

18 June 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held remotely using audio visual link and is open to members of the community via webcast on **Wednesday 24 June 2020** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

Business

1. OPENING OF THE MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. PRAYER

4. APOLOGIES

Leave of absence for this meeting was previously granted to Councillor G Markwart.

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19.3 Legal Report - Closed Council

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

20. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

21. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Council Chambers

This meeting is being recorded and webcast via Facebook and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

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

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Leave of absence for this meeting was previously granted to Councillor G Markwart to 22 July 2020.

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.

7 MAYORAL MINUTE

7.1 Queen's Birthday 2020 Honours Award Recipients

Reference: 102
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

To congratulate the Wingecarribee Shire recipients of their 2020 Queen's Birthday Honours Award and to formally acknowledge Chief Inspector John Klepczarek on receiving the Australian Police Medal.

RECOMMENDATION

1. **THAT the recipients of the 2020 Queen's Birthday Honours list be acknowledged as follows:**
 - a) Ms Robyn Anne Nevin AO
 - b) Mr John Douglas D'Arcy OAM
 - c) Mr John James Johnston OAM (posthumous)
 - d) Dr Ann Elizabeth Parker OAM
 - e) Dr John Allan Lowndes OAM
2. **THAT Council acknowledge and congratulate Chief Inspector John Klepczarek on being awarded the Australian Police Medal for his years of dedication and service to the NSW Police Force.**
3. **THAT a letter of acknowledgment be sent to the recipients of the 2020 Queen's Birthday Honours Awards and Chief Inspector John Klepczarek.**

REPORT

On behalf of my fellow Councillors, I take this opportunity to congratulate those members of our community who received recognition for their dedication and hard work to the Wingecarribee Shire and beyond.

I also wish to congratulate Chief Inspector John Klepczarek on his outstanding achievement in receiving the Australian Police Medal for his dedicated 30 year service to the NSW Police Force, and to the people of New South Wales. This recognition is well deserved.

Ms Robyn Anne Nevin AO ***Sutton Forest***

Robyn Anne Nevin AM AO of Sutton Forest has been honoured with a further recognition of Officer of the Order of Australia (AO)

This is in acknowledgement of distinguished service to the performing arts as an acclaimed actor and artistic director, and as a mentor and role model.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 24 June 2020

MAYORAL MINUTES



Mr John Douglas D'Arcy OAM *Berrima*

John Douglas D'Arcy OAM of Berrima was presented with a Medal of the Order of Australia for his service to the performing arts, particularly to music.

John James Johnston OAM (posthumous) *Bowral*

The late Mr John James Johnston OAM of Bowral passed away on 22 April 2020. He has been recognised for services to the community through a range of roles associated with Lions Clubs at a Local, National and International level.

Dr Ann Elizabeth Parker OAM *Berrima*

Dr Ann Elizabeth Parker OAM of Berrima was presented with a Medal of the Order of Australia for service to medicine and to the community.

Dr John Allan Lowndes OAM *Bundanoon*

Dr John Allan Lowndes OAM of Bundanoon has been honoured with a Medal of the Order of Australia for service to law and to the judiciary.



Clr Duncan Gair

Mayor

ATTACHMENTS

There are no attachments to this report.



9 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral.

Reference:	20/0720.01
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	PS Design and Construction Pty Ltd, Trading as PS Design
Owner:	Paul Samulski
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider an 8.2 Review of Determination of Development Application 20/0720 for the Council's consideration and recommends APPROVAL subject to the conditions specified in **(Attachment 1)**.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Section 8.2 of the *Environmental Planning & Assessment Act 1979* Review of Determination of Development Application DA20/0720.01 for Dual Occupancy (Detached) and subsequent subdivision to create two lots, Lot 210 DP 1213900, 40 Sir James Fairfax Circuit Bowral, be APPROVED subject to conditions as described in Draft Conditions of Consent (Attachment 1) to the report.

REPORT

Subject Site and Locality

Figures 1 and 2 illustrate the land's location and general layout (see also **Attachments 2 & 3**). It is a vacant 1070m² low density residential corner lot on the southern side of Sir James Fairfax Circuit and the eastern side of Ginahgulla Drive in Bowral, around 2.5km east of the town centre. The land is accessible by vehicle from Sir James Fairfax Circuit and Ginahgulla Drive.

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 24 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The locality is characterised by emerging low density residential development.



Figure 1: Locality Map



Figure 2: Aerial image (Source Nearmap)

Background

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

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

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

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

Development Application 20/0720 which sought Council consent for erection of buildings and carrying out of works for the purpose of a dual occupancy (detached), and subsequent subdivision of land to create two lots was refused by Council at its meeting of 11 March 2020 for the following reasons:

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

S.8.2 Review of Determination application 20/0720.01.

S8.2 Review of Determination of Refused Development Application 20/0720 seeks approval for the erection of dual occupancy (detached) and subsequent subdivision to create two lots of 570m² and 500m², being the same plans as previously refused by Council. An extract from the proposed development drawings is included as **Attachment 4**.

Following the refusal of Development Application 19/1645 and a subsequent S.8.2. review of the decision the proponent lodged an appeal to the Land & Environment Court to



challenge the refusal and has also lodged this new application with the intent of being able to discontinue legal proceedings should the current application be approved.

The applicant has provided the following comment from Lee Environmental Planning regarding the refused Development Application 20/0720.

“The following paragraphs set out each of the seven reasons for refusal provided by the Council resolution and comments as to why they do not provide solid grounds for refusal.

1. *Bulk and scale of the development.*

Unsubstantiated and not supported by the facts. Reference to the assessment report prepared by Council Officers is the best retort to this claim. On all measurable requirements related to the physical form of the development, it has been assessed as being well within the parameters that have been set by the planning controls. It results in dwelling houses of a lesser scale than other developments within this locality, including the single dwelling immediately to the south that is approximately 2 metres higher and of comparable floor space in one single dwelling as compared to the proposed two dwellings.

2. *Out of character with the surrounding development.*

Unsubstantiated and not supported by any reasonable viewing of the emerging character of the Retford Park residential precinct.

Character is determined by both use of land and the physical nature of the built form.

In terms of use, the proposed development is low density residential, exactly the same as that on all other properties in this locality.

In terms of the built form, the proposed development is of a scale compatible with other adjoining dwellings and of lesser scale than many adjoining dwellings. There are both larger and smaller built forms evident in the locality. In terms of building materials, the proposed development contains no external finishes that are not readily identifiable on other properties within the locality.

3. *Not in the public interest.*

Unsubstantiated. The development is not offensive to the public interest because it is a demonstrated fact that it is permissible development and it is compliant with all required planning controls. It has not been demonstrated that it would result in any adverse impacts to any individual or to the broader public. It would not give rise to a situation where consequential or subsequent decisions would necessarily result in unsatisfactory outcomes for the public.

Council has confused isolated and personal objection to this Development Application as being the ‘public interest’. With reference to the assessment report prepared by Council, all submissions were acknowledged, yet none of them raised any issues that were considered by the Council planning staff to be of such significance as to warrant any changes to the development as proposed. This is a clear indication that the development is not offensive to the public interest.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 24 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



4. *Inconsistent with the aims and objectives of the design review panel and original developer of the subdivision.*

Unsubstantiated and not a valid reason for refusal.

With demonstrated compliance with the built form guidelines within the DCP, that were formulated in conjunction with the original developer, it cannot be substantiated that the built form is inconsistent with the aims and objectives of the original developer.

The Design Review Panel was consulted, but it is more important to note that the Section 88B Instrument relevant to the land does not require any approval from any design review panel in order to lodge a Development Application. Further and even if such approval was necessary, Clause 1.9A of Wingecarribee Local Environment Plan 2010 makes it clear that such covenants and private agreements are not the domain of Council. It is inappropriate therefore for this to be included as a reason for Council to refuse the development.

5. *Increased traffic flow which is inconsistent with the amenity of the area.*

Unsubstantiated and not a valid reason for refusal.

There are approximately 120 dwellings within this precinct of Retford Park Estate. Having two dwellings on the subject land rather than one, would increase the total dwellings from approximately 120 to 121, potentially increasing the total Estate traffic by approximately 0.8% which would be imperceptible.

6. *Setting a precedent with all corner blocks in the estate.*

Unsubstantiated and not a valid reason for refusal, particularly when the proposed development is not only permissible, but fully compliant with all planning controls.

It has been stated and it is accepted that the majority of corner lots in the Estate have already been developed. Any cursory review of the Estate quickly reveals that this is true. The existing development upon the corner lots are substantial homes. It is not plausible to suggest that these lots will be redeveloped in the short term. They will remain in their current form for many years. The small number of corner lots yet to be developed may or may not be developed in a similar manner, but if they were developed similar to this development proposal, they would constitute no more than permissible development and similarly to this development proposal they would be compliant with all planning guidelines.

7. *Inconsistent with aims of original subdivision and contract for purchasing of land.*

Unsubstantiated and not a valid reason for refusal.

Council's own planning assessment report acknowledges that any arrangements between the original site developer and purchasers of land within the Estate do not override planning legislation.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. The development is a Module 1 under the NorBE Guidelines and therefore Council has assumed concurrence to consider water quality. The NorBE Tool was used to determine that the development can achieve a neutral or beneficial effect on water quality.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 1.2—Aims of Plan

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

Clause 1.4—Definitions

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

Clause 2.3—Zone objectives and Land Use Table

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

Clause 2.6—Subdivision—consent requirements

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

Clause 4.1—Minimum subdivision lot size

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

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

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



- (a) is on a corner allotment of not less than 1,000m², and
- (b) has access to a reticulated town water supply and sewerage system.

The application proposes initial erection of a dual occupancy. The land is a 1070m² corner lot in Zone R2, and has access to Council's reticulated water supply and sewerage services. Clause 7.2 therefore facilitates the granting of consent for the proposed development.

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

Clause 7.3—Earthworks

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

Clause 7.10—Public utility infrastructure

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

Development Control Plans

Bowral Town Plan Development Control Plan

The applicable sections of the Bowral DCP are addressed below:

Part A—Provisions applicable to all land

Section 2—General objectives

Section A2.2—Objectives of this Plan

Section A2.2.4—Residential amenity

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

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

Section A2.2.5—Residential diversity



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

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

Section A2.2.6—Visual amenity

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

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

Section A2.2.8—Environmental sustainability

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

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

Section 6—Vegetation management and landscaping

Section A6.2—Private landscaped open space

Section A6.2.1—Objectives

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

- (a) *Provides a pleasant, vegetated environment for users of the site (workers or residents).*
- (b) *Contributes to the urban streetscape.*

- (c) *Provides a visual buffer between development and the surrounding neighbourhood.*
- (d) *Contributes to existing tree canopies and wildlife habitats.*
- (e) *Provides adequate ground cover to prevent erosion and assist storm water infiltration.*
- (f) *Contributes where possible to the enhancement of key vegetation and topographical features.*

Section A6.3—Controls

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

Section 7—Subdivision, demolition, siting and design

Section A7.1—Subdivision of land

Section A7.1.1—Minimum lot sizes

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

Section 8—Safer by design

Section A8.3—Crime prevention through environmental design

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

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

Section A8.4—Specific design requirements

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

Section 9—Construction standards and procedures

Part C—Provisions applicable to residential-zoned land

Section 1—Introduction

Section C1.2—Objectives

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

- (a) *Conservation of the unique characteristics of the residential areas of Bowral, particularly in the case of the identified Conservation Areas,*
- (b) *New residential development which is sympathetic with existing streetscapes and neighbourhood character,*
- (c) *New residential development that is energy efficient, provides good amenity, and is safe and attractive.*



- (d) *Residential development which meets the needs of a range of community and demographic types, including smaller households, older people, people with a disability or people requiring group accommodation.*

Section C1.5—Height of buildings

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

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

The proposed buildings are 2 storey and have a maximum height of 7.760m.

Section C1.6—Building materials

Section C1.6.1—Objectives

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

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

Section C1.6.2—Specific controls

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

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

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

Section 2—Low density housing

Section C2.2—Objectives of low density housing

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

- (a) *Maintain and improve the amenity and character of residential areas in (locality).*



- (b) *Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.*
- (c) *Ensure that the heritage value of any property which is, or is within the vicinity of, an Item, or Draft Item of Heritage, or is within a Heritage, or Draft Heritage Conservation Area, is not compromised.*
- (d) *Promote ecologically sustainable development by requiring the construction of energy smart dwellings.*
- (e) *Maximise solar access to the proposed development.*
- (f) *Maximise privacy between existing development and proposed development.*
- (g) *Ensure that adequate on-site car parking is provided for residents and visitors.*
- (h) *Preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.*
- (i) *Ensure that adequate provision is made for high landscaped open space which complements the overall development and which assists in maintaining existing streetscape quality.*
- (j) *Where located near to road or rail corridors, provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.*

Section C2.3—Dual occupancy and secondary dwellings

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

Section C2.3.3 (b) effectively specifies that whilst no maximum floor area applies to the proposed development's dual occupancy component, its floor space ratio (FSR) must not exceed 0.5:1. Clause 4.5 (2) of the LEP defines FSR as the ratio of the gross floor area (GFA) of all buildings within the site to the site area.

The proposed development's total GFA is 408m² and the land's site area is 1070m². The proposed FSR is therefore 0.38:1.

