid Street. There is no significant vegetation on the land, but there are several street trees in Orchid Street adjacent to the land's front boundary. Surrounding properties are largely developed for low density residential accommodation purposes.

The land was created in 2018 by registration of a subdivision of land the subject of Council's development consent 12/0072.

Background

On 10 July 2019 the Council considered a staff report detailing assessment of development application 19/0837, which proposed development of the land for the purpose of seniors housing including four self-contained dwellings in a two storey building. Whilst the application attracted public opposition, the Council resolved to determine it by granting consent subject to recommended conditions, and on 26 July 2019 Council accordingly notified the applicant of its determination. An extract from the stamped consent drawings is reproduced in **Attachment 4**.

On 22 November 2019 an objector to development application 19/0837 filed proceedings in the Land and Environment Court, seeking the following orders:

- “1 The Court declares the development consent purportedly granted by [Council] on 26 July 2019 for DA19/0837 with respect to Lot 2 DP 1241233, 2 Orchid Street, Colo Vale, is invalid and of no effect, as the consent was granted in breach of s 2.22(1) of the Environmental Planning and Assessment Act 1979 (EPA Act);*
- “2 Pursuant to s 9.46(i) of the EPA Act, the [land owners] be restrained from carrying out development in accordance with the development consent granted on 26 July 2019 for DA 19/0837 with respect to Lot 2, DP 1241233, 2 Orchid Street, Colo Vale;*
- “3 An order that the Respondents, jointly or severally, pay the Applicant’s costs of these proceedings; and*
- “4 Such further or other orders as the Court deems fit.”*

Essentially, the objector asserts that Council did not strictly follow due procedure in its processing and determination of development application 19/0837 and has brought proceedings in the Court for an order to remedy or restrain a breach of the Environmental Planning and Assessment Act 1979. At the time of writing, the Court has not made its judgment as to the validity of development consent 19/0837.

Proposed Development

The current development application 20/0546 seeks consent for erection of buildings and carrying out of works for the purpose of seniors housing. The proposed development includes:

- A two storey building containing two three-bedroom dwellings at ground level and two two-bedroom dwellings on its upper storey, an internal elevator and stairs
- Vehicle entry/exit, manoeuvring and parking facilities including five covered off street car parking spaces
- Dedicated communal and private open space areas
- Landscaping including removal of one street tree (a mature thin-leaved stringybark) in Orchid Street, to be replaced by a nearby grey gum planting.

An extract from the drawings accompanying the application is reproduced in **Attachment 5**. They are substantially identical to the stamped consent drawings the subject of Council’s development consent 19/0837, discussed earlier.

STATUTORY PROVISIONS

State Environmental Planning Policies

The application has been considered with regard to the relevant provisions of applicable State environmental planning policies (SEPPs), including:

- SEPP 44—Koala Habitat Protection

- Clause 3—Aims, objectives etc

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The proposed development is not considered likely to have any significant negative impact with respect to potential or core koala habitat.

- SEPP 55—Remediation of Land

- Clause 2—Object of this Policy

The proposed development is considered satisfactory with respect to the aim of SEPP 55 to promote remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

- Clause 7—Contamination and remediation to be considered in determining development application

The land is considered unlikely to be contaminated, and is not considered to require remediation to be made suitable for the proposed development.

- SEPP (Sydney Drinking Water Catchment) 2011

- Clause 3—Aims of Policy

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the Catchment SEPP's aims:

- (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.

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- Clause 9—Recommended practices and performance standards of Water NSW

Council referred the application to Water NSW, which granted its concurrence to favourable determination subject to conditions that are conveyed by recommended consent **condition 89**. Water NSW is taken to have considered the proposed development with regard to its own relevant recommended practices and performance standards.

- Clause 10—Development consent cannot be granted unless neutral or beneficial effect on water quality

Water NSW has confirmed the proposed development may be expected to have a neutral or beneficial effect on water quality provided its concurrence conditions, conveyed by recommended consent **condition 89**, are complied with.

- Clause 11—Development that needs concurrence of Regulatory Authority

As discussed above, Water NSW has granted its concurrence to favourable determination of the application, subject to conditions that are conveyed by recommended consent **condition 89**.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010 (the LEP)

The application has been considered with regard to the LEP's relevant provisions, including:

- 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 *seniors housing* as defined:

seniors housing means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for—

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or



(g) *staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*

but does not include a hospital.

- Clause 2.3—Zone objectives and Land Use Table

The land is in Zone R2 Low Density Residential, and the Land Use Table at the end of Part 2 of the LEP specifies development for the purpose of seniors housing is permitted with consent in Zone R2.

- Clause 7.3—Earthworks

Recommended consent **condition 4** specifies Council's consent does not permit the carrying out of any earthworks other than indicated by the stamped consent drawings, required by conditions of consent, or specified by an environmental planning instrument as not requiring consent.

- Clause 7.10—Public utility infrastructure

Reticulated water supply, electricity supply, and sewerage services are available to the land, and recommended consent **conditions 19 and 30** specify requirements for the proposed development's connection to those services.

Development Control Plans

Northern Villages Development Control Plan (the DCP)

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with regard to the DCP's relevant provisions, including those set out below. Additional comments are provided in relation to particular DCP provisions where warranted.

- Part A—Provisions applicable to all land
 - Section 2—General objectives
 - Section A2.2—Objectives of this Plan
 - Section A2.2 (erroneously numbered A1.2 in DCP document)—Road reserves
 - Section 3—Biodiversity
 - Section A3.2—Flora and fauna assessment report
 - Section 4—Water management
 - Section A4.3—Development in Sydney's drinking water catchments
 - Section A4.4—Water cycle management study
 - Section A4.5—Stormwater management plan
 - Section A4.6—Erosion and sediment control plans
 - Section A4.7—water sensitive urban design
 - Section A4.8—Water treatment train
 - Section 6—Bushfire hazard
 - Section A6.1—Potential bushfire hazard



A small portion of the land is mapped bush fire prone land, as illustrated by **Attachment 6**. The proposed development is integrated development requiring authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of development of land for a special fire protection purpose. Council therefore referred the application to the NSW Rural Fire Service (RFS) on 19 November 2019.

At the time of drafting, Council has not received any RFS response to the abovementioned referral, and on 22 January 2020 Council received the following advice from the RFS' Director Planning and Environmental Services:

"...since New Year's eve southern New South Wales has been experiencing extraordinary levels of fire activity and local communities have been heavily impacted.

"This continues and we are expecting extreme weather conditions to continue in the south, where there are still numerous uncontained fires.

"New South Wales Rural Fire Service development and planning staff working in the Planning and Environmental Services (PES) (South) office have been directly impacted. Therefore, PES South is not in a position to respond to enquiries or undertake assessments related to development applications in the foreseeable future."

Clause 70 (1) of the Environmental Planning and Assessment Regulation 2000 specifies:

70 Notification of general terms of approval

- (1) *An approval body that has received a development application from a consent authority must give written notice to the consent authority of its decision concerning the general terms of approval in relation to the development application (including whether or not it will grant an approval)—*
 - (a) *within 40 days after receipt of the copy of the application, or*
 - (b) *in the case of development that is required to be advertised or notified under Schedule 1 to the Act, within 21 days after it receives—*
 - (i) *the last of the submissions made during the relevant submission period, or*
 - (ii) *advice from the consent authority that no submissions were made.*

As at 24 January 2020, 66 days have passed since Council referred the application to the RFS, and 50 days have passed since Council received the last submission regarding the application in the advertised submissions period (21 November to 5 December 2019).



Section 4.47 (5) of the Environmental Planning and Assessment Act 1979 specifies:

4.47 Development that is integrated development

- (5) *If the approval body and the Planning Secretary fail to inform the consent authority, in accordance with the regulations, whether or not it will grant the approval, or of the general terms of its approval—*
- (a) *the consent authority may determine the development application, and*
 - (b) *if the consent authority determines the development application by granting consent—*
 - (i) *the approval body cannot refuse to grant approval to an application for approval in respect of the development, and*
 - (ii) *an approval granted by the approval body must not be inconsistent with the development consent, and*
 - (iii) *section 4.50 applies to an approval so granted as if it were an approval the general terms of which had been provided to the consent authority,*

despite any other Act or law.

Council may thus determine the application in the absence of an RFS response to referral. However, as discussed earlier, the proposed development is substantially identical to that the subject of Council's earlier development consent 19/0837. Council referred development application 19/0837 to the RFS, and the RFS responded with general terms of approval.

Given the full circumstances described above, it is considered prudent that recommended consent **condition 3** requires compliance with the general terms of approval provided by the RFS with regard to development application 19/0837.

- Section 7—Vegetation management and landscaping
 - Section A7.1—Preservation of trees and other vegetation
 - Section A7.2—Private landscaped open space
 - Section A7.3—Controls
- Section 8—Subdivision, demolition, siting and design
 - Section A8.3—Site analysis
 - Section A8.8—Principles of minimum acceptable design
- Section 9—Safer by design
 - Section A9.3—Crime prevention through environmental design

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- Section A9.4—Specific design requirements
- Section 10—Construction standards and procedures
 - Section A10.3—Building near or over Council mains and easements
 - Section A10.7—Stormwater disposal
 - Section A10.11—Waste management and disposal
- Section 12—Outdoor lighting
 - Section A12.2—Objectives
 - Section A12.3—Controls

Recommended consent **condition 14** specifies no construction certificate shall be granted for any building work in the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that all outdoor lighting in the development will comply with the relevant provisions of Australian Standard AS 4282—1997 Control of the obtrusive effects of outdoor lighting.
- Part C—Provisions applicable to residential-zoned land
 - Section 1—Introduction
 - Section C1.2—Objectives
 - Section C1.4—Height of buildings
 - Section C1.5—Building materials
 - Section 3—Universal design for adaptable housing
 - Section C3.1—Introduction
 - Section 4—Ancillary development
 - Section C4.2—Garages, carports and other detached buildings containing non-habitable usages
 - Section 7—Seniors housing
 - Section C7.2—General objectives
 - Section C7.3—Neighbourhood amenity and streetscape
 - Section C7.4—Visual and acoustic privacy
 - Section C7.5—Solar access and design for climate
 - Section C7.6—Crime prevention
 - Section C7.7—Accessibility
 - Section C7.8—Standards for hostels and self-contained dwellings

With respect to section C7.8 (c), given gradients on the land do not exceed 1:10, recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that each dwelling in the development is wheelchair accessible by continuous path of travel (within the meaning of Australian Standard AS 1428.1—



Design for access and mobility, Part 1: General requirements for access—New building work) to the adjoining Orchid Street.

- Section C7.9—Height controls

Section C7.9 specifies the height of height of all buildings in the proposed development must not exceed 8.0m. Documents accompanying the application indicate parts of the proposed two storey building's roof structure exceed 8.0m in height, as illustrated by **Attachment 7**.

Sections 3.42 (1) (b) and 4.15 (3A) (b) of the Environmental Planning and Assessment Act 1979 effectively specify the DCP's principal purpose includes provision of guidance facilitating development that is permissible under the LEP, and if the proposed development does not comply with standards provided by the DCP with respect to, for example, building height, Council is to be flexible in applying those provisions.

In the context of the proposed development's overall scale, the proposed development partially exceeding 8.0m in height is considered unlikely to itself render the development either visually unsatisfactory nor contrary to the relevant aims and objectives of the LEP, Zone R2, or the DCP (including the general objectives specified by section C7.2 regarding seniors housing). Having regard to sections 3.42 (1) (b) and 4.15 (3A) (b) of the Environmental Planning and Assessment Act 1979, it is considered appropriate to exercise flexibility by permitting the proposed development's partial excess height so as to facilitate it.

- Section C7.10—Site design

Recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that:

- Access will be provided in the proposed development in accordance with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work so that a person using a wheelchair can use common areas and common facilities associated with the development
- Pathway lighting in the development:
 - Is designed and located so as to avoid glare for pedestrians and adjacent dwellings
 - Will provide at least 20 lux at ground level
- Letterboxes in the development:
 - Will be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of Australian Standard AS 1428.1—Design for access



and mobility, Part 1: General requirements for access—New building work)

- Will be lockable
- Will be located together in a central location adjacent to the street entry.

▪ Section C7.11—On site car parking

Recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that car parking spaces in the development comply with the requirements for parking for persons with a disability set out in Australian Standard AS 2890, Parking facilities, Part 1: Off street parking.

In addition, section C7.11 (b) of the DCP specifies at least one car parking space in the proposed development must be designed to enable its width to be increased to 3.8m. Drawings accompanying the application indicate one proposed car parking space designated for use by people with disabilities, but its width is only 3.6m and the proposed development's design does not facilitate its widening without undesirably compromising adjoining proposed landscaping and car parking facilities. Recommended consent **condition 10** therefore specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application, including amended drawings, that the proposed car parking space for use by people with disabilities is designed to enable it to be widened to 3.8m.

▪ Section C7.12—Entry and corridors

Recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that:

- Every entry to each dwelling in the development (whether a front entry or not) complies with clauses 4.3.1 and 4.3.2 of Australian Standard AS 4299—1995—Adaptable housing
- Widths of internal corridors and circulation at internal doorways in the development comply with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work.

▪ Section C7.13—Bedrooms

Recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that bedroom 1 in each of the development's ground floor dwellings, and one bedroom in each of its upper storey dwellings, will have:



- Two double general power outlets on the wall where the head of the bed is likely to be
 - At least one general power outlet on the wall opposite the wall where the head of the bed is likely to be
 - A telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet
 - Wiring to allow a potential illumination level of at least 300 lux.
- Section C7.14—Bathrooms

Recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that each bathroom in the development will have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work:

- A slip-resistant floor surface
 - A washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work
 - A shower that complies with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work, except that the following must be accommodated either immediately or in the future:
 - A grab rail
 - Portable shower head
 - Folding seat
 - A wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it
 - A double general power outlet beside the mirror.
- Section C7.15—Other requirements

Recommended consent **condition 16** specifies no construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that:

- The toilet in each dwelling in the development will be a visitable toilet that complies with the requirements for sanitary facilities of Australian Standard AS 4299—1995—Adaptable housing
- All balconies and external paved areas in the development will have slip-resistant surfaces, having regard to relevant advice



specified by Australian Standard AS 4299–1995—Adaptable housing

- Door handles and hardware for all doors in the development (including entry doors and other external doors) will be provided in accordance with Australian Standard AS 4299–1995—Adaptable housing
- Switches and power points in the development will be provided in accordance with Australian Standard AS 4299–1995—Adaptable housing
- The living room in each dwelling in the development will have:
 - A circulation space in accordance with clause 4.7.1 of Australian Standard AS 4299–1995—Adaptable housing
 - A telephone adjacent to a general power outlet
- The living room and dining room in each dwelling in the development will have wiring to allow a potential illumination level of at least 300 lux
- The kitchen in each dwelling in the development will have:
 - A circulation space in accordance with clause 4.5.2 of Australian Standard AS 4299–1995—Adaptable housing
 - A circulation space at door approaches that complies with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work
 - The following fittings in accordance with the relevant subclauses of clause 4.5 of Australian Standard AS 4299–1995—Adaptable housing:
 - Benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a)
 - A tap set (see clause 4.5.6)
 - Cook tops (see clause 4.5.7), except that an isolating switch must be included
 - An oven (see clause 4.5.8)
 - “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards
 - General power outlets:
 - At least one of which is a double general power outlet within 300 millimetres of the front of a work surface

- One of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed
- Lift access will be provided to each upper storey dwelling in the development by way of a lift complying with clause E3.6 of the Building Code of Australia
- The laundry in each dwelling in the development will have a laundry that has:
 - A circulation space at door approaches that complies with Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work
 - Provision for the installation of an automatic washing machine and a clothes dryer
 - A clear space in front of appliances of at least 1,300mm
 - A slip-resistant floor surface
 - An accessible path of travel to any clothes line provided in relation to the dwelling
- Each dwelling in the development will be provided with a linen storage in accordance with clause 4.11.5 of Australian Standard AS 1428.1—Design for access and mobility, Part 1: General requirements for access—New building work.

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

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with regard to the relevant provisions of applicable environmental planning instruments (SEPPs and the LEP), as discussed earlier.

(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

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Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with regard to the relevant provisions of Council applicable Northern Villages Development Control Plan, as discussed earlier.

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

Not applicable.

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

No provisions of Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 are relevant to the proposed development.

- (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 proposed development is not considered likely to have any significant negative environmental, social or economic impact in the locality.

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

The proposed development is considered generally satisfactory with respect to the relevant objectives and other provisions specified by Council's applicable Wingecarribee Local Environmental Plan 2010 and Northern Villages Development Control Plan, and therefore may be considered compatible with the desired character and amenity of the locality.

Provided all recommended consent conditions are complied with, including recommended **condition 3** conveying the general terms of approval provided to Council by the NSW Rural Fire Service in relation to the previous development application 19/0837 (see earlier discussion of section A6.1 of the Northern Villages Development Control Plan), no site attributes are considered to render the land unsuitable 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.*

Although Council's advertisement and notification of the application attracted significant opposition, on balance there is not considered to be any overriding wider public interest against favourably determining the application.



CONSULTATION

Pre-lodgement Meeting

There is no apparent record of any formal pre-lodgement meeting regarding the proposed development before the application was made.

External Referrals

Referrals	Advice/Response/Conditions
Water NSW (concurrence authority)	Water NSW has confirmed it considers the proposed development likely to achieve a neutral or beneficial effect on water quality provided appropriate conditions of consent are complied with and has granted its concurrence to favourable determination of the application subject to conditions that are conveyed by recommended consent condition 89 .
NSW Rural Fire Service (integrated development approval body)	<p>As discussed earlier regarding section A6.1 of Council’s Northern Villages Development Control Plan, Council has not received any RFS response to referral of the application, and on 22 January 2020 received the following advice from the RFS’ Director Planning and Environmental Services:</p> <p><i>“...since New Year’s eve southern New South Wales has been experiencing extraordinary levels of fire activity and local communities have been heavily impacted.</i></p> <p><i>“This continues and we are expecting extreme weather conditions to continue in the south, where there are still numerous uncontained fires.</i></p> <p><i>“New South Wales Rural Fire Service development and planning staff working in the Planning and Environmental Services (PES) (South) office have been directly impacted. Therefore, PES South is not in a position to respond to enquiries or undertake assessments related to development applications in the foreseeable future.”</i></p> <p>In conjunction, clause 70 (1) of the Environmental Planning and Assessment Regulation 2000 and section 4.47 (5) of the Environmental Planning and Assessment Act 1979 specify Council may determine the application in the absence of RFS’ general terms of approval. However, it is considered prudent that recommended consent condition 3 requires compliance with the general terms of approval provided by the RFS with regard to the previous development application 19/0837.</p>

Internal Referrals

Referrals	Advice/Response/Conditions
Tree and Vegetation Assessment Officer	The proposed development involves removal of one street tree and its nearby replacement. Council’s Tree and Vegetation Assessment Officer advised, “No objections to the removal of the street tree, given replacement and high landscape outcome within the site”. The Tree and Vegetation Assessment Officer recommended various consent conditions relating to tree removal and protection.
Accredited Certifier	Council’s Accredited Certifier comments, “The proposal is capable of compliance with the requirements of the [National Construction Code]”,

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Referrals	Advice/Response/Conditions
	and recommends various consent conditions relating to applicable building regulations.
Development Engineer	Council requested the applicant provide additional or revised information or drawings to address matters raised by the Development Engineer regarding proposed stormwater management and vehicle entry/exit, manoeuvring and parking facilities. The applicant provided some additional information in response, but notified Council that remaining requested additional information would not be provided, pursuant to clause 54 (5) of the Environmental Planning and Assessment Regulation 2000. Despite this, Council's Development Engineer confirms various recommended consent conditions can be applied to overcome the absence of the outstanding requested additional information.
Contributions Officer	The proposed development is considered likely to require provision of or increase demand for public amenities and public services within the area, on which basis Council may impose a condition of consent requiring payment of developer contributions. Recommended consent conditions 20 and 21 therefore specify requirements for payment of contributions in accordance with Council's applicable contributions plans and development servicing plans, as advised by Council's Coordinator Strategic Land Use Planning.

Neighbour Notification (or Advertising)/Public Participation

Council advertised the development application and notified it to owners and occupiers of surrounding properties, inviting submissions between 21 November and 5 December 2019 in accordance with clause 89 (3) (b) of the Environmental Planning and Assessment regulation 2000. Advertisement and notification attracted 18 submissions, all by way of objection to the proposed development. Valid issues raised by the submissions are identified and discussed below, in no particular order.

- ***Bulk and scale***

Ten submissions express concern over the proposed development's bulk, scale and height, generally suggesting the proposed two storey residential building contributes to an overdevelopment of the land and is at odds with predominant existing building sizes in the locality.

Comment

The proposed development's total footprint area, including buildings and paved vehicle entry/exit, manoeuvring and parking areas, is approximately 630m² or 63% of the land's area. The remaining approximately 371m² or 37% of the land is proposed open space (including ground level patios and communal open space). Council's applicable Northern Villages Development Control Plan (the DCP) does not specify a maximum permitted site coverage for seniors housing developments, and it is also acknowledged that the proposed development does not constitute "low density housing" for the DCP's purposes. However, if low density housing were proposed on the land, section C2.4.3 of the DCP regarding development density and scale controls would permit a maximum development footprint of 65% or 650.65m², and a minimum open space area of 35% or 350.35m². The proposed development's footprint is thus smaller – albeit marginally – than permitted by the DCP for low density housing on the land.



Additionally, as discussed earlier, documents accompanying the application indicate parts of the proposed two storey building's roof structure exceed the 8.0m maximum height permitted by section C7.9 of Council's applicable Northern Villages Development Control Plan (the DCP), but having regard to sections 3.42 (1) (b) and 4.15 (3A) (b) of the Environmental Planning and Assessment Act 1979, it is considered appropriate to exercise flexibility by permitting the proposed development's partial excess height so as to facilitate it.

- *Permissibility*

One submission asserts that the proposed development, being for the purpose of seniors housing, is not permitted on the land because State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or the Seniors Housing SEPP, is not applicable to the land.

Comment

The Seniors Housing SEPP does not apply to land located in a water catchment. The land is located in the Sydney drinking water catchment, so the Seniors Housing SEPP does not apply to the land or the proposed development. Despite this, as discussed earlier regarding clause 2.3 of the applicable Wingecarribee Local Environmental Plan 2010 (the LEP), the land is in Zone R2 Low Density Residential and the Land Use Table at the end of Part 2 of the LEP specifies development for the purpose of seniors housing is permitted with consent in Zone R2.

- *Privacy*

Ten submissions object to the proposed development on privacy grounds, suggesting the proposed upper storey dwellings will overlook adjoining residential properties.

Comment

The proposed upper storey dwellings are located around 3.2m and 3.8m respectively from the land's northern and southern side boundaries. The proposed rear upper storey dwelling is more than 10m from the land's rear boundary.

The proposed upper storey dwellings' living areas are orientated to the north. None of their living area windows face neighbouring land to the south, and the small upper storey windows and small balconies (drying areas) that do face south are provided with privacy louvres.

The proposed upper storey dwellings' northern side living area windows and balconies include privacy louvres and planter boxes that are expected to obstruct views to neighbouring land.

Given the above factors, the proposed development is considered unlikely to facilitate passive overlooking of neighbouring properties, and therefore unlikely to have a significant negative impact with respect to neighbour privacy.

- *Vehicular traffic and parking*

17 submissions object to the proposed development on vehicular traffic and parking grounds, including concerns that the proposed development will increase vehicular traffic on local roads, pedestrian safety on local roads, potential "spill" of parked vehicles onto adjoining roads, inadequate road infrastructure such as kerbing and guttering, and inadequate dimensions of on-site vehicle entry/exit and manoeuvring areas.

Comment

The application was referred to Council's Traffic Engineer, who raised no objection regarding the proposed development's likely traffic generation, capacity of public roads servicing the land, or the design and dimensions of internal vehicle entry/exit, manoeuvring and parking facilities, subject to various recommended consent conditions.

No applicable environmental planning instrument, development control plan or Council policy specifies the number of off-street car parking spaces to be provided in the proposed development, being for the purpose of seniors housing. However, the NSW Roads and Maritime Services (former Roads and Traffic Authority) Guide to Traffic generating Developments suggests "resident funded" (as opposed to subsidised) seniors housing development should be provided with two residents' car parking spaces per three self-contained dwellings, plus one visitors' space per five self-contained dwellings. Based on these rates, the proposed development demands provision of four off-street car parking spaces, calculated as follows:

- Residents' parking:
Four self-contained dwellings @ 2 spaces per 3 dwellings
= 4 dwellings / 3 dwellings x 2 spaces = 2.7 (say 3) residents' spaces
- Visitors' parking:
Four self-contained dwellings @ 1 space per 5 dwellings
= 4 dwellings / 5 dwellings x 1 space
= .08 (say 1) space.

Total required residents' and visitors' off-street car parking spaces: 3 + 1 = 4 spaces.

The proposed development includes five off-street car parking spaces, one of which is designated for use by people with a disability. Its quantity of off-street car parking spaces thus exceeds the minimum specified by the Guide to Traffic Generating Developments.

- *Visual impact*

Six submissions object to the proposed development on the grounds that it will have a significant negative impact on visual amenity in the locality.

Comment

The proposed development's design is not typical of developments in Colo Vale. However, this does not constitute grounds to refuse consent. The proposed development is of modern contemporary design, well set back from the property boundaries, and includes considerable landscaping that may be expected to complement the proposed buildings and soften their visual impact. Whilst the vast majority of buildings in the village are of single storey construction, no applicable environmental planning instrument, development control plan or Council policy is prohibitive of two storey buildings. On balance, the proposed development's visual impact is not considered contrary to desired visual amenity in the locality, and is not expected to have a ruinous visual impact.

- *Overshadowing and solar access*

Five submissions object to the proposed development on the grounds that it will overshadow and reduce solar access to neighbouring residential properties.

Comment

The proposed development's design is expected to ensure adjoining properties continue to receive sufficient sunlight, with living areas of the adjoining properties to the land's south and southwest receiving at least three hours of direct sunlight between 9:00am and 3:00pm on 21 June (see **Attachment 8**).

- *Noise*

Three submissions object to the proposed development on noise grounds.

Comment

The proposed development's purpose is residential accommodation of seniors or people with disabilities. It does not include any commercial, industrial or similar component and is not expected to have any significant negative noise impact in the locality.

- *Light spill*

One submission objects to the proposed development on the grounds that lighting in the development will reduce neighbour amenity.

Comment

As discussed earlier regarding sections A12.3 and C7.10 of Council's Northern Villages Development Control Plan, recommended consent **conditions 14 and 16** specify no construction certificate shall be granted for any building work in the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that:

- All outdoor lighting in the development will comply with the relevant provisions of Australian Standard AS 4282—1997 Control of the obtrusive effects of outdoor lighting
- Pathway lighting in the development:
 - Is designed and located so as to avoid glare for pedestrians and adjacent dwellings
 - Will provide at least 20 lux at ground level.

Provided all recommended consent conditions are complied with, lighting in the proposed development is not expected to significantly detract from the amenity of surrounding properties.

- *Stormwater drainage*

Four submissions object to the proposed development on the grounds that stormwater drainage infrastructure in the locality is not adequate to cope with stormwater drainage demands that may be generated by the proposed development.

Comment

As discussed earlier, Council requested the applicant provide additional or revised information or drawings to address identified stormwater management issues. The applicant provided some additional information in response, but notified Council that remaining requested additional information would not be provided, pursuant to clause 54 (5) of the Environmental Planning and Assessment Regulation 2000.



Despite this, Council's Development Engineer has confirmed various recommended consent conditions can be applied to overcome the absence of the outstanding requested additional information and thus ensure satisfactory stormwater drainage arrangements.

- *Potential unauthorised usage*

Seven submissions speculate that despite being for the purpose of seniors housing, the proposed development might in fact be unlawfully used for another purpose defined by Wingecarribee Local Environmental Plan 2010 (the LEP), such as multi dwelling housing.

Comment

Unless specified by an environmental planning instrument as not requiring prior consent (e.g. exempt development), lawful use of the proposed development for a purpose other than seniors housing as defined by the LEP will necessitate a development application being made to and favourably determined by Council. Failure to obtain any such necessary consent may result in appropriate compliance action being taken by Council.

The above aside, recommended consent **conditions 1, 18 and 86** specify:

- Council's consent permits development of the land for the purpose of seniors housing as defined by the LEP
- The development may be carried out for the accommodation of only—
 - Seniors, being:
 - People aged 55 or more years, or
 - People who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided, or
 - People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider
 - People with a disability, being people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life
 - People who live within the same household with seniors or people who have a disability
- No construction certificate shall be granted for the proposed development unless the certifying authority is satisfied by documents accompanying the construction certificate application that a restriction as to user has been registered against the title of the land, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to above.

- *Local character and amenity*

15 submissions object to the proposed development on the grounds that it is considered incompatible with the character and amenity of the locality.



Comment

As discussed earlier, the proposed development's modern contemporary design is not typical of existing residential development in Colo Vale, but this does not constitute grounds to determine the application by refusal. The land is not in a heritage conservation area, and is not near any heritage conservation area or heritage item.

The provisions of Council's Northern Villages Development Control Plan facilitate consent being granted to erect, for example, a dwelling house of the same height, larger footprint and lesser front, rear and side setbacks than the proposed development. The proposed development's boundary setbacks are generally consistent with existing residential development in Colo Vale, and are not expected to create an undesirable precedent.

The proposed development, whilst the first of its type in Colo Vale, may be expected to increase housing choice for the community in a low density residential environment, consistent with the objectives of Zone R2 Low Density Residential, and is not expected to create an undesirable precedent.

Whilst there are few two storey dwellings in Colo Vale, they are permissible. The proposed two storey building with landscaped setbacks is considered consistent with the provisions of the Northern Villages Development Control Plan requirements, and is not considered incompatible with the existing Orchid Street streetscape characteristics.

- *Land suitability*

Nine submissions object to the proposed development on the grounds that the land is not suitably located to be developed for the purpose of seniors housing, i.e. the land is isolated from services and facilities considered necessary for residents of the proposed development.

Comment

No environmental planning instrument, development control plan or Council policy applicable to the land specifies requirements regarding location and access to facilities for seniors housing developments. If the land were not located in a water catchment, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or the Seniors Housing SEPP, would specify such requirements.

It is considered important that residents of the proposed development have satisfactory access to necessary services and facilities. Therefore, whilst the provisions of the Seniors Housing SEPP have not been considered in establishing whether Council should grant consent for the proposed development, it is considered prudent to draw guidance from the provisions of clause 26 of the Seniors Housing SEPP, relating to site location and access to facilities.

Public transport is available to the proposed development, with a bus stop located just over 400m from the land on the northern side of Wattle Street, immediately east of its intersection with Banksia Street. Berrima Bus Lines bus routes 805 and 828 service this bus stop numerous times on weekdays, and twice on Saturdays. The bus service will transport residents of the proposed development near shops, bank service providers and other retail and commercial services that residents may reasonably require, as well as community services and recreation facilities and the practice of a general medical practitioner.

An existing concrete pathway runs along the northern side of Wattle Street providing level pedestrian connection between Orchid Street and the bus stop. However

recommended consent **condition 40** requires construction of a pathway approximately 30 metres in length from 2 Orchid Street to the existing pathway on Wattle Street so as to provide full level pathway pedestrian connection between the site and the bus stop.

- *Tree removal*

Three submissions object to the proposed removal of one street tree from orchid Street.

Comment

As discussed earlier, a mature thin-leaved stringybark tree is proposed to be removed from Orchid Street adjacent to the land, and replaced with a nearby grey gum planting. Council's Tree and Vegetation Assessment Officer raises no objection to the proposed tree replacement, noting the extensive landscaping included in the proposed development.

- *The public interest*

One submission objects to the proposed development on the grounds that it is not considered in the public interest.

Comment

Whilst the proposed development is a private undertaking, as discussed earlier, there is not considered to be any overriding public interest against granting consent for it.

- *Bush fire safety*

One submission objects to the proposed development on the grounds that it is an inappropriate development of bush fire prone land.

Comment

As discussed earlier, the proposed development is integrated development requiring authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of development of land for a special fire protection purpose. Council referred the application to the NSW Rural Fire Service (RFS) but at the time of drafting has not received any response.

On 22 January 2020 Council received advice from the RFS' Director Planning and Environmental Services that due to recent "extraordinary levels of fire activity", the RFS "is not in a position to...undertake assessments related to development applications in the foreseeable future."

In conjunction, clause 70 (1) of the Environmental Planning and Assessment Regulation 2000 and section 4.47 (5) of the Environmental Planning and Assessment Act 1979 specify Council may determine the application in the absence of RFS' general terms of approval. However, it is considered prudent that recommended consent **condition 3** requires compliance with the general terms of approval provided by the RFS with regard to the previous development application 19/0837.

SUSTAINABILITY ASSESSMENT

- *Environment*

There are no environmental impacts in relation to this report.

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- **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 relevant provisions of applicable environmental planning instruments including *Wingecarribee Local Environmental Plan 2010*, section 4.15 (1) 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;
- 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 environmental planning instruments including State Environmental Planning Policy 44—Koala Habitat Protection, State Environmental Planning Policy 55—remediation of Land, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and Wingecarribee Local Environmental Plan 2010, along with Council's Northern Villages Development Control Plan.

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OPTIONS

The options available to Council are:

Option 1

Determine development application 20/0546 by granting consent subject to the recommended conditions specified in **Attachment 1**.

Option 2

Determine development application 20/0546 by refusing consent, and specify the reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of applicable environmental planning instruments, development control plans and Council policies, and unlikely to have any significant negative environmental, social or economic impact nor any significant negative impact on the character and amenity of the locality.

ATTACHMENTS

1. DA 20/0546 Draft Conditions of Consent
2. DA 20/0546 Locality Map - *circulated under separate cover*
3. DA 20/0546 Aerial Image - *circulated under separate cover*
4. DA 20/0546 Previous Development Consent (19/0837 Drawings - *circulated under separate cover*
5. DA 20/0546 Proposed Development Drawings - *circulated under separate cover*
6. DA 20/0546 Extract from Bush Fire Prone Land Mapping - *circulated under separate cover*
7. DA 20/0546 - Illustration of Proposed Building Height - *circulated under separate cover*
8. DA 20/0546 Shadow Diagrams - *circulated under separate cover*

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 6 February 2020



DRAFT CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent is granted in accordance with this notice of determination for erection of buildings and carrying out of works for the purpose of seniors housing as defined by Wingecarribee Local Environmental Plan 2010.

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 table including any notations or amendments made by Council.

Drawing Title	Reference / Version	Prepared By	Dated
Cover Sheet	Dwg number A100, Revision 4	Aetch Design (drawn by AT)	24 June 2019
Sie Plan	Dwg number A101, Revision 4		
Roof Plan	Dwg number A103, Revision 4		
Ground Floor Plan	Dwg number A104, Revision 4		
First Floor Plan	Dwg number A105, Revision 4		
Landscape Diagram	Dwg number A106, Revision 4		
E&W Elevations	Dwg number A201, Revision 4		
N&S Elevations	Dwg number A202, Revision 4		
Carpark Elevations 1	Dwg number A203, Revision 4		
Carpark Elevations 2	Dwg number A204, Revision 4		
Sections A & B	Dwg number A301, Revision 4		
Section C	Dwg number A302, Revision 4		
Landscape Plan	Sheet number D091_LEP_01, Revision A		

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

3. Bush Fire Safety

Noting the development is substantially identical to that the subject of Council's development

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ATTACHMENT 1 DA 20/0546 Draft Conditions of Consent



consent 19/0837, and in the absence of advice in response to referral of the application to the NSW Rural Fire Service (being an integrated development approval body for the development), the development shall be carried out in accordance with the following general terms of approval specified by the NSW Rural Fire Service in relation to development the subject of Council's development consent 19/0837:

Asset Protection Zones

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Landscaping

4. Landscaping shall comply with the principles within Appendix 5 of Planning for Bush Fire Protection 2006.

Reason: *To provide sufficient space for fire fighters and other emergency services personnel while supporting or evacuating occupants, minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities, and provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.*

4. **Earthworks**

Council's consent does not permit the carrying out of any earthworks other than indicated on the stamped consent drawings, required by conditions of consent, or specified by an environmental planning instrument as not requiring consent.

Reason: *To prevent unlawful development.*

5. **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).*

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6. **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.*

7. **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.*

8. **Compliance with Disability Discrimination Act 1992**

Development consent does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

Reason: *To inform of relevant access requirements for persons with a disability.*

Note: *Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

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

9. **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) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).
- (f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (g) 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*

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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.*

10. **Amendments to Approved Plans**

No construction certificate shall be granted for any building work in the development unless the certifying authority is satisfied by documents accompanying the application for construction certificate, including amended drawings, that the development's car parking space for use by people with disabilities is designed to enable it to be widened to 3.8m without materially compromising adjoining landscaping, vehicle entry/exit, manoeuvring and parking facilities, or any other element of the development.

Reason: *To ensure compliance with section C7.11 of Council's applicable Northern Villages Development Control Plan.*

11. **Surrender of Consent**

No construction certificate shall be granted for any building work in the development unless the certifying authority is satisfied by documents accompanying the application for construction certificate that Council's development consent 19/0837 has been surrendered in accordance with section 4.63 of the Environmental Planning and Assessment Act 1979.

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

12. **Appointment of Principal Certifying Authority**

No building work in the development shall commence unless:

- (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

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- (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

13. **Access for People with Disabilities**

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

Reason: *To inform of relevant access requirements for persons with a disability.*

14. **Outdoor Lighting**

No construction certificate shall be granted for any building work in the development unless the certifying authority is satisfied by documents accompanying the construction certificate application that all outdoor lighting in the development will comply with the relevant provisions of Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

Reason: *To minimise potential negative amenity impacts of obtrusive outdoor lighting.*

15. **Rural Fires Act 1997 - Bush Fire Safety Authority**

No construction certificate shall be granted for any building work in the development unless the certifying authority is satisfied by documents accompanying the application for construction certificate that the NSW Rural Fire Service has granted its Bush Fire Safety Authority for the subject development under section 100B of the Rural Fires Act 1997.