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

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

Section C2.4—Development density and scale

Section C2.4.2—Objectives

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

The height, scale and style of development shall:

- (a) *Be compatible with the scale, appearance and character of any existing buildings on the site.*
- (b) *Retain important natural features of the site, including any significant existing trees.*
- (c) *Ensure that dwellings address the street in an appropriate way.*



- (d) *Be compatible with the scale of development of the established built environment and streetscape.*
- (e) *Ensure that the sides and rear of dwellings, which are generally viewed by neighbours, make a positive contribution to residential amenity,*
- (f) *Provide sufficient vehicle access and parking in accordance with standards contained within this Plan.*
- (g) *Ensure that the visual and acoustic privacy of adjoining dwellings are protected.*
- (h) *Ensure adjoining living areas are located to minimise overshadowing and overlooking.*
- (i) *Ensure windows in living areas are located to minimise and overlooking both within the site and between sites.*

Section C2.4.3—Controls

Section C2.4.3 effectively specifies the proposed development's footprint, which excludes open space areas such as verandahs, balconies and the like, must not exceed 65% of the land's area. The land's area is 1070m² and the proposed development's footprint area, including driveways and the like, is approximately 540m², or 51% of the land's area.

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

Section C2.5—Dwelling orientation

Section C2.5.1—Objectives

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

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

Section C2.5.2—Specific controls

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

Section C2.6—Front setbacks

Section C2.6.1—Objectives

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

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

Section C2.6.2—Specific controls

The proposed development would ultimately create two lots smaller than 900m², one being a corner lot and each being occupied by a dwelling. Noting this, section C2.6.2 (c) (iii) effectively specifies minimum 4.5m front setbacks from Sir James Fairfax Circuit to the northernmost proposed dwelling and from Ginahgulla Drive to the southernmost proposed dwelling. The proposed development substantially complies; there is a minor encroachment by the southernmost proposed dwelling's porch, which the DCP recognises as part of the development's open space area.

Section C2.7—Side setbacks

Section C2.7.1—Objectives

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

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

Section C2.7.2—Specific controls

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

Section C2.8—Rear setbacks

Section C2.8.1—Objectives

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

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

Section C2.8.2—Specific controls

The proposed development would produce two lots smaller than 900m², each being occupied by a dwelling. Section C2.8.2 (c) specifies a



minimum rear setback of 3.0m to each dwelling. The proposed development complies.

Section C2.9—Building height

Section C2.9.1—Objectives

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

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

Section C2.9.2—Specific controls

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

Section C2.10—Roof forms

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

Section C2.11—Dwellings on corner allotments

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

Section C2.11.1—Objectives

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

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

Section C2.11.2—Specific controls

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

Section C2.12—Garaging and driveways

Section C2.12.1—Objectives

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

Section C2.12.2—Specific controls



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

Section C2.13—Landscaped open space

Section 2.13.1—Objectives

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

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

Section C2.13.2—Specific controls

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

Section C2.14—Fencing, gates and letterboxes

Section C2.14.1—Specific controls

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

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

Section 22—Retford Park Precinct

Section C22.2—Development concepts

Section C22.2.1—Preferred development outcomes

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

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

Section C22.2.2—Character of the future development

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

Section 4.15 Evaluation

(1) *Matters for consideration—general*

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

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

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

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

Not applicable.

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

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,*

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

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

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

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

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

CONSULTATION

Pre-lodgement Meeting

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

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External Referrals

Referrals	Advice/Response/Conditions
NSW Rural Fire Service (integrated development)	No objection and general terms of approval received.

Internal Referrals

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

Neighbour Notification (or Advertising)/Public Participation

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

Issues	Response
<p>Proposed development includes subdivision of the land to create lots smaller than the minimum size shown on the LEP Lot Size Map in relation to the land, being 1000m².</p> <p>In accordance with Clause 7.2 of Wingecarribee Local Environmental Plan 2010, development consent may only be granted for the subdivision of a lawfully erected dual occupancy after it has been lawfully erected. After subdivision, the second dwelling will be on a lot of 500 sqm area, with a gross floor area of 255 square metres, exceeding the 0.5:1 floor space ratio.</p>	<p>The application proposes initial erection of a dual occupancy in Zone R2 and subsequent subdivision of the land to create two lots of 500m² and 570m². The land is a 1070m² corner lot in Zone R2, and has access to Council's reticulated water supply and sewerage services. Clause 7.2 of the LEP therefore facilitates the granting of consent for the proposed development's subdivision component despite any contrary other LEP provision.</p> <p>A condition of consent can be imposed requiring that no subdivision certificate shall be granted for the development unless an occupation certificate has been granted for both dual occupancy dwellings in the development (<u>condition 62</u>), ensuring that the subdivision only occurs after the dual occupancy development has been lawfully erected.</p> <p>Clause 7.2 of the LEP does not require each proposed lot to contain a dwelling not exceeding 0.5:1 floor space ratio.</p>
Proposed development does not comply	Provided all recommended consent conditions

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Issues	Response
<p>with relevant provisions of the LEP and Council’s applicable Bowral Town Plan Development Control Plan (the DCP), including insufficient landscaped area, insufficient setbacks, and excessive floor area.</p>	<p>are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of the LEP and DCP. Further the assessment included in this report confirms the development meets the LEP and DCP provisions.</p>
<p>The proposed development is not in keeping with the emerging or intended character of the locality and the wider Retford Park Estate, and not in the public interest.</p> <p>The proposed development does not constitute “low density” development as provided for by the land’s R2 Low Density Residential zoning.</p> <p>The bulk, scale and character of the proposed development is contrary to character of the Retford Park Estate, and not in the public interest. The proposed development exceeds the scale of existing development upon the adjoining 42 Sir James Fairfax Circuit site. The proposed subdivision of the land to create lots of 500m2 and 570m2 contradicts an intention that the locality be characterised by single dwelling houses on lots of at least 1000m2.</p> <p>The proposed development is an overdevelopment of the land, the proposed development will prompt unwanted higher density residential development in the locality.</p> <p>Council’s previous refusal of two previous applications was justified.</p> <p>Whilst the proposed development is permissible, that does not mean it should be permitted. Council should exercise its discretion and reject the proposed Development Application.</p>	<p>The land is in Zone R2, within which development for the purpose of dual occupancies is permitted with consent.</p> <p>Furthermore, clause 7.2 of the LEP facilitates consent being granted for the proposed development’s subdivision component, despite any other LEP provision.</p> <p>The proposed development is also considered satisfactory with respect to the floor space ratio, site coverage and setbacks provisions specified by the DCP.</p> <p>The LEP and DCP facilitate development of lots exceeding 1000m2 for the purpose of dual occupancy, and subdivision of R2 zoned corner lots of at least 1000m2 strictly in circumstances specified by clause 7.2 of the LEP. The proposed development is not expected to necessarily prompt excessive development of land in the locality for dual occupancy purposes, and it is noted that of the 157 residential lots in Renwick Park Estate, 19 lots, including the subject land, are corner lots that might conceivably be developed and subdivided pursuant to clause 7.2 of the LEP.</p> <p>On balance, whilst the proposed development may not be entirely consistent with submitters’ expectations for development in the locality, it is considered satisfactory with respect to the locality’s character and amenity having regard to the relevant provisions of Council’s LEP and DCP.</p>
<p>Proposal does not meet design guidelines specifically applicable to Retford Park Estate, and is contrary to the aims and objectives of the design review panel. Developers are bypassing the Design Review Panel.</p> <p>Contrary to the vision which J.O Fairfax had for this. The applicant has failed to</p>	<p>It is understood that the purchase of residential lots in Retford Park Estate is subject to a contractual agreement that development will take place in accordance with design standards that are administered and enforced by a design panel.</p> <p>These standards are not specifically conveyed by any environmental planning instrument or</p>

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Issues	Response
<p>comply with the contract written upon purchase of the land.</p> <p>The proposed side boundary setbacks do not comply with the estate's design guideline requirement of 2 metres.</p>	<p>development control plan, and therefore this is a private matter in which Council has no role to play in their enforcement.</p>
<p>Proposed development's two storey component will cause overshadowing of adjoining land and development.</p> <p>The second dwelling will also now block sunlight for the neighbour along Ginahgulla Drive.</p>	<p>Shadow diagrams accompanying the application indicate adjoining land will receive direct sunlight of periods exceeding three hours on 22 June (winter solstice) despite the proposed development's erection.</p>
<p>The proposal is not in the public interest. Should the subdivision on 40 Sir James Fairfax Cct go ahead, the residents face a number of imminent challenges in the wider Retford Park estate, including precedent will be created for all future corner blocks to be subdivided - there are 14 yet to be developed corner lots; key streets in the estate - Ayrshire, Sir James Fairfax, Betty Close, Caroline & Ginahgulla were never planned or intended to accommodate increased vehicular traffic density due to double the number of residents, reduced street parking especially on street junctions due to increase in number of residents, their respective guests and their vehicles, increased noise levels because of the proximity of living areas from neighbours, due to significantly reduced setbacks required to accommodate the subdivisions, intrusion of privacy from neighbours will become huge issue for both the existing and new home owners due to these reduced setbacks and proximity of additional buildings, and significant blow to the Heritage style, look and feel of the estate because of inconsistent design and scale, which will have an immeasurable negative impact on the value of our asset. 2 storey dwelling allows the residents to look directly into the backyard of our property and therefore privacy reasons are an issue.</p>	<p>Wingecarribee Local Environmental Plan 2010 deliberately enables dual occupancy development and subsequent subdivision on corner lots exceeding 1000 square metres within the R2 Low Density Residential zone.</p> <p>This provision does increase development opportunity, and does increase traffic and noise, but not beyond that which is reasonably expected within an urban residential area. One upper level bedroom window will face the adjoining eastern property, however this is a highlight window, therefore privacy impacts are considered acceptable. Frosted glass windows are provided to upper level walk in robes. The proposed upper level retreat area and balcony face Ginahgulla Drive, and does not overlook backyards of adjoining properties.</p>
<p>Estimated cost of the development is a blatant lie designed to defraud Council of</p>	<p>The estimated cost of the development is considered acceptable. Proposed materials and</p>



Issues	Response
the correct fee or is an indication of poor build quality.	design of the development does not indicate poor build quality.
Proposed development will devalue surrounding properties.	The increase or decrease in value of properties is not a matter for consideration in the assessment of a development application under s.4.15 of the Environmental Planning and Assessment Act 1979.

SUSTAINABILITY ASSESSMENT

- **Environment**

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

There are no environmental impacts in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

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

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

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

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

That the Council determine the S.8.2 Review of Determination Application 20/0720.01 by granting consent, subject to the conditions specified by **Attachment 1**.

Option 2

That the Council determine the S.8.2 Review of Determination Application 20/0720 by refusing consent, and specifies the reasons for its determination.

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

CONCLUSION

It is recommended that S.8.2 Review of Determination Application 20/0720.01 which seeks approval for the erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land to create two lots at Lot 210 DP 1239600, No 40 Sir James Fairfax Circuit, Bowral be supported subject to conditions.

The proposal is considered satisfactory in terms of S4.15 of the *Environmental Planning and Assessment Act 1979*, therefore it is recommended that the development application be approved, subject to the attached draft conditions of consent nominated in **Attachment 1**.

ATTACHMENTS

1. Attachment 1 - Draft Conditions of Consent
2. Attachment 2 - Locality Map
3. Attachment 3 - Aerial Image
4. Attachment 4 - Proposed development Drawings

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9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral.



ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent

TBA

PS DESIGN & CONSTRUCTION PTY LTD TRADING AS PS DESIGN
PO BOX 878
BOWRAL NSW 2576

NOTICE OF DETERMINATION OF A REVIEW OF DETERMINATION
Pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979*

APPLICATION NO: 20/0720.01
DA NO: 20/0720
DA DETERMINATION DATE: 13 March 2020
APPLICANT: PS DESIGN & CONSTRUCTION PTY LTD TRADING AS PS DESIGN
OWNER: SAMULSKI HOLDINGS PTY LTD
PROPERTY DESCRIPTION: Lot 210 DP 1239600
PROPERTY ADDRESS: 40 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576
PROPOSED DEVELOPMENT: Subdivision - 2 Lots, Dual Occupancy - Detached
DETERMINATION: Determined by granting of CONSENT.
CONSENT TO OPERATE FROM: TBA
CONSENT TO LAPSE ON: TBA

Note: The conditions of consent are listed in Schedule 1.

Rights of Appeal

If you are dissatisfied with the determination of Council (including determination of a review under section 8.2 of the *Environmental Planning and Assessment Act 1979*, you may appeal to the New South Wales Land and Environment Court within 6 months after the date on which you receive the notice of determination or review, if your application was lodged after 27th February 2011. Otherwise the appeal period is 12 months after the date in which you receive this notice.

Ross Jauncey
Development Assessment Planner

TBA
Date of Determination.

9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral.



ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent

SCHEDULE 1 Conditions of Development Consent

ADMINISTRATION CONDITIONS

1. Development Description

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

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

2. Development in Accordance with Plans and Documents

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

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

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

3. Fencing

Council's consent does not permit erection of any fencing other than indicated on the

9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral.



ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent

stamped consent drawings or specified by an environmental planning instrument as not requiring development consent.

Reason: *To prevent unauthorised erection of fencing.*

4. **Inconsistency between documents**

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

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

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

(a) That the work must be carried out in accordance with the requirements of the National Construction Code.

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

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

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

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

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

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

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

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

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

9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral.



ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent

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

7. Home Owners Warranty Insurance

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

- (a) A contract of insurance in accordance with Part 6 of the *Home Building Act 1989* is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98(1)(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989* (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
 - (i) In the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
 - (ii) In the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

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

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

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

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

8. Application for a Construction Certificate (Building Works)

9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral.



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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

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

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

9. Appointment of Principal Certifying Authority

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

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

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

10. Section 68 Local Government Act 1993 Approvals

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

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

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

11. Section 7.11 Contributions (formerly Section 94)

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended),

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Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

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

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

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); 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 94”. Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).*

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

12. Water Management Act - Certificate of Compliance

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

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

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

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Wingecarribee Shire Council’s Development Servicing Plans:

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

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

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); 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 July 2020	To be advised	To be advised	N/A
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, 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 = \$500.00.

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

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

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

13. Construction Traffic Management Plan

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

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

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- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

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

14. Provision of Works and Services

Prior to the issue of the Construction Certificate, the developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant codes and guidelines.

Reason: *Statutory requirement.*

15. Detailed Stormwater Drainage System Design

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

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

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

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

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

Reason: *To ensure adequate storm water management.*

16. Energy Service Provider Requirements

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

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

17. Waste Management Plan

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

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

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

18. Erosion and Sediment Control Plan

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

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

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

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- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

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

19. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

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

20. Application for a Subdivision Works Certificate

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

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

21. Appointment of Principal Certifying Authority

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

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

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

22. Energy Service Provider Requirements

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

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

23. Electricity Connection

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

24. Notice of Commencement

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

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

Reason: *Statutory requirement.*

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

25. Principal Certifying Authority Sign

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

- The Principal Certifying Authority (PCA) by showing the name, address and

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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.*

26. Construction Certificate

No work in the development shall commence until a:

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

Reason *Statutory requirement.*

27. Subdivision Works Certificate & Appointment of Principal Certifying Authority

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

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

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

Reason: *Statutory requirement.*

28. Developers Representative during Construction of Works

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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 qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

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

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

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

Reason: *Statutory requirement.*

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

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

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

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

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work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

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

Reason: *Statutory requirement.*

30. Relocation of Existing Services

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

Reason: *Statutory requirement.*

31. Fencing of the Construction Site

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

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

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

32. Erosion and Sediment Control

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

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

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CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

33. Approved Plans to be available on site

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

Reason: *To ensure compliance with approved plans.*

34. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

35. Survey Report - Minor Development

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

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

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

Reason: *To ensure compliance with approved plans.*

36. Ground Levels

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

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

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

37. Retaining Walls and Drainage

If the soil conditions require it:

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

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

38. Vehicular Access Point - Construction and Delivery Vehicles

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

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

39. Engineering Inspections by Council

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

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

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

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

Reason: *Statutory requirement.*

40. Stormwater - Connection to Kerb

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

Reason: *To comply with Council standards.*

41. Stormwater - Discharge

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

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

42. Earthworks, retaining walls and structural support

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

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

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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.*

43. Damage to Adjoining Properties

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

Reason: *Structural safety.*

44. Erosion and Sediment Control Plan Compliance

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

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

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

45. Soil and Water Management - Site Maintenance

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

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

46. Prevention of Nuisance

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

Reason: *Health and amenity.*

47. Dust Control

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

Reason: *Environmental amenity*

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48. Council Reserve / Street Tree Retention

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

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

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

49. Approved hours of Construction/Demolition

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

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

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

50. Construction Traffic Management Plan

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

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

Reason: *Compliance with condition of consent.*

51. Building Operations

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

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

52. Maintenance of the site

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

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

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

During construction:

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

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

Reason: *Environmental amenity.*

53. Storage of Building Materials, Plant and Equipment

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

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

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

54. Protection of Public Places

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

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

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

Reason: *Public safety.*

55. Temporary Onsite Toilet

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

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Each toilet shall:

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

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

56. Waste Management

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

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

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

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

57. Occupation Certificate

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

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

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

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

Note: *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the*

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meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.

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

58. Smoke Alarms

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

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

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

59. BASIX Commitments

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

In this condition:

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

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

60. House Numbering

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

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

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

61. Subdivision Certificate

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

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

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

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

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

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

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

62. Occupation Certificate

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

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

63. Energy Service Provider Requirements

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

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

64. Provision of Services

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

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

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

65. Residential Driveway

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

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

66. Provision of Reticulated Sewer to Each Lot

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

Sewerage mains shall be constructed to serve the development.

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

67. Construction of Sewer Sidelines

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

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

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

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

68. Construction of Water Mains to Lots

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

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

69. Construction of Water Service

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

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

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

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

70. Landscaping Plan

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

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

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

71. Erosion Control on Completed Developments

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

Reason: *To protect the environment.*

INTEGRATED DEVELOPMENT CONDITIONS

72. General Terms of Approval - NSW Rural Fire Service

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

ADVISORY MATTERS

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au 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

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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 or 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 Network Integrity Team on Phone Number 1800 810 443.

END CONDITIONS

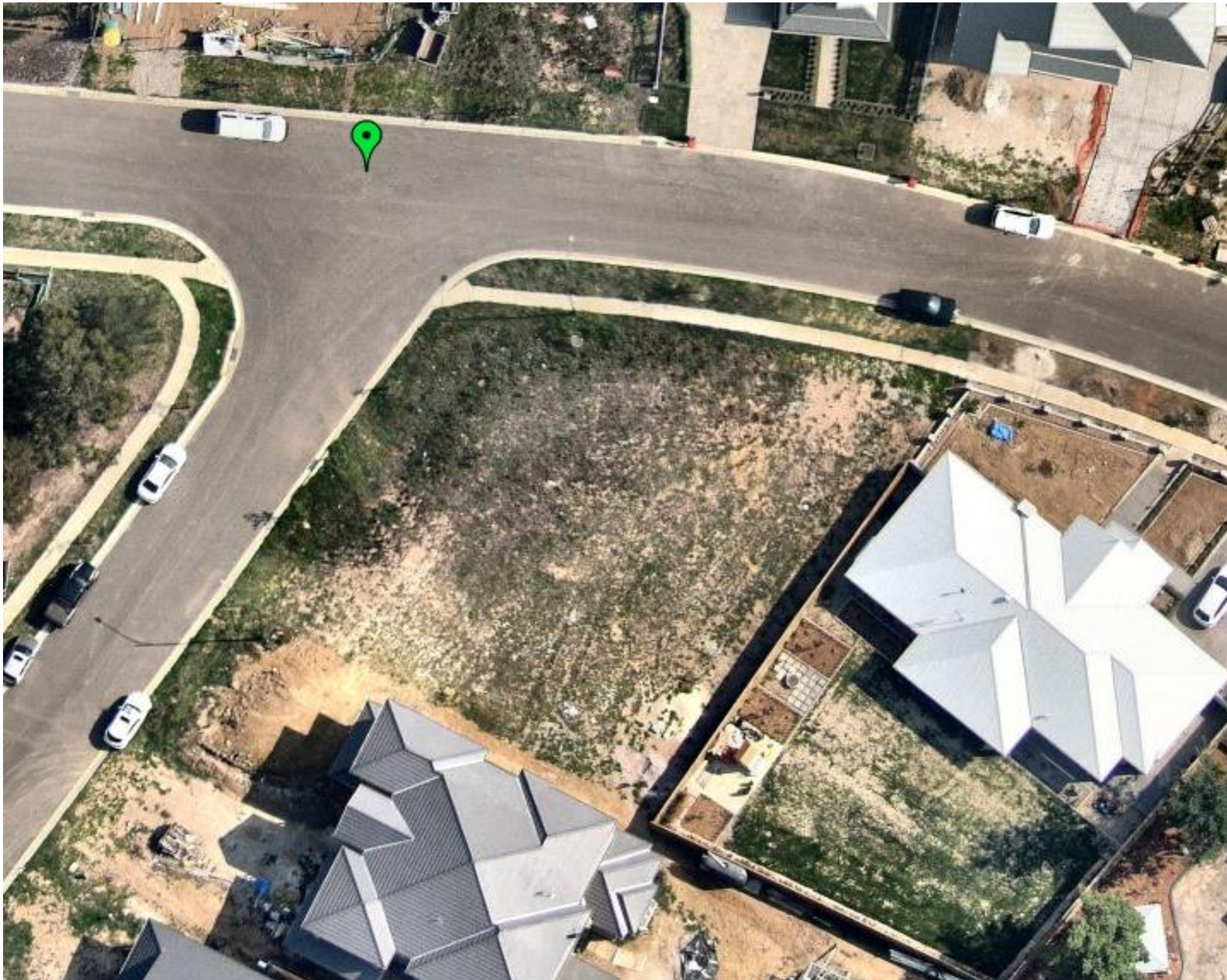


ATTACHMENT 2: Locality Map.





ATTACHMENT 3: Aerial Image



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ATTACHEMENT 4: Proposed Development Drawings.



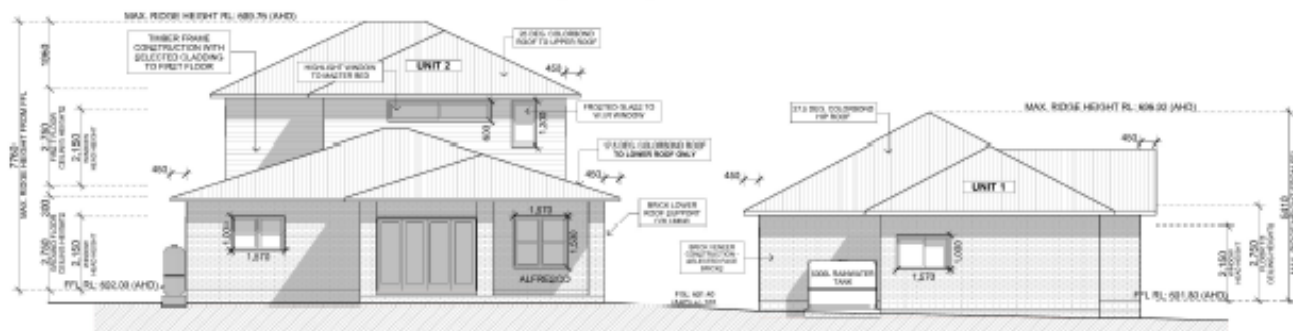
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TYPICAL CROSS SECTION
1:100 @ A1 - 1:200 @ A2



SOUTH ELEVATION
1:100 @ A1 - 1:200 @ A2



EAST ELEVATION
1:100 @ A1 - 1:200 @ A2



NORTH (SIR JAMES FAIRFAX CCT) ELEVATION
1:100 @ A1 - 1:200 @ A2



WEST (GINAGULLA ST) ELEVATION
1:100 @ A1 - 1:200 @ A2

RAINWATER TANK SIZE: 5000L FOR EACH UNIT (10000L TOTAL)
USED: TOILET, WASHING MACHINE, OUTDOOR TAP
TANK WATER OVERFLOW: COUNCIL KES VIA PIT AT BOUNDARY

WATER

SHOWER-HEAD RATING: 4 STAR MIN
TOILET RATING: 5 STAR MIN
BATHROOM TAP RATING: 5 STAR MIN
KITCHEN TAP RATING: 5 STAR MIN

THERMAL COMFORT

INTERNAL WALLS: PLASTERBOARD
EXTERNAL WALLS: BRICK VENEER
EXTERNAL INSULATION: R2.0
CEILING INSULATION (GATMS): R2.0
FLOOR INSULATION RATING: R1.5
ROOF VENTILATION: NO
ROOF INSULATION: BARKINGFOL BLANKET
GLAZING: IMPROVED GLAZING

ENERGY

HOT WATER SYSTEM: GAS
HEATING: AIR CONDITIONING
LIGHTING: LED OR FLUORESCENT
AIR CONDITIONING: YES
COOKTOP: GAS
CLOTHESLINE: YES
NOTE: ALL LED DOWNLIGHTS TO BE INSTALLED WITH APPROVED HEATSHIELDS.

GROUND FLOOR: 127.50 sqm
FIRST FLOOR: 16A
PORCH: 8.45 sqm
ALFRESCO: 95.00 sqm
GARAGE: 25.43 sqm

TOTAL LIVING AREA: 157.50 sqm
(TOTAL OF HABITABLE FLOOR AREA OF DWELLING EXCL. GARAGE & ANCILLARY AREA - MEASURED TO INSIDE OF EXTERNAL WALLS)

ANCILLARY AREA: 22.43 sqm
(TOTAL OF AREAS OF ANY CARPORT, PATIO, BALCONY, ALFRESCO, VERANDA NOT ENCLOSED BY A WALL EXCEPT FOR EXTERNAL WALLS OF PRIMARY DWELLINGS)

TOTAL GROSS FLOOR AREA: 182.98 sqm
(TOTAL LIVING BUILDING AREA + GARAGE EXCL. ANCILLARY AREA)

TOTAL SITE COVERAGE / FOOTPRINT: 215.25 sqm
(TOTAL GROUND FLOOR INCL. GARAGE AND ANCILLARY AREA)

ROOF AREA: 266.65 sqm
(TOTAL ROOF AREA INCLUDING EAVES AND ALL ATTACHED STRUCTURES MEASURED TO OUTSIDE OF GUTTERS AS PER INDICATED ROOF PITCH)

GENERAL LANDSCAPING
SOFT SOIL ZONES: 104.65 sqm
(TOTAL LAWN, GRAVEL AND GARDEN AREA OF SUBJECT PROPERTY)

PRIVATE OPEN SPACE: 162.25 sqm
(GROUND FLOOR OUTDOOR PRIVATE AREA INCLUDING GRASSED AND HARD SURFACE AREAS NOT NARROWER THAN 1000mm)

UNIT 2 AREAS - 3 BEDROOM + STUDY / GUEST
(NOT INCLUDING STAIRWELL VOID ON FIRST FLOOR)

GROUND FLOOR: 183.80 sqm
FIRST FLOOR: 92.25 sqm
PORCH: 3.80 sqm
BALCONY: 7.89 sqm
ALFRESCO: 25.58 sqm
GARAGE: 24.88 sqm

TOTAL FLOOR AREA: 255.25 sqm
(TOTAL OF HABITABLE FLOOR AREA OF DWELLING EXCL. GARAGE & ANCILLARY AREA - MEASURED TO INSIDE OF EXTERNAL WALLS)

ANCILLARY AREAS: 42.84 sqm
(TOTAL OF AREAS OF ANY CARPORT, PATIO, BALCONY, ALFRESCO, VERANDA NOT ENCLOSED BY A WALL EXCEPT FOR EXTERNAL WALLS OF PRIMARY DWELLINGS)

TOTAL GROSS FLOOR AREA: 250.15 sqm
(TOTAL LIVING BUILDING AREA + GARAGE EXCL. ANCILLARY AREA)