Reason: *To ensure compliance with section 100B of the Rural Fires Act 1997.*

16. **Seniors Housing Requirements**

No construction certificate shall be granted for any building work in the development unless the certifying authority is satisfied by documents accompanying the application for construction certificate that:

- (a) Each dwelling in the development is wheelchair accessible by continuous path of travel (within the meaning of Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work) to the adjoining Orchid Street

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- (b) Access will be provided in the proposed development in accordance with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work so that a person using a wheelchair can use common areas and common facilities associated with the development
- (c) Pathway lighting in the development:
 - (i) Is designed and located so as to avoid glare for pedestrians and adjacent dwellings
 - (ii) Will provide at least 20 lux at ground level
- (d) Letterboxes in the development:
 - (i) Will be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work)
 - (ii) Will be lockable
 - (iii) Will be located together in a central location adjacent to the street entry.
- (e) Car parking spaces in the development comply with the requirements for parking for persons with a disability set out in Australian Standard AS 2890, Parking facilities, Part 1: Off street parking
- (f) Every entry to each dwelling in the development (whether a front entry or not) complies with clauses 4.3.1 and 4.3.2 of Australian Standard AS 4299-1995-Adaptable housing
- (g) Widths of internal corridors and circulation at internal doorways in the development comply with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work
- (h) Bedroom 1 in each of the development's ground floor dwellings, and one bedroom in each of its upper storey dwellings, will have:
 - (i) Two double general power outlets on the wall where the head of the bed is likely to be
 - (ii) At least one general power outlet on the wall opposite the wall where the head of the bed is likely to be
 - (iii) A telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet
 - (iv) Wiring to allow a potential illumination level of at least 300 lux
- (i) Each bathroom in the development will have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work:
 - (i) A slip-resistant floor surface

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- (ii) A washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work
- (iii) A shower that complies with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work, except that the following must be accommodated either immediately or in the future:
 - A grab rail
 - Portable shower head
 - Folding seat
- (iv) A wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it
- (v) A double general power outlet beside the mirror
- (j) The toilet in each dwelling in the development will be a visitable toilet that complies with the requirements for sanitary facilities of Australian Standard AS 4299-1995-Adaptable housing
- (k) All balconies and external paved areas in the development will have slip-resistant surfaces, having regard to relevant advice specified by Australian Standard AS 4299-1995-Adaptable housing
- (l) Door handles and hardware for all doors in the development (including entry doors and other external doors) will be provided in accordance with Australian Standard AS 4299-1995-Adaptable housing
- (m) Switches and power points in the development will be provided in accordance with Australian Standard AS 4299-1995-Adaptable housing
- (n) The living room in each dwelling in the development will have:
 - (i) A circulation space in accordance with clause 4.7.1 of Australian Standard AS 4299-1995-Adaptable housing
 - (ii) A telephone adjacent to a general power outlet
- (o) The living room and dining room in each dwelling in the development will have wiring to allow a potential illumination level of at least 300 lux
- (p) The kitchen in each dwelling in the development will have:
 - (i) A circulation space in accordance with clause 4.5.2 of Australian Standard AS 4299-1995-Adaptable housing
 - (ii) A circulation space at door approaches that complies with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work

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- (iii) The following fittings in accordance with the relevant subclauses of clause 4.5 of Australian Standard AS 4299-1995-Adaptable housing:
 - Benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a)
 - A tap set (see clause 4.5.6)
 - Cook tops (see clause 4.5.7), except that an isolating switch must be included
 - An oven (see clause 4.5.8)
- (iv) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards
- (v) General power outlets:
 - At least one of which is a double general power outlet within 300 millimetres of the front of a work surface
 - One of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed
- (q) Lift access will be provided to each upper storey dwelling in the development by way of a lift complying with clause E3.6 of the Building Code of Australia
- (r) The laundry in each dwelling in the development will have a laundry that has:
 - (i) A circulation space at door approaches that complies with Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work
 - (ii) Provision for the installation of an automatic washing machine and a clothes dryer
 - (iii) A clear space in front of appliances of at least 1,300mm
 - (iv) A slip-resistant floor surface
 - (v) An accessible path of travel to any clothes line provided in relation to the dwelling
- (s) Each dwelling in the development will be provided with a linen storage in accordance with clause 4.11.5 of Australian Standard AS 1428.1-Design for access and mobility, Part 1: General requirements for access-New building work.

Reason: *To ensure the development is designed and constructed to be suitable for residential accommodation of seniors or people with disabilities and in compliance with the relevant provisions of section 7 of Part C of Council's applicable Northern Villages Development Control Plan regarding seniors housing.*

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17. **Developer to provide photos of damage to Council property**

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

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

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

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

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

18. **Restrictions on Occupation of Seniors Housing**

No construction certificate shall be granted for any building work in the development unless the certifying authority is satisfied by documents accompanying the construction certificate application that a restriction as to user has been registered against the title of the land, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to:

- (a) Seniors, being:
 - (i) People aged 55 or more years, or
 - (ii) People who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <<http://www.legislation.gov.au/>> of the Commonwealth) is provided, or
 - (iii) People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider
- (b) People with a disability, being people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life
- (c) People who live within the same household with seniors or people who have a disability.

Reason: *To ensure use of the land and development as permitted by Council's consent.*

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

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

- Carry out sewerage work

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

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

20. **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); 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.*

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.*

21. **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*

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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); 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.

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 31 January 2020	\$11,134.77	\$10,794.76	\$982.33
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, www.abs.gov.au .			

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 + Stormwater \$250.00 = \$750.00.

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.

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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.*

22. **Building Materials & Colour Scheme**

New external building materials and colours shall be recessive in the surrounding landscape as required by Councils Development Control Plan. Details of external building materials and colours shall be submitted to the satisfaction of Council prior to the issue of construction certificate

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

23. **Construction Management Plan**

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

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- 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 (TCP)

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

24. **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.*

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

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

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

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

26. **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

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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.*

27. **Tree Retention - Road Design and Construction**

The proposed road design and construction shall preserve and retain existing vegetation within the road reserve. Any trees proposed to be removed within the road reserve must be approved by Council and are to be clearly identified by survey and shown on submitted Construction Certificate plans.

All trees shown on approved engineering plans as being retained are to be appropriately marked and protected during construction works.

Reason: *To ensure preservation of as many existing trees as possible.*

28. **Accessible Car Parking Spaces**

One of the car parking spaces provided as part of the total requirement shall be reserved for use by people with disabilities.

The space shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To inform of relevant access requirements for persons with a disability.*

29. **Off Street Parking Provision - General**

Five off-street car parking spaces suitably marked in accordance with the stamped consent drawings (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

Details shall be submitted to the certifying authority prior to the issue of a Construction Certificate showing compliance with this condition.

Reason: *To ensure adequate parking and access.*

30. **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.*

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31. **Waste Management Plan**

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. 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.*

32. **Erosion and Sediment Control Plan**

No construction certificate shall be granted for building work in the development unless the certifying authority is satisfied by documents accompanying the application for construction certificate that an erosion and sediment control plan has been prepared by a suitably qualified person in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan, 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.
- (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.

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- (n) Maintenance schedule.

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

33. **Erosion and Sediment Control Plan**

To minimise soil erosion and sediment movement during the carrying out of building works and other works in the development, 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.*

34. **Landscape Plan**

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

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing

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- walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule
- Replacement street tree, selected in accordance with Council's Street Tree Master Plan.

No plantings that inhibit effective function of the drainage easement shall be placed within the easement for drainage of water 2.0m wide located at the rear of Lot 2 DP1241233.

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

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

35. **Protection of Existing Trees and Native Vegetation**

Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reason: *To clearly articulate trees and vegetation to be removed and retained.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

36. **Notice of Commencement**

No work in the development shall be permitted to commence unless 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 the PCA:

- (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 Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed

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\$20,000) or Owner Builder Permit;

- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

37. **Principal Certifying Authority Sign**

Prior to commencement of any work in the development, signage shall 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.

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.*

38. **Construction Certificate**

No building work in the development shall be permitted to commence unless 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.*

39. **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:

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- 5 Contact fax:
- 6 After Hours Contact:
- 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.*

40. **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*.

In this regard, a concrete footpath of 1200mm width shall be constructed from 2 Orchid Street to connect to the existing pathway on Wattle Street, to provide a full pathway link from the Seniors Housing development at 2 Orchid Street to the public transport service bus stop on the northern side of Wattle Street near Banksia Street.

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*

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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.*

41. **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.*

42. **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.*

43. **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 any work in the development.

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

44. **Wheel Wash**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of any site works, to prevent mud and dirt leaving the site and being tracked.

Reason: *To minimise soil being trucked off site.*

45. **Tree Protection Measures**

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

Note: *Removal of the protective fencing during construction work will affect bonds and*

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may result in fines or legal proceedings being instigated by Council against the applicant and/or builder.

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

46. **Protection of Trees**

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

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

47. **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.*

48. **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.*

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49. **Structure not to be built over easements/infrastructure**

No portion of any structure shall be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

Reason: *To protect infrastructure.*

50. **Ground Levels**

Natural ground levels shall not be altered or adjusted other than shown on the stamped consent drawings 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.*

51. **Excavations and Backfilling**

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

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

52. **Retaining Walls and Drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- (b) adequate provision shall be made for drainage.
- (c) any retaining walls which 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 appropriate retained.*

53. **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.*



54. **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) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (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.*

55. **Stormwater - Construction**

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason: *To assist in the prevention of erosion of the site from storm water.*

56. **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.*

57. **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

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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.*

58. **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.*

59. **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.

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

60. **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.*

61. **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*

62. **Disposal of Vegetation**

Any trees removed with Council consent and any other vegetation cleared in association with this development shall be disposed of in accordance with the Waste Management Plan approved with this development application. For minor additions and outbuildings removed vegetation shall be either mulched for reuse on site or transported to an appropriately licensed waste/recycling facility.

Reason: *Environmental amenity.*

63. **Supervising Arborist**

An arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4

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

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

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

The carrying out of building works 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.*

65. **Construction Management Plan**

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

66. **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.*

67. **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:

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- (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.*

68. **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.*

69. **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 AN INTERIM OR FINAL OCCUPATION CERTIFICATE

70. **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

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have been met.

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

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

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

71. **Section 138 Roads Act Final**

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

72. **Section 68 Local Government Act Final**

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

73. **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.*

74. **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*

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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.*

75. **Works as Executed Drainage Diagram**

The applicant shall submit to Council a copy of the works as executed plans for the both internal and external drainage (Sewer Service Diagram) prior to the issue of an Occupation Certificate. These plans shall be drawn to scale including all relevant details in accordance with the requirements of the NSW Fair Trading. The requirements of the Plumbing Act are to be complied with also in this regard.

Reason: *So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the drainage details may be held by Council, to assist in future maintenance.*

76. **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.*

77. **Civil Engineering works and services**

All civil engineering works and services are to be constructed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved engineering plans prior to the issue of the Occupation Certificate.

Reason: *To ensure that the works and services are constructed in accordance with the approved plans.*

78. **Vehicle Access (Urban)**

Access to the site shall be provided by means of a vehicle crossing as per Council's Standard Drawing SD107 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Council's standard specification.*

79. **Disabled Car Parking**

Prior to the issue of the Occupation Certificate, car parking spaces shall be provided at the rate of not less than one disabled car parking space for each **100/50 spaces** or part thereof in a carpark required to be accessible, and a car parking area on the same allotment as a building required to be accessible. The spaces are not required to be signposted where

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there is a total of not more than 5 car parking spaces, so as to restrict the use of the car parking space only for people with disabilities.

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

All works shall be completed prior to the issue of the Occupation Certificate.

Reason: *To ensure that there is adequate disabled car parking spaces provided for the development.*

80. **Final Arborist Report**

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Occupation Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Occupation Certificate, and included in the final report. The report shall also provide documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per AS4973 and AS4970. If Council is not the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason: *To ensure the proper protection and management of any trees required to be retained.*

81. **Landscape Certification**

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason: *To ensure that the landscaping has been carried out in accordance with the Council endorsed landscape plan.*

82. **Irrigation**

Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automatic commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant water authority regulations and current best practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

Reason: *To ensure that an appropriate irrigation system has been installed.*

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83. **Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

Reason: *To ensure the safety of the building.*

84. **Stormwater Facilities Alterations**

A "Restriction as to User" shall be included on the plan of subdivision and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Occupation Certificate.

Reason: *To provide appropriate storm water management.*

85. **Storm water Facilities Maintenance**

A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

Reason: *To provide appropriate storm water management.*

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

86. **Restrictions on Occupation of Seniors Housing**

The development may be carried out for the accommodation of only-

- (a) Seniors, being:
 - (i) People aged 55 or more years, or
 - (ii) People who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <<http://www.legislation.gov.au/>> of the Commonwealth) is provided, or
 - (iii) People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider
- (b) People with a disability, being people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that

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substantially affect their capacity to participate in everyday life

- (c) People who live within the same household with seniors or people who have a disability.

Reason: *To ensure use of the land and development as permitted by Council's consent.*

87. **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.*

88. **Annual Fire Safety Statement**

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

Reason: *To ensure compliance with fire safety requirements.*

CONCURRENCE CONDITIONS

89. **Concurrence - Water NSW**

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW are provided below and form part of Council's Notice of Determination:

General

1. The layout and works of the development shall be as specified in the Statement of Environmental Effects prepared by Creative Planning Solutions Pty Ltd (dated November 2018) and shown on the Site Plans (Dwg No. A101, A104, and A105, Rev. 4; dated 24/06/19) prepared by Aetech Design. No revisions to layout or works or staging of the development that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

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

Stormwater Management

2. All stormwater management measures as specified in the Engineering Plans (Dwg Nos. C001 and C300, AMDT 4, dated 01.02.19 and Dwg Nos. C050 and C200, AMDT 5, dated 15.04.19) prepared by Jones Nicholson Engineers Pty Ltd shall be implemented. The stormwater management measures, as a minimum, shall include:
 - two rainwater tanks combined with on-site detention
 - porous pavement incorporating:
 - o pavers with a minimum open to closed void ratio of 10%
 - o a base course filter media consisting of a clean medium sand with median particle diameter of 0.5 mm, and
 - o geotextile wrapped drains below the base course spaced a maximum 2 metres apart
 - a combined bioretention garden and on-site detention basin designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities). The bioretention garden shall also:
 - o incorporate a filter media with a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - o be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
 - o direct all discharge and overflow to existing stormwater drains such that discharge does not cause erosion
 - o be accessible from internal driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures
 - o be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
 - o be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
3. No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
4. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
5. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate and shall be provided to owners' corporation. The Plan shall:
 - include details about the location, description and function of stormwater management structures such as pits, pipes, a bioretention garden, rainwater tanks, permeable pavings and any other stormwater structures and drainage

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works

- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater and leachate management structures, including the frequency of such activities
 - identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities.
6. All stormwater treatment devices, particularly the bioretention garden, shall be monitored, maintained and managed by owners' corporation as per the Operational Environmental Management Plan.

Reason for Conditions 2 to 6 - To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact (NorBE) on water quality over the longer term.

Construction Activities

7. An Erosion and Sediment Control Plan shall be prepared for all works required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
8. The Erosion and Sediment Control Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. The erosion and sediment controls shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

Reason for Conditions 7 & 8 - To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

END OF CONDITIONS

11 OPERATIONS FINANCE AND RISK

11.1 Tender for Plant and Equipment Hire

Reference:	6330/19.30
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 present the evaluation of the Request for Tender for Plant and Equipment Hire.

RECOMMENDATION

1. **THAT** in relation to the report concerning the Tender for Plant and Equipment Hire - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for Plant and Equipment Hire - be considered in Closed Council – Item 22.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Note: 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).

REPORT

BACKGROUND

Council conducted an open tender process to seek appropriately qualified and experienced contractors for Plant and Equipment Hire to support the delivery of Council's capital works Projects and Maintenance Programs.

The tender invited contractors to submit rates for the following listed categories:

- Wet Hire – Plant and Equipment Hire (with an Operator);
- Dry Hire – Plant and Equipment Hire (without an Operator);
- Haulage Rates – Haulage of Material;
- Haulage Rates – Haulage of Plant.

REPORT

Council has sought tenders for suitable and qualified contractors to provide a schedule of rates tender for Plant and Equipment Hire.

In accordance with the *Local Government Act 1993* part 3, section 55(3)(n), Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

The proposed contract period for the tender is two (2) years plus a potential further one (1) year extension option (possible combined total of three (3) years). Contract extensions are to be exercised at Council's discretion and will be based on the performance of the contract.

Council received a substantial increase in the number of submissions (69) when compared to previous plant and equipment hire tenders. This is shown in the table below.

Tender	Number of Submissions
2019	69
2017	48
2015	46
2014	40

ENCOURAGING LOCAL CONTRACTOR PARTICIPATION

Local contractor participation increased by 36% (30 submissions compared to 22 submissions) compared to the last Plant and Equipment Hire Tender conducted in 2017.

Council's Procurement Policy actively encourages local contractor participation in tendering for Council works and service, recognising that Council's procurement activities can have an impact to the local economy.

Council has undertaken the following initiatives as part of this tender process to encourage submissions from locally qualified contractors:

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Simplifying Tender Documentation

The tender documentation was reviewed, streamlined and appropriately sized to suit market capacity and encourage competition.

Advertising and Promotion

In addition to ensuring the Tender was advertised in accordance with Council's Procurement Guidelines, a separate media release promoting the tender was published on the 24 September 2019.

Pre-Lodgement Briefing

A pre-lodgement tender briefing session was held on 3 October 2019 with interested contractors encouraged to attend. The tender briefing covered Council's tendering process and key changes from past tenders. 27 people (excluding staff) attended this session.

Local (Community) non-cost Selection Criteria

As per Council's Procurement Policy; all formally evaluated high value quotations and tenders receive a 10% weighted criterion for local submissions.

ADVERTISING

The tender advertising period was from the 24 September 2019 to 22 October 2019 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	24 September 2019
Newspaper – Southern Highlands News	25 September, 2 October, 9 October
Council Media Release	24 September 2019
Council Website	For the duration of the advertising period
Council eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of sixty-nine (69) tender submissions were received:

Company Name	Location	Postcode
A & D Tree Services Pty Ltd	South Nowra, NSW	2541
A and K Earthmoving Pty Ltd	Mittagong, NSW	2575
Action Hire Pty Ltd	Braemar, NSW	2575
Allcott Hire Pty Ltd	Baulkham Hills, NSW	2153
AORS Australia (Alan O'Reilly Hire)	Berkeley, NSW	2506
Aqua-Assets Pty Ltd	Padstow, NSW	2211
Bitu-mill (Road Maintenance) Pty Ltd	Arndell Park, NSW	2148

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Company Name	Location	Postcode
Brad Tranter Earthmoving	Hill Top, NSW	2575
Brooks Hire Service Pty Ltd	St Marys, NSW	2760
Camden Hire	Narellan, NSW	2567
Chetcuti Plant Hire Pty Ltd	Werombi, NSW	2570
City Coast Plumbing Services Pty Ltd	Oak Flats, NSW	2529
Clarke Lee Investments Pty Ltd (Ab-Wil Excavations)	Mandemar, NSW	2575
Coates Hire Operations Pty Ltd	Albion Park Rail, NSW	2527
Conplant Pty Ltd	Ingleburn, NSW	2565
Coolruss Pty Ltd	Silverwater, NSW	2128
Coopers Earthmoving & Haulage Pty Ltd	Marulan, NSW	2579
Crossgrove Pty Ltd	Bowral, NSW	2576
DA Worner Pty Ltd	Bundanoon, NSW	2578
Daryl Turner's Transport	Moss Vale, NSW	2577
Dyson Earthmoving Pty Ltd	Mittagong, NSW	2575
Earth Civil Contracting Pty Ltd	Braemar, NSW	2575
EarthTurners	Wingello, NSW	2579
Excel Earthworks Pty Ltd	Canyonleigh, NSW	2577
Excel Plant Hire Pty Ltd (Excel Contracting (NSW))	Baulkham Hills, NSW	2153
Ezyquip Hire Pty Ltd	Dubbo, NSW	2830
First Choice Earthworks Pty Ltd	Robertson, NSW	2577
G R Backhoe Hire Pty Ltd	Shellharbour, NSW	2529
Highland Landscapes & Earthworks Pty Ltd (The Trustee of Wells Creek Holdings Trust)	New Berrima, NSW	2577
Highlands Sand & Soil	Braemar, NSW	2575
J.R & E.G Richards (NSW) Pty Ltd (JR Richards & Sons Pty Ltd)	Rutherford, NSW	2320
JAW Bulk Pty Ltd (JA Wellington Bulk Haulage and Rural Contracting)	Penrose, NSW	2579
John Roman Earthmoving Pty Ltd	Mittagong, NSW	2575
Kennards Hire Pty Ltd	Seven Hills, NSW	2147
Leroy Excavations Pty Ltd	Douglas Park, NSW	2569

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Company Name	Location	Postcode
Liloch Pty Ltd	Canyonleigh, NSW	2577
LMB Group Australia Pty Ltd	Mulgoa, NSW	2745
M.V. Hire Pty Ltd	Moss Vale, NSW	2577
Mark Kracht Earthmoving & Rural Contracting	Mittagong, NSW	2575
N Gubbins Pty Ltd (Mulreadys)	Moss Vale, NSW	2577
Oldfields Earthmoving and Landscaping Pty Ltd	Lakesland, NSW	2572
Orange Equipment Pty Ltd	Wetherill Park, NSW	2164
ORIX Australia Corporation Limited	Ingleburn, NSW	2565
Pipe Management Australia Pty Ltd	Ingleburn, NSW	2565
PMK Services Pty Ltd	Welby, NSW	2575
Porter Excavations Pty Ltd	Cambrian Hill, VIC	3352
PremiAir Services Pty Ltd	Port Kembla, NSW	2505
Raygal Pty Ltd	Cranebrook, NSW	2749
Rent a Fence Pty Ltd	Kingston, QLD	4114
Rollers Australia Pty Ltd	Marulan, NSW	2579
Shepherds Lodge Pty Ltd	Moss Vale, NSW	2577
Sherrin Rentals Pty Ltd	Ingleburn, NSW	2565
Sitex Rentals & Sales Pty Ltd	Smeaton Grange, NSW	2567
Southern Highlands Water & Earth	Berrima, NSW	2577
Southern Plant & Auto	Woodlands, NSW	2575
Specialised Pavement Services Pty Ltd	Belrose, NSW	2085
Stabilised Pavements of Australia Pty Ltd	Somersby, NSW	2250
Stefanutti Construction Pty Ltd	Unanderra, NSW	2526
Swaye Civil Pty Ltd	Theresa Park, NSW	2570
TDK Vac Truck Services Pty Ltd	Ingleburn, NSW	2565
TFH Hire Services Pty Ltd	Kingston, QLD	4114
The Cross Roads Group Pty Ltd	Moss Vale, NSW	2577
Total Drain Cleaning Services Pty Ltd	Wetherill Park, NSW	2164
Total Vegetation Management Pty Ltd	Braemar, NSW	2575
Turner's Backhoe Hire	Moss Vale, NSW	2577
Tutt Bryant Hire Pty Ltd	Erskine Park, NSW	2759
VAC Group Operations Pty Ltd	Fairy Meadow, NSW	2519

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Company Name	Location	Postcode
(VAC Group / Earth Radar Utilities)		
Welby Bulk Haulage Pty Ltd	Welby, NSW	2575
Zivil Earthmoving (ZEM)	Port Kembla, NSW	2505

LATE TENDERS

No late tenders were received.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

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

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Community – Local Procurement	10%
Experience	10%
Specifications, Service & Support, Fit for Purpose	20%
Work Health and Safety / Chain of Responsibility	20%
Completion of Electronic Documentation	5%
Total	65%

The non-cost selection criteria also took into consideration the proximity of the contractor as the evaluation panel determined it was not practical to engage contractors which were located a significant distance from the Wingecarribee Shire.

Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	65%
Total Cost Criteria	35%
Total	100%

CONSULTATION

Internal Consultation

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

External Consultation

A pre lodgement tender briefing was held on 3 October 2019. The tender briefing covered Council's tendering process, key changes from past tenders and allowed for questions from respondents to be answered by Council officers. Tenders are part of a commercial arrangement and therefore no external consultation is required.

SUSTAINABILITY ASSESSMENT

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

There are no social issues in relation to this report.

• **Broader Economic Implications**

Council has undertaken a range of initiatives as part of this tender process to encourage submissions from locally qualified contractors.

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



RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.



11.2 Investment Report - November 2019

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 30 November 2019.

RECOMMENDATION

THAT the information on Council's Investments as at 30 November 2019 be received and noted.

REPORT

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

This report provides details of Council's Investment Portfolio as at 30 November 2019.

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

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

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

Interest earned from investments totalled \$1,689,281.43 for five (5) months to 30 November 2019.

ATTACHMENTS

1. Investment Report Summary as at 30 November 2019



Wingecarribee Shire Council Investment Report Summary

For the period ending 30 November 2019

List of Investments

Council's investment portfolio as at 30 November 2019 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 30 November 2019						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
Auswide	Term Deposit	5,000,000	2.45%	213	12/12/2019	2.76%
WBC	Term Deposit	4,000,000	2.73%	365	16/12/2019	2.21%
MyState	Term Deposit	5,000,000	2.40%	207	17/12/2019	2.76%
ME	Term Deposit	4,000,000	2.72%	364	3/01/2020	2.21%
NAB	Term Deposit	5,000,000	2.02%	210	10/01/2020	2.76%
MyState	Term Deposit	5,000,000	1.70%	90	21/01/2020	2.76%
CUA	Term Deposit	6,000,000	2.77%	365	24/01/2020	3.32%
MyState	Term Deposit	5,000,000	1.70%	120	28/01/2020	2.76%
MyState	Term Deposit	5,000,000	1.70%	90	28/01/2020	2.76%
WBC	Term Deposit	3,000,000	2.72%	365	31/01/2020	1.66%
NAB	Term Deposit	4,000,000	1.80%	181	3/02/2020	2.21%
NAB	Term Deposit	5,000,000	2.73%	365	7/02/2020	2.76%
ME	Term Deposit	5,000,000	1.69%	150	17/02/2020	2.76%
Rural	Term Deposit	5,000,000	1.61%	90	18/02/2020	2.76%
NAB	Term Deposit	5,000,000	2.15%	270	24/02/2020	2.76%
NAB	Term Deposit	10,000,000	1.67%	181	24/02/2020	5.53%
NAB	Term Deposit	5,000,000	2.65%	364	28/02/2020	2.76%
NAB	Term Deposit	5,000,000	2.65%	366	4/03/2020	2.76%
MyState	Term Deposit	5,000,000	1.73%	119	6/03/2020	2.76%
NAB	Term Deposit	5,000,000	1.73%	180	10/03/2020	2.76%
IMB	Term Deposit	4,000,000	1.60%	119	27/03/2020	2.21%
CBA	Term Deposit	5,000,000	1.63%	210	30/03/2020	2.76%
NAB	Term Deposit	5,000,000	1.82%	270	20/04/2020	2.76%
New castle	Term Deposit	3,000,000	2.50%	365	29/04/2020	1.66%
AMP	Term Deposit	5,000,000	1.90%	180	13/05/2020	2.76%
BDCU	Term Deposit	5,000,000	2.55%	366	21/05/2020	2.76%
BDCU	Term Deposit	3,000,000	2.50%	366	24/05/2020	1.66%
AMP	Term Deposit	2,500,000	1.90%	181	25/05/2020	1.38%
BDCU	Term Deposit	5,000,000	2.20%	366	28/05/2020	2.76%
AMP	Term Deposit	2,500,000	1.90%	184	28/05/2020	1.38%
Auswide	Term Deposit	5,000,000	2.05%	365	26/06/2020	2.76%
WBC	Term Deposit	5,000,000	1.62%	364	4/09/2020	2.76%
ME	Term Deposit	5,000,000	1.63%	364	4/09/2020	2.76%
BDCU	Term Deposit	5,000,000	1.65%	365	24/09/2020	2.76%
BDCU	Term Deposit	5,000,000	1.65%	365	26/09/2020	2.76%
WBC	Term Deposit	5,000,000	1.62%	365	3/11/2020	2.76%
Auswide	Term Deposit	4,000,000	1.70%	364	27/11/2020	2.21%
NAB	Call Account	5,138,831	0.75%	NA	NA	2.84%
BDCU	Call Account	750,617	1.00%	NA	NA	0.41%
Total Investments		\$180,889,448				100.00%

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



Wingecarribee Shire Council Investment Report Summary

For the period ending 30 November 2019

Policy Compliance

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

Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	29.93%	54,138,831	YES	YES
CBA	A1+	40%	2.76%	5,000,000	YES	YES
WBC	A1+	40%	9.40%	17,000,000	YES	YES
AMP	A2	15%	5.53%	10,000,000	YES	YES
BDCU	A2	15%	13.13%	23,750,617	NO	YES
Rural Bank	A2	15%	2.76%	5,000,000	NO	YES
CUA	A2	15%	3.32%	6,000,000	NO	YES
IMB	A2	15%	2.21%	4,000,000	NO	YES
ME	A2	15%	7.74%	14,000,000	NO	YES
MyState	A2	15%	13.82%	25,000,000	NO	YES
Newcastle	A2	15%	1.66%	3,000,000	NO	YES
Auswide	A2	15%	7.74%	14,000,000	NO	YES
Total			100.00%	180,889,448		

Council resolved that no further investments would be placed with Westpac Bank (WBC) and existing investments would be divested upon maturity (MN 538/19). Council has 4 term deposits totalling \$17 million with WBC. These term deposits will be redeemed upon maturity with the final term deposit maturing on 3 November 2020.

Portfolio Credit Limits

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

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	42.09%	76,138,831	YES
A1	80%	0.00%	0	YES
A2	60%	57.91%	104,750,617	YES
A3	20%	0.00%	0	YES
Govt	25%	0.00%	0	YES
Total		100.00%	180,889,448	



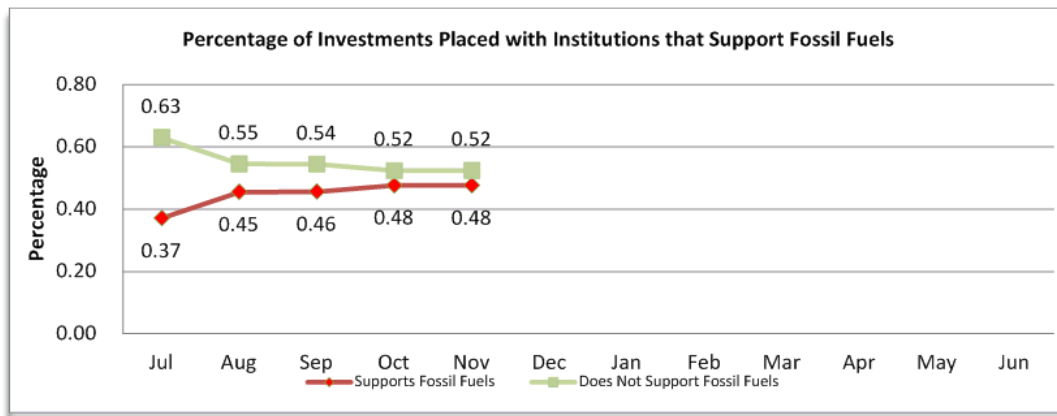
Wingecarribee Shire Council Investment Report Summary

For the period ending 30 November 2019

Non-Fossil Fuel Investment Preferecing

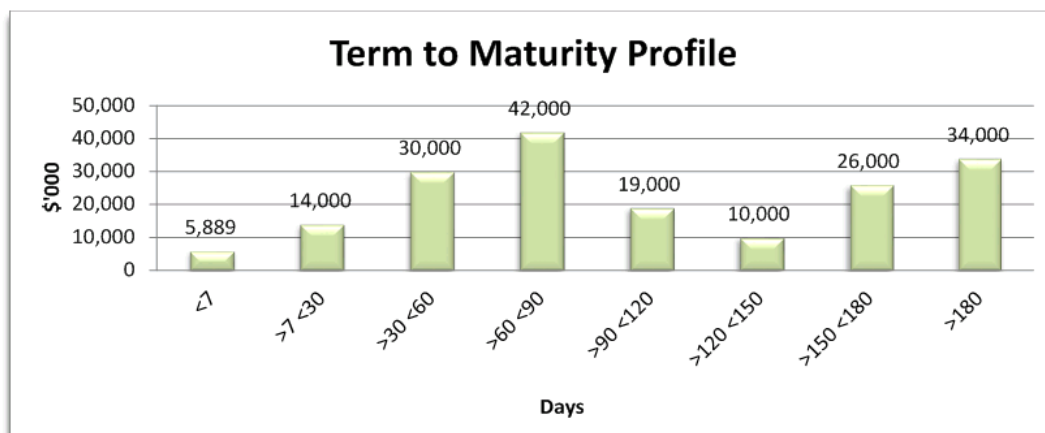
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



Term to Maturity

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



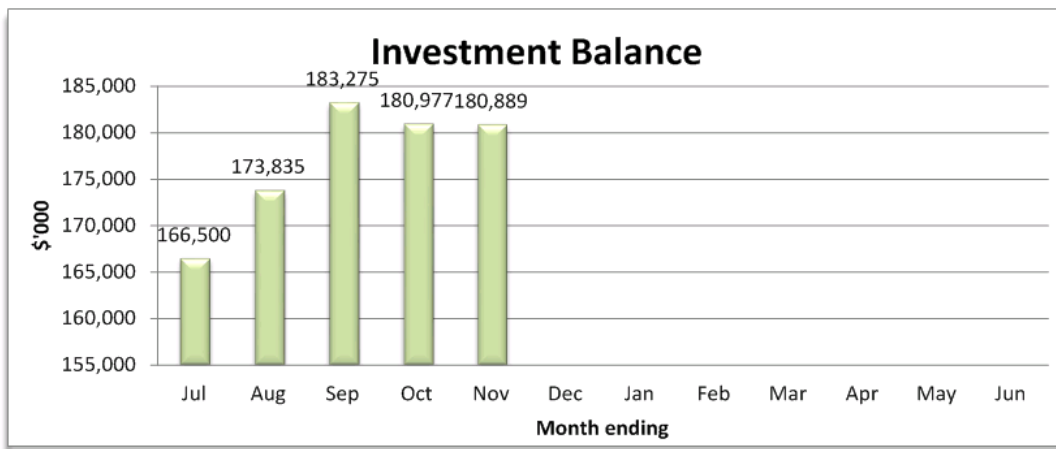


Wingecarribee Shire Council Investment Report Summary

For the period ending 30 November 2019

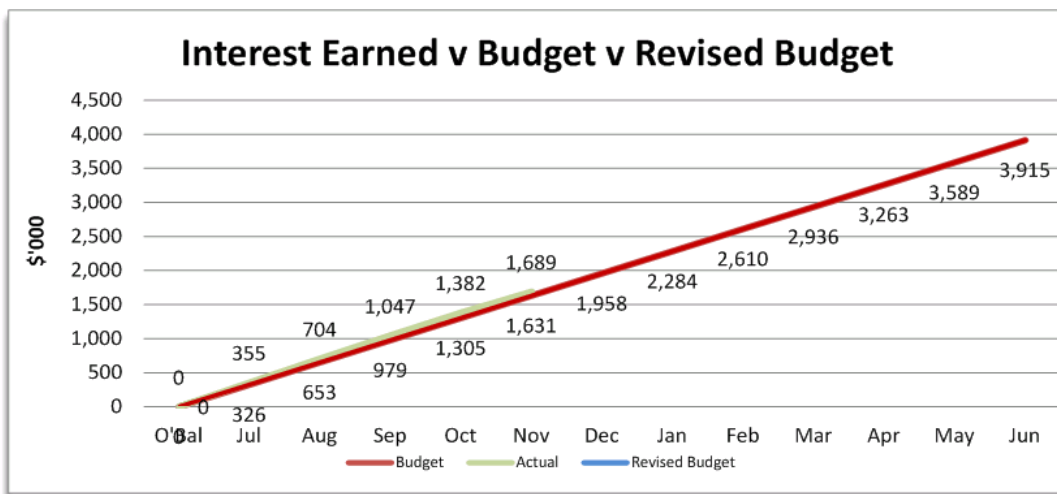
Portfolio Performance

Council's investment balance at the end of November 2019 was \$180.889 million. This has decreased by \$0.088 million since the end of October 2019. There was a small decrease in investments which is a result of operational and capital expenditure payments during November slightly exceeding revenue received which included the second quarter rate instalment due on 30 November 2019.



Interest Revenue

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





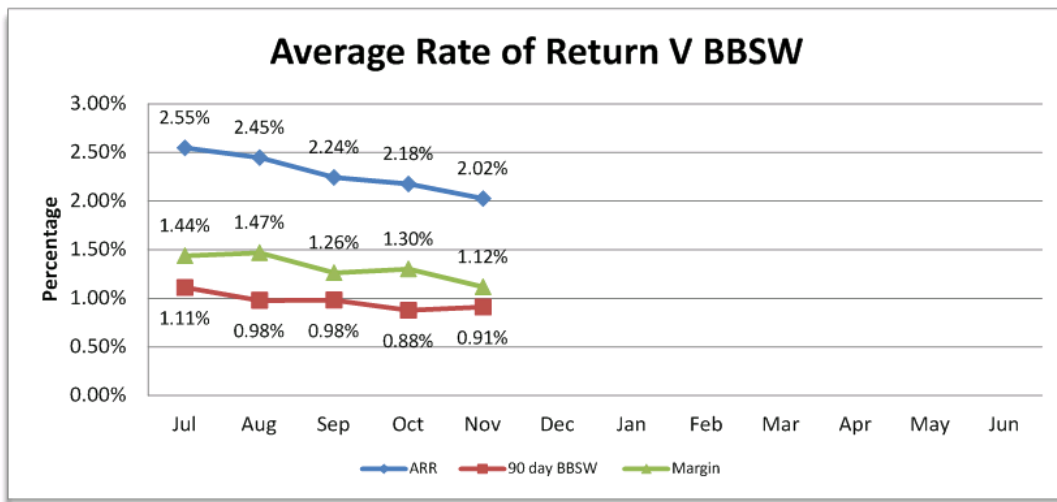
Wingecarribee Shire Council Investment Report Summary For the period ending 30 November 2019

Performance against Benchmark

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

The average rate of return (ARR) achieved for November 2019 was 2.02% which is 0.16% lower than October 2019. There was an increase in the BBSW to 0.91%.

The margin above BBSW decreased by 0.18% in November 2019 as short term interest rates continue to decline.



11.3 Investment Report - December 2019

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 December 2019.

RECOMMENDATION

THAT the information on Council's Investments as at 31 December 2019 be received and noted.

REPORT

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

This report provides details of Council's Investment Portfolio as at 31 December 2019.

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

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

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

Interest earned from investments totalled \$1,986,310.15 for six (6) months to 31 December 2019.