TOTAL SITE COVERAGE / FOOTPRINT: 232.96 sqm
(TOTAL GROUND FLOOR INCL. GARAGE AND ANCILLARY AREA)

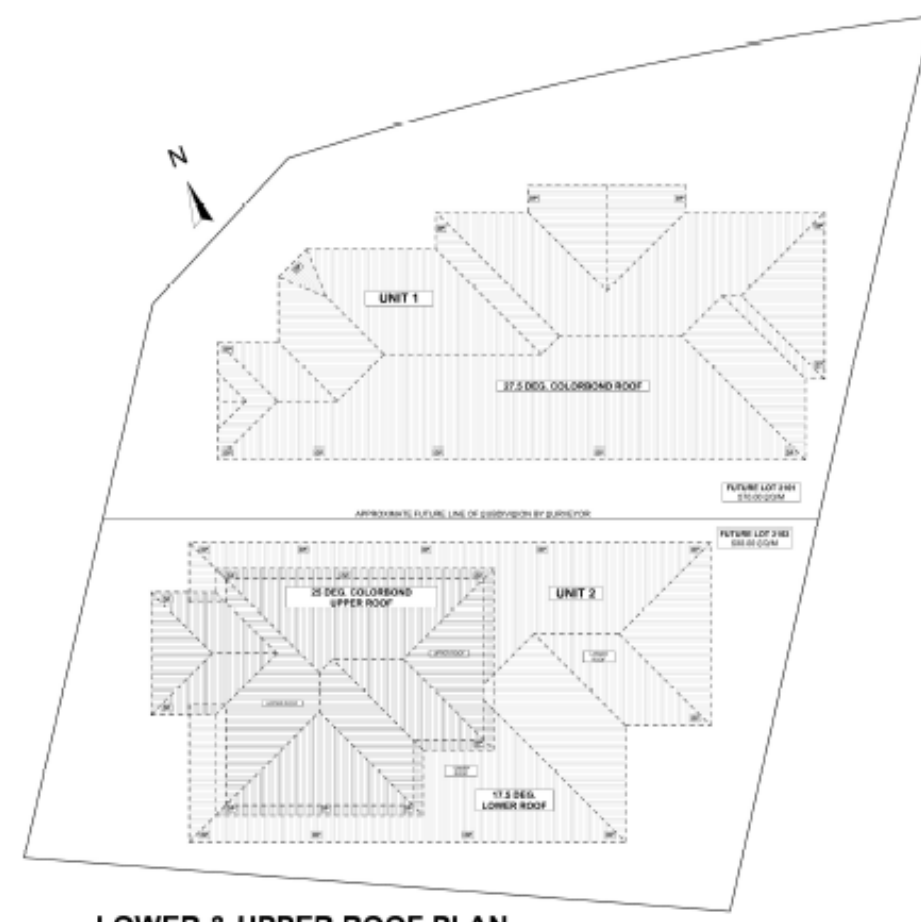
ROOF AREA: 217.79 sqm
(TOTAL ROOF AREA INCLUDING EAVES AND ALL ATTACHED STRUCTURES MEASURED TO OUTSIDE OF GUTTERS AS PER INDICATED ROOF PITCH)

GENERAL LANDSCAPING
SOFT SOIL ZONES: 225.85 sqm
(TOTAL LAWN AND GARDEN AREA OF SUBJECT PROPERTY)

PRIVATE OPEN SPACE: 180.59 sqm
(GROUND FLOOR OUTDOOR PRIVATE AREA INCLUDING GRASSED AND HARD SURFACE AREAS NOT NARROWER THAN 1000mm)

EXTERNAL FACADE COLOR & MATERIAL SCHEDULE

ITEM	COLOR / FINISH
EXTERNAL BRICKWORK	FACE BRICK WITH RAKED OFF WHITE JOINTS - POH NICKEL FLASH
EXTERNAL CLADDING	WEATHERTEX MILLWOOD (SMOOTH PROFILE) - MAJON GREY COLOR
ROOF COVER & GUTTERS	CORRUGATED METAL ROOF - BASALT GREY COLORBOND METAL GUTTERS - BASALT GREY COLOR
GARAGE & ENTRY DOORS	OVERHEAD PANEL LIFT REMOTE - WINDSPRAY COLOR
FASCIA	METAL - WINDSPRAY COLOR
DOWN PIPES	PVC - PAINTED WINDSPRAY
WINDOWS	ALUMINIUM - WINDSPRAY



LOWER & UPPER ROOF PLAN
1:150 @ A1 - 1:300 @ A2

9.2 Development Application 20/0609 Information and Educational Facility - Proposed Change of Opening Hours at 93-95 Kirkham Road, Bowral

Reference:	20/0609
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Craig Robson
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

PURPOSE

The purpose of this report is to consider a Development Application 20/0609 which seeks approval for additional opening hours from 9.00am to 5.30pm Monday to Friday and Saturday 9.00am to 1.00pm for the existing Information and Education Facility at 93-95 Kirkham Road Bowral being Lot 15 DP 846332 known as Fairground Follies approved under DA 19/1439.01. This report is prepared for determination, and recommends **APPROVAL**, subject to **attached** conditions of consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 20/0609 for additional opening hours to hold functions from 9.00am to 5.30pm Monday to Friday and Saturday 9.00am to 1.00pm for the existing Information and Education Facility at 93-95 Kirkham Road, Bowral Lot 15 DP 846332 known as Fairground Follies be **APPROVED** subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The site is known as 93-95 Kirkham Road, Bowral and is legally described as Lot 15 DP846332. Situated on the western side of the Main Southern Rail Line approximately 500 metres south of the railway over bridge at Wingecarribee Street, and 70 metres north of the pedestrian railway crossing point at the western end of Bowral Street. The site is located within a distinctly industrial locality that hosts a range of employment generating uses.

Situated upon the site is a large warehouse-style building that occupies the majority of the site. At the front of the building is a small office area. The site includes access via a large driveway apron onto Kirkham Road with a turning area, suitable for larger vehicles to enter and exit the site in a forward direction.

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AND DEVELOPMENT SERVICES**

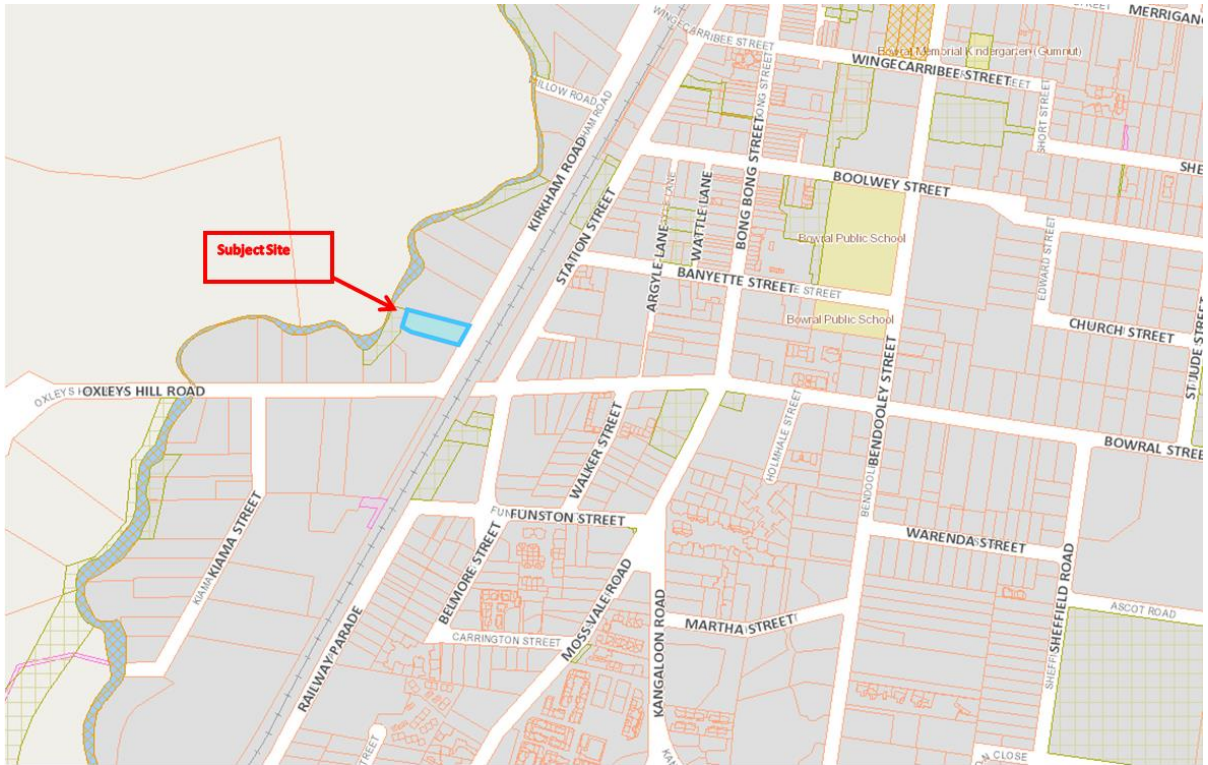


Figure 1: Site Location

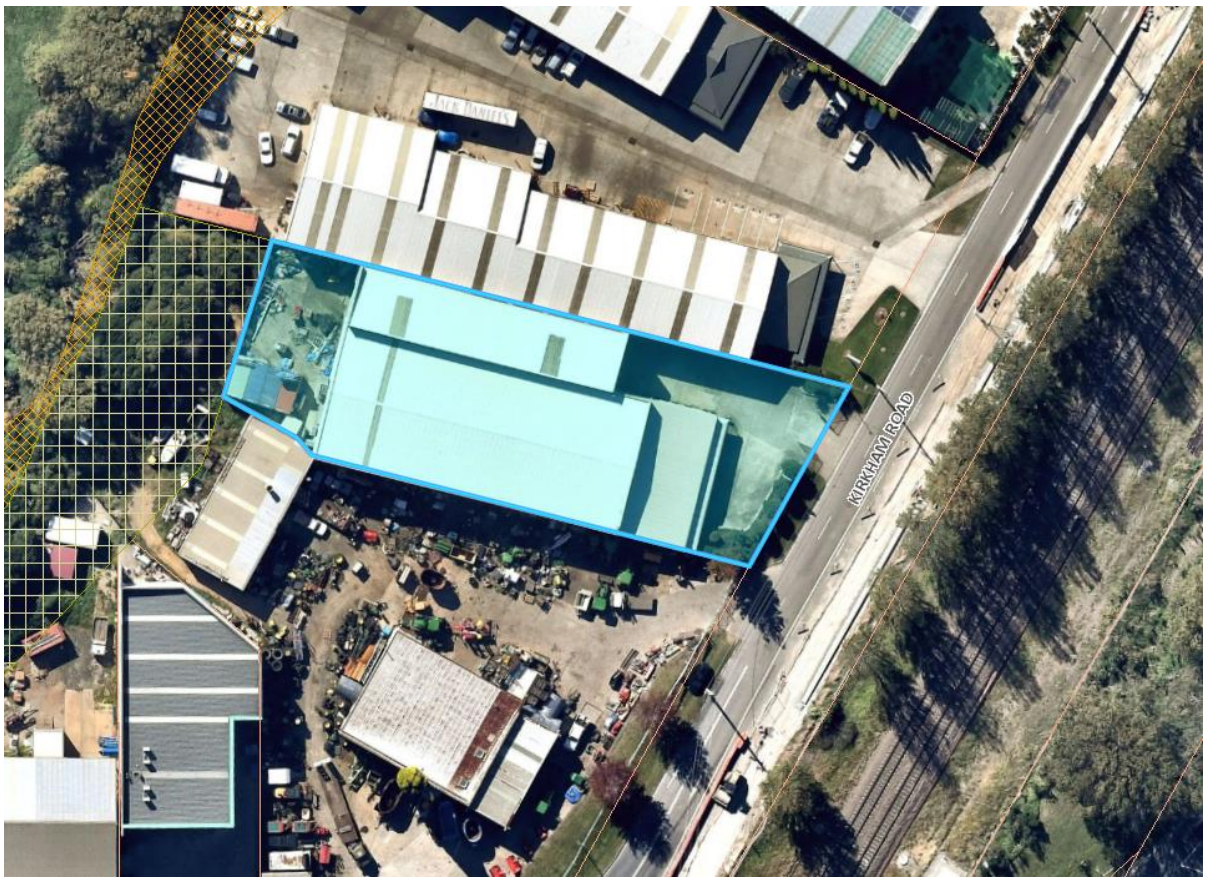


Figure 2: Subject Site



Background

The development history of the site can be summarised in terms of the following consents granted by Wingecarribee Shire Council namely;

- LUA03/1857 – approval was granted for an awning attached to the northern side of the original building, providing an enclosed space that was originally a driveway to the rear of the site.
- DA19/1439 - application was lodged on 2 April 2019 and refused for warehouse, function centre and museum on 27 June 2019. The reasons for the refusal were as follows;

1. *Council requested the applicant provide a car parking and traffic study to support the proposed development. Council is not satisfied that the information furnished provides a sound evidence base which demonstrates that the majority of the proposal's car parking demand can be accommodated on local streets while complying with the objectives of the IN1 'General Industrial' zone of Wingecarribee Local Environmental Plan 2010 and Council's Industrial Lands DCP. The use of on street car parking to accommodate the majority of the proposal's car parking demand is not considered to be in the public interest.*

(Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning and Assessment Act 1979)

2. *The proposal would significantly reduce on street car parking supply to the detriment of the efficient operation of the local road system. The use of on street car parking to accommodate the majority of the proposal's car parking demand is not considered to be in the public interest. The development therefore does not meet the objectives of the IN1 'General Industrial' zone of Wingecarribee Local Environmental Plan 2010 and Section B.5 of the Industrial Lands Development Control Plan.*

(Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning and Assessment Act 1979)

3. *The proposal would generate an on-street car parking demand that would prejudice the efficient and effective operation of surrounding employment generating and commercial activity in the locality, both current and future, to the detriment of the local economy. The use of on street car parking to accommodate the majority of the proposal's car parking demand is not considered to be in the public interest. The development is therefore inconsistent with the objectives of the IN1 'General Industrial' zone of Wingecarribee Local Environmental Plan 2010 and Section B.5 of the Industrial Lands Development Control Plan.*

(Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning and Assessment Act 1979)

DA19/1439.01 – Section 8.2 review to DA19/1439 was lodged on 9 July 2019 and approved on 1 August 2019 as an Information and Education Facility permitted to hold functions and tours from the premises. The opening hours permitted to hold functions on the premises was restricted over concerns of the availability of adequate

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on-site parking. This issue was dealt with through the imposition of an hours of operation condition as follows;

31. Hours of operation

Functions

The approved hours of operation for functions are:

DAY	HOURS
Monday to Friday	5.30pm to 12.30 midnight
Saturday	1.00pm to 12.30 midnight
Sunday	9.00am to 11.00pm
Public Holidays	9.00am to 12.30 midnight

Tours.

1. Tours are to be by appointment only with visitors to only arrive by bus/coach;
2. No more than two (2) tours (two buses/coaches) are to be on site at any time;
3. The premises shall not be available for individual 'drop in' visitors;
4. The conduct of tours and functions shall not overlap.

The approved hours of operation for tours are:

DAY	HOURS
Monday to Friday	9.00am to 12.30 midnight
Saturday	9.00am to 12.30 midnight
Sunday	9.00am to 11.00pm
Public Holidays	9.00am to 12.30 midnight

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

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

Proposed Development

Development Application 20/0609 lodged on 12 November 2019 now seeks approval for additional opening hours for the Information and Education Facility to hold functions from 9.00am to 5.30pm Monday to Friday and Saturday 9.00am to 1.00pm in addition to the approved hours under DA 19/1439.01 as shown above.

The proposed development is primarily for the extension of the times at which functions may be held at the site. A secondary element of the proposal is a limitation upon the maximum number of people attending any single function held during normal business hours. The consent would be complementary to that already approved by Council under Development Consent 19/1439.01.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water

quality. The proposed development does not affect any water quality issue and therefore no further assessment is required.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned IN1 General Industrial and in this zone, an Information and Educational Facility is permissible with consent. The objectives of the ZONE are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a range of non-industrial land uses, including selected commercial activities that provide direct services to the industrial activities and their workforce or that, due to their type, nature or scale, are appropriately located in the zone without impacting on the viability of business and commercial centres in Wingecarribee.*
- *To ensure that new development and land uses incorporate measures that take account of their spatial context and mitigate any potential impacts on neighbourhood amenity and character, or the efficient operation of the local or regional road system.*

This development application does not change the nature, scale or frequency of the use approved by Council. As concluded in the assessment, the proposed additional opening hours would not prejudice the subsequent development of the land in accordance with WLEP 2010.

Development Control Plans

Industrial Lands Development Control Plan

The applicable sections of the Industrial Lands DCP are addressed below:

The applicable sections of the DCP including Part B Section 5 of the DCP have been considered in the assessment. Section B.5 is relevant to the proposed development relating to access and parking.

The objectives of this section are:

- a) *To maintain traffic circulation on and around industrial properties*
- b) *To minimise traffic disruption to through traffic.*
- c) *To ensure traffic generated by industrial development does not affect local or regional traffic movements*
- d) *To make entrances and exits of properties easily recognisable to visitors*
- e) *To minimise the potential congestion or hazard on adjoining roads at points of ingress/egress.*
- f) *To discourage the use of streets for the parking of vehicles associated with new developments.*



Appendix 1 of the Industrial Land DCP sets out the required parking rates for various land uses within the industrial areas of the Shire.

The relevant requirement for a function centre is that of **1 space per 10 seats or 100sqm and 1 space per 2 staff**.

The approved use under DA19/1439.01 is for a capacity of 80 guests and total requirement of 8 car spaces. The site has existing car spaces at the rear of the property accessible through the annex. It is noted that the internal space of the annex houses exhibits, and other materials associated with the use and therefore are not readily accessible. The carparking spaces available at the front of the premises are unusable when coaches are parked on the premises and alternatively if vehicles are parked at the front of the premises, coaches are unable to access and maneuver onsite as required. The current application for additional hours of operation has no intention of increasing guest numbers.

However, the proposed increase in hours of operation and number of full day events will potentially impact upon adjoining business properties particularly in situations where on-street parking is required and may not be available during business hours. Accordingly, an 18 month trial period has been recommended and conditioned that the proponent may lodge a modification 2 months prior to the expiry of the trial period to remove the trial period condition. **(Attachment 1 - Condition 3)**. This will enable the owner to demonstrate to Council that the extra hours of operation will not have a detrimental impact on parking and traffic in the locality. This trial does not impact the operation approved under Development Consent DA19/1439.01.

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.

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(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 development proposes additional operating hours for functions held at the site. The key issues associated with proposed functions include traffic, car parking, access and other safety considerations. It is noted Council has not received any complaints to any previous functions which may have been held at the site to date.

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

The site is considered suitable for functions as approved by Council under DA19/1439.01. The traffic, access, car parking, amenity, noise and water quality issues are satisfactory subject to the existing conditions in the consent 19/1439.01.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

Development Application 20/0609 as proposed is not considered to be contrary to the public interest.

CONSULTATION

Pre-lodgement Meeting

No pre-lodgment meeting was held prior to the development application being lodged with Council.

External Referrals

No external referral was made for the proposed development.

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineers	Additional operational hours for functions will not impact on any existing engineering conditions contained in the consent 19/1439.01.
Environmental Health Officer	The application is considered to be satisfactory in relation to 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/Advertised for a period of 28 days between 05/12/2019 and 13/01/2020 and Council received **no** submissions.

SUSTAINABILITY ASSESSMENT

- ***Environment***

Environmental impacts have been discussed in the body of this report.

- ***Social***

There are no social issues in relation to this report.

- ***Broader Economic Implications***

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

- ***Culture***

There are no cultural issues in relation to this report.

- ***Governance***

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

COUNCIL BUDGET IMPLICATIONS

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

- 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 No 55 – Remediation of Land, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and the Industrial Lands Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

THAT Development Application 20/0609 for additional opening hours from 9.00am to 5.30pm Monday to Friday and Saturday 9.00am to 1.00pm for the existing Information and Education Facility at 93-95 Kirkham Road, Bowral Lot 15 DP 846332 known as Fairground Follies be APPROVED subject to conditions as described in **Attachment 1** to the report.

Option 2

THAT Development Application 20/0609 be refused and reasons provided for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

The proposed Development Application seeks to extend the opening hours of the Information and Education Facility from 9.00am to 5.30pm Monday to Friday and Saturday 9.00am to 1.00pm in addition to the approved hours under DA 19/1439.01 at Lot 15 DP 846332, No 93-95 Kirkham Road, Bowral. There would be no change to the approved development and the associated conditions and no additional unreasonable impact to the surrounding area.

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

ATTACHMENTS

1. Attachment 1: Draft Conditions of Consent
2. Attachment 2: Site Location
3. Attachment 3: Zoning
4. Attachment 4: Site Plan

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 18 June 2020

9.2 Development Application 20/0609 Information and Educational Facility - Proposed Change of Opening Hours at 93-95 Kirkham Road, Bowral

ATTACHMENT 1 Attachment 1: Draft Conditions of Consent



Attachment 1 – Draft Conditions of Consent

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of proposed change of opening hours of the Information and Education Facility from 9.00am to 5.30pm Monday to Friday and Saturday 9.00am to 1.00pm.

Advise: *The additional hours granted shall be read in conjunction with DA 19/1439.01 which provides consent for Warehouse, function Centre and Museum at Lot 15 DP 846332, No 93-95 Kirkham Road, Bowral*

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
Car parking & Site Plan	Drawing No: 52	Garth Leigh	26/10/2019
Existing Toilet	Drawing No: 53	Garth Leigh	26/10/2019
Car Parking and Traffic Impact Study	19029_TIS01	Novati Consulting Engineers	19 June 2019
Statement of Environmental Effects	Fairground Follies SEE November 2019	Lee Environmental Planning	November 2019

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

3. Time Limited Consent

This is “a time limited” consent issued in accordance with section 4.53(2) of the *Environmental Planning and Assessment Act 1979* and this condition limits the period during which the development may be carried out as follows:

- (a) The extended hours of use subject to this consent must cease on or before **5.30pm and 25 December 2021**;
- (b) The use of the development must, on or before **5.30pm and 25 December 2021** revert back to the use, hours of use approved under **Development Consent No 19/1439.01 dated 9 July 2019** including compliance with all conditions of that consent as though this time limited consent had not been granted;

If a new development application or section 4.55 applications is not lodged and determined within the time limits imposed by this consent, the development subject to this consent must cease as conditioned.

Note: *Where this condition is amended or deleted by any further section 4.55 applications or the ongoing use is subject to a further development application, Council may, if it favourably considers such amendment or*

9.2 Development Application 20/0609 Information and Educational Facility - Proposed Change of Opening Hours at 93-95 Kirkham Road, Bowral



ATTACHMENT 1 Attachment 1: Draft Conditions of Consent

application; seek the surrender of previous consents.

This condition has been imposed to allow a review of the practical effect of this consent through the submission of a new development application or the further assessment of an application to amend or delete this condition under section 4.55 of the Act prior to this consent's expiration in accordance with this condition.

Note: *The purpose of the condition is to allow development that may have an adverse impact upon the amenity of the neighbourhood, to proceed for a trial period whereby towards the end of the trial period, the person(s) with the benefit of this consent can seek the amendment or deletion of this condition pursuant to section 4.55 of the Act or submit a new development application where the imposed continuation of the development is not substantially the same development.*

Reason: *To clarify the terms of this consent and provide Council with control for future use of premises.*

4. 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 DURING THE OPERATION AND USE OF THE DEVELOPMENT

5. Disruption of Traffic

During the operation and use of the development, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads and the RMS "Traffic Control at Works Sites" manual.

Reason: *Safety and information.*

6. Hours of operation

The approved hours of operation are:

DAY	HOURS
Monday to Friday	9.00am to 5.30pm
Saturday	9.00am to 1.00pm
Sunday	Nil
Public Holidays	Nil

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

Note: *Additional hours of operation are in conjunction with DA19/1439.01.*



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

7. Vehicle Manoeuvring

All vehicles shall enter and leave the site in a forward direction to ensure traffic / pedestrian safety. Internal driveways and parking shall be designed such that all vehicles are able to manoeuvre and leave the development driving forwards.

Reason: *Public safety.*

8. Unobstructed driveways and parking areas

All driveways and parking areas shall be unobstructed at all times.

Driveways and car spaces:

- (a) shall not be used for the manufacture, storage or display of goods, materials or any other equipment, and
- (b) shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: *To ensure that access is maintained.*

END OF CONDITIONS

ATTACHMENT 2 – SITE LOCATION



Figure 1: Aerial Image of the Subject Site



ATTACHMENT 3 – ZONING

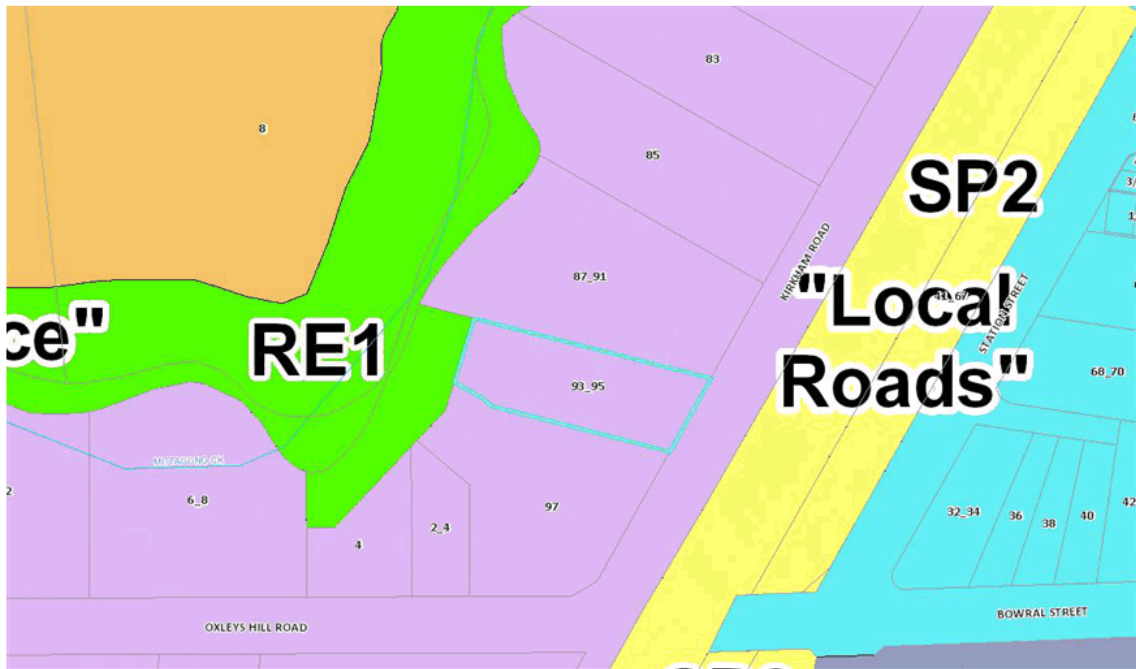


Figure 2: IN1 General Industrial

9.2 Development Application 20/0609 Information and Educational Facility - Proposed Change of Opening Hours at 93-95 Kirkham Road, Bowral
 ATTACHMENT 4 Attachment 4: Site Plan