ATTACHMENTS

1. Investment Report Summary as at 31 December 2019



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2019

List of Investments

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

INVESTMENT PORTFOLIO AS AT 31 December 2019						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
ME	Term Deposit	4,000,000	2.72%	364	3/01/2020	2.25%
NAB	Term Deposit	5,000,000	2.02%	210	10/01/2020	2.81%
MyState	Term Deposit	5,000,000	1.70%	90	21/01/2020	2.81%
CUA	Term Deposit	6,000,000	2.77%	365	24/01/2020	3.38%
MyState	Term Deposit	5,000,000	1.70%	120	28/01/2020	2.81%
MyState	Term Deposit	5,000,000	1.70%	90	28/01/2020	2.81%
WBC	Term Deposit	3,000,000	2.72%	365	31/01/2020	1.69%
NAB	Term Deposit	4,000,000	1.80%	181	3/02/2020	2.25%
NAB	Term Deposit	5,000,000	2.73%	365	7/02/2020	2.81%
ME	Term Deposit	5,000,000	1.69%	150	17/02/2020	2.81%
Rural	Term Deposit	5,000,000	1.61%	90	18/02/2020	2.81%
NAB	Term Deposit	5,000,000	2.15%	270	24/02/2020	2.81%
NAB	Term Deposit	10,000,000	1.67%	181	24/02/2020	5.63%
NAB	Term Deposit	5,000,000	2.65%	364	28/02/2020	2.81%
NAB	Term Deposit	5,000,000	2.65%	366	4/03/2020	2.81%
MyState	Term Deposit	5,000,000	1.73%	119	6/03/2020	2.81%
NAB	Term Deposit	5,000,000	1.73%	180	10/03/2020	2.81%
IMB	Term Deposit	4,000,000	1.60%	119	27/03/2020	2.25%
CBA	Term Deposit	5,000,000	1.63%	210	30/03/2020	2.81%
NAB	Term Deposit	5,000,000	1.82%	270	20/04/2020	2.81%
New castle	Term Deposit	3,000,000	2.50%	365	29/04/2020	1.69%
AMP	Term Deposit	5,000,000	1.90%	180	13/05/2020	2.81%
BDCU	Term Deposit	5,000,000	2.55%	366	21/05/2020	2.81%
BDCU	Term Deposit	3,000,000	2.50%	366	24/05/2020	1.69%
AMP	Term Deposit	2,500,000	1.90%	181	25/05/2020	1.41%
BDCU	Term Deposit	5,000,000	2.20%	366	28/05/2020	2.81%
AMP	Term Deposit	2,500,000	1.90%	184	28/05/2020	1.41%
MyState	Term Deposit	5,000,000	1.65%	181	15/06/2020	2.81%
Auswide	Term Deposit	5,000,000	2.05%	365	26/06/2020	2.81%
WBC	Term Deposit	5,000,000	1.62%	364	4/09/2020	2.81%
ME	Term Deposit	5,000,000	1.63%	364	4/09/2020	2.81%
BDCU	Term Deposit	5,000,000	1.65%	365	24/09/2020	2.81%
BDCU	Term Deposit	5,000,000	1.65%	365	26/09/2020	2.81%
WBC	Term Deposit	5,000,000	1.62%	365	3/11/2020	2.81%
Auswide	Term Deposit	4,000,000	1.70%	364	27/11/2020	2.25%
Auswide	Term Deposit	5,000,000	1.66%	365	11/12/2020	2.81%
NAB	Call Account	5,958,831	0.75%	NA	NA	3.35%
BDCU	Call Account	750,637	1.00%	NA	NA	0.42%
Total Investments		\$177,709,468				100.00%

Institution Legend

AMP = AMP Limited
 ANZ = Australia & New Zealand Banking Group
 Auswide = Auswide Bank
 BQO = Bank of Queensland
 BDCU = Berrima District Credit Union
 Bendigo = Bendigo & Adelaide Bank

CBA = Commonwealth Bank of Australia
 CUA = Credit Union Australia
 IMB = IMB Bank
 ING = ING Direct
 ME = Members Equity Bank
 MyState = MyState Bank

NAB = National Australia Bank
 Newcastle = Newcastle Permanent
 St George = St George Bank
 WBC = Westpac Banking Corporation
 Rural = Rural Bank



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2019

Policy Compliance

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

Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	30.93%	54,958,831	YES	YES
CBA	A1+	40%	2.81%	5,000,000	YES	YES
WBC	A1+	40%	7.32%	13,000,000	YES	YES
AMP	A2	15%	5.63%	10,000,000	YES	YES
BDCU	A2	15%	13.36%	23,750,637	NO	YES
Rural Bank	A2	15%	2.81%	5,000,000	NO	YES
CUA	A2	15%	3.38%	6,000,000	NO	YES
IMB	A2	15%	2.25%	4,000,000	NO	YES
ME	A2	15%	7.88%	14,000,000	NO	YES
MyState	A2	15%	14.07%	25,000,000	NO	YES
Newcastle	A2	15%	1.69%	3,000,000	NO	YES
Auswide	A2	15%	7.87%	14,000,000	NO	YES
Total			100.00%	177,709,468		

Council resolved that no further investments would be placed with Westpac Bank (WBC) and existing investments would be divested upon maturity (MN 538/19). Council has 3 term deposits totalling \$13 million with WBC. These term deposits will be redeemed upon maturity with the final term deposit maturing on 3 November 2020.

Portfolio Credit Limits

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

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	41.06%	72,958,831	YES
A1	80%	0.00%	0	YES
A2	60%	58.94%	104,750,637	YES
A3	20%	0.00%	0	YES
Govt	25%	0.00%	0	YES
Total		100.00%	177,709,468	



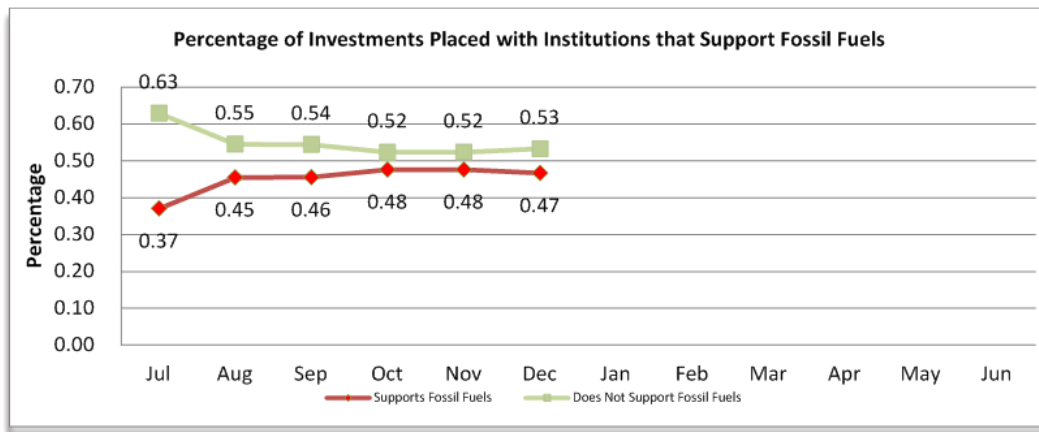
Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2019

Non-Fossil Fuel Investment Preferecing

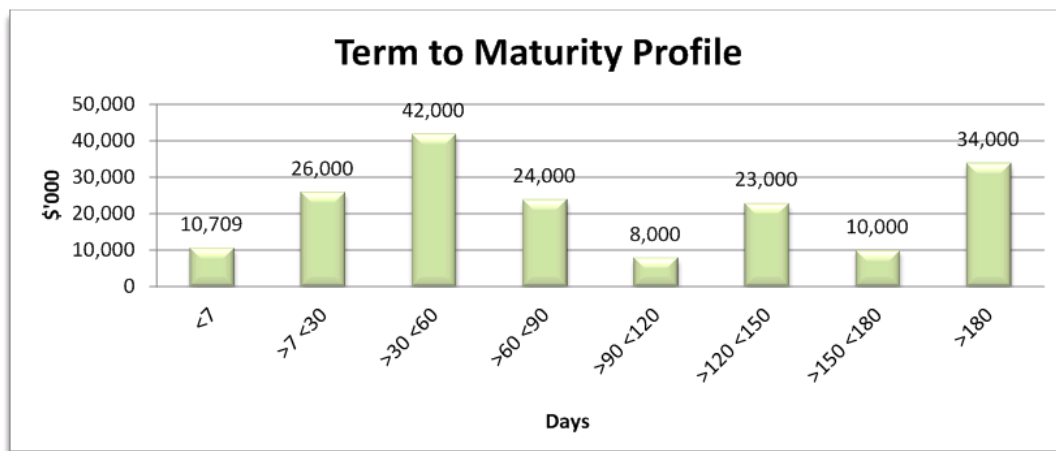
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



Term to Maturity

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



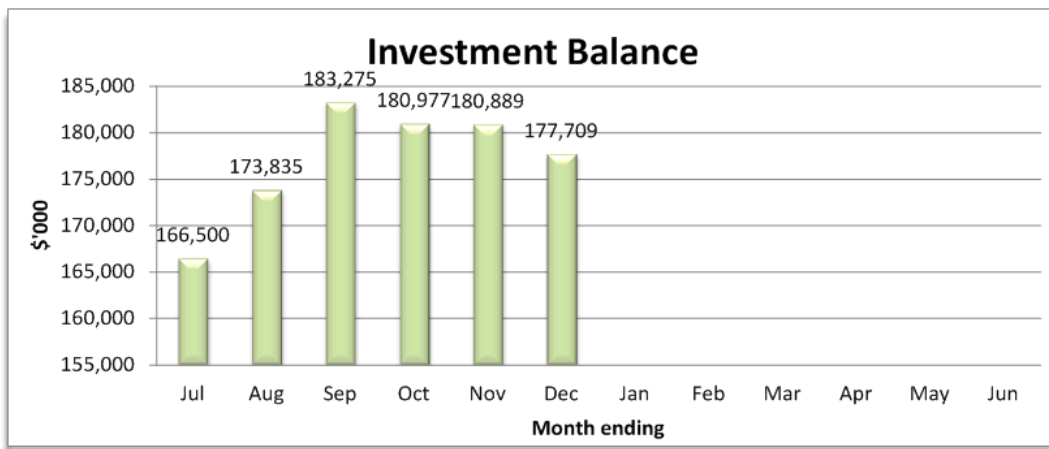


Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2019

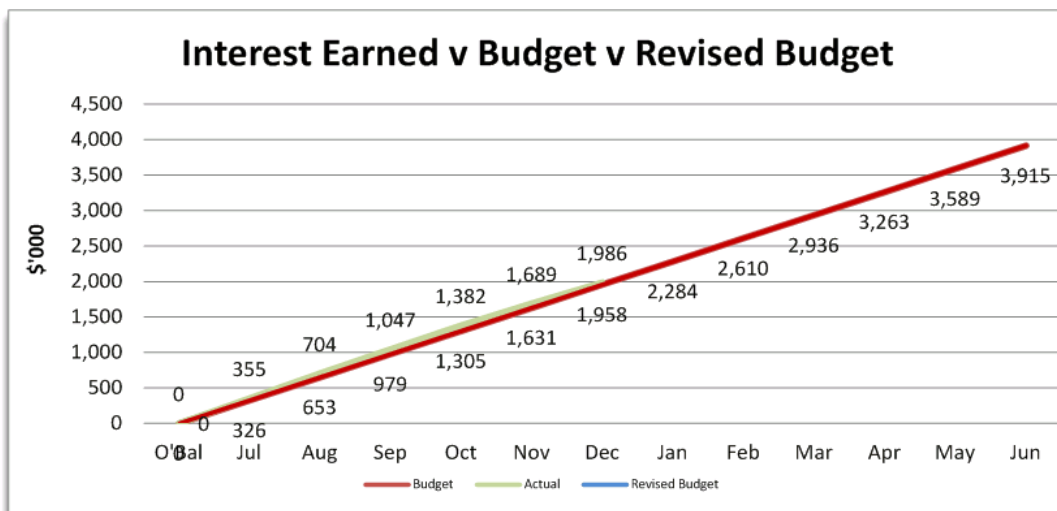
Portfolio Performance

Council's investment balance at the end of December 2019 was \$177.709 million. This has decreased by \$3.18 million since the end of November 2019. The decrease in investments is a result of operational and capital expenditure payments during December and the absence of rates and water instalments during the month.



Interest Revenue

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





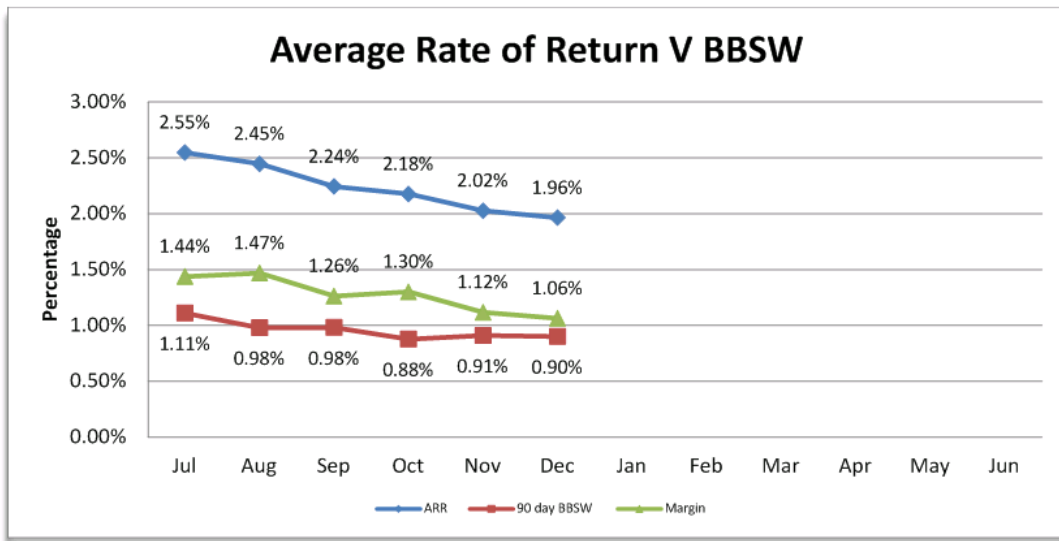
Wingecarribee Shire Council Investment Report Summary For the period ending 31 December 2019

Performance against Benchmark

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

The average rate of return (ARR) achieved for December 2019 was 1.96% which is 0.06% lower than November 2019. There was a decrease in the BBSW to 0.90%.

The margin above BBSW decreased by 0.06% in December 2019 as short term interest rates continue to decline.



11.4 Proposed Licence Agreement to Southern Highlands Model Aero Club Incorporated - Part 655 Moss Vale Road, Burradoo

Reference:	PN1775570
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to issue a Licence Agreement to the Southern Highlands Model Aero Club Incorporated for the occupation of part 655 Moss Vale Road, Burradoo which forms part of the Bong Bong Common Precinct.

RECOMMENDATION

1. **THAT** Council place on public exhibition for a minimum twenty eight (28) days the proposed five (5) year Licence Agreement to The Southern Highlands Model Aero Club Incorporated for occupation of part Bong Bong Common, 655 Moss Vale Road, Burradoo **AND THAT** annual rental be set at \$1.00 per annum, if demanded.
2. **THAT**, if any objections are received during the period of public exhibition, a further report be presented to a future Ordinary Meeting of Council.
3. **THAT**, if no objections are received during the period of public exhibition, Council offer a Licence Agreement for the occupation of part Bong Bong Common, 655 Moss Vale Road, Burradoo to Southern Highlands Model Aero Club Incorporated **AND THAT** the General Manager and Mayor be delegated authority to execute the Licence Agreement under the Common Seal of Council, if required.

REPORT

BACKGROUND

Council is the registered owner of 655 Moss Vale Road, Burradoo which is known as Bong Bong Common ("the Council property"). Part of the land is currently occupied by The Southern Highlands Model Aero Club Incorporated ("the Club") under a User Agreement.

Council was approached by the Southern Highlands Model Aero Club Incorporated to consider entering into a Licence Agreement to secure the Club's use of the Council property. To formalise the Club's use of the Council property, it is recommended that Council enter into a Licence Agreement with the Club for a term of five (5) years.



REPORT

The Southern Highlands Model Aero Club Incorporated has been operating from Bong Bong Common since 1989, where they established their clubhouse in the small cottage located on the site.

The Club caters mainly for social and recreational radio control or control line flyers. With the exception of a monthly glider morning there is no competitive flying conducted at the Common.

The Club is affiliated with the Model Aeronautical Association of Australia (MAAA). Membership, therefore, provides the modeller with Australia wide insurance cover (subject to compliance with requirements).

The Council property is utilised by the Club on and off throughout the week with the main flying day being Sunday, weather permitting.

Classification of Land

All public land must be classified as either "Community" or "Operational" Land. The Council property is classified pursuant to Section 26 of the *Local Government Act 1993* as "Community" Land. The classification of the land governs the manner in which Council may deal with it.

Plan of Management

Pursuant to Section 35 of *Local Government Act 1993*, community land is required to be used and managed in accordance with the following:

- The Plan of Management applying to the land,
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land,
- *Local Government Act 1993*.

The Licence Agreement is authorised under the Plan of Management for Bong Bong Common which was adopted by Council in March 2011.

In accordance with the Notice of Motion passed by Council on 23 August 2017 (*MN376/17*) the fees payable by the Club for the use of part of the Council property will be \$1.00 per annum, based on the fact that the Club maintains the grounds.

It is recommended that authority is delegated to the General Manager to negotiate the terms and conditions of the Licence Agreement and to publicly exhibit the draft agreement for a minimum 28 days. If any objections are received, a further report will be forwarded to a future Ordinary Meeting for Council approval.

COMMUNICATION AND CONSULTATION

Community Engagement

Bong Bong Common Located at 655 Moss Vale Road, Burradoo is classified as Community Land. As such, it is a legislative requirement that Council publicly exhibit the proposed Licence Agreement for a minimum twenty eight (28) day period. This will give members of the community an opportunity to review the proposal and make a written submission if they wish to do so.

Internal Communication and Consultation

Relevant Managers

External Communication and Consultation

Southern Highlands Model Aero Club Inc.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

None identified.

RELATED COUNCIL POLICY

Leasing and Licensing of Council Property (Not-for-Profit Organisations)

This policy was adopted by Council on Wednesday 26 November 2014 (*MN 326/14*). The Policy provides the guidelines for the granting of leases and licences in respect of Council owned property to not-for-profit organisations.

CONCLUSION

This report recommends that Council offer a Licence Agreement for a period of five (5) years to The Southern Highlands Model Aero Club Incorporated for the use of the subject Council property.

It is further recommended that Council give public notice of its intention to enter into the subject Licence Agreement. A further report will be forwarded to a future Ordinary Meeting of Council for determination if any written objections to the Licence Agreement are received during the period of public notice.

ATTACHMENTS

1. Attachment 1 - Model Aero map

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2. Attachment 2 - Aerial Map of Licenced Area



Southern Highlands Model Aero Club Inc.



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11.5 Proposed Road Closure of Part Road Reserve - Stockade Street, Berrima

Reference:	PN169500; PN169401; RD1433
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to invite an application to close part of the road reserve off Stockade Street, Berrima located between 5 Oldbury Street and 7-9 Oldbury Street, Berrima.

RECOMMENDATION

1. **THAT** Council invite a formal Application for the road closure of part Stockade Street, Berrima from the applicant (being the owner of 5 Oldbury Street and 7-9 Oldbury Street, Berrima).
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close the portion of Council Public Road Reserve adjoining 5 Oldbury Street and 7-9 Oldbury Street, Berrima **AND THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
3. **THAT** if there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 4 of the *Roads Act* 1993, Council as roads authority formally approve the closure of the portion of Council Public Road Reserve referred to in Resolution 1 above.
4. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council the plan required to be lodged with NSW Land Registry Services to enable closure of the portion of Council Public Road Reserve referred to in Resolution 1 above.
5. **THAT** authority be delegated to the General Manager and Mayor to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

REPORT

BACKGROUND

Council was initially approached by the applicant in 2012 to formally close and purchase the road known as Stockade Street, Berrima adjoining their property at 5 Oldbury Street and 7-9 Oldbury Street.

A report was presented to Council on 14 August 2013 to formally endorse the road closure at which time the following resolution was made (MN297/13):

1. *THAT Council apply to the Crown for the closure of part of the unmade road known as Stockade Street Berrima between the property known as 5-7 Stockade Street, Berrima.*
2. *THAT it be noted that all costs in relation to the road closure referred to in 1 above be paid for by the adjoining landowner.*
3. *THAT any documentation required to be executed in relation to the road closure be executed by the General Manager and Mayor under the Common Seal of the Council.*

Following the above resolution an application was made to the Crown to formally close the road. The application for Road Closure sat idle with Crown Lands for many years due to the influx of applications received by the Crown at the time (Crown have advised that in excess of 7,000 applications were being processed at the time).

In 2018, whilst the application was still pending assessment with Crown Lands, legislative changes were made to the *Roads Act 1993*. These changes ultimately prevented the Crown from having the power to close constructed or unconstructed Council public roads. This meant that all applications that were held by the Crown were returned to Council if they were not yet finalised.

Due to the changes in legislation, it is now necessary for a report to be presented to Council so that the relevant updated resolutions can be passed in order for the road closure application to be processed.

REPORT

The portion of road reserve the subject of this report is a semi-formed Public Road, with an area of approximately 2,755sqm (subject to final survey) which directly adjoins the applicant's properties as shown in **Attachment 1**.

With the area of both of the applicant's properties currently being 16,450sqm, the total area of the properties including the area of road reserve would be approximately 19,205sqm. The applicant's property is zoned E3- Environmental Management with a minimum allotment size of 40ha, and accordingly the property would not be able to be subsequently subdivided.

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The relevant Council Officers have been consulted in relation to the proposed closure and sale of the unformed road. Council's Strategic Land Use Planner (Heritage) has provided the following comments:

The proposed road closure at Stockade Street, Berrima, is within the Berrima Conservation Area and adjacent to a heritage item (7-9 Oldbury Street) listed in Schedule 5 of the Wingecarribee Local Environmental Plan 2010. Comments regarding this proposed road closure follow:

1. *Stockade Street is part of the original subdivision plan of the historic town of Berrima and, therefore, has heritage significance as contributing to the original Hoddle Plan for Berrima.*
2. *The proposed road closure will have an impact on the important subdivision pattern of the original Hoddle Plan. However, subject to the following restrictions, it is considered that the impact of the proposal is acceptable on heritage grounds:*
 - a. *The newly created lot should remain as a separate lot so that it can be maintained as a habitat corridor. The unformed roads within Berrima are recognised within the Berrima Village Development Control Plan as playing an important role as informal habitat corridors.*
 - b. *If the lot is to be sold to a neighbouring property it should not be consolidated into their lot (as mentioned previously), nor built upon.*

In light of the above comments from Council's Strategic Land Use Planner (Heritage) it is recommended that Council support the application for road closure and impose restrictions on the title to the land as follows:

1. the area of road closure cannot be consolidated with the primary allotment (applicant's property), so as to keep the amenity of the historic Town Plan of Berrima;
2. the area of closure is to be maintained as a habitat corridor; and
3. the area of closure cannot be built upon.

LEGISLATIVE REQUIREMENTS

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

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

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In this case the area of road to be closed is formed, therefore upon closure the land will vest in Council.

COMMUNICATION AND CONSULTATION

Community Engagement

Council will issue a public notice of its intention to close part road reserve at Stockade Street, Berrima adjoining 5 Oldbury and 7-9 Oldbury Street, Berrima. This notice will be advertised for a minimum twenty eight days.

Council will also issue a notice of proposed road closure to property owners in the vicinity of the road reserve.

Internal Communication and Consultation

The relevant Council Officers have been consulted and invited to comment in relation to the closure and sale of the unformed road. Comments received from Councils Strategic Land Use Planner (Heritage) are outlined in the report.

External Communication and Consultation

Adjoining owner (applicant)

Crown Lands

SUSTAINABILITY ASSESSMENT

- **Environment**

Council's Strategic Planner (Heritage) has provided comment, that the area of proposed closure is to remain "as is" to protect and maintain the Historic Town Plan of Berrima with no encroachment of any residential uses in to the area of closure. The area of closure is also to be maintained as a habitat corridor. These comments are supported by zoning legislation in the *Wingecarribee Local Environmental Plan 2010*.

- **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**



COUNCIL BUDGET IMPLICATIONS

The area of closed road will vest in the Council and the sale proceeds from the area of closed road will be paid to Council.**RELATED COUNCIL POLICY**

None identified.

CONCLUSION

It is recommended that Council support the proposed closure of part road reserve, Stockade Street, Berrima, and that the applicant be invited to submit a formal application for road closure and sale.

ATTACHMENTS

1. Attachment 1 - aerial map

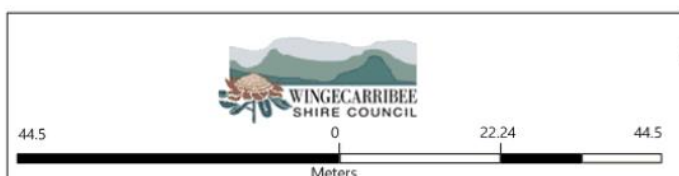
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Stockade Street Berrima

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11.6 Post Exhibition Report - Grant of Easement over Community Land at 142 Mittagong Road, Bowral

Reference:	PN 175600, PN 964700, PN 1750380
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of the submissions received during the period of public notification to grant an Easement for Stormwater (2 metres wide) over Council Community land at 142 Mittagong Road, Bowral (Bowral Pool). The period of public notification was from 21 October 2019 to 18 November 2019.

RECOMMENDATION

1. **THAT** Council make application to the Minister for Local Government for approval to grant an Easement over Council Community land at 142 Mittagong Road, Bowral pursuant to Section 47(5) and Section 47(6) of the *Local Government Act, 1993*.
2. **THAT** if the Minister grants consent to the Easement referred to in Resolution 1 above, that the Seal of Council be affixed to the plan of easement to be registered with NSW Land Registry Services creating the easement and that authority be delegated to the General Manager and Mayor to execute the plan under Seal.
3. **THAT** authority be delegated to the General Manager and Mayor to execute all other documents required to be executed in connection with the easement not required under Seal of Council.
4. **THAT** if the Minister does not grant consent to the Easement a further report be forwarded to a future Ordinary Meeting of Council for consideration.

REPORT

BACKGROUND

Bowral Pool is classified as Community Land pursuant to Section 26 of the Local Government Act, 1993. Council resolved on 12 December 2018 to grant an easement over Community land at 142 Mittagong Road Bowral (*MN 537/18*).

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Following the above resolution, the proposal was placed on public exhibition. As submissions were received during the public exhibition period, a further report was presented to Council on 13 March 2019 providing details of the outcome of public notification of the proposed easement over Council community land.

At that time, Council resolved to refer the matter of granting of the easement to the Minister for Local Government for decision in accordance with Section 47(5) of the *Local Government Act, 1993 (MN 87/19)*.

REPORT

An easement is a property right registered on title to land and is not personal to the owner of the property. Accordingly, the notice that was prepared to place the matter on public exhibition in early 2019 did not include details of the owner of the property but instead details of the property that was proposed to be benefited by the easement.

The approach taken to publicly notify the proposed easement was consistent with Council practice. The reality is the owner of the property can change at any point in time. An easement is retained over a property irrespective of a change in property ownership.

The matter was referred to the Minister for determination in April 2019. A copy of the notice placing the granting of the easement on public exhibition was provided to the Minister at that time.

Upon review, The Office of Local Government advised Council that they were of the view that the form of public notice needed to include details of the property owner in addition to the property address.

This is notwithstanding that no "person" is actually benefited by the easement as the easement is granted to the property and not to owner of the property personally.

Council initially responded to the Office of Local Government explaining this rationale, which was in the first instance accepted. However, this was subsequently over-ruled by a senior member of staff at the Office of Local Government.

Accordingly, to comply with the Minister's requirements, Council arranged for a second public notification of the proposed easement, including details of the registered proprietor of the property.

Following re-exhibition of the proposed grant of easement a total of four (4) submissions were received. All four (4) submissions were the same submission makers and forms of submission that were made during the previous period of public exhibition.

After the period of public notice closed Council informed the Office of Local Government that no new submissions were received during the second period of exhibition and confirmed that the only submissions received were four (4) submissions which were exactly the same submissions as were made during the first period of public exhibition.

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The Office of Local Government has now advised that, notwithstanding that the submissions are exactly the same as the previous submissions received, the submissions still need to be presented at a Council meeting and a resolution made by Council to refer the matter back to the Minister.

Accordingly, Council must consider all submissions made during the second period of public exhibition. The four (4) submissions received during the period of public notice are outlined in **Attachment 1** to the report.

COMMUNICATION AND CONSULTATION

Community Engagement

Council provided Public Notice of its intention to grant an easement over Council Community land at 142 Mittagong Road, Bowral for the minimum 28 day period.

Internal Communication and Consultation

Executive

Legal Counsel

External Communication and Consultation

Neighbours and previous submissions makers were notified that the issue of the proposed easement was being placed on public exhibition for a second period.

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**

Due to the public submissions received Council must refer the matter to the Minister for Local Government for determination in accordance with Section 47(5) and 47(6) of the *Local Government Act, 1993*.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications arising from this report.

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RELATED COUNCIL POLICY

None identified.

CONCLUSION

As submissions have been received during the period of public notification it is recommended that Council refer the matter in relation to the grant of an easement for drainage of stormwater over Council Community land to the Minister for Local Government for decision as required by Section 47(5) and Section 47(6) of the *Local Government Act, 1993*.

ATTACHMENTS

1. Attachment 1 - summary of submissions



No.	Summary of submissions	Officer response to submission
1.	<ul style="list-style-type: none"> • Flooding in the area between Bundaroo Street and Oxley Drive along Mittagong Road including the fatal flood of the Mittagong Rivulet in June 2016 that contributed to the death of a local resident. • The flooding in the area closes vehicular and pedestrian access to and from Bowral. The only vehicular access to Victoria Street is from Mittagong Road. Pedestrian access from the eastern end of Victoria Street is blocked in times of flooding as the Mittagong Rivulet passes along the eastern end of Victoria Street. • Flooding also affects Settlers Park and some 60% of the area of land on 164-178 Mittagong Road Bowral, the owner of which Councillor Turland has made request to be granted an easement on Community land in order to comply with conditions of consent imposed by Land and Environment with regards to 47 apartment development on DA 16/1079. • Original DA was opposed by WSC and refused by JRPP, one of the grounds being the location of the development in a High Flood Risk area. • In relation to the Bowral Floodplain Risk Management Study plan, the flood plan study was published in 2009 and recommends that flood warnings and depth indicators be erected in High Risk Flood area aforementioned. • Flood warning signage was erected by Council and depth of water measurement signs erected on Bowral/Mittagong Road, one is a meter or so from where these pipes will enter Mittagong Rivulet and the development because it is a High Risk Flood area. • The reason for objection to granting easement is that the extra storm water piped, instead of naturally running off, into Mittagong Rivulet by means of this easement from this development will increase the occurrence and rate of flooding in this area in times of storms and periods of heavy rainfall closing the main access and exit from Bowral and access to surrounding properties together with increased flooding of the development site. • In the storm of 12 January 2019 a large volume of storm water would have been piped into the Mittagong rivulet instead of natural run off from the development site. There is a very good chance local flooding would have occurred had the stormwater from this development been piped into the Mittagong Rivulet on this date. • The proposed easement will run from the boundary of the applicant’s property to the existing discharge point at the creek within Council’s property (which is considered to be a legal point of discharge). When was the legal point of discharge approved? Was any updated study carried out to calculate the effects of flooding in this area by excess storm water piped to the Mittagong Rivulet at the legal point of discharge at the present time or at any time in the past? • Misgivings about the length of time or lack taken in preparing the report prepared for Councillors and the time allowed for a decision to be made on the matter – how was the significant amount of work required to be done finished, presented to Councillors for consideration and voted on in 10 days on 12 December 2018 instead of early 2019? Residents continually hear how snowed under Council’s staff are overloaded with DA’s some being in Council for many months. • Were points concerning surface and stormwater taken into proper consideration to determine the amount of water that would be piped into the Mittagong Rivulet as part of conditions of consent? 	<ul style="list-style-type: none"> • This issue before Council is the issue of the grant of an easement over community property, not approval of the adjoining development. • Implementation of the Bowral Floodplain Risk Management Study and Plan recommendations are not the subject of this report. • The impact of stormwater drainage run-off was considered as part of the Development Application submitted for the adjoining property and is not the subject of this report. • No preference was given to the preparation of this report. • The impact of stormwater drainage run-off was considered as part of the Development Application submitted for the adjoining property and is not the subject of this report.



	<ul style="list-style-type: none"> The report prepared for the Council meeting on 12 December 2018 states 'the cost of any future maintenance and or/upgrade of pipes must be borne by the owner/applicant, this condition will be incorporated in a section 88B instrument registered against the property. When the present owner/applicant has sold all the apartments in the block who will be responsible for maintenance of the pipes and upgrades? Any such work would be expensive, strata fees would have to be high to cover such works. Will potential purchasers be clearly advised of this fact prior to purchase? If works are needed and the Owners Corporation cannot afford to pay, will this fall back on ratepayers to carry the burden and expense which is of no benefit to the general community? 	<ul style="list-style-type: none"> The section 88B instrument will be registered on the title to the development property. Any contract for sale would contain a title search which would include a copy of the registered 88B instrument. If upgrade was required and the strata levies were not adequate to cover the expense, a special levy could be set by the owner's corporation to cover costs.
2.	<ul style="list-style-type: none"> Grant of the Easement is not in the interest of Bowral residents, have not been shown to have zero impact on the environment and may be in breach of the Rivers and Foreshore Act. It is an obscenity firstly that a Developer can sit on Council and secondly that a Council officer can be delegated to negotiate with his Deputy Mayor over the amount of compensation payable. If the granting of the easement is proved to be legal and the easement works are not in breach of any Act, and the SW proposal will not damage the ecology of the creek and finally if all of that can be proved satisfactorily that there will be no alteration to the 1 in 100 year flood levels then the compensation payable by the Developer should be assessed and set by an independent licensed and registered valuer. Suggest the current proposal to "negotiate" compensation is not in Council's interest and does not pass "the pub test". All previous objections raised to date to the development in its previous form still stands and are relevant to the current form. If the development raises the flood level beyond the current 1 in 100 year line there will be legal action taken against involved. Extreme concerned about the effect the construction works will have on Victoria Street traffic before and after school. Evidence of proposed material handling, especially during excavation works and concrete pouring should be provided. Handling the approval process for construction certificate extremely important and Council must ensure that the potential for conflict and injunctions is kept to an absolute minimum. 	<ul style="list-style-type: none"> No evidence has been provided as to how grant of the easement may be in breach of the Rivers and foreshore Act. Council has followed due process in relation to the grant of the easement. The report to Council refers to the grant of the easement, not the approval of the development. An independent valuation was obtained by Council. Traffic congestion is not related to grant of the easement. The handling of the construction certificate is a separate matter and not the subject of this report.
3.	<ul style="list-style-type: none"> Deceptions being used to support the drainage of storm water/flood water from the Holland Park apartment development DA directly to the Mittagong Rivulet. Excess water will be piped to the rivulet from storage/sullage pits in the basement car park of the Holland Park development. This in turn will create a backwash effect at times of extreme flood. Floria on the corner of Victoria Street, continues to have problems in times of extreme wet weather. Water also overflows into the rivulet. With new development such as Retford Park adding storm water to the rivulet plus in the future it is understood the former OLSH convent is earmarked for an over 55's housing development, so too this excess rainwater will also drain into the rivulet in turn causing more water to flow back rather than down toward Burradoo. In 2016 the power of the water coming down was evident which resulted in the death of a local man whose car was carried down the rivulet and overturned in the current. 	<ul style="list-style-type: none"> No land will be sacrificed for the development, the pipes are laid underground and the park will not change. The Development Application is not the subject of this report. Potential for any flood affectation from the development on the adjoining site was taken into account at the development application stage. This report is to deal with an easement to drain water from the site to the creek.
4.	<ul style="list-style-type: none"> The proposed development will involve hundreds of square metres of hardstand that doesn't currently exist. In times of heavy rain huge quantities of runoff will travel to the creek through the easement. No study into the effect of this runoff to water levels upstream during heavy rainfall appears to have been done in the original DA. The increased water volume 	<ul style="list-style-type: none"> The subject before Council is the grant of the easement, not the development application.



<p>flowing into the small creek will have severe consequences for properties upstream of the site, particularly the properties immediately adjacent to the development site.</p> <ul style="list-style-type: none"> Concerns expressed regarding consequences for access to the parkland the easement affects. Currently heavy Council vehicles and recreational users of the park access the land through a driveway that goes directly over the land affected by the easement. Access will no longer exist. Community not getting a fair value for the proposed easement. Valuation assessing compensation for \$5,400 excluding GST - this seems a remarkably small amount of money for an easement that is essential for the building of a multi-million dollar development. Basic low density residential allotment 700m2 sells for \$400,000 – therefore \$571/m2 Easement for high density residential development site assume 20 metres long by 3 metres wide 60m2 @ \$571m2 = \$34,260 The developer was trying to sell the site years ago for millions of dollars (\$REDACTED) prior to the development being approved. The site must now be worth considerably more and believe a fairer calculation of value would be 60m2 @ \$1,500/m2 = \$90,000 – request easement be revalued to reflect fair market value to the residents of the Southern Highlands. 	<ul style="list-style-type: none"> From inspection the area of the easement would only normally be traversed on foot and not by vehicle and will continue to be able to be traversed on foot. The area of the easement will still be able to be crossed by pedestrians to gain access to Mittagong Road. The land is not being sold or transferred and the value is therefore lower. Council retains ownership of the land but grants rights over the land in favour of the adjoining property. A valuation was obtained from an independent valuer and is consistent with compensation payable for other easements granted over Council land within the shire (ie. Mittagong Golf Course, Oval at Elizabeth Street, Moss Vale).
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11.7 Final Report on The Nattai Ponds Floodplain Risk Management Study and Plan

Reference:	8100/17.1
Report Author:	Floodplain and Stormwater Engineer
Authoriser:	Coordinator Assets – Water, Sewerage and Drainage
Link to Community	
Strategic Plan:	Develop partnerships and implement programs and education that enable people to live sustainably

PURPOSE

The purpose of this report is to advise Council on the outcomes of the Nattai Ponds Floodplain Risk Management Study & Plan and recommend its adoption.

RECOMMENDATION

1. **THAT the Nattai Ponds Floodplain Risk Management Study & Plan Report be adopted;**
2. **THAT Council proceed to the implementation stage of the risk management plan.**

REPORT

BACKGROUND

For many years, Council has been undertaking Flood Studies and Floodplain Risk Management Study & Plans for various catchments across the shire in accordance with the NSW Government's Flood Policy and Floodplain Development Manual.