ATTACHMENT 4 – SITE PLAN

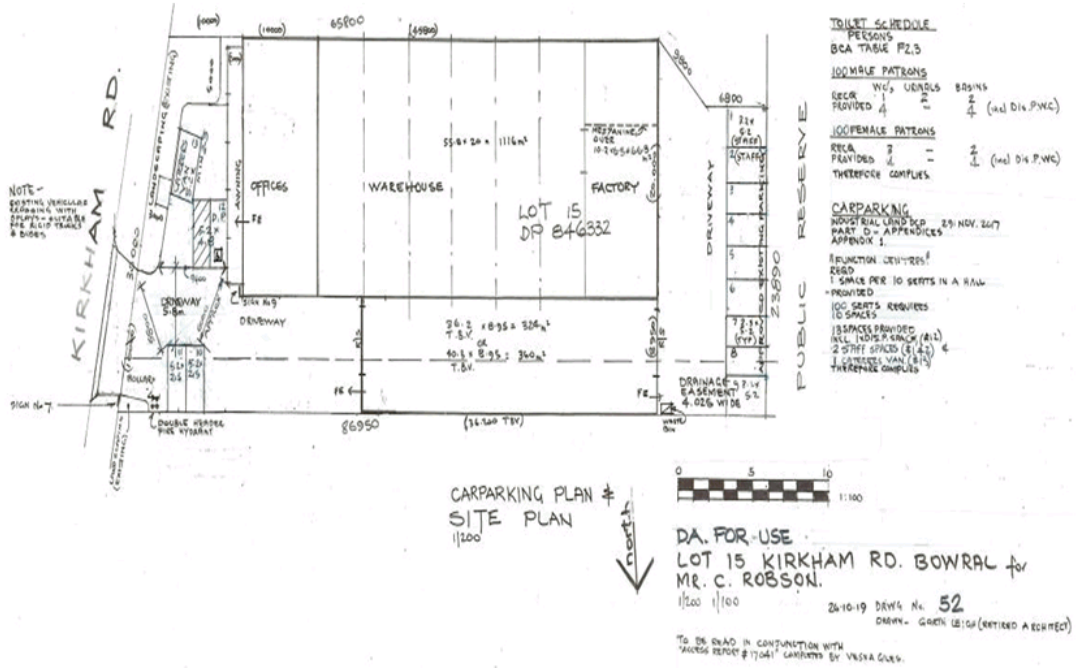


Figure 3: Site Plan

11 OPERATIONS FINANCE AND RISK

11.1 Tender For Bulk Water Treatment Chemicals

Reference:	6330
Report Author:	Water Headworks Engineer
Authoriser:	Group Manager Water & Sewer
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender For Bulk Water Treatment Chemicals.

RECOMMENDATION

1. **THAT** in relation to the report concerning Tender For Bulk Water Treatment Chemicals - Council adopts the recommendations contained within the Closed Council report – Item 19.1

OR

2. **THAT** the report concerning Tender For Bulk Water Treatment Chemicals - be considered in Closed Council – Item 19.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

Wingecarribee Shire Council currently utilises a variety of chemical products within its water and sewer treatment schemes to achieve its adopted quality standards and meet regulatory compliance.

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To ensure best product specification, customer service and value for money are being provided for its bulk chemical supply, Wingecarribee Shire Council agreed to participate with 10 other councils in a regional tender organised by Regional Procurement. The 10 participating councils are listed in the table below:

• Coffs Harbour City	• Clarence Valley	• Gunnedah Shire
• Kempsey Shire	• Liverpool Plains Shire	• MidCoast
• Nambucca Valley	• Queanbeyan-Palerang Regional	• Richmond Valley
• Walcha	• Wingecarribee Shire	

REPORT

Following the commitment from Council to participate in the tender process, Council sought tenders for suitable and qualified contractors to provide a schedule of rates tender for the Supply and Delivery of Bulk Water Treatment Chemicals. The full scope of works was detailed in the tender documents facilitated by Regional Procurement.

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).

ADVERTISING

The tender advertising period was from the 3 March 2020 to 24 March 2020 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	3 March 2020.
Newspaper – Southern Highlands News	7 March 2020
Newspaper – Gold Coast Bulletin, Coffs Coast Advocate and the Northern Daily Leader	7 March 2020
Tenderlink	3 March 2020
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

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

A total of seventeen (17) tender submissions were received:

Company Name	Location	Postcode
BOC Limited	10 Julius Avenue	North Ryde NSW 2113
Calix Limited	Level 1 9-11 Bridge Street	Pymble NSW 2073
Chemiplas Australia Pty Ltd	Level 1, 128 Jolimont Road	East Melbourne VIC 3002
Colonial Chemicals Australia Pty Ltd	80 Skewes Road	Bendemeer NSW, 2355
Consolidated Chemical Company	52 Waterview Close	Dandenong VIC 3175
Coogee QCA Pty Ltd	35 South Street	Lytton QLD 4178
Graymont (Australia) Pty Ltd	Level 16 111 Pacific Highway	North Sydney NSW 2060
Grenof Pty Ltd	3/38 Technology Drive	Warana QLD 4575
Hardman Chemicals Pty Ltd	11 Boden Rd	Sevenhills NSW 2147
Hyclor Australia Pty Ltd	178 Power Rd	Glendenning, NSW, 2761
Ixom Operations Pty Ltd	Little Lonsdale Street	Victoria 8011
Nowra Chemical Manufacturers	112a Albatross Road	Nowra NSW 2541
Chemprod Nominees Pty Ltd	55 Fitzgerald Road	Laverton North VIC 3026
Phoenix Australia Pty Ltd	13/92 Mona Vale Road	Warrieroad NSW 2102
Redox Pty Ltd	2 Swettenham Rd	Minto NSW AUSTRALIA
SNF Australia	298 Broderick Road	Lara VIC 3212
Fluidra Group Australia Pty Ltd	219 Woodpark Rd	Smithfield NSW 2164

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Note: Only 13 of the 17 tenderers provided options for the applicable chemical product schedule evaluations relevant to Wingecarribee Shire Council.

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 100 and weighted according to the pre-determined criteria.

SELECTION CRITERIA

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

Mandatory Criteria:

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

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:

Non-Cost Criteria	Weighting
Referees	10%
Quality Assurance	10%
Customer Service	10%
Ecologically Sustainable Development	10%
Total	40%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	40%

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Total Cost Criteria	60%
Total	100%

NON-COMPLIANT TENDERS

There were no non-compliant tenders.

CONSULTATION

Community Engagement

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

Internal Consultation

Consultation took place between representatives of Financial Procurement and the water and sewer branches. This consultation included scope, chemical requirements and evaluation methodologies.

External Consultation

Regional Procurements facilitated tender process including evaluation.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

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AND RISK**



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 Tender for the Construction of Church Road Oval Amenities Building Upgrade

Reference:	41167
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community	
Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Church Road Amenities Building Upgrade.

RECOMMENDATION

1. **THAT** in relation to the report concerning Tender for the Church Road Amenities Building Upgrade. - Council adopts the recommendations contained within the Closed Council report – Item 19.2.

OR

2. **THAT** the report concerning Tender for Church Road Amenities Building Upgrade. - be considered in Closed Council – Item 19.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)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 sought Tenders for the upgrade of the Amenities Building located at Church Road Oval, Moss Vale. The works included are for the construction of an extension to the Eastern end of the existing Amenities Building, consisting of two levels – ground and first floor.

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REPORT

Council sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents

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

ADVERTISING

The tender advertising period was from the 14 April 2020 to 18 May 2020 (34 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tuesday, 14 April 2020
Newspaper – Southern Highlands News	Wednesday, 15 and 22 April 2020
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of nineteen (19) tender submissions were received:

Company Name	Location	Postcode
Advanced Constructions Pty Ltd	Unanderra	2526
Anson Jet	Cabramatta	2166
Assett Group Services	North Parramatta	2151
Axis Constructions Pty Ltd	Arndell Park	2148
H & B Arrow Electrical Services	Coniston	2500
Creative Constructions and Design	Coledale	2515
Dezign	Wetherill Park	2164
Direct Projects	Pymble	2073
Kellyville Building Pty Ltd	Kellyville	2155
Lewis Building Company Pty Ltd	Joadja	2575
L-Con Building Company	Moss Vale	2577
Matrix Group Co. Pty Ltd	Newington	2127
Modern Building Solutions	Colebee	2761

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Company Name	Location	Postcode
MSS Hard Services Pty Ltd	Northmead	2152
Project Coordination (Australia) Pty Ltd	Unanderra	2526
Regional Projects Group Pty Ltd	Padstow	2211
Sullivans Constructions	Engadine	2233
Van Mal Group Constructions	Moss Vale	2577
Westbury Constructions Pty Ltd	Bella Vista	2153

LATE TENDERS

A total of two (2) late tender submissions were received (therefore non-conforming):

Company Name	Location	Postcode
KMC Interiors Pty Ltd	Leichhardt	2040
Marathon Modular	Singleton	2330

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:

Mandatory Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle - Comprehensive
Bank Guarantee – Willingness to Obtain
Financial Capacity – Willingness to Obtain

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:

Non-Cost Criteria	Weighting
Capability & Experience	10%
Specifications, Service & Support, Fit for Purpose	5%
Quality Assurance	2.5%
Innovation	2.5%
Community & Social (including local content)	10%
Work Health and Safety	2.5%
Environment & Sustainability	2.5%
Reference Checks	5%
Total	40%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	40%
Total Cost Criteria	60%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of nine (9) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
Anson Jet	Did not meet mandatory non-price criteria.
Assett Group Services	Did not meet mandatory non-price criteria.
H & B Arrow Electrical Services	Withdrew Submission.
Creative Constructions and Design	Did not meet mandatory non-price criteria.
Dezign	Did not meet mandatory non-price criteria.
Kellyville Building Pty Ltd	Did not meet mandatory non-price criteria.
Modern Building Solutions	Did not meet mandatory non-price criteria.
MSS Hard Services Pty Ltd	Did not meet mandatory non-price criteria.
Regional Projects Group Pty Ltd	Did not meet mandatory criteria.



CONSULTATION

Community Engagement

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

Internal Consultation

Consultation has taken place between Council's Procurement Section and Assets. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

11.3 Proposed Easement - Council Property 4 Wattle Lane and 10 Banyette Street, Bowral

Reference:	PN1721150; PN121800
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to grant an easement in favour of Endeavour Energy over Council Land. The easement sought is an easement for underground electrical supply over the Council property being Lots 11 and 12 in Deposited Plan 1105225 (4 Wattle Lane Bowral) and Lots 6, 7 and 8 in Deposited Plan 1128120 (10 Banyette Street, Bowral) being the Wattle Lane carpark.

RECOMMENDATION

1. **THAT Council approve the granting of an easement for underground electrical supply in favour of Endeavour Energy over Council properties being Lots 11 and 12 in Deposited Plan 1105225 (4 Wattle Lane Bowral) and Lots 6, 7 and 8 in Deposited Plan 1128120 (10 Banyette Street, Bowral).**
2. **THAT the Mayor and General Manager be delegated authority to affix the Common Seal of Council to the Plan of Easement required to be registered with NSW Land Registry Services with respect to the Easement for underground electrical supply (referred to in Resolution 1 above).**
3. **THAT authority be delegated to the Mayor and General Manager to execute on behalf of Council any other document associated with the Easement for underground electrical supply (referred to in Resolution 1) above which does not require the affixing of the Common Seal of Council.**

REPORT

BACKGROUND

Council is currently progressing the extension of the existing car park located at 10 Banyette Street, Bowral. As part of the design it is necessary to remove two power poles and upgrade street lighting to comply with current standards. Accordingly, easements in favour of Endeavour Energy are required to be registered over the Council owned properties to accommodate the installation of underground power to allow for the required works to take place.

REPORT

Council is currently progressing the extension of the existing car park located at 10 Banyette Street, Bowral. The works will include Council owned land at 4 Wattle Lane, Bowral, and will increase the existing car park by providing 42 additional spaces.

In addition, the project includes the widening of Argyle Lane adjacent to the proposed car park and the construction of a concrete footpath, stormwater drainage and landscaping works of the site.

As part of the project there are two power poles that need to be removed and street lighting upgraded to comply with current standards. Easements in favour of Endeavour Energy will need to be created across the five Council owned lots being Lots 11 and 12 in Deposited Plan 1105225 (4 Wattle Lane Bowral) and Lots 6, 7 and 8 in Deposited Plan 1128120 (10 Banyette Street, Bowral) to accommodate the installation of underground power.

The plan attached shows the position and width of the proposed easements - see **Attachment 1**. The aerial map shows the approximate location of easement - see **Attachment 2**.

COMMUNICATION AND CONSULTATION

Community Engagement

This is an administrative matter for Council as property owner. No public consultation is required.

Internal Communication and Consultation

Infrastructure Services

External Communication and Consultation

Endeavour Energy

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The cost for the creation of the easements have been included in the construction costs of the project.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

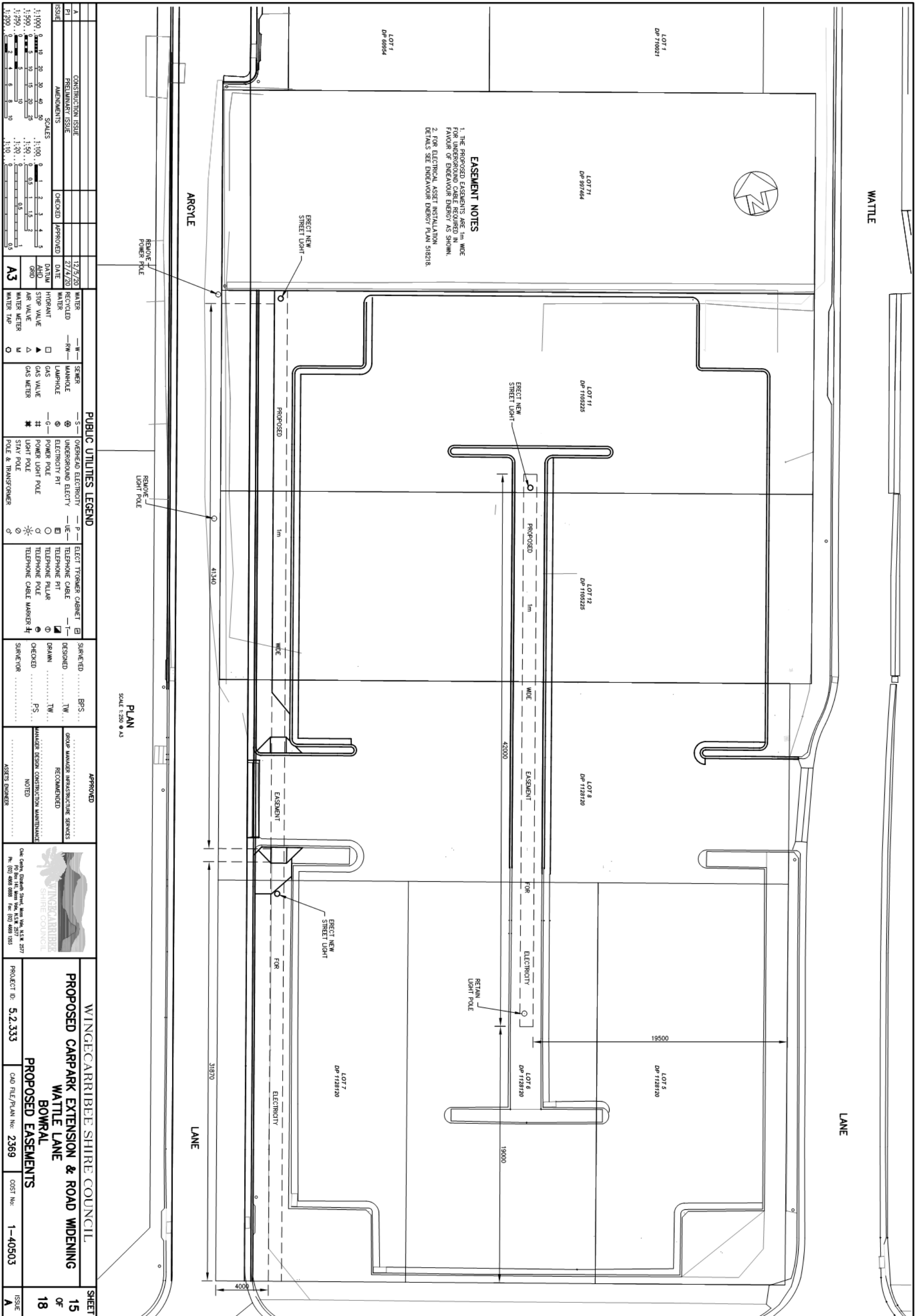
It is recommended that Council endorse that granting of an easement in favour of Endeavour Energy for underground electrical supply over Council property being Lots 11 and 12 in Deposited Plan 1105225 (4 Wattle Lane Bowral) and Lots 6, 7 and 8 in Deposited Plan 1128120 (10 Banyette Street, Bowral).

ATTACHMENTS

1. Attachment 1 - Proposed Easement Drawing
2. Attachment 2 - Aerial Map



PLOTTED BY: TIM WADLING DATED 14.05.2020, WINGECARRIBEE SHIRE COUNCIL



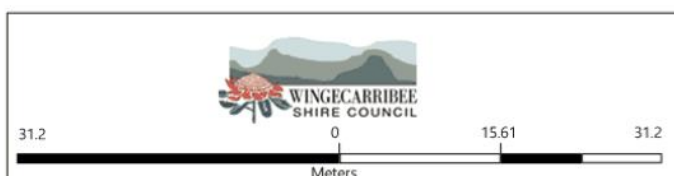
EASEMENT NOTES
 1. THE PROPOSED EASEMENTS ARE 1m WIDE FOR UNDERGROUND CABLE REQUIRED IN FAVOR OF ENDURANCE ENERGY AS SHOWN.
 2. FOR ELECTRICAL ASSET INSTALLATION DETAILS SEE ENDURANCE ENERGY PLAN 518218.

CONSTRUCTION ISSUE		12/2/20	
PRELIMINARY ISSUE		27/2/20	
AMENDMENTS		DATE	
CHECKED		APPROVED	
SCALE		DATE	
1:1000		1:100	
1:500		1:50	
1:250		1:25	
1:100		1:10	
1:50		1:5	
1:25		1:2.5	
1:10		1:1	
1:5		1:0.5	
1:2.5		1:0.25	
1:1		1:0.1	

PUBLIC UTILITIES LEGEND	
WATER	SEWER
RECYCLED WATER	MANHOLE
HYDRANT	GAS
STOP VALVE	GAS VALVE
AIR VALVE	GAS METER
WATER METER	WATER TAP
OVERHEAD ELECTRICITY	UNDERGROUND ELECTRICITY
ELECTRICITY PIT	POWER POLE
TELEPHONE CABINET	TELEPHONE CABLE
TELEPHONE PILLAR	TELEPHONE POLE
TELEPHONE CABLE MARKER	TELEPHONE CABLE MARKER
STAY POLE	POLE & TRANSFORMER

DESIGNED	DRAWN	CHECKED	SURVEYED
GROUP MANAGER INFRASTRUCTURE SERVICES	MANAGER DESIGN CONSTRUCTION MAINTENANCE	ASSETS ENGINEER	
RECOMMENDED	NOTED		

WINGECARRIBEE SHIRE COUNCIL	
PROPOSED CARPARK EXTENSION & ROAD WIDENING WATTLE LANE BOWRAL PROPOSED EASEMENTS	
PROJECT ID: 5.2.333	CAD FILE/PLAN No: 2369
COST No: 1-40503	



Wingecarribee Shire Council

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11.4 Proposed Road Closure - Unformed Road Off Canyonleigh Road Canyonleigh

Reference:	PN 1820020, PN 1820030
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to invite an application to close the unformed road reserve off Canyonleigh Road, Canyonleigh adjoining 2500 Canyonleigh Road, Canyonleigh.

RECOMMENDATION

1. **THAT** Council invite a formal Application for the closure of road off Canyonleigh Road adjoining 2500 Canyonleigh Road, Canyonleigh from the applicant (being the owner of 2500 Canyonleigh Road, Canyonleigh) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close the road adjoining 2500 Canyonleigh Road, Canyonleigh **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 3 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 Mayor and General Manager be delegated authority to execute under the Common Seal of Council the plan of Road Closure 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 Mayor and General Manager 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.
6. **THAT** following the closure and sale of the portion of Council Public Road Reserve, the applicant be required to consolidate the newly created lot (being the former segment of road) with the applicants respective property.



7. **THAT a formal evaluation be sought for the section of public road to be closed AND THAT valuation be used as the basis for determining the value for a future sale.**

REPORT

BACKGROUND

In 2017 the owner of 2500 Canyonleigh Road, Canyonleigh lodged a Section 96 Modification for a two (2) lot subdivision of their property. The original consent involved the creation of a right of carriageway to access the lots (to be created by a plan of proposed subdivision). Modification of the original consent was approved to allow for the utilisation of the Crown Road adjacent to the property for access. This removed the requirement for creation of a right of carriageway).

Accordingly, a report was presented to Council in December 2017 at which time Council approved the transfer of the Crown road adjoining 2500 Canyonleigh Road, Canyonleigh from Crown to Council (*MN572/17*).

An application was then submitted to transfer the road from Crown to Council. The transfer was gazetted and the road is now vested in Council as a public road.

The owner of 2500 Canyonleigh Road, Canyonleigh has now requested that Council approve the closure and sale of the road. This would enable access to the two (2) proposed lots by private driveways instead of Council road.

REPORT

Council approval is sought to invite an application for road closure of the road reserve off Canyonleigh Road, Canyonleigh adjoining 2500 Canyonleigh Road, Canyonleigh.

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

The applicant currently has a development application approved for a two (2) lot subdivision. As part of that application the Council public road is to be utilised for access to the lots. Development Services have confirmed support for the closure and sale of the road to enable formalisation of the access via private driveways. No other properties are affected by the closure.

LEGISLATIVE REQUIREMENTS

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

The 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 closure is semi-formed, therefore upon closure the land will vest in Council.

If the closure of the road reserve proceeds, a new title will be created following registration of the Plan of Road Closure at the Office of Land Registry Services. The newly created lot (being the segment of closed road) will be required to be consolidated with the applicant's adjoining property at the applicant's cost.

COMMUNICATION AND CONSULTATION

Community Engagement

Following receipt of the formal request for the unformed road closure from the applicant, Council will issue a public notice of its intention to close the unformed road reserve off Canyonleigh Road, Canyonleigh adjoining 2500 Canyonleigh Road, Canyonleigh. This notice will be advertised for a minimum twenty eight days

Internal Communication and Consultation

The relevant Council branches have been consulted and invited to comment in relation to the closure and sale of the unformed road. There were no concerns raised in relation to the closure.

External Communication and Consultation

Adjoining owner (applicant).

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

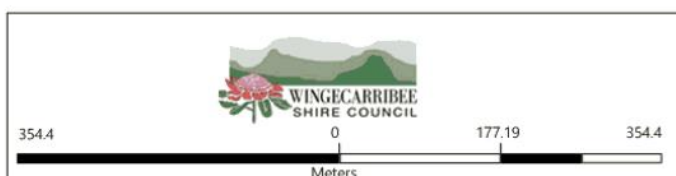
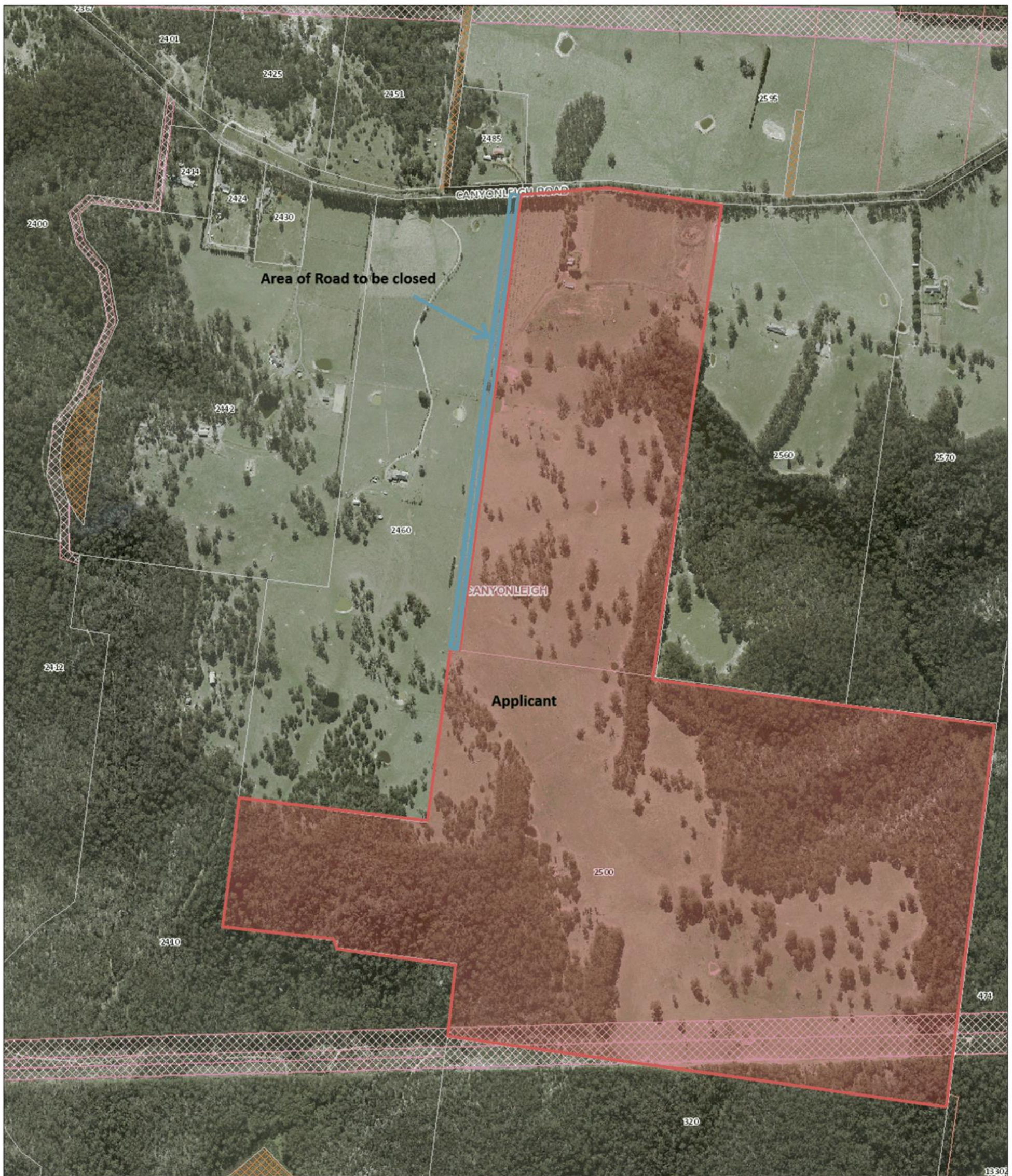
None identified.

CONCLUSION

It is recommended that Council support the proposed closure of the road reserve off Canyonleigh Road, Canyonleigh adjoining 2500 Canyonleigh Road, Canyonleigh and that the applicant be invited to submit a formal application for road closure.