Under the policy, the management of flood liable land is the responsibility of Local Government. The State Government may provide 2/3 funding for approved projects through the Department of Planning, Industry and Environment (DPIE). The floodplain risk management study & plan is the second stage in the floodplain management process. The risk management study considers various flood mitigation options and suggests their implementation considering the benefits and costs. The floodplain management process is outlined below:

Stage	Description
1. Flood Study	Determines the nature & extent of the flooding problem
2. Floodplain Risk Management Study	Evaluates management options for existing & future development of the floodplain, taking into consideration the social, economic & environmental costs & benefits
3. Floodplain Risk Management Plan	Management plan for the risks identified in the risk management study
4. Plan Implementation	Implementation of actions identified in the plan

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The stages 2 & 3 are undertaken together.

The Nattai Ponds flood study was completed in 2016 with a grant from State Government. On receipt of another grant in 2016-17, Council commissioned the Nattai Ponds Floodplain Risk Management Study and Plan. The study has been completed and the final report has been received.

REPORT

Council commissioned Catchment Simulation Solutions Pty Ltd to undertake the Nattai Ponds Floodplain Risk Management Study & Plan. The study was prepared in consultation with the residents and property owners, Council's Floodplain Risk Management Advisory Committee (WFRMAC), Council staff and the Department of Planning Industry and Environment (DPIE).

In accordance with the recommendations of the WFRMAC and Council, the draft report was publicly exhibited from 18 July to 19 September 2019. A total of 6 submissions were received during the exhibition period and the main issues raised in the submissions were:

- Flooding has worsened due to the raising of Scarlet Street and the culvert on Scarlet Street is too high,
- The calculated flood damage figures do not reflect actual damages,
- A significant amount of silt and debris have been accumulated in the creek,
- Flooding has worsened due to Renwick development.

The issues raised in the submissions were addressed and are included in the final report. The executive summary of the Nattai Ponds Floodplain Risk Management Study & Plan is included in **Attachment 1** and a full copy of the report has been made available in the Councillors' Room. The catchment plan is included in **Attachment 2**.

COMMUNICATION AND CONSULTATION

Community Engagement

Community consultation was undertaken in 3 phases. Phase 1: At the beginning of the study, a community information brochure and questionnaire were distributed to 164 household and businesses to understand the types of flooding impacts that the community has experienced, how people would respond during future floods and what key objectives potential flood risk management measures should focus on. A total of 29 responses were received.

Phase 2: The draft report on the Nattai River Floodplain Risk Management Study and Plan was placed on Public Exhibition from 19 July to 19 September 2019. The public exhibition period was advertised in the local newspapers. The draft report was made available on Council's website and hard copies were made available at the following locations:

- Bowral Library
- Mittagong Library
- Moss Vale Library
- Moss Vale Civic Centre

Six submissions were received on the draft report and are described in the report section of this report and addressed in the final study report.

Phase 3: During the public exhibition period, a community meeting was held in the Council Chambers, 5 residents attended.

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Two media releases were published in the local newspapers at the beginning of community consultation and before the public exhibition.

Internal Communication and Consultation

Staff members from Council's Development Services, Strategic Planning & Asset branches were consulted.

External Communication and Consultation

The Wingecarribee Floodplain Risk Management Advisory Committee, the Department of Planning, Industry and Environment, and the SES were consulted. Councillors were briefed about the submissions and how they were addressed on 11 December 2019.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no immediate budgetary implications that may come out of this report. There are two recommended flood modification options (structural measures) costing a total amount of \$420,000. At present the benefits of such a project do not meet the relevant grant criteria in terms of cost benefit. Further investigations will be required before considering these projects for implementation.

RELATED COUNCIL POLICY

Nil

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OPTIONS

The options available to Council are:

Option 1

Council adopt the final report on the Nattai Ponds Floodplain Risk Management Study & Plan

Option 2

Council may decide not to adopt the final report, in that case a new study may be commissioned but will not get any government funding and the whole project cost will have to be borne by Council.

Option 1 is the recommended option to this report.

CONCLUSION

Councils are responsible for determining the extent of flooding within Council areas to determine future works, strategies to minimise the impacts of flooding and control developments on flood affected lands. The completion of the risk management study and plan will help Council to achieve the above.

ATTACHMENTS

1. Attachment 1-Executive Summary-Nattai Ponds FRMSP
2. Attachment 2-Nattai Ponds Catchment

EXECUTIVE SUMMARY

Overview

The Nattai Ponds catchment is located within the Wingecarribee Shire Council LGA on the Southern Highlands of New South Wales and occupies a total area of 7.9 km². The catchment comprises a mix of urbanised and rural land uses and includes the suburbs of Renwick, Balaclava and Braemar, the eastern sections of Mittagong as well as Willow Vale. The extent of the catchment is shown in **Figure 1**, which is enclosed in Volume 2 of this report.

During periods of heavy rainfall there is potential for flooding across parts of the catchment. Flooding may occur as a result of major watercourses overtopping their banks or from overland flooding when the capacity of the local stormwater system is exceeded. Flooding across the catchment has been experienced in February 2007, August 2014 and most recently in August 2015.

Although a significant proportion of the catchment is currently undeveloped, development pressure in the area will likely lead to the expansion of the existing urban areas. This urban expansion may increase the existing flood risk (associated with additional runoff) and has the potential to introduce more people into flood liable areas (resulting in a potential increase in the future flood risk).

In recognition of the existing and potential future flooding problems, Wingecarribee Shire Council commissioned Catchment Simulation Solutions to prepare a Floodplain Risk Management Study and Plan for the area. The primary goal of the project was to quantify the nature and extent of the existing flooding problem and evaluate options that could be potentially implemented to manage the existing, future and continuing flood risk.

The Existing Flooding Problem

The nature and extent of the existing flooding problem was quantified using computer flood models that were originally developed as part of the '*Nattai Ponds Flood Study*' (Catchment Simulation Solutions, 2016). The models were updated as part of the current study including application of the revised hydrologic procedures outlined in the 2016 version of Australian Rainfall and Runoff.

The outputs from the flood simulations were used to quantify the potential impact of flooding on people, vehicles and property across the catchment for existing as well as potential future catchment conditions. The outcomes of the modelling determined that:

- 1 property would likely experience above floor flooding in a 10% AEP flood. During a 1% AEP flood, 6 properties are predicted to experience above floor inundation and during the probable maximum flood (PMF), over 100 properties are likely to experience above floor inundation.
- A number of roadways are predicted to be cut by floodwaters during the 1% AEP flood. This includes Inkerman Road, Scarlet Street and Braemar Avenue. During the PMF, the



Old Hume Highway, Hume Motorway and Bong Bong Road are also predicted to be cut by floodwaters.

- The average annual flood damage cost for existing catchment conditions would be about \$21,000. Properties located in the following areas are expected to suffer the highest flood damage costs:
 - Biggera Street, Braemar;
 - Inkerman Road and Scarlett Street, Balaclava;
 - Braemar Industrial Area;

Impacts of Future Catchment Development

Future development across the catchment has the potential to increase existing flood flows, levels, depths and extents across parts of the catchment. More specifically, flood flows/discharges are predicted to increase by a minimum of 5 to 10% across most areas and peak flood levels/depths are predicted to increase by over 0.2 metres at some locations. The increases in flood flows, levels and depths are predicted to increase existing average annual flood damages costs by around \$2,000 per annum.

Impacts of Climate Change

Increases in rainfall associated with climate change also has the potential to increase the existing flood risk. More specifically:

- A 14% increase in rainfall will likely result in an additional 5 properties being exposed to above floor flooding during a 1% AEP flood. This is expected to cause an additional \$358,000 worth of damage across the catchment during a 1% AEP flood (a 122% increase in damages relative to existing conditions)
- A 34% increase in rainfall is predicted to result in 9 additional properties being exposed to above floor flooding inundation during a 1% AEP flood and result in an additional \$603,000 worth of damage across the catchment (a 206% increase in damages relative to existing conditions).

Options Considered for Better Managing the Flood Risk

A range of flood modification, property modification and response modification measures were considered to help manage the existing and future flood risk. Each option was evaluated against a range of criteria to provide an appraisal of its potential feasibility. This included the impact that each option would likely have on existing flood behaviour, the environment, economics and emergency response as well as the technical feasibility of each option. The outcomes of the detailed assessment of each option are presented in the following chapters:

- Flood Modification Options: [Chapter 7](#)
- Property Modification Options: [Chapter 8](#)
- Response Modification Options: [Chapter 9](#)

Based upon the outcomes of the detailed evaluation, the options outlined in **Table 1** are recommended for implementation to assist in better managing the existing, future and continuing flood risk across the catchment. This Floodplain Risk Management Study is accompanied by a Floodplain Risk Management Plan (FRMP). The FRMP provides a consolidated overview of each of the recommended flood risk management options, including likely costs, implementation schedules and implementation responsibility.



Several other options were also identified as being beneficial in better managing the flood risk. However, they were found to afford little financial benefits and are, therefore, not recommended as part of the Plan. However, Council could look to implement these options as part of its capital works program in the future. These options include:

- Upgrading of the stormwater system between Biggera Street and Old Hume Highway (near the Old Pot Factory) (FM5)
- Enlargement of the existing channels in the vicinity of Inkerman Road and Scarlet Street (FM12)
- Upgrade of Inkerman Road and Scarlet Street (RM7)

It is also advised that Council monitors flooding in the Inkerman Road and Scarlet Street area during future storm events.

Draft Floodplain Risk Management Plan

Based upon the outcomes of the detailed evaluation, the options outlined **Table 1** are recommended for implementation as part of the draft Floodplain Risk Management Plan for the Nattai Ponds catchment. Further detailed information on each option including costs, implementation schedules and funding opportunities is also provided in **Table 1**. The recommended set of options are also shown on **Figure 48**.

It is expected that implementation of the plan will have a capital cost of approximately \$420,000. In addition to the capital costs, some options will require an investment in time from various agencies including Wingecarribee Shire Council and the State Emergency Service in addition to monetary contributions.

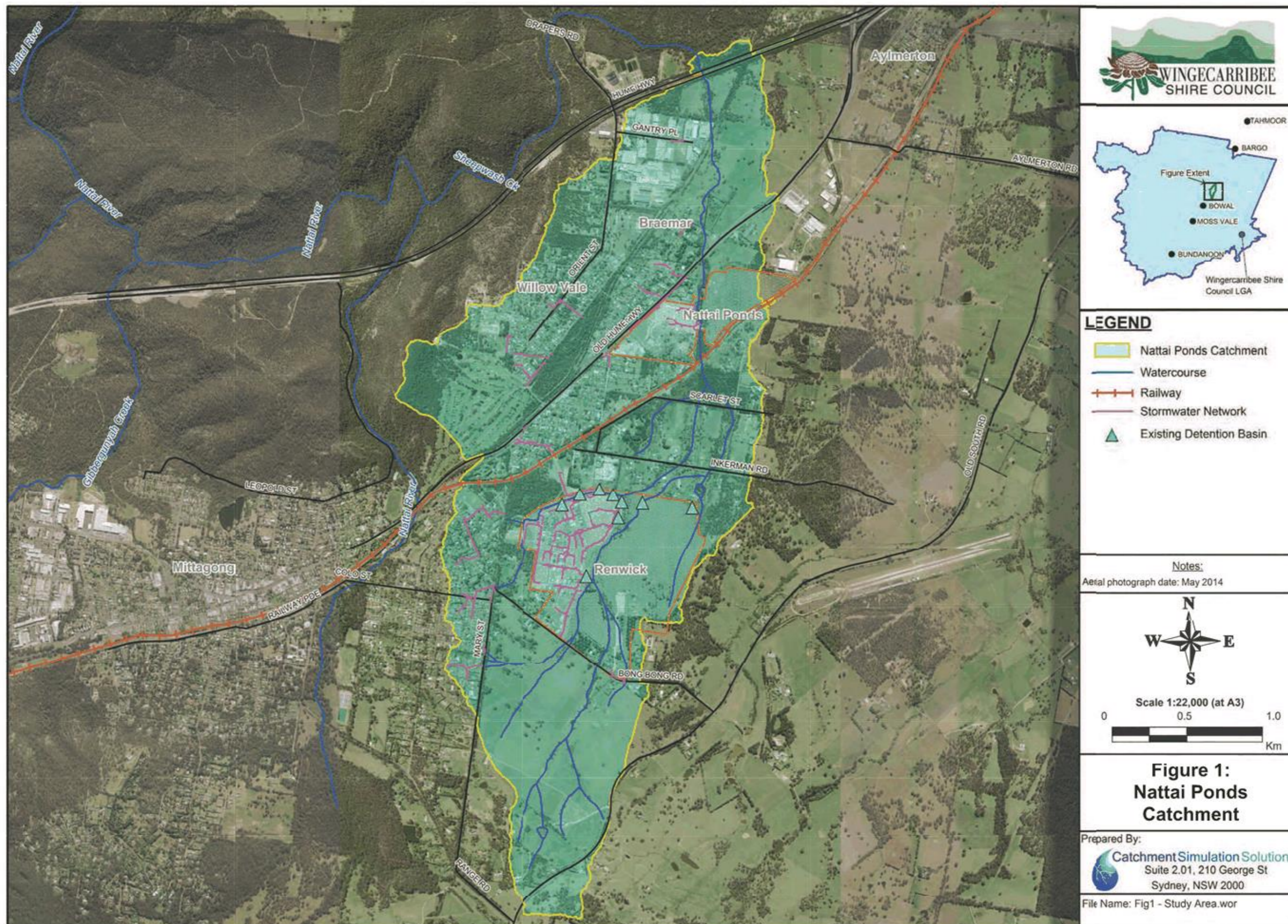
It needs to be recognised that implementation of the flood modification options will not eliminate the potential for flooding within the Nattai Ponds catchment and the options may take a number of years before they are fully implemented. Therefore, implementation of the remaining, property and response modification options, as well as these aimed to reduce the future flood risk are considered essential for ensuring the existing flood risk is not increased in the future and the continuing flood risk is minimised during particularly severe floods.





Table 1 Recommended Floodplain Risk Management Options for the Nattai Ponds catchment

#	Option Description	Report Section	Cost	Implementation Responsibility	Priority
Flood Modification Options					
FM8	Elevate railway embankment near Biggera Street	7.4.1	\$370,000	Council & OEH	Medium
FM9	Enlarge drainage channels adjacent to Braemar industrial area	7.5.1	\$50,000	Council & OEH	Medium
Property Modification Options					
PM1	LEP Amendments	8.2	Council Time	Council	High
PM2	DCP Amendments	8.2.2	Council Time	Council	High
PM3	Update Section 10.7 certificate information	8.2.3	Council Time	Council	High
Response Modification Options					
RM1	Local Flood Plan Updates	9.2.1	SES Time	SES	High
RM2	Community Education	9.2.2	Council & SES Time	Council & SES	High
RM3	Make property level flood information available	9.2.3	Council	Council	High
RM4	Encourage the community to develop household Flood Plans	9.2.4	Council & SES Time	SES / Individual Residents	High
RM5	Encourage the community to develop business Flood Plans	9.2.4	Council & SES Time	SES / Individual Business Owners	High
RM6	Develop a safe on-site refuge policy	9.2.5	Council & SES Time	Council	Medium
Options for Reducing the Future Flood Risk					
Fut1	Onsite Detention Policy	10.2	Council Time	Council	High
Fut2	Do not increase future development densities in flood constrained land	10.3	Council Time	Council	High



11.8 Notice to Minister for Lands & Forestry - Native Title Manager

Reference:	5300/1
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval for the appointment of a second Native Title Manager and to give formal notification to the Minister for Lands and Forestry as required under Section 8.8 of the *Crown Land Management Act 2016*.

RECOMMENDATION

1. **THAT Council appoint the Coordinator of Property Services and the Property & Projects Officer as Native Title Managers with respect to the requirements of the *Crown Land Management Act 2016***
2. **THAT Council give notice to the Minister for Lands and Forestry of the contact details of Council's Native Title Managers as required under Section 8.8 of the *Crown Land Management Act 2016*.**

REPORT

BACKGROUND

The management of Crown Land has changed significantly as a result of the *Crown Land Management Act 2016* (CLM Act) which came into force on 1 July, 2018. To comply with the requirements of CLM Act written advice from a Native Title Manager must be obtained for any dealing by Council on Crown Land to ensure those dealings can be validated under Native Title legislation.

Council's Coordinator of Property Services was appointed as Council's Native Title Manager by resolution of Council on 13 March 2019 (MN 91/19).

REPORT

A Native Title Manager is a person who has undertaken approved training facilitated by the Crown Solicitors Office and the Department of Industry – Lands and Water and who holds the necessary qualification issued by Department of Industry – Lands and Water.

It is in Council's best interest to have more than one Native Title Manager to ensure that there is no preventable delays with the provision of Native Title advice. Accordingly, training has now been undertaken by Council's Property & Projects Officer in December 2019 where the Native Title Manager qualification for the purposes of the CLM Act has been obtained.

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Council is required to provide written notice on an annual basis of the name and contact details of its Native Title Manager(s) to the Minister for Lands and Forestry.

COMMUNICATION AND CONSULTATION

Community Engagement

Not required.

Internal Communication and Consultation

Executive

External Communication and Consultation

Crown Lands - Department of Planning, Industry & Environment

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**

Providing written notice to the Minister for Lands and Forestry of Council's appointed Native Title Manager is a requirement under Section 8.8 of the *Crown Land Management Act 2016*.

COUNCIL BUDGET IMPLICATIONS

None identified.

CONCLUSION

It is recommended that Council appoint the Coordinator of Property Services and Property & Projects Officer as Native Title Manager and formally notify the Minister for Lands and Forestry of these appointments to comply with the requirements of CLM Act.

ATTACHMENTS

There are no attachments to this report.

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



Barry W Paull

Deputy General Manager Operations, Finance and Risk

Thursday 6 February 2020

12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 25 November 2019 to 20 January 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 25 November 2019 to 20 January 2020.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 25 November 2019 to 20 January 2020 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date Range: 25 November 2019 to 20 January 2020

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	19/1680	1085 Old Hume Highway Alpine NSW 2575 Lot 1 DP 605509	P Christensen, C Staunton	Residential Alterations And Additions (Shed)	27/05/2019	163	73	236	19/01/2020
2	20/0411	1165 Sheepwash Road Avoca NSW 2577 Part Lot A DP 352035	SP Grant	Residential Alterations and Additions (Extensions)	08/10/2019	22	50	72	20/12/2019
3	20/0598	5 Crane Street Balaclava NSW 2575 Lot 21 Sec 6 DP 841	W Moore	Residential Alterations And Additions (Shed)	18/11/2019	0	29	29	17/12/2019
4	20/0136	7 Truro Place Balmoral NSW 2571 Lot 204 DP 1240094	G Tilley, K Tilley	Dwelling House	02/08/2019	91	48	139	20/12/2019
5	20/0330	13 Bolans Road Balmoral NSW 2571 Lot 1 DP 1210978	M Filetti, F Filetti	Dwelling House	16/09/2019	77	40	117	11/01/2020
6	20/0581	214 Greenhills Road Berrima NSW 2577 Lot 2 DP 584423	Bong Bong Pty Limited	Commercial Alterations And Additions (Shed)	13/11/2019	0	35	35	19/12/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
7	14/0737.06	13 Clarke Street Bowral NSW 2576 Lot 12 DP 1080812	G Petkovic, M Petkovic	Section 4.55 Modification (Adjust Floor Levels of Units, Common Areas and Courtyards)	18/09/2019	0	116	116	Approved by Council 11/12/2019
8	16/0670.04	7 Hamilton Avenue Bowral NSW 2576 Lot 82 DP 1065886	Rosemary Pty Limited	Section 4.55 Modification (Extensions)	18/11/2019	0	30	30	18/12/2019
9	16/0895.03	12 Gibraltar Road Bowral NSW 2576 Lot 115 DP 15496	T Jones, A Jones	Section 4.55 Modification (Internal Alterations)	12/09/2019	0	84	84	06/12/2019
10	17/1679.01	2 Walker Street Bowral NSW 2576 Lot 2 DP 625407	KND Nominees Pty Ltd	Section 82A Review (Boarding House)	08/05/2019	0	216	216	Approved by Council 11/12/2019
11	17/1773.02	Southern Highlands Botanic Gardens 1 Old South Road Bowral NSW 2576 Lot 1 DP 1231536	Wingecarribee Shire Council	Section 4.55 Modification (Amend Conditions Pertaining to Construction Work)	26/11/2019	0	47	47	13/01/2020
12	17/1822.04	2-18 Centennial Road Bowral NSW 2576 Lots 1 – 2 DP 1101892 Lots 4 - 11 DP 1109214	Waterbrook Bowral Pty Limited	Seniors Housing (Stage 2A – 28 Dwellings)	22/07/2019	139	2	141	Approved by Council 11/12/2019
13	19/0200.06	65 Sir James Fairfax Circuit Bowral NSW 2576 Lot 305 DP 1234848	DA Alvaro	Section 4.55 Modification (Changes To Windows, Doors And Internal Layout)	25/11/2019	5	1	6	02/12/2019
14	19/0711	4a Gordon Road Bowral NSW 2576 Lot 352 DP 1166093	P Hodgson, LE Hodgson	Subdivision (2 Lots)	05/11/2018	98	28	126	Deferred Commencement 13/01/2020
15	19/1177	2 Albert Street Bowral NSW 2576 Lot 2 DP 1240587	PM Weate, M Barr	Subdivision (7 Lots)	08/02/2019	237	66	303	09/12/2019
16	20/0237	Loseby Park 2a Park Road Bowral NSW 2576 Lot 1 DP 943788 Lot 1 & Lot 3 DP 798513 Lot 6 DP 1177025	Wingecarribee Shire Council	Community Facility	28/08/2019	92	13	105	13/12/2019
17	20/0372	24a Mittagong Road Bowral NSW 2576 Lot 21 DP 1141846	DA DE Reuck, M DE Reuck	Dwelling and Secondary Dwelling	26/09/2019	91	21	112	17/01/2020
18	20/0466	2a Martha Street Bowral NSW 2576 Lot 1 DP 358101	R Dwyer, R Maddigan	Residential Alterations And Additions (Extensions, Carport)	16/10/2019	0	57	57	12/12/2019

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19	20/0490	47 Park Road Bowral NSW 2576 Lot 16 DP 36601	LF Brooker	Residential Alterations And Additions (Internal Alterations & Extension)	21/10/2019	53	36	89	19/01/2020
20	20/0522	33 Alice Avenue Bowral NSW 2576 Lot 802 DP 1010801	S King	Residential Alterations And Additions (Shed)	30/10/2019	29	12	41	11/12/2019
21	20/0591	10 Soma Avenue Bowral NSW 2576 Lot 110 DP 1112590	E Granada, L Granada, D Carroll, D Carroll	Residential Alterations And Additions (Swimming Pool)	15/11/2019	0	12	12	27/11/2019
22	20/0620	60 Bendooley Street Bowral NSW 2576 Lot A DP 342460	K McGorman	Change Of Use (From Dual Occupancy to a Single Dwelling House)	21/11/2019	0	28	28	20/12/2019
23	20/0628	9 Parmenter Court Bowral NSW 2576 Lot 107 DP 1043085	RS Westaway, K Bergin	Residential Alterations And Additions (Garage, Studio)	22/11/2019	0	58	58	19/01/2020
24	20/0644	54 Bendooley Street Bowral NSW 2576 Lot 53 DP 545409 Vol 11495 Fol 00181	J Rose-Innes	Residential Alterations And Additions (Pergola & Dwelling Alterations)	26/11/2019	0	41	41	06/01/2020
25	20/0650	6 Ayrshire Parade Bowral NSW 2576 Lot 103 DP 1231974	Bazdaric Superannuation Pty Limited	Dwelling House	27/11/2019	2	11	13	11/12/2019
26	20/0692	9 Cowpastures Road Bowral NSW 2576 Lot 22 DP 837875	G Wilson, JA Wilson	Change Of Use (Change garage to living room)	05/12/2019	0	5	5	11/12/2019
27	20/0591	10 Soma Avenue Bowral NSW 2576 Lot 110 DP 1112590	E Granada, L Granada, D Carroll, D Carroll	Residential Alterations And Additions (Swimming Pool)	15/11/2019	0	12	12	27/11/2019
28	20/0094	Lot 88 Pikkat Drive Braemar NSW 2575 Lot 88 DP 1253750	Willow Properties Pty Ltd	Subdivision (13 Lots)	25/07/2019	136	11	147	20/12/2019
29	20/0180	3 Gantry Place Braemar NSW 2575 Lot 2 DP 787116	Elispaul Pty Ltd	Industry	14/08/2019	100	13	113	06/12/2019
30	20/0438	5 Gantry Place Braemar NSW 2575 Lot 3 DP 787116	Jamestown Holdings Pty Ltd, Elispaul Pty Ltd	Change Of Use (Motor Vehicle Sales)	11/10/2019	22	47	69	20/12/2019

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31	20/0543	3 Braemar Avenue Braemar NSW 2575 Lot 4 DP 1248930	K Fitzpatrick	Residential Alterations And Additions (Swimming Pool)	06/11/2019	0	21	21	27/11/2019
32	20/0586	36 Old Hume Highway Braemar NSW 2575 Lot 17 Sec 1 DP 792	A Sawaqed	Residential Alterations And Additions (Garage & Studio)	14/11/2019	0	31	31	15/12/2019
33	20/0643	56 Biggera Street Braemar NSW 2575 Lot 3 Sec 2 DP 792	C Moerkerken, KE Dade	Residential Alterations And Additions (Awning)	26/11/2019	0	7	7	04/12/2019
34	15/1288.03	128 Erith Street Bundanoon NSW 2578 Lot 2 DP 1212031	SD MacGraw, B MacGraw	Section 4.55 Modification (Changes To External Facade and Site Levels, Increase Floor Area, Height and Roof Pitch)	14/11/2019	0	31	31	15/12/2019
35	19/0091.06	131 Ellsmore Road Bundanoon NSW 2578 Lot 61 DP 1041322	Jarosc Holdings Pty Ltd	Section 4.55 Modification (Reduce Fill for Road Construction. Changes to Drainage. Removal of some roadside Vegetation with a proposed replacement planting ratio of 4:1)	04/10/2019	53	27	80	24/12/2019
36	20/0076	30 Blue Gum Road Bundanoon NSW 2578 Lot 19 DP 1232533	I Johnson	Dual Occupancy (Detached)	19/07/2019	35	102	137	04/12/2019
37	20/0124	28 Ashgrove Place Bundanoon NSW 2578 Lot 22 DP 264230	D Ross	Residential Alterations And Additions (Extensions, Shed)	01/08/2019	65	52	117	27/11/2019
38	20/0170	10 Ferndale Road Bundanoon NSW 2578 Lot 120 DP 1252707	K Willcox, Y Robinson, J Montgomery	Dwelling House	12/08/2019	67	44	111	02/12/2019
39	20/0289	8 Lorna Close Bundanoon NSW 2578 Lot 6 DP 263733	D Fearon	Residential Alterations And Additions (Extensions)	06/09/2019	0	79	79	25/11/2019
40	20/0429	7 Ebury Street Bundanoon NSW 2578 Lot 4 Sec 3 DP 1510	DRW Small, G Miller	Residential Alterations And Additions (Extensions)	10/10/2019	0	55	55	04/12/2019

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41	20/0499	8 Lynne Close Bundanoon NSW 2578 Lot 32 DP 263733	DG Leaper, WE Leaper	Residential Alterations And Additions (Extensions)	22/10/2019	0	40	40	01/12/2019
42	20/0604	63 Greasons Road Bundanoon NSW 2578 Lot 4 DP 1241467	S Bidewell, M Thorpe	Dwelling House	18/11/2019	4	29	33	22/12/2019
43	20/0629	2 Blue Gum Road Bundanoon NSW 2578 Lot 20 DP 263733	D Thyrd	Residential Alterations And Additions (Shed)	22/11/2019	0	40	40	02/01/2020
44	19/0907.02	86 Osborne Road Burradoo NSW 2576 Lot 6 DP 39039 Vol 11724 Fol 00096	R Shore, C Shore	Section 4.55 Modification (Delete Office and Relocate of Rainwater Tanks)	16/12/2019	0	1	1	18/12/2019
45	19/1730	66b Osborne Road Burradoo NSW 2576 Lot 1 DP 1219836	JA Dunning, E Dunning	Dwelling House	07/06/2019	115	70	185	10/12/2019
46	20/0668	42 Burradoo Road Burradoo NSW 2576 Lot 12 DP 632533	D Church, J Clifford	Residential Alterations And Additions (Extensions)	02/12/2019	6	13	19	22/12/2019
47	20/0504	11 Stratford Way Burradoo NSW 2576 Lot 16 DP 865333	S Edwards, N Edwards	Residential Alterations And Additions (Shed)	25/10/2019	0	52	52	16/12/2019
48	20/0534	Briars Inn & Lodge Moss Vale Road Burradoo NSW 2576 Lot 2 DP 1176315	Dh Bi Pty Ltd	Business Premises (Alterations and Additions)	01/11/2019	0	34	34	06/12/2019
49	20/0649	33 Sunninghill Avenue Burradoo NSW 2576 Lot 23 DP 1010864	KA Hart, G Hart	Residential Alterations And Additions (Studio)	27/11/2019	0	40	40	06/01/2020
50	20/0301	1c Hoddle Street Burrawang NSW 2577 Lot 2 DP 575709	P Gallop	Subdivision (3 Lots)	10/09/2019	19	99	118	Deferred Commencement 07/01/2020
51	20/0642	23 Church Street Burrawang NSW 2577 Lot 4 DP 245350	JM Rodger, FC Rodger	Residential Alterations And Additions (Swimming Pool)	26/11/2019	0	14	14	11/12/2019
52	20/0520	541 Tugalong Road Canyonleigh NSW 2577 Lot 11 DP 1013769	S Nasser	Residential Alterations And Additions (Swimming Pool)	29/10/2019	15	13	28	27/11/2019

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53	19/0739.07	7 Stringybark Close Colo Vale NSW 2575 Lot 220 DP 1245987	IB Walker, MA Walker	Section 4.55 Modification (Tree Removal)	30/10/2019	20	7	27	27/11/2019
54	20/0248	4 Stringybark Close Colo Vale NSW 2575 Lot 229 DP 1245987	SW Kearns, P Kearns, P Lyall, P Lyall	Dwelling House and Secondary Dwelling	30/08/2019	39	56	95	04/12/2019
55	20/0677	1 Acacia Street Colo Vale NSW 2575 Lot 3 DP 1230986	DAI Vlaming, V Vlaming	Residential Alterations and Additions (Shed)	03/12/2019	0	17	17	20/12/2019
56	15/0874.05	34 Bundanoon Road Exeter NSW 2579 Lot 5 Sec 10 DP 3373 Lot 28 Sec 10 DP 3373 Lot 6 DP 1017039	JAW Flett	Section 4.55 Modification (Design changes, modifications to doors, windows and finishes)	13/12/2019	0	30	30	13/01/2020
57	20/0244	14 Yarwood Drive Exeter NSW 2579 Lot 7 DP 1000550	KH Wright, SV Squire	Residential Alterations And Additions (Shed)	29/08/2019	0	87	87	25/11/2019
58	20/0300	235 Werai Road Exeter NSW 2579 Lot 1 DP 828401	Nibico Pty Ltd	Residential Alterations and Additions (Extensions)	10/09/2019	0	89	89	09/12/2019
59	20/0457	169 Ringwood Road Exeter NSW 2579 Lot 2 DP 1013343	Singercorp Pty Limited	Secondary Dwelling, and Alterations and Additions to Existing Dwelling (Extensions, Swimming Pool and Stables)	14/10/2019	6	50	56	10/12/2019
60	20/0494	16 Exeter Road Exeter NSW 2579 Part Lot 2 DP 1221039	Wingecarribee Shire Council	Exeter Rural Fire Service (Driveway and Hardstand)	21/10/2019	0	37	37	27/11/2019
61	20/0548	100 Old Argyle Road Exeter NSW 2579 Lot 41 DP 811984	SW Jones, LE Jones	Residential Alterations and Additions (Extensions)	07/11/2019	0	24	24	01/12/2019
62	20/0673	213 Ellsmore Road Exeter NSW 2579 Lot 1 DP 634137	S Haggerty, J Haggerty	Residential Alterations and Additions (Extensions, Internal Alterations)	02/12/2019	0	13	13	15/12/2019
63	20/0619	530 Redhills Road Fitzroy Falls NSW 2577 Lot 1 DP 1162070	I Clubb, K Clubb	Residential Alterations and Additions (Internal Alterations. Demolition of toilet structure)	21/11/2019	0	60	60	20/01/2020

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64	16/0913.04	251 Sproules Lane Glenquarry NSW 2576 Lot 1 DP 881390	L Shead	Section 4.55 Modification (Extensions to Dwelling)	12/09/2019	1	9	10	15/12/2019
65	20/0404	120 George Emery Lane Glenquarry NSW 2576 Lot 3 DP 1134160 Lot 2 DP 1238484 Lot 1 DP 1238484	S Kean	Dwelling House, Secondary Dwelling and Farm Building	04/10/2019	0	63	63	06/12/2019
66	19/1777	50 Cumberteen Street Hill Top NSW 2575 Lots 6-12 Sec 42 DP 1349	Capolino Investments Pty Ltd	Dual Occupancy (Detached) and Subdivision (2 Lots)	20/06/2019	0	185	185	23/12/2019
67	20/0066	35 Denison Street Hill Top NSW 2575 Lot 1 DP 1196571	DC Stephanidis	Subdivision (2 Lots)	17/07/2019	152	5	157	23/12/2019
68	20/0216	5-7 Mylora Street Hill Top NSW 2575 Lot 3352 DP 1215161	T Bisiker, S Mazuran	Dwelling House	23/08/2019	5	112	117	19/12/2019
69	20/0571	61 Ella Street Hill Top NSW 2575 Lot 44 Sec 1 DP 10173	Mj Morgan, MI Turner	Dwelling House & Tree Removal	12/11/2019	33	36	69	20/01/2020
70	20/0622	90 Kia-Ora Lane Kangaloon NSW 2576 Lot 1 DP 709327	S Thomas,D Thomas	Residential Alterations And Additions (Garage, Internal Alterations)	21/11/2019	0	17	17	08/12/2019
71	20/0597	172 Mandemar Lane Mandemar NSW 2575 Lot 5 DP 261133	A McCormick, M McCormick	Residential Alterations And Additions (Extensions)	18/11/2019	0	7	7	25/11/2019
72	20/0648	273 Joadja Road Mandemar NSW 2575 Lot 1 DP 703543	F Ciantar	Earthworks	27/11/2019	0	47	47	13/01/2020
73	16/1153.04	2 Hood Street Mittagong NSW 2575 Lot 10 DP 608592	R Herborn	Section 4.55 Modification (Change From Gable Roof To Hip Roof)	08/11/2019	0	24	24	02/12/2019
74	18/0247.06	41 Oxley Drive Mittagong NSW 2575 Lot 11 DP 1214567	JWH Jessop, VM Jessop	Section 4.55 Modification (Alter layout and change external cladding to include galvanised iron)	02/10/2019	0	62	62	04/12/2019

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75	19/1765.07	5 Barton Close Mittagong NSW 2575 Lot 15 DP 1213476	ME Lisle, JH Barry	Section 4.55 Modification (Increase Floor To Height By 300mm)	16/12/2019	0	6	6	22/12/2019
76	20/0134	8 Victoria Street Mittagong NSW 2575 Lot 3 DP 354018	A D'Onofrio	Residential Alterations And Additions (Shed)	02/08/2019	67	68	135	16/12/2019
77	20/0152	193-203 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1142703	Bieson Pty Ltd	Commercial Alterations And Additions (Extensions)	06/08/2019	0	163	163	16/01/2020
78	20/0318	74 Bowral Road Mittagong NSW 2575 Lot 15 DP 12601	D Smith, BA Smith	Subdivision (2 Lots) and Alterations & Additions to Existing Dwelling	13/09/2019	22	100	122	15/01/2020
79	20/0340	61 Old Hume Highway Mittagong NSW 2575 Part Lot 1 DP 1232714	Development Implementation Pty Ltd	Subdivision (3 Lots)	19/09/2019	0	94	94	23/12/2019
80	20/0468	2/6 Davy Street Mittagong NSW 2575 Lot 2 S/P 94679	Harby Developments Pty Ltd	Light Industry (Office and Mezzanine to Unit 2)	16/10/2019	0	63	63	18/12/2019
81	20/0502	3 Alice Street Mittagong NSW 2575 Lot 151 DP 931665 Lot 152 DP 931664	J Houghton, JM Houghton	Demolish two Sheds. Dwelling Extension and Internal Alterations.	24/10/2019	0	49	49	12/12/2019
82	20/0566	7 Bessemer Street Mittagong NSW 2575 Lot 1 DP 547363	K Grew	Residential Alterations and Additions (Extensions)	11/11/2019	27	37	64	14/01/2020
83	20/0610	233 Range Road Mittagong NSW 2575 Lot 10 Sec 4 DP 2133	PR Walters, C Walters	Residential Alterations And Additions (Deck and Verandah)	18/11/2019	0	10	10	29/11/2019
84	20/0681	17 Robinson Street Mittagong NSW 2575 Lot 132 DP 1247015	G Biasi, S Biasi	Residential Alterations And Additions (Awning)	03/12/2019	0	40	40	13/01/2020
85	20/0726	80a Railway Parade Mittagong NSW 2575 Lot 2 DP 617323	M Linolli, R Wilson	Residential Alterations And Additions (Shed)	16/12/2019	0	18	18	03/01/2020
86	18/0744.01	Civic Centre 68 Elizabeth Street Moss Vale NSW 2577 Part Lot 3 DP 1108992	Wingecarribee Shire Council	Section 4.55 Modification Public Administration Building (Internal and External Alterations)	20/08/2019	0	108	108	06/12/2019

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87	19/0699.01	6570 Illawarra Highway Moss Vale NSW 2577 Lot 41 DP 130173	Common Ground Property (NSW) Pty Ltd	Section 4.55 Modification (Remove Conditions pertaining to Vegetation Management Plan & Construction of Kerb and Gutter)	29/10/2019	0	47	47	16/12/2019
88	20/0082	55a Throsby Street Moss Vale NSW 2577 Lot 4 DP 562619	J Pavlik, B Pavlik	Change Of Use (Shop)	23/07/2019	0	152	152	23/12/2019
89	20/0138	14/17 Old Dairy Close Moss Vale NSW 2577 Lot 15 S/P 99448	Brogan Nominees Pty Limited	Recreational Facility (Martial Arts School)	02/08/2019	0	142	142	23/12/2019
90	20/0374	2 Lindsay Road Moss Vale NSW 2577 Lot 14 DP 1248979	Duende Property Pty Limited	Dual Occupancy (Detached) and Subdivision (2 Lots)	26/09/2019	33	54	87	23/12/2019
91	20/0443	17 Old Dairy Close Moss Vale NSW 2577 Lot 22 S/P 99448	Sitecat Pty Limited	First Use - Commercial Premises	11/10/2019	0	65	65	16/12/2019
92	20/0507	58 Broughton Street Moss Vale NSW 2577 Lot 4000 DP 1242576	S K C, R Thapa	Dwelling House	25/10/2019	38	9	47	12/12/2019
93	20/0509	21 Torulosa Drive Moss Vale NSW 2577 Lot 126 DP 1232222	Ca Blunt	Residential Alterations and Additions (Deck, Privacy Screen & Swimming Pool)	25/10/2019	0	41	41	05/12/2019
94	20/0536	4 Warrawong Drive Moss Vale NSW 2577 Lot 138 DP 1232222	KA Nicholson, T Hope	Change Of Building Envelope	04/11/2019	0	32	32	06/12/2019
95	20/0564	21a Young Road Moss Vale NSW 2577 Lot 6 DP 1222061	E Smith, J Smith	Residential Alterations and Additions (Shed)	11/11/2019	14	15	29	11/12/2019
96	20/0594	45 Narellan Road Moss Vale NSW 2577 Lot 134 DP 1232222	C Young, L Young	Residential Alterations and Additions (Retaining Wall)	15/11/2019	0	22	22	07/12/2019
97	20/0599	77 Parkes Road Moss Vale NSW 2577 Lot 9 DP 569475	G McLaren, J McLaren	Demolish Existing Shed. Construct New Shed	18/11/2019	0	9	9	27/11/2019

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98	20/0603	31 Throsby Street Moss Vale NSW 2577 Lot 18 Sec 1 DP 975495	A Hans	Residential Alterations and Additions (Extensions and Internal Alterations)	18/11/2019	0	33	33	21/12/2019
99	20/0605	16 Peppermint Drive Moss Vale NSW 2577 Lot 17 DP 1252867	P Bettar	Dwelling House	18/11/2019	0	62	62	19/01/2020
100	20/0613	71 Iona Park Road Moss Vale NSW 2577 Lot 1 DP 623251	C Morrissey	Farm Stay Accommodation	19/11/2019	0	17	17	06/12/2019
101	19/0502.06	24 Roty Avenue Renwick NSW 2575 Lot 24 DP 1221206	S Patel, V Patel	Section 4.55 Modification (Delete Window In Principal Dwelling)	04/12/2019	5	1	6	10/12/2019
102	20/0501	17 Solomon Street Renwick NSW 2575 Lot 1320 DP 1234992	R Walsh	Dwelling House	24/10/2019	20	19	39	03/12/2019
103	20/0579	26 George Cutter Avenue Renwick NSW 2575 Lot 83 DP 1221206	M Herrera, K Herrera	Dwelling House	12/11/2019	15	7	22	05/12/2019
104	20/0621	15 Solomon Street Renwick NSW 2575 Lot 1319 DP 1234992	G Pasricha	Dwelling House	21/11/2019	45	10	55	16/01/2020
105	20/0631	22 Challoner Rise Renwick NSW 2575 Lot 9 DP 1221206	Ge Harrington	Dwelling House	25/11/2019	0	11	11	06/12/2019
106	20/0641	5 Green Street Renwick NSW 2575 Lot 122 DP 1221206	K Kumar, A Sharma	Dwelling House	26/11/2019	0	10	10	06/12/2019
107	20/0653	14 Challoner Rise Renwick NSW 2575 Lot 5 DP 1221206	G Corfield, S Corfield	Residential Alterations and Additions (Swimming Pool)	28/11/2019	0	6	6	04/12/2019
108	20/0663	30 Mackellar Circuit Renwick NSW 2575 Lot 6201 DP 1241316	R James	Dwelling House	29/11/2019	6	9	15	16/12/2019
109	20/0679	22 Challoner Rise Renwick NSW 2575 Lot 9 DP 1221206	GE Harrington	Residential Alterations and Additions (Shed)	03/12/2019	0	6	6	10/12/2019
110	20/0690	37 Green Street Renwick NSW 2575 Lot 1366 DP 1234992	R Rooke, M Rooke	Dwelling House	05/12/2019	0	5	5	10/12/2019

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111	20/0707	5 Plumb Street Renwick NSW 2575 Lot 1382 DP 1234992	N Laus	Dwelling House	10/12/2019	4	1	5	17/12/2019
112	20/0727	66 Maxted Street Renwick NSW 2575 Lot 1356 DP 1234992	J Madden, A Madden	Dwelling House	17/12/2019	0	6	6	24/12/2019
113	19/1488.03	122 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 590435	DW Pascoe, AHV Townsend	Farm Building	04/10/2019	0	96	96	09/01/2020
114	19/1548.03	43 Old Kangaloon Road Robertson NSW 2577 Lot 5 DP 244410	Woodson Accessories Pty Ltd	Section 4.55 Modification (Alterations)	22/11/2019	0	15	15	07/12/2019
115	15/0110.04	190 Hanging Rock Road Sutton Forest NSW 2577 Lot 6 DP 241054	L Jeffers, DF Jeffers	Section 4.55 Modification (Alter Dwelling Design)	05/11/2019	30	27	57	02/01/2020
116	17/1313.05	325 Oldbury Road Sutton Forest NSW 2577 Lot 6 DP 245007	Data Base Corporate Pty Limited	Section 4.55 Modification (Reduce size of shed and reposition to level ground)	27/11/2019	0	13	13	10/12/2019
117	20/0074	278 Golden Vale Road Sutton Forest NSW 2577 Lot 1 DP 1118652	The National Trust Of Australia (New South Wales)	Subdivision (2 Lots)	18/07/2019	83	74	157	Approved by Council 11/12/2019
118	20/0525	89 Berrima Street Welby NSW 2575 Lot 32 DP 1120194	BK Norman, A Norman	Alterations & Additions to Existing Dwelling. New Dwelling to create Dual Occupancy (Attached)	31/10/2019	0	48	48	18/12/2019
119	19/1195.02	Cardross 576 Myra Vale Road Wildes Meadow NSW 2577 Lot 101 & Lot 102 DP 860171	PM Muir, J Muir	Section 4.55 Modification (Additional windows to east elevation)	18/12/2019	0	24	24	11/01/2020
120	20/0265	100 Blencowes Lane Wildes Meadow NSW 2577 Lot 12 DP 586550	Joamel Holdings Pty Ltd	Secondary Dwelling	03/09/2019	119	13	132	15/01/2020
121	20/0491	216 Myra Vale Road Wildes Meadow NSW 2577 Lot 12 DP 1035684	HM Sell, M Ludington	Residential Alterations and Additions (Extensions)	21/10/2019	0	52	52	12/12/2019

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122	20/0350.03	Works Depot - 9 Cavendish Street Mittagong NSW 2575 Lot 9 Sec 39 DP 1374 Lot 10 Sec 39 DP 1374	Wingecarribee Shire Council	Section 4.55 Modification (Increase footprint of shed)	20/12/2019	0	23	23	13/01/2020

Refused Applications

123	03/0786.09	133 Old Bowral Road Bowral NSW 2576 Lot 2345 DP 1110446	Old Bowral Estate Pty Limited	Seniors Housing	19/08/2019	0	113	113	Determined by Council 11/12/2019
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Reasons for Refusal

1. The application is not waterwise;
2. The application is not consistent with Council's general water strategy,
3. The application is not consistent with Council's current situation regarding conserving water;
4. Originally consulted on the basis of this system; and
5. It is inappropriate for Council to set this precedent at this critical time.

124	16/0935.03	Cordeaux Street Willow Vale NSW 2575 Lot 4 Sec 17 DP 792 Lot 5 Sec 17 DP 792	KT Zube	Section 4.55 Modification Residential Alterations And Additions - Garage	03/04/2019	0	246	246	06/12/2019
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Reasons for Refusal

1. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development is considered contrary to the Rural lands DCP, Section A5.9.6 (i) in relation to the internal driveway.

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

2. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, the development is considered to have negative impacts on the natural and built environment.

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

3. Having regard to section 4.15 (1) (d) of the Environmental Planning and Assessment Act 1979, submissions have been received concerning about the negative impacts of the development and illegal usage of the site.

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

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4. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, the development is not considered to be within public interest. The internal driveway as constructed does not have any safety measure along the edge of the driveway and is located adjacent to the cliff, which can be unsafe for the vehicles using the driveway.

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

5. Inadequate information was provided with the application to enable Council to appropriately assess the modification of the development in relation to the Geotechnical Sign off for the placement of the fill and embankment of the already constructed internal driveway to access the shed.

[Clause 54 (6) (a) (b) of the Environmental Planning and Assessment Regulation 2000]

125	20/0226	East Parade Buxton NSW 2571 Lot 37 DP 751271	J Godfrey	Earthworks	27/08/2019	125	14	139	14/01/2020
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Reasons for Refusal

1. Pursuant to clause 54 (1) of the Environmental Planning and Assessment Regulation 2000 (the Regulation), Council requested the applicant provide additional information to accompany the application in relation to asbestos clearance certification, contamination clearance certification, and depths and extent of excavated material unlawfully deposited on the land. The applicant is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the Regulation.

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

- (a) That the proposed development is in keeping with the aim specified by clause 2 (2) of State Environmental Planning Policy 55—Remediation of Land “to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...”
- (b) That the land is not contaminated, that the land is suitable to be developed for any purpose, and that remediation is not necessary to render the land suitable to be developed for any purpose, having regard to clause 7 (1) (a)-(c) of State Environmental Planning Policy 55—Remediation of Land
- (c) That the proposed development is in keeping with the particular aims specified by clause 1.2 (2) (a), (d) (ii), and (l) of Wingecarribee Local Environmental Plan 2010:
 - (a) *to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee*
 - (d) *to provide opportunities for development and land use activities that—*
 - (ii) *do not adversely impact on natural systems and processes and the overall quality of Wingecarribee’s natural environment*
 - (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)

- (d) That the proposed development is in keeping with the following objectives of Zone RU4 Primary Production Small Lots, specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:
- *To avoid additional degradation or fragmentation of the natural environment caused by further clearing of native vegetation, high intensity development and land use*
 - *To maintain flora and fauna species and habitats, communities and ecological processes that occupy land in the zone, ensuring that development minimises any off and on site impacts on biodiversity, water resources and natural landforms*
 - 1.
 - *To conserve and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*
- (e) That the proposed development is in keeping with the earthworks objective specified by clause 7.3 (1) (a) of Wingecarribee Local Environmental Plan 2010:
- (a) *to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land*
- (f) That the proposed development is satisfactory with regard to the matters for consideration specified by clause 7.3 (3) (a)-(d) and (g) of Wingecarribee Local Environmental Plan 2010 regarding earthworks:
- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality*
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or of the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (g) *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area*
- (g) That the proposed development is in keeping with the cut and fill objective specified by section A3.7.2 (b) of Council's applicable Wingecarribee Shire Rural Living Development Control Plan:
- (b) *Minimise disturbance to existing landforms and soil profile*
- (h) That the proposed development is satisfactory with regard to the cut and fill control specified by section A3.7.3 (b) of Council's applicable Wingecarribee Shire Rural Living Development Control Plan:

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- (b) *Any cut and fill required shall comply with the maximum controls set out in clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010*
- (i) That the proposed development is in keeping with the landform and vegetation modification objective specified by section A4.5.1 (a) of Council's applicable Wingecarribee Shire Rural Living Development Control plan that all new development shall seek to use the existing natural topography of the site
- (j) That the proposed development is in keeping with the landform and vegetation modification objective specified by section A4.5.1 (c) of Council's applicable Wingecarribee Shire Rural Living Development Control Plan that where cut and fill of the area of the building footprint is required, a limit of 750mm cut and 750mm applies
- (k) That the proposed development is satisfactory with respect to the earthworks controls specified by section 4.6.1 (a)-(c) of Council's applicable Wingecarribee Shire Rural Living Development Control Plan:
- (a) *The origin and composition of any fill brought into the rural areas must be documented*
- (b) *No contaminated fill, including any building waste fill of unknown origin, must be brought into the Rural Areas*
- (c) *No fill containing materials that may cause harm to a site or persons using a site may be brought into the rural areas.*
- (l) That the proposed development is in keeping with the water sensitive design objectives specified by section 5.3.2 (b) and (c) of Council's applicable Wingecarribee Shire Rural Living Development Control Plan:
- (b) *Protection of natural ecosystems and waterways*
- (c) *Protection of water quality entering natural ecosystems and waterways*
- (m) That the proposed development will not have significant negative environmental impacts with particular regard to water (e.g. drainage, flow regimes, water quality and pollution of water bodies including groundwater) and soils (e.g. erodibility, permeability, expansion/contraction, salinity, acidity, contaminants and the like, sedimentation and pollution of water bodies, and remediation of contaminated soils)
- (n) That the land is suitable for the proposed development.

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

2. Council considers that the works are contrary to the public interest.

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

126	19/1645.01	40 Sir James Fairfax Circuit Bowral NSW 2576 Lot 210 DP 1239600	Samulski Holdings Pty Ltd	Section 82A Review (Subdivision - 2 Lots & Dual Occupancy – Detached)	14/10/2019	0	45	45	Determined by Council 29/11/2019
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Reasons for Refusal

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.

127	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 85th percentile (whatever is greater) meaning the distance might increase). The existing driveway has an approximate 90 metre sight distance. All driveways/intersections are to be located in accordance with the safe sight line distances as stated within AS2890.1-2004. Insufficient information has been submitted to prove that the entry driveway / intersection can be located to achieve the above safe sight distance requirements. **(S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)**
2. Insufficient information has been submitted showing 10 formalised marked car spaces within a defined parking area, 12 informal car spaces within an overflow area, and bus drop off and pickup area (indicating how the buses will turn around on the site such that the vehicles will enter an exit in a forward motion) **(S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)**
3. As DA 19/1305 seeks approval for the use of the existing farm building and immediate surrounds as a place to conduct occasional functions, by way of Clause 2.8 Temporary use of land under Wingecarribee Local Environmental Plan 2010, insufficient information has been submitted detailing how the land, including car parking area, will be restored to a condition in which it was before the commencement of the use, so as to satisfy Clause 2.8(3)(d) Wingecarribee Local Environmental Plan 2010 requirements. **(S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)**
4. The requested amended Building Code of Australia Audit / Assessment Report prepared by an A1 Accredited Certifier to include the proposed change of use of the ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted. Therefore insufficient information has been submitted addressing the following matters:

- (a) identification of all existing non-compliances with the 'Deemed-to-Satisfy' (DTS) provisions of NCC 2019 for the proposed use of the building as a secondary dwelling to the first floor and for a function / dining room to the ground floor,

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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)

128	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 600m² in that the proposed shed includes 684m² 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 1000m² in that the total area exceeds 1000m² 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.

12.2 Development Applications Received from 25 November 2019 to 20 January 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 25 November 2019 to 20 January 2020.

RECOMMENDATION

THAT the information relating to Development Applications Received from 25 November 2019 to 20 January 2020 be received and noted.

REPORT

RECEIVED APPLICATIONS BY DATE RANGE

Date range: 25 November 2019 to 20 January 2020

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	20/0793	578 Wilson Drive Balmoral NSW 2571 Lot 1451 DP 730348	M Duggan	Residential Alterations and Additions (Swimming Pool)	14/01/2020		#PENDING		
2	20/0659	4 Fountain Street Berrima NSW 2577 Lot 1 DP 789636	D Schieler	Secondary Dwelling	29/11/2019		#PENDING		
3	20/0664	581 Greenhills Road Berrima NSW 2577 Lot 31 DP 597610	BC Kennedy, KR Nott	Farm Building (Alterations and Additions)	29/11/2019		#PENDING		
4	20/0688	16 Argyle Street Berrima NSW 2577 Lot 17 Sec 37 DP 758098	S Morris, C Morris	Residential Alterations and Additions (Extensions, Internal Alterations)	04/12/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	20/0693	6 Jellore Street Berrima NSW 2577 Lot 11 Sec 2 DP 758098	C Feilen, EM Pilkington	Dwelling House	06/12/2019		#PENDING		
6	20/0725	3199 Old Hume Highway Berrima NSW 2577 Lot 3 DP 619232	Champion Assets Pty Ltd	Residential Alterations and Additions (Extensions, Internal Alterations)	16/12/2019		#PENDING		
7	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		#PENDING		
8	17/1638.02	Maynard Gardens 1 Holmhale Street Bowral NSW 2576 Lot 1 DP 1252329	AA De Angelis. R De Angelis, G De Angelis	Section 4.55 Modification to Approved Residential Flat Building. (Deletion of Level 2 Basement, Expansion of Level 1 Basement. Modifications to ground level, new awnings, solid roofs to pergola and minor plan changes)	03/12/2019		#PENDING		✓
9	17/1773.02	Southern Highlands Botanic Gardens 1 Old South Road Bowral NSW 2576 Lot 1 DP 1231536	Wingecarribee Shire Council	Section 4.55 Modification Plant Nursery (Delete and modify conditions pertaining to construction)	26/11/2019		#APPROVED	13/01/2020	
10	19/0200.06	65 Sir James Fairfax Circuit Bowral NSW 2576 Lot 305 DP 1234848	D Alvaro	Section 4.55 Modification (Changes to windows, doors and internal layout)	25/11/2019		#APPROVED	02/12/2019	
12	20/0644	54 Bendooley Street Bowral NSW 2576 Lot 53 DP 545409 Vol 11495 Fol 00181	JM Rose-Innes	Residential Alterations and Additions (Pergola & Alterations)	26/11/2019		#APPROVED	06/01/2020	
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		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
14	20/0650	6 Ayrshire Parade Bowral NSW 2576 Lot 103 DP 1231974	Bazdaric Superannuation Pty Limited	Dwelling House	27/11/2019		#APPROVED	11/12/2019	
15	20/0654	11 Herald Drive Bowral NSW 2576 Lot 116 DP 1227641	D Markovski, D Markovski	Dwelling House	28/11/2019		#PENDING		
16	20/0683	30 Kimberley Drive Bowral NSW 2576 Lot 7 DP 1019330	A Cameron, E Cameron	Dwelling House	03/12/2019		#PENDING		
17	20/0692	9 Cowpastures Road Bowral NSW 2576 Lot 22 DP 837875	G Wilson, J Wilson	Change Of Use (Change garage to living room)	05/12/2019		#APPROVED	11/12/2019	
18	20/0699	11 Rosemary Crescent Bowral NSW 2576 Lot 32 DP 792830	RC Travers	Subdivision (Boundary Adjustment)	09/12/2019		#PENDING		
19	20/0720	40 Sir James Fairfax Circuit Bowral NSW 2576 Lot 210 DP 1239600	Samulski Holdings Pty Ltd	Subdivision (2 Lots) & Dual Occupancy (Detached)	16/12/2019	✓	#PENDING		✓
20	20/0736	16 William Street Bowral NSW 2576 Lot 19 DP 848385	K Kinross	Secondary Dwelling	18/12/2019		#PENDING		
21	20/0737	88 Bowral Street Bowral NSW 2576 Lot 1 DP 135316	R Tomar, N Tomar	Change of Use (Dental Clinic)	18/12/2019		#PENDING		
22	20/0739	92 Centennial Road Bowral NSW 2576 Lot 12 DP 610401	R Fisher, A Schiller	Residential Alterations and Additions (Extensions, Internal Alterations)	18/12/2019		#PENDING		
23	20/0755	6 David Street Bowral NSW 2576 Lot 17 DP 63291	Strata 36297	Cessation of existing Strata and Subdivision (2 Lots)	20/12/2019		#PENDING		
24	20/0757	43 Aitken Road Bowral NSW 2576 Lot 2 DP 1151362	L Feng	Seniors Housing (4 Dwellings)	23/12/2019		#PENDING		✓
25	20/0772	41 King Ranch Drive Bowral NSW 2576 Lot 2 DP 1067486	D Kaegi	Residential Alterations and Additions (Shed)	03/01/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
26	20/0788	379-385 Bong Bong Street Bowral NSW 2576 Lot 1 DP 1136479 Lot 2 DP 1136479	S Turner	Retail business (Alterations and Additions)	13/01/2020		#PENDING		
27	20/0801	25 Sir James Fairfax Circuit Bowral NSW 2576 Lot 416 DP 1248107	L Spitzer, A Spitzer	Dwelling House	15/01/2020		#PENDING		
28	20/0802	4 Highland Drive Bowral NSW 2576 Lot 349 DP 858390	S Martin	Residential Alterations and Additions (Awning)	15/01/2020		#PENDING		
29	20/0804	51 Woodbine Street Bowral NSW 2576 Lot 16 Sec 16 DP 976576	R Boyce, E Boyce	Residential Alterations and Additions (Extensions)	15/01/2020		#PENDING		
30	20/0643	56 Biggera Street Braemar NSW 2575 Lot 3 Sec 2 DP 792	C Moerkerken, KE Dade	Residential Alterations and Additions (Awning)	26/11/2019		#APPROVED	04/12/2019	
31	20/0715	16 Drapers Road Braemar NSW 2575 Lot 8 DP 10008	SMT Business Ventures Pty Limited	Subdivision (3 lots)	13/12/2019		#PENDING		
32	20/0762	15 Drapers Road Braemar NSW 2575 Lot 4 DP 1127951	MEPC Pty Ltd	Industrial (Self-Storage Units)	24/12/2019		#PENDING		
33	20/0716	4 Reg Grundy Drive Bundanoon NSW 2578 Lot 9 DP 1219744	ADW Street, S Catlin	Dwelling House	13/12/2019		#APPROVED	21/01/2020	
34	20/0744	Lot 24 Sec 1 Burgess Street Bundanoon NSW 2578 Lot 24 Sec 1 DP 1307	LA Hines, J Hines	Strata Subdivision (4 Lots)	19/12/2019		#PENDING		
35	20/0759	12 Garland Road Bundanoon NSW 2578 Lot 1 DP 610459	E Yong	Maintenance of Access Road (Regrade and seal with bitumen)	24/12/2019		#PENDING		
36	20/0776	54 Greasons Road Bundanoon NSW 2578 Lot 221 DP 1214182	S Symonds, A Symonds	Residential Alterations and Additions (Garage)	07/01/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
37	20/0811	34 Hill Street Bundanoon NSW 2578 Lot 5 Sec 4 DP 1510	J Wilson	Residential Alterations and Additions (Extensions, Internal Alterations)	17/01/2020		#PENDING		
38	20/0817	5 Blue Gum Road Bundanoon NSW 2578 Lot 1 DP 510721	E Webb	Residential Alterations and Additions (Shed)	20/01/2020		#PENDING		
39	19/0907.02	86 Osborne Road Burradoo NSW 2576 Lot 6 DP 39039	R Shore, C Shore	Section 4.55 Modification (Deletion of office and Relocation of Rainwater Tanks)	16/12/2019		#APPROVED	18/12/2019	
40	20/0182.01	34 Holly Road Burradoo NSW 2576 Lot 4 DP 505098	S Vilo, A Vilo	Section 4.55 Modification (Extensions, Garage, Swimming Pool)	18/12/2019		#PENDING		
41	20/0634	16 Osborne Road Burradoo NSW 2576 Lot 68 DP 13057	I Pech	Dwelling House	25/11/2019		#PENDING		
42	20/0638	Sunnyfields 49b Sunninghill Avenue Burradoo NSW 2576 Lot 2 DP 1051615	MD Garrett, R Garrett	Subdivision (2 Lots)	26/11/2019		#PENDING		
43	20/0649	33 Sunninghill Avenue Burradoo NSW 2576 Lot 23 DP 1010864	KA Hart, G Hart	Residential Alterations and Additions (Studio)	27/11/2019		#APPROVED	06/01/2020	
44	20/0668	42 Burradoo Road Burradoo NSW 2576 Lot 12 DP 632533	DR Church, J Clifford	Residential Alterations and Additions (Extensions)	02/12/2019		#APPROVED	22/12/2019	
45	20/0774	32 Toongoon Road Burradoo NSW 2576 Lot 2 DP 1254348	D Ellis	Dwelling House	06/01/2020		#PENDING		
46	20/0642	23 Church Street Burrawang NSW 2577 Lot 4 DP 245350	J Rodger, F Rodger	Residential Alterations and Additions (Swimming Pool)	26/11/2019		#APPROVED	11/12/2019	
48	20/0800	44 Hoddle Street Burrawang NSW 2577 Lots 1-3 & 7-11 DP1694 & Lot 4 DP805964 & Lots 1-2 DP813181	Rosera-ymonde Pty Limited	Dwelling House	15/01/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
49	20/0677	1 Acacia Street Colo Vale NSW 2575 Lot 3 DP 1230986	D Vlaming, V Vlaming	Residential Alterations and Additions (Shed)	03/12/2019		#APPROVED	20/12/2019	
50	20/0704	10 Stringybark Close Colo Vale NSW 2575 Lot 226 DP 1245987	B Foster, G Foster	Dwelling House	10/12/2019		#PENDING		
51	15/0874.05	34 Bundanoon Road Exeter NSW 2579 Lot 5 Sec 10 DP 3373 Lot 28 Sec 10 DP 3373 Lot 6 DP 1017039	Jaw Flett	Section 4.55 Modification (Design changes, modifications to doors, windows and finishes)	13/12/2019		#APPROVED	13/01/2020	
52	20/0667	28 Indigo Lane Exeter NSW 2579 Lot 9 DP 1180426	GB Carpenter, MA Carpenter	Dwelling House	02/12/2019		#PENDING		
53	20/0672	28-30 Ringwood Road Exeter NSW 2579 Lot 1 DP 13527 Lot 2 DP 13527	B Barwell	Dual Occupancy (Detached), Residential Alterations and Additions to Existing Dwelling (Extensions)	02/12/2019		#PENDING		
54	20/0673	213 Ellsmore Road Exeter NSW 2579 Lot 1 DP 634137	S Haggerty, J Haggerty	Residential Alterations and Additions (Extensions, Internal Alterations)	02/12/2019		#APPROVED	15/12/2019	
55	20/0722	65 Middle Road Exeter NSW 2579 Lot 10 DP 255091	JE Manning	Residential Alterations and Additions (Extensions)	16/12/2019		#PENDING		
56	20/0738	58 Middle Road Exeter NSW 2579 Lot 2 DP 1256824	JH Clark	Dwelling House	18/12/2019		#PENDING		
57	20/0749	120 Devon Road Exeter NSW 2579 Lot 4 DP 1244858	GR Parkes	Dwelling House	20/12/2019		#PENDING		
58	20/0796	70 Westgrove Road Exeter NSW 2579 Lot 31 DP 1233756	TI Turner, BP Martin	Residential Alterations and Additions (Shed)	14/01/2020		#PENDING		
59	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		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
60	20/0661	71 Yeo's Road Glenquarry NSW 2576 Lot 23 DP 1129868	AP Grattan-Smith	Water Storage Facility (Dam)	29/11/2019		#PENDING		
61	20/0791	Wollondilly River Station 4650 Wombeyan Caves Road Goodmans Ford NSW 2575 Lot 1 DP 127447 Lot 63 DP 757053 Lot 73 DP 757053 Lot 1 DP 842286	CM Casburn	Subdivision (2 Lots)	13/01/2020		#PENDING		✓
62	20/0723	92 Mount Minderoo Lane High Range NSW 2575 Lot 6 DP 1061373	V McManus, PA McManus	Continued Use (Dwelling House)	16/12/2019		#PENDING		
63	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		#PENDING		
64	20/0648	273 Joadja Road Mandemar NSW 2575 Lot 1 DP 703543	F Cianciar	Earthworks	27/11/2019		#APPROVED	13/01/2020	
65	19/1765.07	5 Barton Close Mittagong NSW 2575 Lot 15 DP 1213476	ME Lisle, JH Barry	Section 4.55 Modification (Increase floor to ceiling height by 300mm)	16/12/2019		#APPROVED	22/12/2019	
66	20/0290.01	5 Bong Bong Road Mittagong NSW 2575 Lot 1 DP 568204	MA Traill, CA Traill-John	Section 4.55 Modification (Boundary Adjustment)	19/12/2019		#PENDING		
67	20/0350.03	Works Depot 9 Cavendish Street Mittagong NSW 2575 Lot 9 Sec 39 DP 1374 Lot 10 Sec 39 DP 1374	Wingecarribee Shire Council	Section 4.55 Modification - Depot (Increase footprint of shed)	20/12/2019		#APPROVED	13/01/2020	
68	20/0632	18 Leopold Street Mittagong NSW 2575 Lot 3 DP 241603	KS Ross	Demolish Existing Garage. Construct New Shed.	25/11/2019		#APPROVED	21/01/2020	
69	20/0666	421 Old South Road Mittagong NSW 2575 Lot 2 DP 1201343	Business 2 Business Relocations And Fitouts Pty Ltd	Dwelling House, Secondary Dwelling & Farm Building	02/12/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
70	20/0670	14 Spencer Street Mittagong NSW 2575 Lot 3 DP 1232376	L Clarke	Dwelling House	02/12/2019		#PENDING		
71	20/0681	17 Robinson Street Mittagong NSW 2575 Lot 132 DP 1247015	G Biasi, SE Biasi	Residential Alterations and Additions (Awning)	03/12/2019		#APPROVED	13/01/2020	
72	20/0714	8 Bracken Street Mittagong NSW 2575 Lot 2 DP 1222561	JD Pearce	Change of Use (Conversion Garage to Living Room)	12/12/2019		#PENDING		
73	20/0724	66 Sunset Point Drive Mittagong NSW 2575 Lot 48 DP 732184	K Sarty, IW Sarty	Residential Alterations and Additions (Extensions, Swimming Pool)	16/12/2019		#PENDING		
74	20/0726	80a Railway Parade Mittagong NSW 2575 Lot 2 DP 617323	M Linolli, R Wilson	Residential Alterations and Additions (Shed)	16/12/2019		#APPROVED	03/01/2020	
75	20/0741	1a Spencer Street Mittagong NSW 2575 Lot 51 DP 806960	BM Lowe, ED Lowe	Residential Alterations and Additions (Extensions & Internal Alterations)	19/12/2019		#PENDING		
76	20/0743	12-20 Nero Street Mittagong NSW 2575 Lots 1-5 Sec 5 DP 2133	A Pikkat, RC Pikkat	Subdivision (7 Lots)	19/12/2019		#PENDING		✓
77	20/0747	Sporting Fields 51 Range Road Mittagong NSW 2575 Lot 1 DP 1133695	Winifred West Schools Ltd	School (Student Accommodation)	20/12/2019		#PENDING		✓
78	20/0748	Hockey Pitch & Tennis, Netball Courts 101 Range Road Mittagong NSW 2575 Lot 1 DP 826387	Winifred West Schools Ltd	School (Indoor Sports Hall)	20/12/2019		#PENDING		✓
79	20/0751	Teacher Residence Lot 10 Range Road Mittagong NSW 2575 Lot 10 Sec 13 DP 1289	Winifred West Schools Ltd	Dual Occupancy (Detached)	20/12/2019		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
80	20/0752	Teacher Residence 2 Railway Parade Mittagong NSW 2575 Lot B DP 364822	Winifred West Schools Ltd	Dual Occupancy (Detached)	20/12/2019		#PENDING		✓
81	20/0754	143 Oxley Drive Mittagong NSW 2575 Lot 9 DP 15496	HC Grima, AFS Grima	Dwelling House	20/12/2019		#PENDING		
82	11/0767.01	Kamilaroi 61 Old Hume Highway Mittagong NSW 2575 Part Lot 1 DP 1232714	Development Implement- ation Pty Ltd	Section 4.55 Modification – 131 Lot Subdivision (Remove Deferred Commencement Conditions pertaining to Landscaping Plan, Vegetation Management Plan, Sewer Modelling & Permanent Access for Adjoining Land)	15/01/2020		#PENDING		
83	16/0720.06	Taroola Park Douglas Road Moss Vale NSW 2577 Lot 40 DP 1189246	Nakar Pty Ltd	Section 4.55 Modification – 11 Lot Subdivision (Alter Layout)	18/12/2019		#PENDING		
84	16/1109.06	15-19 Wembley Road Moss Vale NSW 2577 Lot 3 DP 772040	Tipglen Pty Limited	Section 4.55 Modification – 15 Lot Subdivision (Tree Removal)	10/12/2019		#PENDING		✓
85	20/0235.05	7011 Illawarra Highway Moss Vale NSW 2577 Lot 100 DP 738308	D Hemming, B Hemming	Section 4.55 Modification Commercial (Change of Hours of operation of Approved Home Industry)	13/01/2020		#PENDING		
87	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		#PENDING		
88	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		#PENDING		
89	20/0656	29 Lytton Road Moss Vale NSW 2577 Lot 3 DP 22327	K Bismire	Subdivision (2 Lots)	29/11/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
90	20/0660	225 Argyle Street Moss Vale NSW 2577 Lot 567 DP 1236766	Pearl Investment (Aust) Pty Ltd	Take Away Food and Drink Premises	29/11/2019		#PENDING		
91	20/0721	Carinya Park Douglas Road Moss Vale NSW 2577 Lot 1 DP 1100533 Lot 2 DP 1100533	CSR Building Products Limited	Subdivision (3 Lots)	16/12/2019		#PENDING		
92	20/0728	11 Stanley Terrace Moss Vale NSW 2577 Lot 10 DP 262491	RA Brewer, CD Brewer	Dwelling House	17/12/2019		#PENDING		
93	20/0733	43 Throsby Street Moss Vale NSW 2577 Lot C DP 158025	N Wilkinson, R Russo	Subdivision (2 lots)	18/12/2019		#PENDING		
94	20/0742	3 Joseph Hollins Street Moss Vale NSW 2577 Lot 71 DP 1218966	EB Laycock	Dwelling House	19/12/2019		#PENDING		
95	20/0750	Hollybush 340 Nowra Road Moss Vale NSW 2577 Lot 400 DP 751303 Lot 242 DP 661170	C White	Dwelling House	20/12/2019		#PENDING		
96	20/0758	Aquatic Centre Donkin Avenue Moss Vale NSW 2577 Part Lot 3 DP 1108992	Wingecarribee Shire Council	Recreation Facility (Aquatic Centre) Alterations and Additions	23/12/2019		#PENDING		✓
97	20/0761	50-56 Watson Road Moss Vale NSW 2577 Lot 36 Sec 2 DP 975386	K Harris, M Harris	Subdivision (3 Lots)	24/12/2019		#PENDING		
98	20/0775	12 Joyce Street Moss Vale NSW 2577 Lot 4036 DP 1242576	M Hatton	Dwelling House	07/01/2020		#PENDING		
99	20/0780	31-33 Robertson Road Moss Vale NSW 2577 Lot 13 Sec 3 DP 977031	S Hayman, C Hayman	Subdivision (2 Lots)	08/01/2020		#PENDING		
100	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		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
101	20/0790	14 Snowy Gum Rise Moss Vale NSW 2577 Lot 13 DP 1252867	D Bearne, A Connors	Dwelling House	13/01/2020		#PENDING		
102	20/0806	1 McCourt Road Moss Vale NSW 2577 Lot 3 DP 441781	STKJ Holdings Pty Ltd	Demolish Existing Shed. Construct New Industrial Shed.	15/01/2020		#PENDING		
103	19/0745.04	2 McGuinness Drive Mount Murray NSW 2577 Lot 2 DP 627558 & Enclosure Permit 159997	JM Delhaas, CA Delhaas, BMR Renwick, SP Renwick	Section 4.55 Modification (Extensions, Patio)	07/01/2020		#PENDING		
104	19/0502.06	24 Roty Avenue Renwick NSW 2575 Lot 24 DP 1221206	SA Patel, VP Patel	Section 4.55 Modification (Deletion of window in principal dwelling)	04/12/2019		#APPROVED	10/12/2019	
105	20/0631	22 Challoner Rise Renwick NSW 2575 Lot 9 DP 1221206	GE Harrington	Dwelling House	25/11/2019		#APPROVED	06/12/2019	
106	20/0641	5 Green Street Renwick NSW 2575 Lot 122 DP 1221206	K Kumar, A Sharma	Dwelling House	26/11/2019		#APPROVED	06/12/2019	
107	20/0653	14 Challoner Rise Renwick NSW 2575 Lot 5 DP 1221206	GJ Corfield, ST Corfield	Residential Alterations and Additions (Swimming Pool)	28/11/2019		#APPROVED	04/12/2019	
108	20/0663	30 Mackellar Circuit Renwick NSW 2575 Lot 6201 DP 1241316	R James	Dwelling House	29/11/2019		#APPROVED	16/12/2019	
109	20/0679	22 Challoner Rise Renwick NSW 2575 Lot 9 DP 1221206	GE Harrington	Residential Alterations and Additions (Shed)	03/12/2019		#APPROVED	10/12/2019	
110	20/0690	37 Green Street Renwick NSW 2575 Lot 1366 DP 1234992	RR Rooke, M Rooke	Dwelling House	05/12/2019		#APPROVED	10/12/2019	
111	20/0707	5 Plumb Street Renwick NSW 2575 Lot 1382 DP 1234992	NA Laus	Dwelling House	10/12/2019		#APPROVED	17/12/2019	
112	20/0727	66 Maxted Street Renwick NSW 2575 Lot 1356 DP 1234992	JR Madden, AM Madden	Dwelling House	17/12/2019		#APPROVED	24/12/2019	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
113	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		#PENDING		
114	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		#PENDING		
115	20/0773	20 Challoner Rise Renwick NSW 2575 Lot 8 DP 1221206	JR Aquilina, E Aquilina	Residential Alterations and Additions (Shed)	06/01/2020		#PENDING		
116	20/0783	20 Allen Avenue Renwick NSW 2575 Lot 149 DP 1221206	M Feld, JA Feld, EM Blackshaw, MR Feld	Dwelling House	09/01/2020		#PENDING		
117	20/0807	10 Guthawah Way Renwick NSW 2575 Lot 711 DP 1234984	TD Pryce, CM Mladin	Dwelling House	17/01/2020		#PENDING		
118	20/0815	32 George Cutter Avenue Renwick NSW 2575 Lot 86 DP 1221206	BG Dickinson	Dwelling House	20/01/2020		#PENDING		
119	19/0978.03	491 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 244159	DE Klimenko, BA Klimenko	Section 4.55 Modification (Tree Removal)	24/12/2019		#PENDING		
120	19/1620.03	Moonacres Cooking School 74-76 Illawarra Highway Robertson NSW 2577 Lot 8 Sec 19 DP 758882	S Chowdhury, N Karim	Section 4.55 Modification Business Premises (Service of Alcohol)	20/12/2019		#PENDING		
121	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		#PENDING		
122	20/0680	16 Old Jamberoo Road Robertson NSW 2577 Lot 700 DP 731937	R Hart, P Hart	Residential Alterations and Additions (Carport, Extensions and Internal Alterations)	03/12/2019		#PENDING		
123	20/0706	10 Shackleton Street Robertson NSW 2577 Lot 23 DP 807699	AA Masters, RH Masters	Residential Alterations and Additions (Patio)	10/12/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
124	20/0711	26 May Street Robertson NSW 2577 Lot 51 DP 1252290	Adenzie Developments Pty Ltd	Dual Occupancy (Detached) and Subdivision (2 Lots)	11/12/2019		#PENDING		
125	20/0740	Wharree 159 Yeola Road Robertson NSW 2577 Lot 201 DP 653985 Lot 108 DP 751302	T Kelly	Secondary Dwelling and Residential Alterations and Additions to Existing Dwelling (Extensions)	18/12/2019		#PENDING		
126	20/0768	2 Lawn Avenue Robertson NSW 2577 Lot 3 DP 1165081	KE Silburn, AR Silburn	Residential Alterations and Additions (Shed)	02/01/2020		#PENDING		
127	20/0769	10 Meryla Street Robertson NSW 2577 Lot 1 DP 244671	W Milsted	Residential Alterations and Additions (Extensions, Carport)	02/01/2020		#PENDING		
128	17/1313.05	Etna Valley 325 Oldbury Road Sutton Forest NSW 2577 Lot 6 DP 245007	Data Base Corporate Pty Limited	Section 4.55 Modification (Reduce size of shed and reposition to level ground)	27/11/2019		#APPROVED	10/12/2019	
129	20/0730	248 Exeter Road Sutton Forest NSW 2577 Lot 1 DP 872651	HJ Green, S Green	Dwelling House and Shed	17/12/2019		#PENDING		
130	20/0655	Garbage Depot Meranie Street Welby NSW 2575 Lots 102/147/156/160 -161 DP 751275	Wingecarribee Shire Council	Telecommunication Facility	29/11/2019		#PENDING		✓
131	08/0315.02	Rose Dale 175 Greenhills Road Werai NSW 2577 Lots 1 & 2 DP 1127243	LA Hancock, SO Chilly Pty Limited	Section 4.55 Modification (Extensions, Internal Alterations, Shed and Pool)	23/12/2019		#PENDING		
132	19/1195.02	Cardross 576 Myra Vale Road Wildes Meadow NSW 2577 Lot 101 DP 860171 Lot 102 DP 860171	Pm Muir, J Muir	Section 4.55 Modification (Additional windows to east elevation)	18/12/2019		#APPROVED	11/01/2020	

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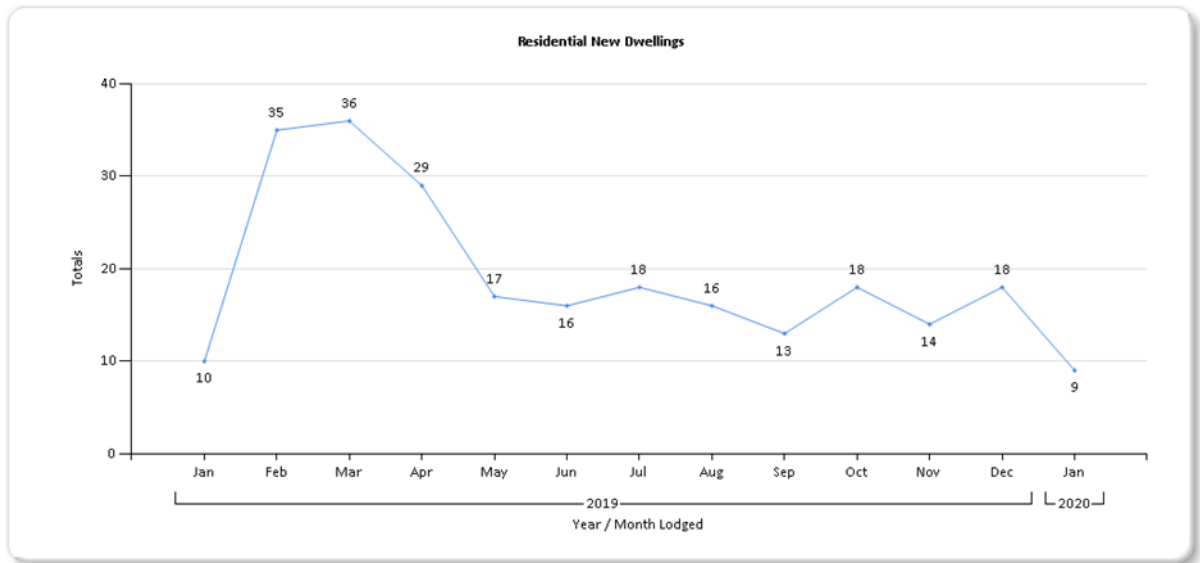
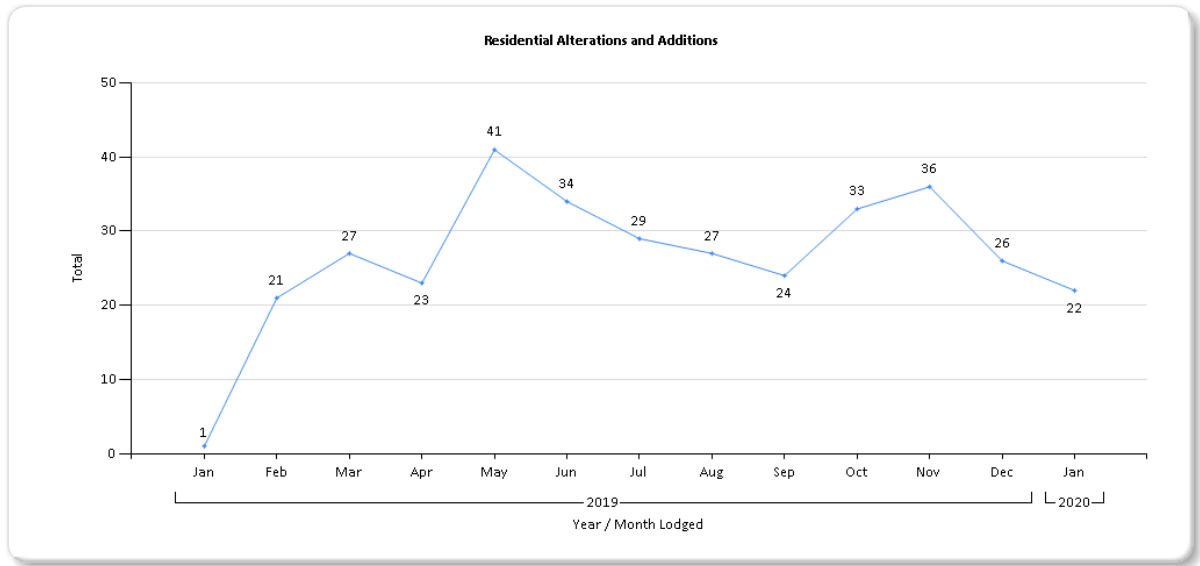
**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
133	20/0779	1244 Belmore Falls Road Wildes Meadow NSW 2577 Lot 1 DP 1049499	W Barker, C Barker	Dwelling House	08/01/2020		#PENDING		
134	20/0732	27 Badgery Street Willow Vale NSW 2575 Lot 111 DP 879039	PE Derrick, FG Derrick	Residential Alterations and Additions (Garage)	18/12/2019		#PENDING		
135	20/0763	24 Murrimba Road Wingello NSW 2579 Lot 21 DP 878382	D Robinson	Residential Alterations and Additions (Internal Alterations, Garage & Change of Use – Secondary Dwelling)	24/12/2019		#PENDING		
136	20/0770	10-12 Appenine Road Yerrinbool NSW 2575 Lot 229 DP 9882	T Avila	Residential Alterations and Additions (Swimming Pool)	02/01/2020		#PENDING		
137	20/0794	122 Sunrise Road Yerrinbool NSW 2575 Lot 98 DP 11780	S Blight, R Blight	Residential Alterations and Additions (Awning)	14/01/2020		#PENDING		
138	20/0813	96 Old Hume Highway Yerrinbool NSW 2575 Lot 4 DP 11780	TK Brogan	Residential Alterations and Additions (Shed)	17/01/2020		#PENDING		

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ATTACHMENTS

There are no attachments to this report.

12.3 Development Consent 17/0816 - Approved Vehicle Repair Station - 80 Station Street, Bowral

Reference:	DA 17/0816
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Allan & Sonia Reekie
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

This report is prepared in response to the below resolution, and for the information of Councillors.

Council at its meeting of 13 November 2019 resolved in response to Question with Notice 21/2019:

THAT a report be brought back to Council in relation to DA 17/0816.09 – Reekies Tyre Service, corner of Funston and Station Street on Condition 14 of the development application

VOTING ON THE MOTION

Councillors are not required to record their votes on this matter.

RECOMMENDATION

THAT this report is submitted for the information of Councillors.

REPORT

Subject Site and Locality

The site is known as Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street Bowral (**Attachment 1**). The site is 1772 square metres in area, and the approved Vehicle Repair Station has been recently constructed. The site previously contained a dwelling upon 13 Walker Street and the footings of the previous building which was destroyed by fire. The site has frontage to Walker Street, Funston Street and Station Street.

The site is located in the southern portion of the B4 Mixed Use zone bordered by Bowral Street, Station Street, Funston Street and Moss Vale Road. To the south of the site on Funston Street is R3 Medium Density Residential zoned land which is predominantly characterised by medium density residential development and detached dwellings on 700 square metre allotments.



Development Consent 17/0816

Development Consent 17/0816 was issued 13 October 2017 granting approval for a vehicle repair station at Lot 3 DP 740426 & Lot 13 Sec B DP 2630 80 Station Street Bowral.

Condition 14 of the development consent required site consolidation and dedication of splay corner as follows:

14. Site Consolidation and dedication of splay corner

That the site be consolidated into one (1) lot prior to issue of the Construction Certificate. A splay corner at the south western corner of the site is required to be dedicated to Council as public roadway. While this will have a public benefit, this will also correct the existing situation in which a portion of the existing footpath verge area is actually located upon private land. Evidence that the plan of consolidation and dedication of splay corner has been registered as a Deposited Plan (DP) by the Land and Property Information Office shall be submitted to Council prior to issue of Construction Certificate.

Reason: *To comply with the provisions of the Wingecarribee Local Environmental Plan 2010 or National Construction Code (as applicable).*

Reason: *To ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.*

The purpose of condition 14 is twofold, firstly being that consolidation of the lots was necessary so that the development including the building and its associated parking was located upon one lot, and secondly that the dedication of the splay corner to Council as public roadway resulted in an improved development outcome, correcting the existing situation in which a portion of the existing footpath verge area was actually located upon private land. The required dedication of the splay corner to Council as a condition of development consent is consistent with the s.1.3 objectives of the Environmental Planning and Assessment Act 1979 particularly “to promote the orderly and economic use and development of land” and “to promote good design and amenity of the built environment”.

Condition 14 of Development Consent 17/0816 was imposed as part of the determination of a development application in accordance with the Environmental Planning and Assessment Act 1979. Council was not required to pay compensation for the dedicated land, as it is not an acquisition (compulsory or otherwise), it is a condition of development consent, issued in accordance with the Environmental Planning and Assessment Act 1979.

It should be noted that a separate acquisition of land and compensation process exists in instances where, for example, Council’s Assets Division approaches a property owner seeking to acquire land. This is not the case in this instance. The imposition of a condition of consent requiring dedication of a splay corner was part of the determination of a development application in accordance with the Environmental Planning and Assessment Act 1979 and does not trigger compensation.

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The combined area of the two sites, prior to consolidation and dedication of splay corner was 1773.8 square metres. The area of the combined site, after consolidation and dedication of the splay corner is now 1772 square metres.

CONCLUSION

This report is submitted for the information of Councillors.

ATTACHMENTS

1. Site Location

ATTACHMENT 2 – SITE LOCATION



12.4 Heritage Assessment of Welby Park Manor, 28 Old Hume Highway, Welby

Reference:	5650/4, 5650/9, PN 1711430
Report Author:	Strategic Land Use Planner (Heritage)
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community	
Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is for Council to re-consider a heritage assessment of the site at 28 Old Hume Highway, Welby, being Lot 10, DP 1009585, and known as 'Welby Park Manor'. This property was the subject of an Interim Heritage Order (IHO No. 8) issued under delegation by Council in December 2018 which has since lapsed. Should Council support the assessment and the recommendation of this report, a Planning Proposal would be prepared to give effect the heritage listing through an amendment to the Wingecarribee Local Environmental Plan 2010.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council supports the proposed heritage listing of 'Welby Park Manor including trees and stone fence' comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 & 60 DP 249064.
2. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to:
 - i. Amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add Lot 10 DP 1009585 and Lots 1 & 60 DP 249064 as a new heritage item, and
 - ii. Amend the Minimum Lot Size Map in relation to Lot 10 DP 1009585 (28 Old Hume Highway, Welby) from 700m² to 4,000m².
3. **THAT** the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.

REPORT

BACKGROUND

A development application (DA 19/0765) lodged with Council in November 2018 for a six (6) lot subdivision of the site of 'Welby Park Manor' at 28 Old Hume Highway, Welby, prompted the issuing of an Interim Heritage Order (IHO No. 8) over the site on 21 December 2018 by Council under delegation. DA 19/0765 was withdrawn in March 2019 by the applicant following an assessment of the proposal which did not favour approval.

On 12 June 2019 Council considered a report on a heritage assessment of 'Welby Park Manor' undertaken in response to the Interim Heritage Order. The report—item no. 13.6 on the Agenda titled *Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—Interim Heritage Order No. 8*—recommended *inter alia* that Council heritage list the site and increase the minimum lot size from the current 700m² to 2,000m². However, Council resolved:

MN 275/19

THAT the matter be deferred for six months until more information is furnished by the owner of the property:

- a) *outlining the history of the property and providing an assessment of the building alterations; and*
- b) *providing an assessment of the trees and their significance and health.*

Since Interim Heritage Order is only valid for six (6) months unless Council resolves to heritage list the subject site, IHO No. 8 lapsed on 21 June 2019 following Council's resolution.

At the time of writing (29 January 2020), no additional information has been received from the owner of the property about the history of the property, assessment of building alterations or an assessment of the trees on the site. However, in late November 2019 a number of trees were allegedly felled on the site adjacent to the Old Hume Highway. Council's records do not indicate that any approval was granted for the removal of these trees, and this matter is being separately investigated.

Before the issuing of Interim Heritage order No. 8, Welby Park Manor was recommended for heritage listing by consultants as part of a heritage survey of nominated properties conducted in 2008/9 on behalf of Council. The owners of the 300+ properties recommended for heritage listing were consulted in 2012 regarding the proposal. The then owners of 'Welby Park Manor' objected to the listing on the basis of incorrect historical information and the 1970s subdivision which left 'Welby Park Manor' on a reduced curtilage. On considering a report on the consultations of the proposed heritage properties on 28 November 2012, Council resolved that only the proposed items supported by their owners proceeded to heritage listing. Therefore, 'Welby Park Manor' was not included in Amendment No. 40 (published on 10 March 2017) which added around 80 new heritage items to Wingecarribee Local Environmental Plan (WLEP) 2010.

A copy of the 12 June 2019 report is not attached to this report as all the relevant content from that report is reproduced in this report.

SUBJECT SITE

The subject site known as 'Welby Park Manor' is located at 28 Old Hume Highway, Welby, and is described as Lot 10 in DP 1009585. The property is zoned R2 Low Density Residential and has a minimum lot size of 700m². The zoning and minimum lots size of the

site is consistent with the zoning and minimum lot size of the village of Welby (on the northern side of the Old Hume Highway). The site is not currently a heritage item and is not located within a heritage conservation area.

Figure 1 shows the site outlined on an aerial photograph in the context of surrounding development which was subdivided from the site in the 1970s.



Figure 1: 'Welby Park Manor' site at 28 Old Hume Highway, Welby

INTERIM HERITAGE ORDER NO. 8

Under clause 25 of the Heritage Act 1977, Council may make an Interim Heritage order (IHO) where it considers that a place—on further inquiry or investigation—may be found to be of local heritage significance and that is being or is likely to be harmed. The subdivision of the site proposed by DA 19/0765 was considered to be adequate threat of harm to the potential heritage item of 'Welby Park Manor' and on the advice of Council's Heritage Advisor an IHO was placed on the property under delegation provided to Councils. Interim Heritage Order No. 8 was published in the NSW Government Gazette on 21 December 2018 and was valid for six (6) months, with an extension of a further six (6) months if Council made a resolution to add the item to its heritage schedule. As mentioned previously, Council deferred consideration of the heritage listing of 'Welby Park Manor' at its meeting of 12 June 2019, resulting in the subsequent lapsing of IHO No. 8.

HERITAGE ASSESSMENT

An assessment of the property was undertaken by Council's Heritage Advisor and Strategic Land Use Planner (Heritage) with historical input courtesy of the Berrima District Historical and Family History Society. A background of the history of the site and the heritage assessment was contained in the report to the Council meeting of 12 June 2019 and is reproduced below.

The heritage assessment of 'Welby Park Manor' took into account that since the 1930s the owners of the property (then called 'Hopes') also owned the land bounded by Mittagong Street, Bendooley Street, Berrima Street (which originally bisected this block) and Meranie Street. The unmade road reserve of Berrima Street was acquired in 1963 by the then owner, Arthur Peter Stephenson. **Figure 2** shows the area that comprised the property following the incorporation of the Berrima Street road reserve.



Figure 2: The extent of the 'Hopes' property (of approximately 12 acres) from the 1930s (Berrima Street was subsumed into the property in 1963)

The subdivision which created Kell Crescent and Welby Park Place was undertaken in 1975. However, the lots adjoining Welby Park Manor in Bendooley Street were not sold and developed until the early 2000s. When the subdivision of the site was undertaken, Council (in recognition of important heritage streetscape elements of the property) created two reserves to protect original plantings along the Old Hume Highway (Lot 60 DP 249064 west of 'Welby Park Manor' between no. 30 Old Hume Highway and Meranie Street) and the stone fence (Lot 1 DP 249064, between 'Welby Park Manor' and Bendooley Street and known as 2A Old Hume Highway). These reserves are shown on **Figure 3**.

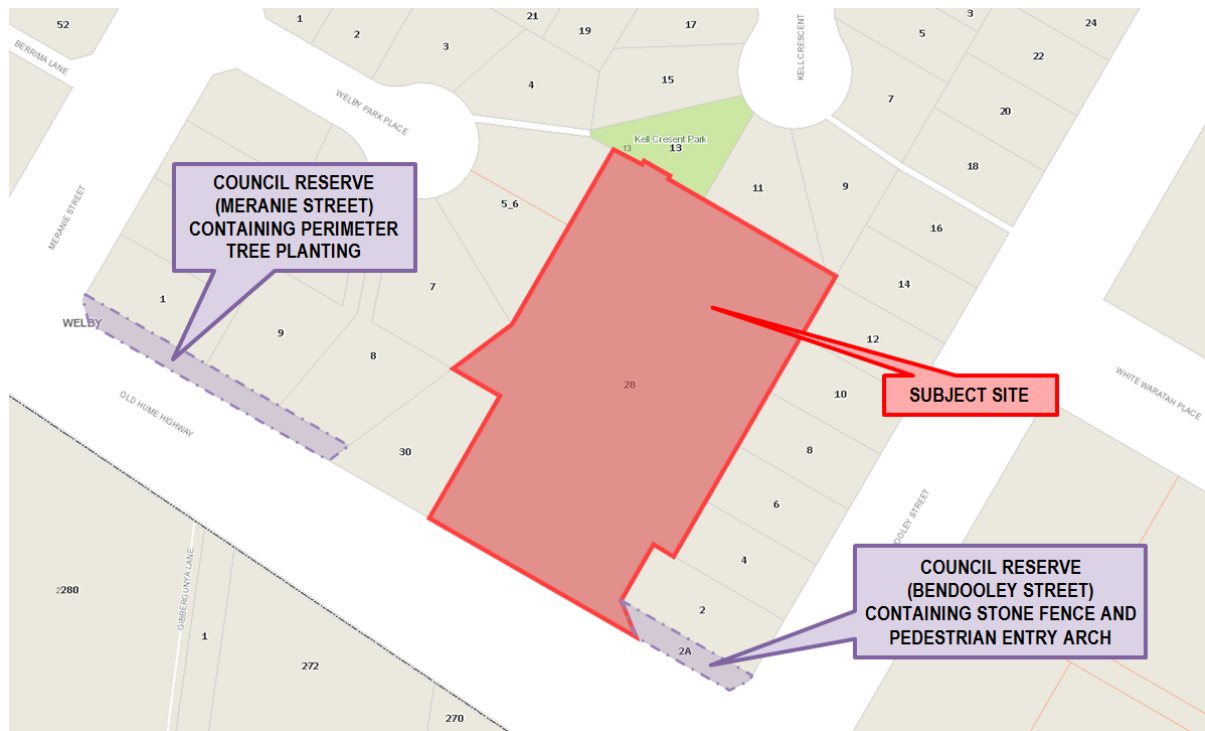


Figure 3: The public reserves created in 1975 to protect the heritage elements of 'Welby Park Manor' at the time of subdivision

The heritage assessment of the site has included these two Council reserves because of their relationship to the original 'Hopes' property.

The draft statement of heritage significance of the site has been prepared as follows:

The house has significance as a rare example of an arts and crafts stone cottage with a matching stone fence (some of which is contained in a Council reserve along Old Hume Highway) surrounded by mature trees. The design and construction of the house is associated with architect Byera Hadley who owned the property in the 1920s. Later alterations may be associated with another architect, Arthur Peter Stephenson. The property has landmark qualities due to its location on top of the hill at Welby, its garden of mature trees and its imposing entry and stone fence. The stone used from the building was at least partially sourced from the Fitz Roy Iron Works blast furnace, demolished in 1922.

In NSW, an assessment of the heritage significance of a place is to be undertaken with reference to seven (7) specific criteria developed by the then NSW Heritage Office and contained within the NSW Heritage Manual. To be eligible for local heritage listing a place must meet one or more of these criteria on a local level. To be eligible for listing on the State Heritage Register an item must meet two or more of these criteria on a State level. 'Welby Park Manor' is considered to be of local heritage significance and the assessment criteria that justify this assessment are shown in the following table:

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Heritage Criterion		Assessment of 'Welby Park Manor'	
(a) HISTORICAL			
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.		'Welby Park Manor' is an important reference site that assists to explain the development of Mittagong and the village of Fitzroy (now Welby). The house was designed and built by prominent architect Byera Hadley who bought all the lots in Section 5 in 1921 and 1922.	
(b) ASSOCIATIONAL			
An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.		The house and grounds are associated with prominent architect Byera Hadley. The original site (Lots 1-10) was bought in 1960 by architect Arthur Peter Stephenson, son of Sir Arthur Stephenson (co-founder of Stephenson and Turner architects) and senior partner of his father's firm. Stephenson acquired the title to the unmade section of Berrima Street.	
(c) AESTHETIC/TECHNICAL			
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.		<p>The main section of the house is a rare example of arts and crafts style housing executed in stone. It combines local materials and workmanship with imported design ideas that are a blend of innovation and imitation. The intact nature of much of the (external) fabric adds to an appreciation of the design of the building. The building and grounds are distinctive and have landmark qualities.</p> <p>The stone used for the construction of the house was sourced (at least in part) from the blast furnace from the Fitz Roy Iron Works, located on the site of today's Ironmines Oval and demolished in 1922.</p>	
(d) SOCIAL			
An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.		<i>The heritage assessment has not found 'Welby Park Manor' to have any strong social significance.</i>	
(e) RESEARCH			
An item has potential to yield information that will contribute to an understanding of NSW's or the local area's cultural or natural history.		The site has potential to reveal new or further substantial scientific, cultural, technical, archaeological or historical information. In particular, the stone used to build the house was sourced from the Fitz Roy Iron Works blast furnace.	

Heritage Criterion	Assessment of 'Welby Park Manor'
(f) RARITY	
An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.	The building is a rare example of a stone house in an arts and crafts style. The house is one of only three known structures built from the stone from the Fitz Roy Iron Works blast furnace.
(g) REPRESENTATIVENESS	
An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's) cultural or natural places; or cultural or natural environments.	<i>The heritage assessment has not found 'Welby Park Manor' to demonstrate any outstanding representative characteristics.</i>

The site (inclusive of the Council reserves) displays significance in five of the seven criteria and heritage listing is recommended.

The heritage inventory sheet, which contains a comprehensive description, history and heritage assessment, as well as photos of the property is contained at **ATTACHMENT 1**.

SUBDIVISION POTENTIAL OF 'WELBY PARK MANOR'

It is considered from a heritage perspective that subdivision at the Old Hume Highway frontage of 'Welby Park Manor' will sever its relationship to the Old Hume Highway. In addition, it is unlikely that access to multiple lots will be possible through the existing gates, which are too narrow to accommodate Council's road engineering standards, essentially guaranteeing their loss.

The current minimum lot size of 'Welby Park Manor' is 700m² which could allow an existing maximum subdivision potential of up to 9 lots on the nearly 7,000m² site. This potential is restricted in this case by heritage significance of the site, access (and the potential loss of the entry gate and driveway to service multiple lots), and preservation of trees and gardens. Despite this, the current minimum lot size provides a theoretical potential that is unlikely to be realised without adverse impact on the heritage significance of the property and by providing an avenue for subdivision where it is considered subdivision potential of the site has already been exhausted, is disingenuous. Therefore, it is recommended that the minimum lot size of 'Welby Park Manor' be amended from the current 700m² minimum lot size to 4,000m². Residential development on the southern side of the Old Hume Highway opposite the 'Welby Park Manor' site in Mittagong has a minimum lot size of 4000m² so this approach would be consistent with nearby development of similar character.

PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS

Should Council support the recommendation of this report to support the heritage listing of 'Welby Park Manor' and the two associated public reserves as a heritage item, then a Planning Proposal will be prepared by Strategic Land Use Planning Branch staff which will seek to amend the WLEP 2010 to add the sites to the list of heritage items in Schedule 5 of that plan, and to add the sites to the Heritage Map. In addition, should the amendment of



the minimum lot size be supported, this would also form part of that Planning Proposal through the amendment of the Minimum Lot Size Map for the subject site.

Therefore in summary, the Planning Proposal that would be prepared should the approach recommended and justified in this report would contain the following:

1. Addition of Lot 10 DP 1009585 ('Welby Park Manor', 28 Old Hume Highway, Welby), Lot 60 DP 249064 (Public Reserve, Welby Heights, Meranie Street, Welby) and Lot 1 DP 249064 (Public Reserve, 2A Old Hume Highway, Welby) as new heritage item "Welby Park Manor including trees and stone fence" in Schedule 5 of the WLEP 2010.
2. Addition of Lot 10 DP 1009585, and Lots 1 & 60 DP 249064 as a heritage item on the Heritage Map.
3. Amend the minimum lot size of Lot 10 DP 1009585 from 700m² to 4,000m² on the Minimum Lot Size Map.

COMMUNICATION AND CONSULTATION

Community Engagement

Any proposed amendment to WLEP 2010 supported by Council is lodged with the Department of Planning, Industry and Environment for a Gateway Determination to proceed. Community consultation occurs in accordance with the Gateway requirements but public exhibition for a period of 28 days is normally recommended.

Internal Communication and Consultation

Any proposed amendment to WLEP 2010 supported by Council would be internally referred to relevant staff for comment.

External Communication and Consultation

Any proposed amendment to WLEP 2010 supported by Council would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

The listing of this site as a heritage item would serve to protect the mature trees and gardens on the property as well as the stone fence and trees currently within road reserves adjacent to the 'Welby Park Manor' property.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

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• Culture

The listing of new heritage items is one of the strategies identified in the Wingecarribee Community Strategic Plan, Wingecarribee 2031 under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages). Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate.

• Governance

This report has been prepared in consideration of guidelines provided by the Department of Planning, Industry and Environment and any Planning Proposal prepared by Council would also be processed in accordance with Departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

As the Interim Heritage Order was initiated by Council, no Planning Proposal fees are applicable.

RELATED COUNCIL POLICY

There are no related Council policies.

OPTIONS

The options available to Council are:

Option 1

That Council **support** the proposed heritage listing of 'Welby Park Manor' and the adjacent Public Reserves and the change in the Minimum Lot Size of 'Welby Park Manor'. This option forms the recommendation contained in this report, as follows:

1. **THAT** Council supports the proposed heritage listing of 'Welby Park Manor including trees and stone fence' comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 & 60 DP 249064.
2. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add Lot 10 DP 1009585 and Lots 1 & 60 DP 249064 as a new heritage item and to amend the Minimum Lot Size Map in relation to Lot 10 DP 1009585 (28 Old Hume Highway, Welby) from 700m² to 4,000m².
3. **THAT** the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.

Option 2

That Council **not support** the proposed heritage listing and the change in the minimum lot size of 'Welby Park Manor' and the adjacent Public Reserves. This option is not

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recommended as it ignores the heritage assessment of the property that has demonstrated that it is eligible for heritage listing. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council not support the proposed heritage listing of 'Welby Park Manor including trees and stone fence' comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 & 60 DP 249064 at this time.

Option 3

That Council **support** the proposed heritage listing of 'Welby Park Manor' and the adjacent Public Reserves **but not support the change to the minimum lot size**. This option is not recommended as it would provide uncertainty to the owners of the site and provide theoretical future subdivision potential. Further subdivision of the site is not supported on heritage grounds. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council supports the proposed heritage listing of 'Welby Park Manor including trees and stone fence' comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 & 60 DP 249064.
2. THAT a Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add Lot 10 DP 1009585 and Lots 1 & 60 DP 249064 as a new heritage item.
3. THAT the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. THAT Council staff engage with Government stakeholders and the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. THAT Council consider a report after the conclusion of consultation and public exhibition on the Planning Proposal.

Option 1 is the recommended option to this report.

CONCLUSION

In December 2018, Council issued an Interim Heritage Order under delegation to protect 'Welby Park Manor' from an unsympathetic subdivision proposal (DA 19/0765) which has subsequently been withdrawn. This has led to a heritage assessment which concludes that the site is significant in five out of seven heritage assessment criteria and is therefore worthy and eligible for listing as a heritage item of local heritage significance. In June 2019, Council deferred consideration of the heritage listing to allow time for the owners to submit further information for consideration. No information has been received. This report recommends that Council supports the proposed heritage listing of the site as well as two adjacent Council-owned public reserves and also recommends that the minimum lot size of the main site be amended to remove further subdivision potential of this historical site.

ATTACHMENTS

1. Heritage inventory sheet for the proposed heritage listing of 'Welby Park Manor'

12.4 Heritage Assessment of Welby Park Manor, 28 Old Hume Highway, Welby
 ATTACHMENT 1 Heritage inventory sheet for the proposed heritage listing of
 'Welby Park Manor'



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
Item name: Welby Park Manor including trees and stone fence		
Location: 28 Old Hume Highway Welby 2575	Wingecarribee	

Address: 28 Old Hume Highway	Planning: Illawarra & Macarthur
Suburb/nearest town: Welby 2575	
Local govt area: Wingecarribee	Parish: Jellore
State: NSW	County: Camden
Address: Public Reserve, 2A Old Hume Highway	Planning: Illawarra & Macarthur
Suburb/nearest town: Welby 2575	
Local govt area: Wingecarribee	Parish: Jellore
State: NSW	County: Camden
Address: Public Reserve, Welby Heights Meranie Street	Planning: Illawarra & Macarthur
Suburb/nearest town: Welby 2575	
Local govt area: Wingecarribee	Parish: Jellore
State: NSW	County: Camden
Other/former names: Hopes (1920s-1950s); Norman (1960-1969); Le Relais Fleuri Restaurant (1980s); Welby Manor Restaurant (1980s)	
Area/group/complex:	Group ID:
Aboriginal area: Gandangara	
Curtilage/boundary:	
Item type: Built	Group: Residential buildings (private) Category: House
Owner: Private - Individual	
Admin codes: WI0608	Code 2: Code 3:
Current use: Private residence; holiday rental accommodation	
Former uses: Private residence; restaurant; bed and breakfast	
Assessed significance: Local	Endorsed significance:

Statement of significance: The house has significance as a rare example of an arts and crafts stone cottage with a matching stone fence (some of which is contained in a Council reserve along Old Hume Highway) surrounded by mature trees. The design and construction of the house is associated with architect Byera Hadley who owned the property in the 1920s. Later alterations may be associated with another architect, Arthur Peter Stephenson. The property has landmark qualities due to its location on top of the hill at Welby, its garden of mature trees and its imposing entry and stone fence. The stone used from the building was at least partially sourced from the Fitz Roy Iron Works blast furnace, demolished in 1922.

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Wingecarribee

Historical notes of provenance: WELBY PARK LAND TITLE RESEARCH - prepared by Linda Emery, Berrima District Historical and Family History Society, December 2018

During a survey of the County of Camden in 1863, Surveyor Robert Campbell recommended the establishment of a Government township adjacent to the FitzRoy Iron Works. Crown Land in the Township of Fitzroy was offered for sale in 1865. Robert Snowden, a brickmaker and Mittagong businessman, purchased a large number of lots in the subdivision, including Lots 1 – 4 and 7 – 10 of Section 5. The remaining two lots in the section, Lots 5 and 6 were purchased by innkeeper John Watson.

LAND TRANSFERS SECTION 5 VILLAGE OF FITZROY

Until the 1880s there was little development in the township although it is thought that William Brazenall operated his blacksmithing and iron foundry there from the early 1880s. In 1889, he purchased from Robert Snowden Lots 4 and 7, Section 5, the acre of land where his foundry was located. Brazenall operated his works until he left the district in 1893.

The house now known as Welby Park Manor straddles the boundary of Lots 3 and 4 of Section 5. A study of the land ownership and rate books for the Nattai Shire suggests that the house was built by Byera Hadley, probably around 1923-1926, based on the following evidence:

1. Lot 4 was acquired by Mabel Nankiville in June 1898 from the mortgagee in possession of William Brazenall's land. In the rate assessments for the years 1907-1909, the improved capital value of the land is the same as the unimproved value, showing there was no house on the site.
2. Mabel Nankiville did not acquire the adjoining Lot 3 until December 1919. It is not feasible that she and her husband, Henry (a stonemason) would have built a house on land they did not own.
3. Byera Hadley acquired Lots 3 and 4 in October 1922. He had previously bought Lots 1,2 and 8-10 in July 1921 for a total of £75, confirming there were no capital improvements on these lots at that time.
4. In 1926, Byera Hadley purchased from The Crown the unmade road between Lots 1-5 and 6-10 thus consolidating the whole block in his ownership.
5. Hadley is listed in Electoral Rolls living in Mittagong from 1922 until 1932.

LAND TRANSFERS

Original 6 Nov 1866

Lot 1 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 2 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 3 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 20 Dec 1919 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 4 6 Nov 1866 - Robert Snowden; 11 Nov 1889 - Wm Brazenall; 3 Dec 1889 - Mesac Thomas (Mortgage); 10 Jun 1898 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 5 6 Nov 1866 - John Watson; 13 Mar 1899 - Abraham Watson; 1899 - Henry Dawson; 26 Jul 1911 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 6 6 Nov 1866 - John Watson; 13 Mar 1899 - Abraham Watson; 1899 - Henry Dawson; 26 Jul 1911 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 7 6 Nov 1866 - Robert Snowden; 11 Nov 1889 - Wm Brazenall; 3 Dec 1889 - Mesac Thomas (Mortgage); 13 Apr 1911 - John Mealing; 26 Aug 1913 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 8 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 9 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 10 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

BYERA HADLEY

Architect and builder of Welby Park Manor, Byera Hadley, became an influential figure in his chosen profession. Born in Bristol, England, he came to Australia in 1887 and the following year enrolled at the Sydney Technical



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College in the architectural course. He later joined the staff, beginning as an Assistant Lecturer but ultimately led the Department of Architecture at the college until his retirement from the public service in October 1926. He began his private practice in 1897 and in 1899, became a Fellow of the Institute of Architects.

During his career he received a number of commercial and ecclesiastical commissions. His better known work included the design of Botany Town Hall in 1899, Willoughby Town Hall in 1903, the original wing of Wesley College (1916) and its chapel (1919). His residential work is not well known, but is typically in the Arts and Crafts style. He received a number of commissions from the Methodist Church, probably through his friendship with Frederick Cull, a wealthy Sydney businessman and philanthropist who was a staunch Wesleyan.

After his death, he left a substantial bequest to establish the Byera Hadley Travelling Architectural Scholarship which continues to this day. The prestigious scholarships are part of his continuing legacy to encourage architects and students to undertake travel, study or research that contribute to the advancement of architecture. The scholarship was first awarded in 1951 to the late Bryce Mortlock, and has included some of the profession's finest – including Ken Woolley, Colin Griffiths, Professor Lawrence Nield, Deborah Dearing, and recent recipient of the 2014 Sulman Medal for Public Architecture Rachel Neeson.

Hadley lived at least part time in Mittagong for about nine years while continuing his private practice in Sydney. He named his Mittagong house and property 'Hopes' where he was listed on the electoral rolls. He was the architect for Annesley School in Bowral and advised on plans for the Mittagong School of Arts Committee in 1925. Hadley died in Sydney in November 1937 aged 65 and was buried at Woronora Cemetery in Sydney.

LAURA AND ISABEL CULL

Laura Agnes and Isabel Haidee Cull purchased the property from Byera Hadley in 1932 for £1,800. As well as the ten lots in Section 5, Laura Cull acquired Lots 2 to 10 of Section 8, directly behind the 'Hopes' property, effectively taking the landholding to 12 acres, including the unmade Berrima Road.

Laura and Isabel Cull were the unmarried daughters of Fred Cull, for whom Hadley had done so much work. Laura Cull became the sole owner in 1938 and held the property until it was sold in 1960. In the Valuer General Valuation List for 1950, the consolidated Lots 1-10 Section 5 were held by Laura Agnes Cull. The Unimproved Value was £180, Improved Value £2000. At that time, the house still retained its original name, 'Hopes'. Miss Cull's address is given as 'Epacris' Chandos Street, Ashfield. She later moved to 4 Llandilo Avenue, Strathfield.

ARTHUR PETER STEPHENSON

Another architect, Arthur Peter Stephenson, purchased the consolidated property Lots 1 to 10 in Section 5 in 1960. Stephenson was the son of Sir Arthur Stephenson, co-founder of Australia's first national and international architectural firm, Stephenson and Turner. Peter Stephenson became the senior partner in the firm. It is likely that he was responsible for additions to the original house (TBC). The property was renamed 'Norman' by Peter and his wife Ethel (also an architect). In 1963, Stephenson acquired title to the unmade section of Berrima Street amounting to almost 2 acres.

'Norman' was sold in 1969. It was around this time that the property became known as Welby Park. In 1973 it was acquired by Impala Properties after which the subdivision of the property began. (DP 568702) Lots 1 & 2, Volume 12419, Folios 149 and 150.

WELBY PARK TEAROOMS AND RESTAURANT

In 1978, the house on a reduced acreage of two acres was purchased by Ivor and Pamela Roberts. Ivor Roberts was a wine and food writer and owned a vineyard in the Hunter Valley. The Roberts established a restaurant and tearooms in the house in 1979.

The restaurant was run under several names, including Le Relais Fleuri in 1983, and Welby Manor in 1985 until it was sold and returned to use as a private residence in 1987.

EARLY HISTORY

The history of the Welby Park Manor has been wrongly reported and embellished in a number of real estate

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Wingecarribee Shire Council

SHI number
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Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee

advertisements over many years. The current owners advertise on their accommodation website that the house was built in the 1840s which is clearly not the case. A range of these advertisements are filed in the Welby Park Manor Building File at Berrima District Historical & Family History Society as a guide to usage over time and information on property owners and occupiers, but should not be taken as accurate.

Linda Emery
8 December 2018

Themes: **National theme**
3. Economy
4. Settlement

State theme
Mining
Towns, suburbs and villages

Local theme

Designer: Byera Hadley

Builder:

Year started: 1923

Year completed:

Circa: Yes



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
<p>Item name: Welby Park Manor including trees and stone fence</p>		
<p>Location: 28 Old Hume Highway Welby 2575</p>		Wingecarribee

Physical description: The site has a front fence of fine stone with iron gates and a post and wire property fence of approximately 1.2 metres high and a side driveway. The site also features several subsidiary buildings which are of similar date. The front garden is large and informally landscaped and features mature trees, hedging and exotic conifers and provides an appropriate setting for the house. The house is constructed of stone in an Arts and Crafts style and is not visible from the street. The roof is gabled with a medium pitch. The roof is clad in terracotta tiles, timber shingle gable end. The house is accessed from a curved driveway from the stone fence and entry off the Old Hume Highway.

The trees and fence along the Old Hume Highway which were originally part of the house lot (originally Lots 1-10 Sec 5 in the township of Fitzroy) before subdivision in 1973 (creating Lot 1 DP 568702) were retained as part of the subdivision of Lot 2 DP 568702 in 1974 (creating DP 249064) in a public reserve around 5 metres wide from Bendooley Street to Welby Park Manor and from Welby Park Manor to Meranie Street. These two public reserves are included in this heritage listing.

The large 7345m² allotment contains a mature garden of mostly exotic species, including (information taken from arborist report submitted with development application 19/0765 for a 6 lot subdivision, November 2018):
 Araucaria bidwillii Bunya Pine (x2, mature, good general health and structure, 21 and 266 and 9m in height)
 Acacia baileyana Cootamundra Wattle (1 mature, good health and structure, 9 m in height; 1 over mature, poor health and structure, 6m in height)
 Acacia elongata Swamp Wattle (x1, mature, good general health and fair structure, 6m in height)
 Arbutus unedo Irish Strawberry Tree (x1, mature, good general health and structure, 6m in height)
 Cupressus macrocarpa Monterey Cypress (x19, mature, most have good general health and structure, most range 17-33m in height)
 Chamaecyparis obtuse Hinoki Cypress (x1, mature, good general health and fair structure, 7m in height)
 Cupressus sp. Cypress species (1 mature, fair general health and fair structure, 8m in height; 1 mature, good general health and structure, 15m in height)
 Pittosporum eugenioides cv. Lemonwood cultivar (x1 mature, good general health and condition, 6m in height)
 Pinus radiata Monterey Pine (numerous in number [around 17]; mature; most in good general health and structure; range 24-35m in height)
 Pittosporum undulatum Sweet Pittosporum (x1, mature, good general health and structure, 8m in height)
 Quercus palustris Pin Oak (x3, mature, good general health and structure [18m one of fair structure], 17, 18 and 32m in height)
 Liquidambar styraciflua Liquidambar (x7, good general health and fair to good structure, 22-32m in height)
 Podocarpus elatus Illawarra Pine (x1, mature, good general health and fair structure, 11m in height)
 Picea pungens Blue Spruce (x1, young, good general health and fair structure, 4m in height)
 Prunus sp. Flowering Cherry (x2, mature, good general health and structure, 5m in height)
 Pittosporum tenuifolium cv. Kohuhu cultivar (x1, mature, good general health and structure, 7m in height)
 Tilia cordata Small-leaved Linden (x1, mature, good general health and structure, 18m in height)
 Ulmus procera English Elm (x1, mature, fair general health and structure, 10m in height)
 Viburnum tinus Laurestinus Viburnum (x3, mature, good general health and structure (one fair structure), 5, 7 and 8m in height)

Physical condition level:

Physical condition:

Archaeological potential level: Not assessed

Archaeological potential Detail: Remains of the Brazenall foundry including artifacts from it are possible, but given the disturbed nature of the site are not likely.



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
<p>Item name: Welby Park Manor including trees and stone fence</p> <p>Location: 28 Old Hume Highway Welby 2575 Wingecarribee</p>		

Modification dates: 1960s - additions by Stephenson?
 1970s - extra room added.
 1970s - early 1980s - adaptations for use as a restaurant.
 c.1975 - subdivision of property creating new lots along Bendooley Street. Presumably it was about this time that the stone fence along Old Hume Highway was retained in a small Council reserve. Lots were eventually sold around 2001 and by 2002 two-thirds of the houses along Bendooley Street had been built.
 1990s - additional room added for bed and breakfast use.
 2018 - application 19/0765 for a 6 lot subdivision. Withdrawn by applicant.
 2018 - Interim Heritage Order No. 8 published 21 December 2018

Recommended management:

Management:	Management category	Management name
--------------------	----------------------------	------------------------

Further comments: Original iron gate under the stone arch on the end of the stone wall on the corner of Bendooley Street was stolen in October 2002 and reported to Council (and the police) by the then owner of Welby Park Manor. The gate was described at that time by the owner as "Victorian" style. No photos of the gate have been found to date.

Criteria a): Welby Park Manor is an important reference site that assists to explain the development of Mittagong and the village of Fitzroy (now Welby). The house was designed and built by prominent architect Byera Hadley who bought all the lots in Section 5 in 1921 and 1922.
[Historical significance]

Criteria b): The house and grounds are associated with prominent architect Byera Hadley. The original site (Lots 1-10) was bought in 1960 by architect Arthur Peter Stephenson, son of Sir Arthur Stephenson (co-founder of Stephenson and Turner architects) and senior partner of his father's firm. Stephenson acquired the title to the unmade section of Berrima Street.
[Historical association significance]

Criteria c): The main section of the house is a rare example of arts and crafts style housing executed in stone. It combines local materials and workmanship with imported design ideas that are a blend of innovation and imitation. The intact nature of much of the (external) fabric adds to an appreciation of the design of the building. The building and grounds are distinctive and have landmark qualities. The stone used for the construction of the house was sourced (at least in part) from the blast furnace from the Fitz Roy Iron Works, located on the site of today's Ironmines Oval and demolished in 1922.
[Aesthetic/Technical significance]

Criteria d):
[Social/Cultural significance]

Criteria e): The site has potential to reveal new or further substantial scientific, cultural, technical, archaeological or historical information. In particular, the stone used to build the house was sourced from the Fitz Roy Iron Works blast furnace.
[Research significance]

Criteria f): The building is a rare example of a stone house in an arts and crafts style. The house is one of only three known structures built from the stone from the Fitz Roy Iron Works blast furnace.
[Rarity]

Criteria g):
[Representative]

Intactness/Integrity:

References:	Author	Title	Year
	Linda Emery	Welby Park Land Title Research	2018
	Leah Day & Tim Mc Cartney	Mittagong's Picturesque History	1996

12.4 Heritage Assessment of Welby Park Manor, 28 Old Hume Highway, Welby
 ATTACHMENT 1 Heritage inventory sheet for the proposed heritage listing of
 'Welby Park Manor'



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
Item name: Welby Park Manor including trees and stone fence		
Location: 28 Old Hume Highway Welby 2575		Wingecarribee

Studies:	Author	Title	Number	Year	
	John Armes	Heritage assessment of Welby Park Manor		1997	
	JRC Planning Services	Wingecarribee Heritage Study	WI0608	1991	
Parcels:	Parcel code	Lot number	Section number	Plan code	Plan number
	LOT	1		DP	249064
	LOT	60		DP	249064
	LOT	10		DP	1009585
Latitude:			Longitude:		
Location validity:			Spatial accuracy:		
Map name:			Map scale:		
AMG zone:			Easting:	Northing:	
Listing:	Name	Title	Number	ListingDate	
	Wingecarribee IHO No. 8 (lapsed 2	Heritage Act - Interim Heritage Order - Lapsed		21/12/2018	
	Wingecarribee Heritage Survey 200	Potential Heritage Item			
		Heritage study			
Data entry:	Data first entered: 22/07/1991	Data updated: 29/01/2020	Status: Basic		



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee

Image:



Caption: Welby Park Manor - view of eastern facade of house

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345f976acc1873c4c9d9188a843ec10b4c0.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345f976acc1873c4c9d9188a843ec10b4c0.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern facade of house (at termination of driveway)

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Image date: 11/12/2018

Image number:

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Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3450b019fd3a97445598a468cfe9306dbd2.jpg

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Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of verandah from south

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34524f7c164cc134bbf882a1c786bef42e4.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34524f7c164cc134bbf882a1c786bef42e4.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern side of house from east

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3459a6a242cef4549478be58e9f3077374a.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3459a6a242cef4549478be58e9f3077374a.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
 Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern facade and driveway with trees beyond

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3454fee877b68ff4ed789b35ba4e014fae9.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3454fee877b68ff4ed789b35ba4e014fae9.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern facade and driveway with trees beyond

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3451a7b62bef0364470ae69098acae2fc41.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3451a7b62bef0364470ae69098acae2fc41.jpg

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Wingecarribee Shire Council

SHI number
2680608
Study number
W10608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of shed on south-western edge garden

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34500c39966573c4e5a80a0d2bc7d797542.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34500c39966573c4e5a80a0d2bc7d797542.jpg

Image:



Wingecarribee Shire Council

SHI number
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Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view south from the house of gardens and trees

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Image by: Sarah Farnese

Image date: 11/12/2018

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Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345ab1c5e69233e4190bdafc78ebefe1096.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345ab1c5e69233e4190bdafc78ebefe1096.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view north along the gravel driveway

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

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Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of eastern part of garden including mature trees

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Image by: Sarah Farnese

Image date: 11/12/2018

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Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34597f6146735fc42d789cb0e534a078a9e.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34597f6146735fc42d789cb0e534a078a9e.jpg

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Wingecarribee



Caption: Welby Park Manor - view of fence and gates

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Image date: 11/12/2018

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Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34553d064e05aee43d39b77420ded156034.jpg

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Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of entry from Old Hume Highway

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Image by: Sarah Farnese

Image date: 11/12/2018

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Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3458f7d439327bb47b3b45fa8356f767625.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of gate posts on corner of Bendooley Street

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345c4a95ca4a34e433ab091ed136eeb3306.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345c4a95ca4a34e433ab091ed136eeb3306.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of gate posts on corner of Bendooley Street and trees along Old Hume Highway

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

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Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of footpath and stone fence east of driveway (from Bendooley Street)

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Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

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SHI number
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Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of street frontage from southern side of Old Hume Highway

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

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12.5 Capital Replacement of the Wingecarribee Animal Shelter

Reference: 5501/8; 5501/8.4
Report Author: Coordinator Regulatory Services
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to consider issues relating to the current Wingecarribee Animal Shelter and outline the possible options for the potential future capital replacement of the facility.

RECOMMENDATION

1. **THAT** Council provide in-principle support for the Capital Replacement of the Animal Shelter facility.
2. **THAT** Council adopt the high level principles as contained within the report for the purposes of identifying a potential suitable site for a facility location and associated infrastructure.
3. **THAT** Council allocate \$50,000 from the 2019/20 financial year budget as seed funding for the purposes of preparation of conceptual plans and drawings to inform budget costing and to enable a funding strategy to be developed.

BACKGROUND

The Wingecarribee Animal shelter is an important piece of community infrastructure that is essential for Council to carry out its companion animal management core business functions under the *Impounding Act 1991* and the *Companion Animals Act 1998* and associated regulations. It is understood that the Council had considered and contemplated the capital replacement of the facility in 2008 and further a report was prepared and tabled to a meeting

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on the 10th of June 2009 when Council resolved to progress the development.

Subsequent to the meeting in 2009, a Benefactor came forward and expressed interest in providing funding towards the project and in particular providing funding towards the cost of acquiring land or towards the construction of a building or a combination of both. A further report was prepared and tabled to full Council on the 13th April 2011 outlining the benefactors interest in the proposal and seeking Council's position on the matter. Following consideration of the report, the Council resolved inter alia to 'in principle' support further negotiations with the benefactor and to establish a formal memorandum of understanding (MOU) to progress the matter.

On the 30th October 2013, Council considered an options report for the capital replacement of the Animal Shelter which detailed a number of separate locations throughout the Southern Highlands. The report also detailed a number of high level built form options which had been constructed by other Councils in New South Wales that had similar impounding numbers to Council.

During the meeting of the 30th October 2013, Council resolved to

1. *THAT Council endorse the preliminary investigation of a site for the shelter in the Northern end of the Shire.*
2. *THAT the benefactor be consulted on the preferred option for relocation.*
3. *THAT the Companion Animals Working Group continue to be consulted in all matters relating to the animal shelter and animal welfare issues.*
4. *THAT only the General Manager or his delegates be permitted to deal with the benefactor in relation to the shelter.*

In 2013, negotiations stalled with the benefactor when it was realised that the party was interested only in the purchase of land and Council would then be required to undertake construction of any improvements that would be ordinarily required for the shelter facility. At that stage negotiations were abandoned due the sizable investment by Council for buildings on land that was in third party ownership.

In order to provide a more informed decision in terms of the future capital replacement of the animal shelter against renovation of the existing facility, Council staff in 2014 commissioned an audit in order to ascertain levels of compliance with industry standards under the Department of Primary Industry's Guide to Pounds and Animal Shelters. Animal Shelter Planning Australia (ASPA) was commissioned to undertake the audit of the current facility, provide advice in terms of improvements in line with the code and provide relevant costing including staging of those improvements on a high, medium and low risk basis.

The audit identified a risk management action plan including items such as site access, car parking, directional signage, improvements to professional staff loading and unloading areas, administration building replacement, replacement of the cattery and quarantine cattery and the provision of a vet assessment room. Other improvements include refurbishment of the dog kennels and dog exercise yards.

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The staging plan suggested that Council consider incremental upgrades to the existing facility with costs distributed over consecutive financial years in order to reduce the cost burden. The staging plan provided for 7 stages over 5 consecutive financial year periods at an indicative cost of \$900,000 plus GST. These indicative costs were calculated in 2014 are likely to have increased significantly since this time beyond standard consumer price index CPI increases.

In September 2014, Council considered the operational model of the shelter and due to uncertainty surrounding in house management vs external management, the capital replacement of the shelter was suspended pending the outcome and further resolution of the preferred model. Following community consultation, Council resolved to operate the shelter facility 'in house' on a trial period for a period of three years commencing in 2015.

At the expiry of the trial period a further report was prepared and tabled to the meeting of the 26 June 2019, seeking to confirm that the management of the Wingecarribee Animal Shelter continue in-house on a permanent basis within the existing operational budget.

At that meeting, Councillors resolved to continue with in house management of the facility on a permanent basis. Given that there is now certainty surrounding the operational model, consideration of the capital replacement of the animal shelter is now considered necessary.

REPORT

It is well known and documented that the shelter facility located upon Berrima Road Moss Vale, does not adequately meet the minimum industry standards (including Department of Primary Industry Animal Shelter Guidelines), provide for and support the operational needs for both facility staff and the community and further does not adequately support and strengthen Council's minimal euthanasia philosophies in terms of space, disease control and an environment that is supportive of long term accommodation practices for companion animals.

The current facility has been considered to be plagued by continued physical and environmental constraints and these have been raised comprehensively by facility staff and also previous contractors that have supplied companion animal management services to the Council. The issues have in part arisen due to its proximity to other industrial land uses such as the resource recovery centre (RRC) operation and the physical constraints are unable to be overcome through engineered design or capital maintenance upgrades.

The issues currently being experienced include:

- Offensive noise (from plant operation, machinery, grinding, crushing and milling)
- Dust (generated from crushing materials, plant generating dust on unsealed roads, Milling and turning of materials)
- Odour (generated from storage of material / management of waste, on site fires and burning materials and the housing of animals for sale and impound at the Regional Livestock Centre).
- Access (restriction of hours through the RRC, EPA licencing requirements and weighing of all vehicles entering and exiting the RRC and traffic congestion. Inability to control access to the site from the RRC and inability to control visitor access to the shelter).
- Transport (Vehicles entering the site are required to queue with the RRC traffic)

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- Limited opportunities for exercising and enrichment of animals off main roads and high traffic areas.
- Security (Site is subject to consistent break ins after hours and associated WHS issues with the RRC).
- Limited immediate surrounding land opportunities for expansion and development.
- Building maintenance issues (poor conditions of buildings and use of containers and potable temporary structures, poor site design, layout and functionality).
- Onsite stormwater and drainage issues (flooding, ponding and poor onsite drainage management).
- Liquid Trade Waste (management of external drains including infiltration of stormwater into sewer).
- Vermin control (Snakes and other rodents are consistently onsite and having to be managed due to proximity to the RRC).
- Hazards (presence of subsurface hazardous materials, onsite fires due to internal combustion within the RRC site).

Such issues have made the operability of the centre difficult to manage and in more recent times, limited funding has been attributed to the capital maintenance and improvement of the facility. Accordingly in order to support and strengthen Council's position on the animal welfare and minimal euthanasia principles, along with providing an industry leading facility, it is necessary to move forward and ensure the progress of the capital replacement of the Wingecarribee Animal Shelter not only for animals entrusted within Council's care but also the staff, volunteers and more broadly the wider community.

Given the land use conflicts that exist with other adjacent land uses to the facility and due to the inability to engineer a solution to mitigate against the constraints, it is considered to be no longer viable to maintain the existing facility and the infrastructure should be replaced and relocated to an alternative site to mitigate against such constraints.

From a review of Council's existing land inventory, there is limited opportunities for land that is suitable and within Council's existing tenure that suits the type of development proposed. Whilst re-zoning land is not considered to be an impediment, nor public or private ownership of land should be a barrier to any decision of location, a number of high level principles have been developed to aid in any future land selection:

- The site must be located in a high profile location, maximising exposure to the public and to aid marketing and promotion of the shelter operations. This will assist in Council's campaign to increase promotion and in turn assisting in achieving alternatives to euthanasia policy position.
- A suitable land size to enable development of the shelter infrastructure and future expansion if necessary. An area of between 5,000 and 10,000 square metres is considered appropriate to enable future growth and expansion.
- Compatible and sympathetic with adjoining land uses (light industrial or agricultural) Not located adjacent to sensitive land uses.
- Council may need to undertake a planning proposal to enable a schedule 1 additional permitted use on any site as an 'animal boarding facility' as defined within the Wingecarribee Local Environmental Plan 2010.
- Not classified as bushfire prone or flood prone land.

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- Minimise costs associated with the development, servicing and ongoing maintenance costs (need to consider whole of life costs not just establishment costs).
- Suitable access and egress to the site via sealed roads and access to services including access to reticulated serviced such as water, sewer and stormwater.
- Security of location (including active and passive surveillance of the site). Isolation associated with any potential site should be avoided where possible.
- Potential location should factor in where the highest historical percentage of dog impounds occur within the Local Government Area.
- Future proofing (strategic options and partnerships should be considered with respect to potential mergers with other Council's also taking into account future development trends).

With regard to this criteria, should Council resolve to in-principle support the capital replacement of the animal shelter, staff will commence the process of identifying suitable land within the shire and further present a future report to the Council for consideration.

In addition to identifying a suitable site for the relocation of the existing facility, it is also appropriate for high level principles to be developed for the built form component to support the capital replacement. Such principles would inform the preparation of concept designs should appropriate funding be identified to progress the capital replacement of the facility.

To enable such principles to be developed, a needs analysis was undertaken to identify appropriate elements that would need to be included in any future design component associated with construction of the shelter facility and associated ancillary works.

These principles include:

- Dedicated reception area including defined entry point, controlled access, 'meet and greet area' and rehoming collection / education area.
- Amenities for staff and the general public including male and female toilets and disabled toilet facilities and showers.
- Large storage rooms for storage of goods, sustenance, and vet supplies.
- Veterinary room for vet care of companion animals and surgery where necessary.
- Food preparation area for impounded animals.
- Staff kitchen facilities / lunchroom / meeting room.
- Cattery including condos and isolation area for disease control.
- Companion Animal runs and kennels with heated slab flooring and infection control sealing of walls and flooring. Including acoustical treatments.
- External companion animal exercise and training yard facilities.
- Seamless access from the kennel areas to an exercise yard.
- Dangerous dog handling facilities
- Separate access to the public areas and also Ranger dispatch and pick up area.
- Volunteer room and handwashing facilities / change room.

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- Laundry facilities for washing of companion animal bedding.
- Garage for plant and operational vehicles.

These principles would provide a scope to inform the conceptual design and future detailed design of the shelter infrastructure. Once detailed designs are prepared, a quantity surveyors report will identify the expected costs associated with construction of the facility. Council would then prepare an appropriate funding strategy including a future report to full Council for consideration and adoption.

ATTACHMENTS

There are no attachments to this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Should Council resolve to in-principle support the capital replacement of the animal shelter, community consultation shall occur on the shelter conceptual drawings once a location has been established and resolved by full Council.

Internal Communication and Consultation

Internal consultation has been undertaken with Council's Regulatory Services Unit, Animal Shelter and also Council's Assets and Finance business units of Council.

External Communication and Consultation

Council has undertaken preliminary high level discussions with an independent expert consultants in construction and management of animal care facilities.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The Animal Shelter is an important piece of community infrastructure that enables Council to discharge its companion animal management responsibilities, whilst also enabling opportunities for community participation, capacity building and also opportunities for self worth. The community has a strong connection with the shelter facility and associated activities which was evident through the community consultation processes in 2014/2015.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

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- **Governance**

The progress of the capital replacement of the animal shelter will aid in achievement of the expected outcomes of the Alternatives to Euthanasia policy position of the Council.

COUNCIL BUDGET IMPLICATIONS

In 2014, a report was commissioned by Council into the capital upgrades to the existing shelter facility. The report identified that at the time the upgrades that were required to enable the facility to meet modern standards was in excess of \$900,000. The report did not allow for the future growth of the facility nor the future growth in the LGA population and associated increase in companion animal ownership across the shire. For reasons stated in the report, the current location is not suitable for the purposes of an Animal Shelter and accordingly the facility should be relocated to avoid the current physical limitations encountered.

The capital replacement of the Animal Shelter is unfunded in the 2019/20 financial year budget and remains a high priority project on the adopted unfunded priorities list contained within Council's Delivery Program.

It is recommended that \$50,000 be allocated at the March Quarterly Review of the 2019/20 Budget to enable preliminary concept plans to be prepared and also the commencement of identifying appropriate land for such a facility to be developed. Once detailed costings are identified this would assist Council in developing a funding strategy for capital replacement of the existing facility.

Council staff have discussed with experienced key industry professionals that the likely costs of a facility of commensurate size to Council's existing facility and indicative figures suggest a build cost circa of \$4M - \$4.5M. Detailed designs of a potential facility operation would enable Council to commence further detailed costings of the project.

RELATED COUNCIL POLICY

Alternatives to Euthanasia Policy.

OPTIONS

The options available to Council are:

Option 1:

THAT Council provide in-principle support for the Capital Replacement of the Animal Shelter facility.

THAT Council adopt the high level principles as contained within the report for the purposes of identifying a potential suitable site for a facility location and associated infrastructure.

THAT Council allocate \$50,000 from the 2019/2020 financial year budget as seed funding for the purposes of preparation of conceptual plans and drawings to inform budget costing and to enable a funding strategy to be developed.

Option 2

THAT Council not provide in-principle support for the Capital Replacement of the Animal Shelter Facility and instead identify funding within the 2020/2021 budget to renovate the

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existing facility to current standards in accordance with the report commissioned in 2014 authored by ASPA.

Option 3

THAT Council not support the capital replacement or capital renewal of the Animal Shelter facility.

Option 1 is the recommended option to this report.

CONCLUSION

The shelter provides an important piece of important community infrastructure that enables Council to comply with its obligations under the *Companion Animals Act 1998*. The shelter also provides a facility that enables high quality care of impounded companion animals and also enables and facilitates community participation in the care and welfare of animals that are seeking rehoming opportunities under Council's Alternatives to Euthanasia Policy.

The current shelter whilst has served the broader community over the past 19 years, the shelter infrastructure is now requiring significant capital upgrades to accommodate both population growth, compliance with welfare standards and also to overcome significant land use conflict issues being experienced associated with its current location. As the current proximity to other industrial uses such as the RRC become increasingly problematic due to dust, noise, odour and other hazards such as fires, it has become apparent that significant injection of capital into the upgrade of the current facility is not feasible and instead an alternative site should be pursued that removes the current land use conflicts that are being experienced.

The pursuit of capital replacement of the existing facility will provide for new opportunities in compliance with welfare standards, further expansion opportunities as the Local Government Area experiences population growth, marketing opportunities and achievement of Council's pursuits in the alternatives to euthanasia policy program outcomes.

ATTACHMENTS

There are no attachments to this report.

12.6 2019 Tulip Time Festival Outcomes

Reference:	1671/8
Report Author:	Group Manager Tourism & Events
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Promote Southern Highlands' unique brand identity

PURPOSE

The purpose of this report is to provide Council with information regarding the outcomes of the 2019 Tulip Time Festival and note the dates of the 2020 Tulip Time Festival; and to seek endorsement for the 2020 charity partner – Can Assist-Southern Highlands Branch.

RECOMMENDATION

1. **THAT 2019 Tulip Time Festival Outcome Report be noted.**
2. **THAT 2019 Tulip Time Festival resulted in a surplus of \$139,256 AND THAT this be transferred to Council's reserves.**
3. **THAT Council note that Tulip Time celebrates its 60th year in 2020 AND THAT there will be a 20% increase in the 2020 budget drawdown from the reserve to cover additional promotion, theming, entertainment and other activities to celebrate and recognise the occasion.**
4. **THAT Council note the 2020 Tulip Time Festival will be held from Tuesday 22 September to Monday 5 October which includes the October Labour Day Holiday Monday.**
5. **THAT Council note that following the success of inaugural Tulip Time Twilight Community Procession held in 2019 in lieu of the Tulip Time Parade, the Community Procession will be held on the first day of Tulip Time 2020 on Tuesday 22nd September followed by birthday celebrations in Corbett Gardens.**
6. **THAT Council endorse Can Assist-The Southern Highlands Branch as the 2020 Tulip Time charity partner.**

REPORT

BACKGROUND

The management, co-ordination and operation of Council's Tulip Time Festival is undertaken by its Tourism & Events Unit, Destination Southern Highlands (DSH) in conjunction with Council's Parks & Garden team.

The 59th Tulip Time Festival (TTF) 2019 was held from 24 September to 1 October and attracted a record number of visitors through Corbett Gardens (54,500) to look at the displays of massed planted tulips, the Mary Poppins theme, and enjoy the daily program of entertainment and activities.

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REPORT

The following table of information highlights statistics for the performance of 2019 Tulip Time with reference to visitation and income/expenditure in relation to the previous year.

The 2019 Tulip Time theme was Mary Poppins recognising the connection to the author. P L Travers who lived in Bowral in her teens where it is thought she conceived the idea of the 'Mary Poppins' character. Kites, chimneys, and umbrellas featured as props in the gardens beds and kites decorated by local primary and kindergarten schools were displayed throughout the gardens.

Visitation Numbers

Tulip Time 2019 saw a record number of visitors 14% increase, with a 4% increase in the number of locals attending (6,947).

	2018	2019	2019 vs 2018 Variance
Total Visitation (14 days)	47,940	54,491	14%

Sponsors and supporters

TT sponsors and supporters for 2019 were:

- Optus \$7,700 (+ funding the Cinema Night)
- Austral Bricks \$5,000
- McDonalds – Mittagong \$2,000
- Mt Eymard (Unity) \$1,000
- Gibraltar Park \$1,000
- Mittagong RSL \$1,000
- Bradman Foundation \$1,000

Total Cash Sponsorship: \$19,518

In kind support was received from local businesses were:

- 2ST in kind advertising
- Kennards in kind provision of equipment
- Highlands Radio in kind advertising
- Empire Cinema, Bowral in kind advertising

Community Involvement

Local residents Robyn Karakasch (TT Working Party member) undertook the recruitment and management of the 21 Tulip Time Greeters who assisted event staff with providing information to Festival visitors.

Local entertainers The TT entertainment program was filled by performers from local choirs, schools, dance and singing groups.

Local schools 300 corflute kites were hung from trees in Corbett Gardens decorated by local primary schools, kindergartens and child care facilities.

Local businesses Local businesses provided the required TT infrastructure and services to support the event including audio equipment, tents, printing, first aid and waste removal.

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- Local organisations The Rotary Club of Bowral-Mittagong staffed the Corbett Gardens entry and exit gates.
- The Bowral Senior Citizens provided a gift shop and refreshments for Festival visitors.
- The Bowral CWA provided Devonshire teas and refreshments for Festival Visitors.
- Local media Editorials and broadcasts were regularly run in support of Tulip Time by Southern Highland News, Highlife and Escape magazines and on Radio 2ST and Highlands FM.

Tulip Time Charity Partner

Variety – The Children’s Charity, the 2019 Tulip Time Charity Partner raised approximately \$20,000 for the charity during Tulip Time. The Head of the NSW/ACT Regional Development commented that “*Variety’s partnership with Tulip Time 2019 provided a fantastic opportunity to raise important funds and increase awareness of Variety’s mission and support of kids in need in the Southern Highlands.*”

Charities were invited to submit Expressions of Interest to be the 2020 Tulip Time Charity Partner in December 2019. Can Assist Southern Highlands Branch’s, (who are also celebrating 60 years of service to the Southern Highlands Community) met all the required criteria.

Can Assist Southern Highland’s Branch provide local families and individuals affected by cancer access to cancer care and support services. The branch is run by volunteers who reside in the Southern Highlands.

It is recommended that Council endorse Can Assist Southern Highlands Branch as the 2020 Tulip Time Charity Partner.

Tulip Time Twilight Community Procession

The inaugural Tulip Time Twilight Community Procession was held on Tuesday 24th September which commenced in Glebe Park with the turning of the Mary Poppins statue welcoming Spring and Tulip Time to Bowral followed by a ‘umbrella’ procession to Corbett Gardens for a carnival style evening. An estimated 600 locals participated in the parade with verbal feedback indicating that the inaugural procession was enjoyed by participants who expressed a desire to hold the procession again in 2020.

Advertising, Marketing & Print Material

The marketing and promotions campaign included the following:

- | | |
|---------------------|--|
| Social Media | Facebook – 298,000 reach
7,950 clicks through to the Tulip Time web site
15,760 post engagements |
| Coach Flyer | 5,500 copies distributed in May to coach companies, nursing homes, retirement villages, Probus and garden clubs. |
| Official Program | 20,000 copies printed and distributed to visitors in Corbett Gardens. |
| Wingecarribee Today | A one-page advertisement was included and distributed to 26,841 Southern Highland residences and businesses. |

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Print Media Southern Highlands Destination Planner (40,000 copies) and Escape Magazine.

Tulip Time was again successful in securing media in-kind support to stretch its limited advertising budget to maximise reach and exposure in TT's target markets – the Southern Highlands, Sydney, Canberra and surrounds. The campaigns were run over a three-week period in the run up to the Festival.

TV 60 sec and 30 sec advertisements were run on Channel 9

Radio 2ST and 2GB spot ads

Cinema The Empire Cinema, Bowral ran Tulip Times ads (as shown on Channel 9)

Festival Finances

NOTE: All financial amounts reported are exclusive of GST (where applicable) unless otherwise stated.

Income Sources	2019	2018	2019 vs 2018 Variance
Entry Gate Takings	\$380,209	\$334,316	14%
Sponsorship	\$19,518	\$14,850	31%
Stallholder site fees	\$55,084	\$47,535	16%
Donations	\$231	\$917	-75%
Total income	\$455,043	\$397,619	14%
Expenditure			
Event Officer & support staff	69,924	\$77,161	-9%
Additional staff costs t/f to DSH	35,000	25,000	40%
Marketing & promotion	41,180	44,020	-6%
Infrastructure, utilities & services	81,189	69,545	17%
Ticket booth staff (Rotary)	13,737	12,200	13%
TT Twilight Procession	3,160	Tulip Time Parade 11,590	-73%
Tulip bulbs & annuals for Corbett Gardens*	55,000	45,000	22%
Entertainment	13,339	7,570	76%
Other	1,613	\$6,342	-75%
Donation to charity	1,642	\$917	79%
Total Expenditure	\$315,784	\$299,345	22%

*The cost of the bulbs for Tulip Time is an internal cost and is transferred as required from the TT budget to Parks & Gardens budget. The cost of creating, implementing and managing the tulip gardens beds in Corbett Gardens is funded from the Parks & Gardens budget.

The bottom line for 2019 Tulip Time is a surplus of \$139,256 to be transferred to Council's Reserve Fund. The surplus funds allows for increased budgets for the 2020 Tulip Time Twilight Procession, entertainment, themeing and promotion celebrating 60 years of Tulip Time.

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COMMUNICATION AND CONSULTATION

Community Engagement

DSH staff continually engage and receive assistance with various TT events, activities and programming structure from the TT Working Party.

Internal Communication and Consultation

Internal consultation was undertaken between DSH Tourism Coordinator and WSC Finance to align TT income/expenditure and Council's Assets and Parks and Gardens team.

External Communication and Consultation

DSH Staff engages and receives assistance from the TT Working Party members.

SUSTAINABILITY ASSESSMENT

- **Environment**

All TT stallholders are required to use environmentally sustainable packaging and cutlery and crockery, and the use of balloons and single-use plastic bags are not allowed. Recycling stations are positioned around Corbett Gardens to minimise general waste.

- **Social**

Social issues associated with Tulip Time, encourage and foster community pride and engagement.

- **Broader Economic Implications**

Tulip Time plays an important role in the tourism destination development of the Southern Highlands as well as providing the local community employment and promotional opportunities.

Anecdotal evidence suggests that the festival acts as a significant economic driver for our region attracting approximately 65,000 visitors during the two week period to the Southern Highlands spending an average of \$111 per person/per day representing just over \$7.2m in expenditure. (Source – Tourism Australia Corporate Plan 2013-16, Tourism Research Aust Tourism Monitor 2013).

- **Culture**

Cultural issues associated with Tulip Time develops a sense of community and provides opportunities local residents and businesses to participate.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Budget implications resulted in a surplus of \$139,256.

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RELATED COUNCIL POLICY

There are no policy implications from this report.

OPTIONS

The only option available to Council is:

1. THAT 2019 Tulip Time Festival Outcome Report be noted.
2. THAT 2019 Tulip Time Festival resulted in a surplus of \$139,256 AND THAT this be transferred to Council's reserves.
3. THAT Council note that Tulip Time celebrates its 60th year in 2020 AND THAT there will be a 20% increase in the 2020 budget drawdown from the reserve to cover additional promotion, theming, entertainment and other activities to celebrate and recognise the occasion.
4. THAT Council note the 2020 Tulip Time Festival will be held from Tuesday 22 September to Monday 5 October which includes the October Labour Day Holiday Monday.
5. THAT Council note that following the success of inaugural Tulip Time Twilight Community Procession held in 2019 in lieu of the Tulip Time Parade, the Community Procession will be held on the first day of Tulip Time 2020 on Tuesday 22nd September followed by birthday celebrations in Corbett Gardens.
6. THAT Council endorse Can Assist-The Southern Highlands Branch as the 2020 Tulip Time charity partner.

CONCLUSION

The 2019 Tulip Time Festival, Council's Flagship Event, once again drew a record number of visitors to Corbett Gardens and the Southern Highlands region, resulting in a surplus in funds allowing for increased promotions, marketing and activities recognising the 60th year of Tulip Time in 2020 to be planned.

The 2020 Tulip Time Festival will be held from Tuesday 22 September to Monday 5 October which includes the October Labour Day Holiday Monday with the second week of the Festival coinciding with school holidays.

A local charity, Can Assist-the Southern Highland Branch (celebrating their 60th year in the region) will be the 2020 Tulip Time Charity Partner with all funds raised going towards local residents with a cancer diagnosis.

ATTACHMENTS

There are no attachments to this report.

12.7 Request for a Refund of Development Fees by Returned and Services League of Australia (RSL) - Bowral Sub Branch

Reference: DA20/0432
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide and support a range of community events, festivals and celebrations

PURPOSE

The purpose of this report is to consider a request by the Returned and Services League of Australia (RSL) – Bowral Sub Branch for a refund of Development Application Fees pertaining to DA20/0432. As the application relates to a not-for-profit organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not-for-profit organisations are sourced from the Council Contingency Fund.

RECOMMENDATION

THAT Council with regard to the request by the Returned and Services League of Australia (RSL) – Bowral Sub Branch for a refund of Development Application fees pertaining to DA 20/0432 refund \$98.48 being 50% of Development Application fee from the Council's Contingency Fund.

REPORT

BACKGROUND

The Returned and Services League of Australia (RSL) – Bowral Sub Branch is a charitable organisation whose mission is to ensure that programs are in place for the well being, carer, compensation and commemoration of serving and ex-service Defence Force members and their dependants and promote Government and community awareness of the need for a secure, stable and progressive Australia.

The Returned and Services League of Australia (RSL) – Bowral Sub Branch has in their near 100 years of existence been a nomadic group first having their home in the Council's Bowral complex, then what was known as Torr Lodge. They then moved onto the Bowral Country Club and RSL Limited until it was taken over by the present owners.

At that stage they became an organisation with no home until the Bowral Bowling Club opened their doors to them. The Returned and Services League of Australia is a not for profit organisation with each Sub Branch responsible for their own financial affairs.

To cover the cost of and erection of the flag pole they received a grant from Department of Veterans Affairs and Federal Member Stephen Jones has undertaken to supply the flag.

REPORT

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The Returned and Services League of Australia (RSL) – Bowral Sub Branch has made written request to Council dated 21 October 2019 seeking to have the development fees associated with DA 20/0432 refunded (**Attachment 1**).

Council's adopted policy position for refund of development fees associated with a Not for Profit Community Organisations is prescribed within its Revenue Policy (Fees and Charges 2019/2020) under clause 23.5 which provides *inter alia*.

Registered charities and not for profit organisations may be refunded the following fees subject to Council resolution:

(a) *Development Application Fee:*

(i) *Half the Development Application fee.*

1.

(b) *Construction Certificate fee*

(i) *Half the Construction Certificate fee.*

(ii) *Half the inspection fee.*

Application fees are required to be paid in full at the time of lodgement of the application and requests for refunds in accordance with this clause need to be made in writing and will be presented to a Council meeting for consideration and if resolved a refund may be made in accordance with the provisions of this section. Associated fees would be paid from Council's contingency fund if resolved to be supported.

On the basis of the policy position, the applicant has paid the DA20/0432 development fees in full at time of lodgement and is now seeking an appropriate refund. The calculated eligibility for refund based on clause 23.5 is 50% of the DA fee.

Application	Fee	50% Discount
DA20/0432	\$196.95	\$98.48

The total eligible refund amount totals **\$98.48**.

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation is required.

Internal Communication and Consultation

Internal consultation has taken place with the Group Manager Planning Development and regulatory Services.

External Communication and Consultation

No external consultation is required.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

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- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance of the Contingency Fund is \$27,384. This balance does not take into account financial commitments made as part of any other reports contained within this business paper

RELATED COUNCIL POLICY

Revenue policy (Fees and Charges – 2019/2020).

OPTIONS

The options available to Council are:

Option 1

That Council approve a refund to the Returned and Services League of Australia (RSL) - Bowral Sub Branch of \$98.48 being 50% of Development Application fees for DA 20/0432 by way of a donation sourced from Council's Contingency Fund.

Option 2

That Council refund an alternate amount to the Returned and Services League of Australia (RSL) – Bowral Sub Branch nominated by Council, by way of a donation sourced from Council's Contingency Fund.

Option 1 is the recommended option to this report.

CONCLUSION

The application for the partial refund of development application fees paid by the Returned and Services League of Australia (RSL) – Bowral Sub Branch complies with the requirements of section 23.5 of the Revenue Policy (Fees and Charges 2019/2020) and the request is submitted to Council for determination.

ATTACHMENTS

There are no attachments to this report.

12.8 2020 National General Assembly of Local Government

Reference: 203/1, 200, 202

Report Author: PA for Mayor

Authoriser:

Link to Community

Strategic Plan:

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

PURPOSE

The purpose of this report is to seek Councillor nominations to attend the 2020 National General Assembly of Local Government (NGA) to be held at the National Convention Centre in Canberra between 14 – 17 June, 2020.

Councillors are also advised that draft motions are to be directed to the Mayor for consideration by 11 March 2020. These draft motions will be endorsed by Council at the 25 March 2020 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association by Friday 27 March 2020.

RECOMMENDATION

1. **THAT Council authorise the attendance at the 2020 National General Assembly of Local Government to be held from 14 to 17 June 2020 in Canberra as follows:**
 - a. Mayor Councillor Duncan Gair
 - b. Councillor xxxxx
 - c. General Manager (or delegate)
2. **THAT interested Councillors submit motions to the Mayor for consideration by Wednesday 11 March 2020 AND THAT these draft motions be endorsed by Council at the 25 March 2020 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association Board by 27 March 2020.**

REPORT

BACKGROUND

Council has previously resolved that “the Mayor of the day and one (1) other Councillor and the General Manager or delegate (as an observer) attend future National General Assemblies.” (see MN 26/09).

REPORT

The 2020 National General Assembly of Local Government is to be held in Canberra from 14 to 17 June 2020 and a determination is required on who will be attending the Assembly.

Councillors are requested to submit all proposed draft motions to the Mayor by Wednesday 11 March 2020. A report will be presented to Council on 25 March 2020 and the endorsed motions will be forwarded to the Australian Local Government Association Board by 27 March 2020.

A discussion paper has been prepared by the Australian Local Government Association (ALGA) to provide guidance to Council for the development of Motions for debate. The

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paper provides an overview of policy areas which are being developed by ALGA and require consideration. Councils are encouraged to submit Motions on these policy areas.

COUNCIL BUDGET IMPLICATIONS

Council's 2019/2020 Budget makes provision for attendance at state and national local government forums.

ATTACHMENTS

There are no attachments to this report.

Mark Pepping
Deputy General Manager Corporate, Strategy and Development Services

Thursday 6 February 2020



15 PETITIONS

15.1 Petition 1/2020 - DA20/0720 - 40 Sir James Fairfax Circuit, Bowral

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

PURPOSE

The purpose of this report is to present Council with a petition relating to 40 Sir James Fairfax Circuit, Bowral.

The petition contains over 80 signatures.

A copy of the Petition has been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

RECOMMENDATION

THAT Petition 1/2020 relating to 40 Sir James Fairfax Circuit, Bowral be received and noted by Council.

ATTACHMENTS

There are no attachments to this report.

16 COMMITTEE REPORTS

16.1 Minutes of the Heritage Advisory Committee Meeting held on Thursday 12 December 2019

Reference: 107/16
Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Thursday 12 December 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

A copy of the Minutes of the Heritage Advisory Committee is provided at **ATTACHMENT 1**.

The following recommendations are brought to Council's attention:

Item 3 Adoption of Minutes of Previous Meeting

HAC 19/19

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 13 September 2019 HAC11/19 to HAC17/19, inclusive, copies of which were forwarded to Councillors and members, be adopted as a correct record of the proceedings of the meeting.

Item 5.2 Heritage & Urban Design Awards 2020

HAC 21/19

THAT the Committee notes the proposed Heritage & Urban Design Awards programme comprising close of applications on 10 February 2020, inspections on 13 March 2020 and presentation of Awards on 30 April 2020.

Item 5.3 Development Applications Notified to the Committee since the Last Meeting

HAC 22/19

THAT there were no formal submissions made by the Committee on development applications since its last meeting.

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COMMITTEE REPORTS



5.4 Heritage Advisory Committee Meeting Schedule for 2020

HAC 23/19

***THAT** the Heritage Advisory Committee meet on the following Fridays in 2020, commencing at 3pm in the Nattai Room, Civic Centre, Elizabeth Street, Moss Vale:*

- 14 February*
- 3 April*
- 12 June*
- 14 August.*

RECOMMENDATION

THAT the minutes of the Heritage Advisory Committee Meeting held on Thursday 12 December 2019 HAC18/19 to HAC 23/19, inclusive, copies of which were forwarded to Councillors and members, be adopted as a correct record of the proceedings of the meeting.

ATTACHMENTS

1. Minutes of the Heritage Advisory Committee held on 12 December 2019



MINUTES

of the Heritage Advisory Committee Meeting

held in

Henrietta Rose Room,
18 Bendooley Street, Bowral

on

Thursday 12 December 2019

The meeting commenced at 3.08pm

File No. 107/16



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 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 Update on Heritage Matters 3
 - 5.2 Heritage & Urban Design Awards 2020 4
 - 5.3 Development Applications Notified to the Committee since the Last Meeting..... 5
 - 5.4 Heritage Advisory Committee Meeting Schedule for 2020 6
- 7. DATE OF NEXT MEETING 7
- 8. MEETING CLOSURE 7



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN HENRIETTA ROSE ROOM, 18 BENDOOLEY STREET, BOWRAL, ON THURSDAY 12 DECEMBER 2019 COMMENCING AT 3.08PM.

- Present:** Clr G McLaughlin *Chair*
- Community Representatives:** Mr Dennis McManus
Ms Charlotte Webb
Mr Simon Bathgate
- Agency Representatives:** Ms Laurel Cheetham *Australian Garden History Society*
Ms Mhairi Clark *National Trust of Australia*
- In Attendance:** Mr Michael Park *Coordinator Strategic Land Use Planning*
Ms Sarah Farnese *Strategic Land Use Planner (Heritage)*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr Peter Nelson, Ian Stapleton and Linda Emery, and that Laurel Cheetham would arrive to the meeting late.

HAC 18/19

MOTION moved by Mr D McManus and seconded by Ms C Webb

THAT the apology of Clr P W Nelson, Ms L Emery and Mr I Stapleton be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr McLaughlin 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 HERITAGE ADVISORY COMMITTEE MEETING HELD ON FRIDAY 13 SEPTEMBER 2019

16.1 Minutes of the Heritage Advisory Committee Meeting held on Thursday 12 December 2019

ATTACHMENT 1 Minutes of the Heritage Advisory Committee held on 12 December 2019



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



HAC 19/19

MOTION moved by Mr D McManus and seconded by Ms C Webb

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 13 September 2019 HAC11/19 to HAC17/19, inclusive, copies of which were forwarded to Councillors and members, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. DECLARATIONS OF INTEREST

Nil.



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



5. AGENDA REPORTS

5.1 Update on Heritage Matters

Reference: 5650
Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to update the Committee on non-DA related heritage matters including the Strategic Land Use Planner (Heritage) position; Welby Park Manor, 28 Old Hume Highway, Welby (Interim Heritage Order No. 8); Aitken Road Bowral Group (Interim Heritage Order No. 9); Rochester Park, 102-104 Old Wingello Road, Bundanoon (Interim Heritage Order No. 10); and Heritage Grants 2019-20.

Ms L Cheetham arrived to the meeting, the time being 3:38pm.

HAC 20/19

MOTION moved by Mr D McManus and seconded by Ms M Clark

THAT Sarah Farnese be congratulated on her appointment to the Strategic Land Use Planner (Heritage) position AND THAT the report be noted.

PASSED



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



5.2 Heritage & Urban Design Awards 2020

Reference: 1607/5
 Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to update the Committee on the progress of the Heritage & Urban Design Awards 2020 programme.

DISCUSSION

Potential venues for the presentation evening on 30 April 2020 were discussed, including Exeter Hall, the Old Bank in Mittagong (although it was noted that the property is currently up for auction) and the Henrietta Rose Room, Bowral.

HAC 21/19

MOTION moved by Mr D McManus and seconded by Ms L Cheetham

THAT the Committee notes the proposed Heritage & Urban Design Awards programme comprising close of applications on 10 February 2020, inspections on 13 March 2020 and presentation of Awards on 30 April 2020.

PASSED



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



5.3 Development Applications Notified to the Committee since the Last Meeting

Reference: 107/16
 Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to present a list of development applications (DAs) notified to the Heritage Advisory Committee since the last meeting on 13 September 2019.

DISCUSSION

There was discussion about the process of providing comment on development applications on behalf of the Committee. It was acknowledged that the submission on DA 17/1822.04 (2-18 Centennial Road, Bowral – 'Waterbrook [formerly OLSH]) contained in the Agenda was a personal submission and not intended to be lodged on behalf of the Committee. There was discussion in relation to the aforementioned development site and the relocation of the former Priest's Cottage.

HAC 22/19

MOTION moved by Cllr G McLaughlin and seconded by Mr D McManus

THAT there were no formal submissions made by the Committee on development applications since its last meeting.

PASSED



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



5.4 Heritage Advisory Committee Meeting Schedule for 2020

Reference: 107/16
Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to present a proposed meeting schedule for the Committee in 2020.

DISCUSSION

The Local Government elections in September 2020 were acknowledged which will result in no meeting dates being set beyond September at this stage.

HAC 23/19

MOTION moved by Mr D McManus and seconded by Ms C Webb

THAT the Heritage Advisory Committee meet on the following Fridays in 2020, commencing at 3pm in the Nattai Room, Civic Centre, Elizabeth Street, Moss Vale:

14 February

3 April

12 June

14 August.

PASSED

16.1 Minutes of the Heritage Advisory Committee Meeting held on Thursday 12 December 2019

ATTACHMENT 1 Minutes of the Heritage Advisory Committee held on 12 December 2019



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Thursday 12 December 2019



6. DATE OF NEXT MEETING

The next meeting will be held on Friday 14 February 2020 in the Nattai Room, Civic Centre, Elizabeth Street, Moss Vale, commencing at 3:00pm.

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.45 PM

16.2 Minutes of the Arts and Culture Advisory Committee Meeting held on 3 December 2019

Reference: 1680
Report Author: PA for Mayor
Authoriser:
Link to Community
Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on 3 December 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ACC 27/19

THAT the apology of Ms Susan Conroy and Mr Michael Turczynski be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ACC 28/19

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Thursday 4 June 2019 MN AC20/19 to MN AC26/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 The Future of the Performing Arts in The Southern Highlands

ACC 29/19

- 1. THAT the report on the future of the Performing Arts in The Southern Highlands be noted AND THAT the committee thank Dr Stiles for his presentation.*
- 2. THAT the committee request that Council if required, consider the reallocation of funds from the 21/22 Budget for the Bowral Memorial Hall Refurbishment be redirected to the Mittagong Playhouse for urgent upgrade works.*

Item 5.2 Update on the Mittagong Playhouse

ACC 30/19

THAT the verbal report presented by Deputy General Manager, Mr Mark Pepping on the Mittagong Playhouse be noted.

Item 5.3 2019 Southern Highlands Art Trail

ACC 31/19

- 1. THAT the report on the 2019 Southern Highlands Art Trail be noted.*
- 2. THAT the committee support the changes for 2020 Arts Trail.*
- 3. THAT the 2020 Arts Trail Curatorium Committee, comprising of; Mr Peter Campbell, Ms Kristie Phelan, Mr Mark Viner and Ms Maisy Stapleton be noted AND THAT the first meeting take place on Thursday 6 February @ 5pm.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 February 2020

COMMITTEE REPORTS



Item 5.4 2020 Arts and Culture Committee Meeting Dates

ACC 32/19

THAT the report for the 2020 Arts and Culture Committee Meeting Dates be noted.

Tuesday 3 March 5pm

Tuesday 2 June 5pm

Tuesday 1 September 5pm

Tuesday 1 December 5pm

RECOMMENDATION

THAT recommendations Nos ACC 27/19 to ACC 32/19, as detailed in the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 3 December 2019 be adopted, save of any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Arts and Culture Meeting 3 December 2019



MINUTES

of the
Arts and Culture Advisory Committee
Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Tuesday 3 December 2019

The meeting commenced at 5:00pm

File No. 1660/1.1



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



- 1. WELCOME AND APOLOGIES
- 2. ACKNOWLEDGEMENT OF COUNTRY
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING
- 4. DECLARATIONS OF INTEREST

- 5. AGENDA REPORTS 3
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MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 3 DECEMBER 2019 COMMENCING AT 5:00PM.

Present:

Councillors: Clr L A C Whipper *Chair*
Clr G J Andrews *Alternate Chair*
Clr P W Nelson

Community Representatives: Mr Peter Campbell
Mr Harlan Hall
Mrs Maisy Stapleton
Dr Allan Stiles
Ms Kristie Phelan
Mr Mark Viner

In Attendance: Mr Mark Pepping *Deputy General Manager Corporate Strategy & Development*
Ms Erin Adams *Cultural Development Officer*
Ms Leesa Stratford *Mayor's PA*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Ms Susan Conroy and Mr Michael Turczynski.

ACC 27/19

MOTION moved by Mr P Campbell and seconded by Mrs M Stapleton

THAT the apology of Ms Susan Conroy and Mr Michael Turczynski be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr Larry 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.



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE
MEETING

Tuesday 3 December 2019



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON
TUESDAY 3 SEPTEMBER 2019

ACC 28/19

MOTION moved by Mr P Campbell and seconded by Mrs M Stapleton

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 03 September 2019 MN ACC20/19 to MN ACC26/19 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

There were no Declarations of Interest declared at the meeting.



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



5. AGENDA REPORTS

5.1 The Future of the Performing Arts in The Southern Highlands

Reference: 1660
Report Author: Cultural Development Officer

PURPOSE

Dr A Stiles to lead a discussion on strategies to support the performing arts in 2020.

ACC 29/19

MOTION moved by Ms M Stapleton and seconded by Mr Mark Viner

1. **THAT** the report on the future of the Performing Arts in The Southern Highlands be noted **AND THAT** the committee thank Dr Stiles for his presentation.
2. **THAT** the committee request that Council if required, consider the reallocation of funds from the 21/22 Budget for the Bowral Memorial Hall Refurbishment be redirected to the Mittagong Playhouse for urgent upgrade works.

PASSED



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



5.2 Update on the Mittagong Playhouse

Reference: 1660
Report Author: Cultural Development Officer

PURPOSE

Following the discovery of a structural fault in the building's roofline in October, the Mittagong Playhouse remains closed for public safety reasons. Investigations into the cause of the fault are ongoing.

The Mittagong Memorial Hall building is comprised in three sections. Only the Playhouse is impacted by the structural fault. The School of Arts section of the building is still available for hire and the Berrima District Historical and Family History Society continues to operate as usual.

ACC 30/19

MOTION moved by Cllr G Andrews and seconded by Cllr P Nelson

THAT the verbal report presented by Deputy General Manager, Mr Mark Pepping on the Mittagong Playhouse be noted.

PASSED



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



5.3 2019 Southern Highlands Art Trail

Reference: 1660
Report Author: Cultural Development Officer

PURPOSE

To provide an update and seek input from the Committee on the 2019 Southern Highlands Arts Trail:
- Present 2019 feedback -
- Marketing Update 2019
- SHAF Website Update
- 2020 update and proposed plan
- Curatorium Committee confirmation of members and then decide on first 2020 meeting date.

Peter Campbell
Kristie Phelan
Mark Viner
Maisy Stapleton

ACC 31/19

MOTION moved by Mr Mark Viner and seconded by Ms Kristie Phelan

- 1. THAT the report on the 2019 Southern Highlands Art Trail be noted.
2. THAT the committee support the changes for 2020 Arts Trail.
3. THAT the 2020 Arts Trail Curatorium Committee, comprising of;
Mr Peter Campbell, Ms Kristie Phelan, Mr Mark Viner and Ms Maisy Stapleton be noted AND THAT the first meeting take place on Thursday 6 February @ 5pm.

PASSED



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



5.4 2020 Arts and Culture Committee Meeting Dates

Reference: 1660
Report Author: Cultural Development Officer

PURPOSE

To discuss and confirm Meeting dates for 2020.

Proposed dates and times:

Tuesday 3 March 5pm

Tuesday 2 June 5pm

Tuesday 1 September 5pm

Tuesday 1 December 5pm

ACC 32/19

MOTION moved by Mr P Campbell and seconded by Dr A Stiles

THAT the report for the 2020 Arts and Culture Committee Meeting Dates be noted.

PASSED



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 3 December 2019



6. DATE OF NEXT MEETING

The next meeting will be held on 3 March 2020 in Nattai Room commencing at 5pm.

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.22 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Tuesday 3 December 2019 numbered M/N ACC27/19 to M/N ACC32/19 were signed by me hereunder at the Council Meeting held on .

16.3 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 4 December 2019

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, 4 December 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

DEM10/19

THAT the apology of Clr G Markwart, Mr T Ryall, Mr T Ward, Ms W Middleton and Mr Alan Hunt be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

DEM11/19

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 29 May 2019 MN DEM5/19 to MN DEM9/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 5 Local Housing Strategy Process

DEM12/19

THAT the presentation of the draft Local Housing Strategy be received and noted.

Item 5.2 Wingecarribee Local Strategic Planning Statement

DEM 13/19

THAT the update on the preparation of the Wingecarribee Local Strategic Planning Statement be noted.

RECOMMENDATION

THAT recommendations Nos DEM 10/19 to DEM 13/19 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 4 December 2019 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Demographics and Housing Advisory Committee 4 December 2019



MINUTES

of the
Demographics and Housing Advisory
Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 4 December 2019

The meeting commenced at 5:00pm

File No. 1823/3

16.3 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 4 December 2019

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee 4 December 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 4 December 2019



1. WELCOME AND APOLOGIES
 2. ACKNOWLEDGEMENT OF COUNTRY
 3. ADOPTION OF MINUTES OF PREVIOUS MEETING
 4. DECLARATIONS OF INTEREST
-
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16.3 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 4 December 2019

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee 4 December 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 4 December 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 4 DECEMBER 2019 COMMENCING AT 5:00PM.

- Present:** Clr I M Scandrett *Alternate Chair*
 Clr L A C Whipper
- Community Representatives:** Ms Laurel Cheetham
 Mr Nicholas Dyer
 Mr Peter Wurfel
- In Attendance:** Mr Mark Pepping *Deputy General Manager Corporate, Strategy and Development Services*
 Mr Michael Park *Coordinator Strategic Land Use Planning*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr Gordon Markwart

RDEM 10/19

MOTION moved by Ms L Cheetham and seconded by Mr N Dyer

THAT the apologies of Clr Gordon Markwart, Tristan Ryall, Tony Ward, Alan Hunt and Wendy Middleton be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr Larry 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.

16.3 Minutes of the Demographics and Housing Advisory Committee Meeting
held on Wednesday 4 December 2019

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory
Committee 4 December 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 4 December 2019



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING
HELD ON WEDNESDAY 29 MAY 2019

DEM 11/19

MOTION moved by Mr N Dyer and seconded by Mr P Wurfel

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 29 May 2019 MN DEM5/19 to MN DEM9/19 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

There were no Declarations of Interest declared at the meeting.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 4 December 2019



5. AGENDA REPORTS

5.1 Draft Local Housing Strategy

Reference: 1823/3, 5600/8
Report Author: Senior Strategic Land Use Planner

PURPOSE

To present and discuss the draft Wingecarribee Local Housing Strategy.

RDEM 12/19

MOTION moved by Ms L Cheetham and seconded by Mr P Wurfel

THAT the presentation on the Draft Local Housing Strategy be noted.

PASSED



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 4 December 2019



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 development of the Local Strategic Planning Statement.

RDEM 13/19

MOTION moved by Mr N Dyer and seconded by Councillor L A C Whipper

THAT the update on the preparation of the Wingecarribee Local Strategic Planning Statement.

PASSED

16.3 Minutes of the Demographics and Housing Advisory Committee Meeting
held on Wednesday 4 December 2019

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory
Committee 4 December 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 4 December 2019



6. DATE OF NEXT MEETING

The next meeting will be held on 19 February 2020 commencing at 5pm .

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.20PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 4 December 2019 numbered M/N DEM10/19 to M/N DEM13/19 were signed by me hereunder at the Council Meeting held on .

16.4 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 November 2019

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 November 2019.

RECOMMENDATION

THAT recommendations AR 65/19 to AR 78/19 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 15 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

It was noted that Clr G Markwart was an apology as he was on a leave of absence approved by Council.

Item 3 Adoption of Minutes of Previous Meeting

AR 65/19

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 21 June 2019 AR56/19 to AR64/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 Update on Fit for the Future Program

The Committee was updated on the progress of Council's Fit for the Future Program, with a particular focus on Council's service delivery review program.

AR 66/19

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 February 2020

COMMITTEE REPORTS



THAT the Fit for the Future Program Update be noted.

Item 5.2 Submission on 'A New Internal Audit and Risk Management Framework for Local Councils in NSW- Discussion Paper'

The Committee was presented with the draft submission in response to the NSW Government's discussion paper on 'A New Risk Management and Internal Audit Framework for Local Councils in NSW'.

AR 67/19

THAT the Audit, Risk and Improvement Committee endorse the draft submission to the NSW Government as the Committee's response to 'A New Risk Management and Internal Audit Framework for Local Councils in NSW – Discussion Paper'.

AR 68/19

THAT the endorsed submission be lodged with the Office of Local Government before the closing date of 31 December 2019.

AR 69/19

THAT the endorsed submission be lodged with LG NSW by 10 December 2019.

Item 5.3 Committee Meeting Dates for 2020

The Committee was presented with the meeting dates for 2020 and provided with information regarding the conclusion of the Committee's term.

AR70/19

THAT the Audit, Risk and Improvement Advisory Committee note the report AND THAT the meeting dates for 2020 be confirmed as 20 March 2020 and 19 June 2020.

Item 5.4 Report on Gifts and Benefits Register

The Committee was presented with an analysis of Council's 2018/19 Gifts and Benefits Register.

AR71/19

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 6.1 Committee Actions Update

The Committee was provided with an update on the progress of action items previously requested by the Committee.

AR 72/19

THAT the report in relation to the Committee Actions Update be noted.

Item 7.1 Corporate Risk Program Update

The Committee was presented with an update on Council's Risk Management Program.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 February 2020

COMMITTEE REPORTS



AR 73/19

THAT the report in relation to the Corporate Risk Program update be noted.

Item 8.1 Internal Audit Report

The Committee was presented with the Procurement and Development Assessment internal audit reports.

The Committee was also informed that the next internal audit scheduled is Accounts Receivable/Debtors.

AR 74/19

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 8.2 Progress Report on Outstanding Internal Audit Recommendations

The Committee was provided with an overview of progress on the implementation of outstanding recommendations from previous internal audits. A total of 21 internal audit recommendations have been closed off. Meanwhile, another 24 internal audit recommendations remain on track to be completed by the due date. Extensions to the due date were requested for a total of six recommendations.

AR 75/19

THAT the report be noted, AND THAT the requested extensions to the due dates for specified recommendations be granted.

Item 8.3 Internal Audit Performance Report

The Committee was provided with a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee was provided with an update on the status of internal audit recommendations and advised that Council's contract internal auditor had successfully met all of its KPIs during the 2018/19 financial year.

AR 76/19

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 8.4 Report on the Control Self-Assessment Pilot Program

The Committee was provided with an overview on the planned approach to Control Self-Assessments.

AR 77/19

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 9 External Audit - Management Letter Recommendations Update

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 February 2020

COMMITTEE REPORTS



The Committee was provided with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

AR78/19

THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

ATTACHMENTS

1. Audit, Risk and Improvement Advisory Committee Meeting minutes for 15 November 2019



MINUTES

of the
Audit, Risk and Improvement Advisory
Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Friday 15 November 2019

The meeting commenced at 9.00 am

File No. 2102/3

16.4 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 November 2019

ATTACHMENT 1 Audit, Risk and Improvement Advisory Committee Meeting minutes for 15 November 2019



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 15 November 2019



- 1. WELCOME AND APOLOGIES
- 2. ACKNOWLEDGEMENT OF COUNTRY
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING
- 4. DECLARATIONS OF INTEREST

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16.4 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 November 2019

ATTACHMENT 1 Audit, Risk and Improvement Advisory Committee Meeting minutes for 15 November 2019



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 15 November 2019



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 15 NOVEMBER 2019 COMMENCING AT 9.00 AM.

Present:

Councillors: Clr P Nelson

Community Representatives: Ms Jan Edwards *Chair*
Mr Paul Jeffares
Dr Jason Young

In Attendance: Mayor T D Gair (in part)
Ms Ann Prendergast *General Manager*
Mr Mark Pepping *DGM Corporate, Strategy and Development Services*

Mr Barry Paul *DGM Operations, Finance & Risk*
Ms Danielle Lidgard *Group Manager Corporate & Community*
Mr Richard Mooney *Chief Financial Officer*
Mr Nick Wilton (in part) *Group Manager, Planning Development and Regulatory Services*

Mr John Crawford *Chief Information Officer*
Mr Malcolm Lindsay *Coordinator Workplace Systems*
Mr Andrew Lynch *A/Coordinator Integrated Planning & Reporting*
Ms Ivana Vidovich *Internal Audit and Legal Support Officer*

Also In

Attendance: Mr Steve Hrdina *Audit Office of NSW*
Mr Mitchell Morley *InConsult*

1. WELCOME AND APOLOGIES

It was noted that Clr G Markwart was an apology as he was on a leave of absence approved by Council.

2. ACKNOWLEDGEMENT OF COUNTRY

The Chair Ms Jan Edwards 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.

16.4 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on Friday, 15 November 2019

ATTACHMENT 1 Audit, Risk and Improvement Advisory Committee Meeting
minutes for 15 November 2019



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING

Friday 15 November 2019



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE
MEETING HELD ON FRIDAY 21 JUNE 2019.

AR 65/19

MOTION moved by Mr P Jeffares and seconded by Ms J Edwards

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 21 June 2019 AR56/19 to AR64/19 inclusive, 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

16.4 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on Friday, 15 November 2019

ATTACHMENT 1 Audit, Risk and Improvement Advisory Committee Meeting
minutes for 15 November 2019



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING

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5. AGENDA REPORTS

5.1 Fit For The Future Program Update

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 Committee with an update on the progress of Council's Fit For The Future Program.

The Group Manager Corporate and Community addressed the meeting.

An update on Council's service delivery review program was provided to the Committee.

AR 66/19

MOTION moved by Councillor P W Nelson and seconded by Dr J Young

THAT the Fit for the Future Program Update be noted.

PASSED



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5.2 Submission on 'A New Internal Audit and Risk Management Framework for Local Councils in NSW – Discussion Paper'

Reference: 2102/3
 Report Author: A/Coordinator Corporate Strategy and Governance
 Authoriser: Group Manager Corporate and Community
 Link to Community
 Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to consider the draft submission by the Audit, Risk and Improvement Advisory Committee ('the Committee') in response to the NSW Government's discussion paper on 'A New Risk Management and Internal Audit Framework for Local Councils in NSW'.

The General Manager, Group Manager Corporate and Community and Mr Mitchell Morley addressed the meeting.

AR 67/19

MOTION moved by Mr P Jeffares and seconded by Councillor P W Nelson

THAT the Audit, Risk and Improvement Committee endorse the draft submission to the NSW Government as the Committee's response to 'A New Risk Management and Internal Audit Framework for Local Councils in NSW – Discussion Paper'.

PASSED

AR 68/19

MOTION moved by Ms J Edwards and seconded by Dr J Young

THAT the endorsed submission be lodged with the Office of Local Government before the closing date of 31 December 2019.

PASSED

AR 69/19

MOTION moved by Dr J Young and seconded by Ms J Edwards

THAT the endorsed submission be lodged with LG NSW by 10 December 2019

PASSED

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5.3 Committee Meeting Dates for 2020

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 confirm with the Audit, Risk and Improvement Advisory Committee ('the Committee') the meeting dates for 2020 and provide information regarding the conclusion of the Committee's term.

AR 70/19

MOTION moved by Dr J Young and seconded by Ms J Edwards

THAT the Audit, Risk and Improvement Advisory Committee note the report **AND**
THAT the meeting dates for 2020 be confirmed as 20 March 2020 and 19 June 2020.

PASSED

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5.4 Report on Gifts and Benefits Register

Reference:	2102/3, 800/25
Report Author:	A/Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the Audit, Risk and Improvement Advisory Committee ('the Committee') with an analysis of Council's 2018/19 Gifts and Benefits Register.

AR 71/19

MOTION moved by Councillor P W Nelson and seconded by Dr J Young

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

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6. COMMITTEE ACTION LIST

6.1 Committee Actions Update

Reference:	2102/3
Report Author:	Governance Officer
Authoriser:	A/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 an update on the progress of action items previously requested by the Committee.

The Chair Ms J Edwards noted that the Committee Action requests were addressed in the meeting agenda.

AR 72/19

MOTION moved by Mr P Jeffares and seconded by Councillor P W Nelson

THAT the report in relation to the Committee Actions Update be noted.

PASSED

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7. RISK MANAGEMENT

7.1 Corporate Risk Program Update

Reference: 2102/3
Report Author: Workplace Systems Coordinator

PURPOSE

The purpose of this report is to provide the Committee with an update on Council's Risk Management Program.

The Coordinator Workplace Systems, General Manager and Mr Mitchell Morley addressed the meeting.

The Committee agreed that the Corporate Risk Register should be amended to include information about whether a risk level has changed.

The Chair Ms J Edwards requested that Risk Statement GM3 be amended to reflect previous Risk Statements CR13 and CR15 which had been replaced by GM3.

The Chair Ms J Edwards requested that the Corporate Risk Register be included within the Committee meeting agenda on an ongoing basis.

AR 73/19

MOTION moved by Councillor P W Nelson and seconded by Mr P Jeffares

THAT the report in relation to the Corporate Risk Program Update be noted.

PASSED

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8. INTERNAL AUDIT

8.1 Internal Audit Report

Reference:	2102/3, 2102/19.4
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 present the Audit, Risk and Improvement Advisory Committee ('the Committee') with the Procurement and Development Assessment internal audit reports and provide a brief overview of the scope of the Accounts Receivable/Debtors internal audit scheduled for the next quarter.

Mr Mitchell Morley, the Chief Financial Officer, General Manager, Deputy General Manager Corporate, Strategy and Development Services, Deputy General Manager Operations, Finance and Risk and Group Manager Planning, Development and Regulatory Services addressed the meeting.

AR 74/19

MOTION moved by Councillor P W Nelson and seconded by Ms J Edwards

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

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8.2 Progress Report on Outstanding Internal Audit Recommendations

Reference: 2102/3
 Report Author: Internal Audit and Legal Support Officer
 Authoriser: A/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 update the Audit, Risk and Improvement Advisory Committee on the implementation of outstanding recommendations from previous internal audits.

The General Manager addressed the meeting.

The Committee requested that the recommendations due to be implemented by December 2019 be reviewed to confirm that they will be implemented on time.

The Committee noted that recommendation 6.3 of the Development Engineering audit could be closed off as Council had addressed it.

AR 75/19

MOTION moved by Ms J Edwards and seconded by Mr P Jeffares

THAT the report be noted, AND THAT the requested extensions to the due dates for specified recommendations be granted.

PASSED

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8.3 Internal Audit Performance Report

Reference:	2102/3
Report Author:	Governance Officer
Authoriser:	A/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 a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

This performance report is a requirement of the Audit, Risk and Improvement Advisory Committee Charter for the first Committee meeting after 30 June each year.

AR 76/19

MOTION moved by Dr J Young and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

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8.4 Report on the Control Self-Assessment Pilot Program

Reference:	2102/3
Report Author:	A/Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to advise the Audit, Risk and Improvement Advisory Committee ('the Committee') on the planned approach to Control Self-Assessments.

The Group Manager Corporate and Community, Chief Financial Officer, Deputy General Manager Corporate, Strategy and Development Services, General Manager and Mr Mitchell Morley addressed the meeting.

The Chair Ms J Edwards requested that a report on the outcomes of the control self-assessment program be provided to the Committee annually.

The Chair Ms J Edwards requested that a report be provided to the Committee meeting of 20 March 2020 which maps the internal audit program against the Corporate Risk Register.

AR 77/19

MOTION moved by Ms J Edwards and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

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9. EXTERNAL AUDIT

9.1 External Audit - Management Letter Recommendations Update

Reference:	2102
Report Author:	Governance Officer
Authoriser:	A/Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report provides the Audit, Risk and Improvement Advisory Committee with an update on the status of issues which have been raised in previous Management Letters by Council's external auditors.

The Chief Financial Officer and Mr Steve Hrdina addressed the meeting.

AR 78/19

MOTION moved by Councillor P W Nelson and seconded by Mr P Jeffares

THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

PASSED

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10. GENERAL BUSINESS

The Chair Ms J Edwards requested a verbal update on each of the following items:

- The status of upgrades to Council's IT systems
- Berrima Road Deviation Project.

The General Manager, Deputy General Manager Corporate, Strategy and Development Services, Deputy General Manager Operations, Finance and Risk, Chief Financial Officer, Chief Information Officer and Mr Mitchell Morley addressed the meeting.

10. DATE OF NEXT MEETING

The next meeting will be held on Friday 20 March 2020 in the Nattai Room, Civic Centre, 68 Elizabeth Street Moss Vale commencing at 9.00am.

11. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11:10 AM.

17 QUESTIONS WITH NOTICE

17.1 Question with Notice 1/2020 - Planning for Emergency Events

Reference: 100
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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

To: General Manager
From: Clr G Markwart
Received: 3.2.20

Subject: Emergency Event Planning

Question:

1. Considering the recent bushfires, how has Council planned for this type of emergency and for any emergency events in the Shire?
2. How has the Council prepared to respond to these emergencies.

Response:

The General Manager will provide a report to respond to the questions above at the Council Meeting on 26 February 2020.

RECOMMENDATION

THAT the information in relation to Question with Notice 1/2020 - Emergency Event Planning - be noted.

18 NOTICES OF MOTION

18.1 Notice of Motion 1/2020 - Climate Emergency Declaration

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

PURPOSE

Councillors Whipper and Markwart have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

1. THAT Council recognises the latest climate change science from the Intergovernmental Panel on Climate Change (IPCC) and Australian Climate Council AND THAT Council acknowledge that the Wingecarribee region is vulnerable and being impacted today by heatwaves, bushfires, severe storms and changes in rainfall greatly worsened by climate change.
2. THAT Council make a Climate Emergency Declaration.
3. THAT Council develop a Shire Wide Community Climate Change Emergency Plan which is reviewed annually.
4. THAT Council as a matter of urgency express to the Federal and State Politicians our concerns in relation to the social, environmental and financial impacts of worsening Climate Change.

RECOMMENDATION

Submitted for determination.

REPLY FROM STAFF

Council considered a similar Notice of Motion (35/2019) at its meeting of 11 September, 2019, and resolved to receive a Councillor briefing session on the matter. A Councillor briefing session was provided on 6 November 2019. The matter of Climate Emergency Declaration was considered by Council's Environment and Sustainability Advisory Committee on 20 November 2019 with recommendations:

1. THAT the report be noted.
2. THAT Council recognises the latest climate change science from the IPCC and acknowledges that the Wingecarribee region is vulnerable to the impacts of climate change such as heatwaves, bushfires, severe storms and changes in rainfall.
3. THAT Council make a Climate Emergency Declaration.

18.2 Notice of Motion 2/2020 - Resource Recovery Centre and Animal Shelter

Reference: 100/4
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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

PURPOSE

Councillors Whipper and Turland have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

1. THAT Council acknowledge the most recent and ongoing occupational health and safety risks at the Resource Recovery Centre.
2. THAT Council acknowledge the reoccurring risks associated with Green waste combustion upon Animal shelter Staff and Animals (as highlighted in the need to relocate animals during the last fire in January).
3. THAT Council also acknowledge that conditions at the Animal Shelter have been compromised for some time and are posing increasing health and safety issues for staff, animals and volunteers.
4. THAT As such Council resolve to bring an urgent report to Council within One month outlining possibilities/options for relocation of the shelter as a standalone and fit for purpose facility.
5. THAT Council also identify a source of funding for relocation and construction of the facility as a matter of urgency.
6. THAT due to the lack of clarity the NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments, Council also develop guidelines to protect animals from the impacts of extreme weather conditions.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

Please refer to the Council Report in this Business Paper Item 12. 6 – *Capital Replacement of the Wingecarribee Animal Shelter.*

18.3 Notice of Motion 3/2020 - Town Water Planning

Reference: 100/4
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan:

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

PURPOSE

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.

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.

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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.

18.4 Notice of Motion 4/2020 Resource Recovery Centre Operating Hours

Reference: 100/4
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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

PURPOSE

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”.

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.

18.5 Notice of Motion 5/2020 - Poll for 2024 Mayor

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

PURPOSE

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

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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.

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.



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 **Tender for Plant and Equipment Hire**

- Relevant Legal Provisions

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

- Brief description

- The purpose of this report is to present the evaluation of the Request for Tender for Plant and Equipment Hire.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

p
Ann Prendergast
General Manager

Thursday 6 February 2020