ATTACHMENTS

1. Attachment 1 - Aerial Map



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11.5 Consolidation of Titles - Bong Bong Common - 655 Moss Vale Road Burradoo

Reference:	PN1775570; PN1805520
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to execute the Plan of Consolidation of Lot 22 DP 1225783 and Lot 56 DP 1161064 being Bong Bong Common, 655 Moss Vale Road, Burradoo (“the Common”).

RECOMMENDATION

THAT authority be delegated to the Mayor and General to execute the Plan of Consolidation of Lot 22 DP 1225783 and Lot 56 DP 1161064 and any documents associated with that plan under the Common Seal of Council.

REPORT

BACKGROUND

Bong Bong Common located at 655 Moss Vale Road, Burradoo currently comprises of two (2) separate lots being Lot 22 DP 1225783 and Lot 56 DP 1161064. Both lots are classified Community Land pursuant to Section 26 of the *Local Government Act, 1993*. An aerial map is provided as Attachment 1.

Lot 22 DP 1225783 has an area of 4.263 hectares and Lot 56 DP 1161064 has an area of 31.82 hectares. When consolidated, the area of the registered lot will be 36.083 hectares.

The Bong Bong Common Management Committee have requested that the two properties be consolidated in order to update records for the site that are already in place.

REPORT

Bong Bong Common currently consists of two lots being Lot 22 DP 1225783 and Lot 56 DP 1161064. The Common is a designated space for passive recreation for residents of the Wingecarribee Shire. The Common includes the cycleway and walking track, the Model Aero Club and adjoins the Cecil Hoskins Nature Reserve owned by National Parks & Wildlife Service.

The Management Committee has requested that the two properties be consolidated which will enable accurate record keeping for this important historical archaeological site moving forward. Further, consolidation will allow records for the site to be updated with the Geographical Names Board.

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Consolidation will also aid accurate record keeping for the Heritage Conservation Management Plan and Plan of Management which are already in place (while also aiding future applications for development projects associated with the site).

Following formal resolution of Council, a Plan of Consolidation will be prepared by a registered surveyor for registration at NSW Land Registry Services.

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

COMMUNICATION AND CONSULTATION

Community Engagement

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

Internal Communication and Consultation

Assets

External Communication and Consultation

Registered Surveyor

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The costs of associated with the consolidation of the two properties will be funded through recurrent budget allocations in the 2020/21 budget.

RELATED COUNCIL POLICY

None identified.

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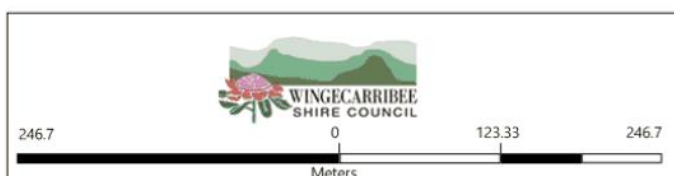
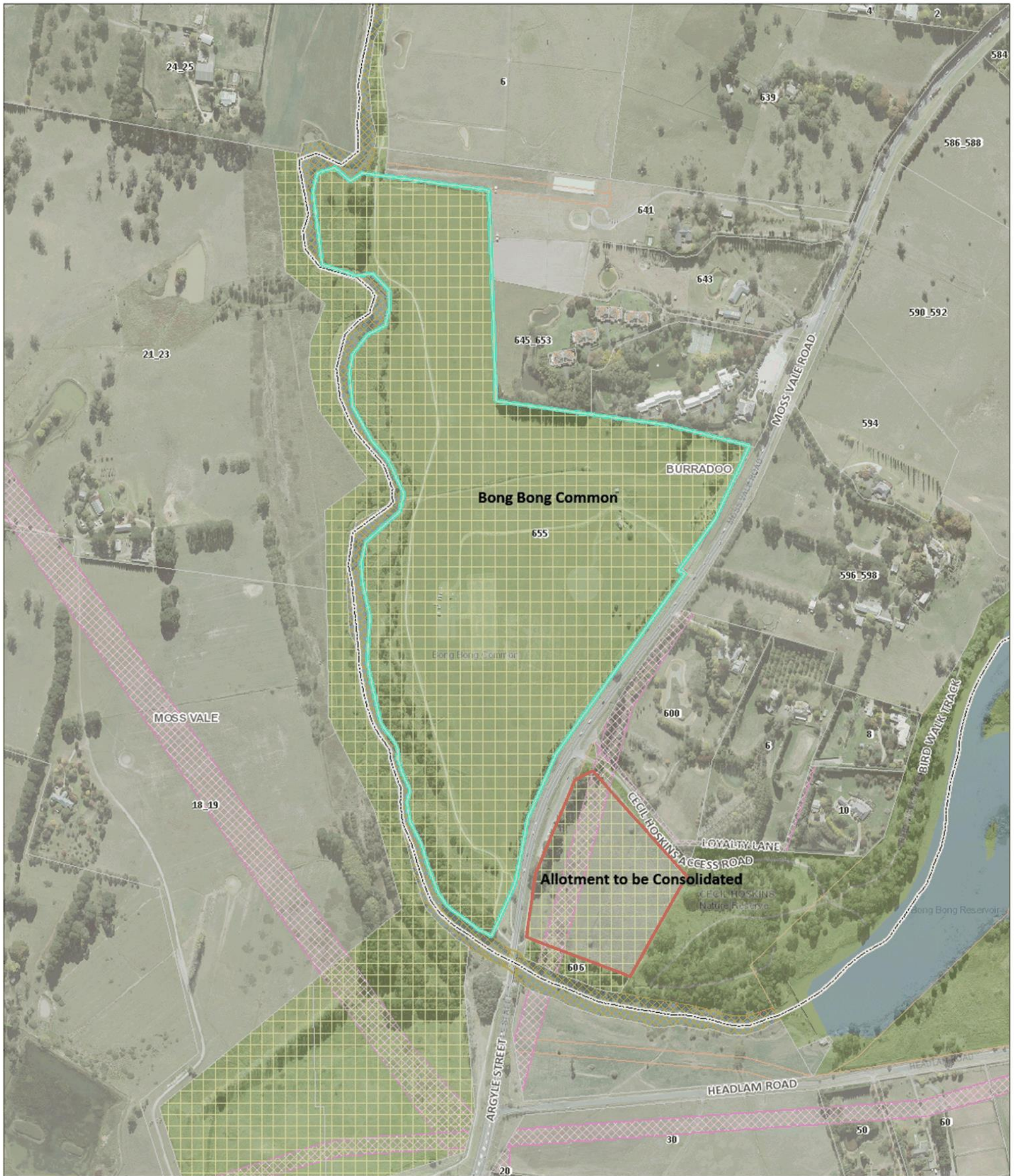


CONCLUSION

It is recommended that Council resolve to proceed with a Plan of Consolidation for the site which will be subsequently signed by the Mayor and General Manager under the Common Seal of Council.

ATTACHMENTS

1. Aerial Map



Wingecarribee Shire Council

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11.6 Lackey Park Regional Sporting Hub 2020 Concept Masterplan

Reference:	41373
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to seek Council approval for the Lackey Park Regional Sporting Hub 2020 Concept Masterplan to be placed on public exhibition with the community to be invited to provide feedback and comments.

RECOMMENDATION

1. **THAT the Lackey Park Regional Sporting Hub 2020 Concept Masterplan be endorsed for public exhibition for a period of twenty-eight (28) days.**
2. **THAT the final Lackey Park Regional Sporting Hub Masterplan incorporating community submissions be submitted to Council for adoption following the public exhibition.**

REPORT

BACKGROUND

The vision for Lackey Park is to provide a local sporting hub that creates a sporting precinct providing facilities that will attract regional, state and national level sporting events. The sporting hub will become the home ground to several sports clubs and provide competition and/or practice facilities for others.

Two concept designs were completed by Rupert G.H. Milne Home, Landscape Consulting in October 2017. The preferred was Option 2 which received in principle support from Council, the Executive and the Sport & Rec Committee. A principal design consultant has been engaged and final concept masterplan designs are now nearing completion. The finalised concept designs will include a proposed staging plan and cost estimates.

REPORT

In late 2019, Edmiston Jones Consulting Architects were engaged to further develop and complete the supported concept design completed in 2017. Councils 2019/20 Capital Works Program indicated that completion of the Concept Masterplan in FY 19/20 would position Council to seek grant funding opportunities to progress the project in the short to medium term.

During the concept masterplan development numerous stakeholders and interested parties have been consulted in relation to various options associated with the final concept design:

Option 1 considered the general orientation of the playing fields. Valuable input was assessed, and a determination was made to reverse the playing field layouts. Numerous

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benefits resulted from this configuration including minimising the need remove significant vegetation for the proposed grandstand location.

Option 2 considered two vastly different grandstand designs. Fundamentally the two proposed grandstand designs both provided adequate functionality, although it was unanimously proposed by members of the Sport and Recreation Committee that the option providing the clubhouse at the centre of the main playing fields is the preferred option.

Option 3 specifically considered the grandstand capacity. Initial concept suggested a 600 seat capacity. Input via the Sport & Rec Committee suggested that to attract national level events a minimum seating capacity of 1000+ would be required.

The Lackey Park Regional Sporting Hub has been designed to cater for numerous sporting codes, supports general health and wellbeing with a well-planned outdoor amenity consisting of practice areas, playground, walking tracks, exercise stations, parking and lighting, all within proximity to public transport and indoor facilities.

OTHER HEADINGS (as necessary)

COMMUNICATION AND CONSULTATION

Community Engagement

Various sports codes have been consulted at a local level for input to the draft Masterplan, including Rugby League, Cricket, Netball and Gymnastics. Consultation has also occurred with Southern Highlands Indoor Sports Stadium Steering Committee including representatives from Basketball, Soccer, Futsal, Indoor Hockey and Gymnastics. This consultation included discussions on synergies and limitations of the two projects.

Following endorsement by Council the Lackey Park Regional Sporting Hub 2020 Concept Masterplan will be placed on public exhibition for a period of 28 days and members of the public will be invited to provide feedback. A report will be brought to Council following the exhibition period.

Internal Communication and Consultation

Consultation has occurred with Internal stakeholders including Councils Parks and Open Space team, Assets team, Water & Sewer, Stormwater Engineer and Traffic and Transport Engineer. The Sport and Recreation Committee has also been consulted during the design development.

External Communication and Consultation

Following endorsement by Council the Lackey Park Regional Sporting Hub 2020 Concept Masterplan will be circulated to invite comment from the NSW Office of Sport, NSW Rugby League, Cricket NSW and Gymnastics NSW. A report will be brought to Council following the exhibition period.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Lackey Park Regional Sporting Hub 2020 Concept Masterplan, when adopted, will provide a consistent management framework to enhance the sustainable future of Councils public recreation assets.

- **Social**

The inclusion of all-abilities play equipment, appropriate parking and access paths will enhance the social aspects of the park for the community. The Masterplan has been designed to ensure that all visitors to the park can access the amenities, facilities, playground and parking areas via safe pathways that meet Australian Standards.

- **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

Council's Unfunded Infrastructure Projects List contains a provisional estimate of \$15 million for works associated with the Lackey Park Regional Sporting Hub. The funding of this project will require a 'whole of government approach' whereby Council will actively pursue funding opportunities through both the State and Federal Government.

The public exhibition and subsequent adoption of the Concept Masterplan is an important step in moving the project towards 'shovel readiness' which will further increase opportunities to secure external funding for the project.

RELATED COUNCIL POLICY

Asset Management Policy

OPTIONS

The options available to Council are:

Option 1

1. **THAT** the Lackey Park Regional Sporting Hub 2020 Concept Masterplan be endorsed for public exhibition for a period of twenty-eight (28) days.
2. **THAT** the final Lackey Park Regional Sporting Hub Masterplan incorporating community submissions be submitted to Council for adoption following the public exhibition.

Option 2

THAT Council not endorse the Lackey Park Regional Sporting Hub 2020 Concept Masterplan for public exhibition.

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



CONCLUSION

Placing the Lackey Park Regional Sporting Hub 2020 Concept Masterplan on public exhibition and providing further opportunity for community feedback will enable the finalised Masterplan to be submitted to Council for adoption and for the upgrade to be undertaken, subject to successful grant application or as funding becomes available.

ATTACHMENTS

1. 2017 Preliminary Lackey Park Regional Sporting Hub Concept - *circulated under separate cover*
2. 2020 Lackey Park Regional Sporting Hub Concept Masterplan - *circulated under separate cover*



11.7 Investment Report - May 2020

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 May 2020.

RECOMMENDATION

THAT the information on Council's Investments as at 31 May 2020 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 May 2020.

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 \$3,261,238.93 for eleven (11) months to 31 May 2020.

ATTACHMENTS

1. Investment Report Summary as at 31 May 2020



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May 2020

List of Investments

Council's investment portfolio as at 31 May 2020 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 May 2020						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
MyState	Term Deposit	5,000,000	1.65%	181	15/06/2020	2.73%
Macquarie	Term Deposit	10,000,000	1.60%	120	23/06/2020	5.46%
Auswide	Term Deposit	5,000,000	2.05%	365	26/06/2020	2.73%
ME	Term Deposit	4,000,000	1.55%	182	3/07/2020	2.18%
Macquarie	Term Deposit	5,000,000	1.70%	121	3/07/2020	2.73%
NAB	Term Deposit	5,000,000	1.55%	158	10/07/2020	2.73%
MyState	Term Deposit	5,000,000	1.60%	181	20/07/2020	2.73%
Rural	Term Deposit	6,000,000	1.60%	180	22/07/2020	3.28%
MyState	Term Deposit	5,000,000	1.60%	183	29/07/2020	2.73%
NAB	Term Deposit	5,000,000	1.54%	210	7/08/2020	2.73%
Macquarie	Term Deposit	5,000,000	1.60%	180	26/08/2020	2.73%
NAB	Term Deposit	5,000,000	1.51%	210	28/08/2020	2.73%
WBC	Term Deposit	5,000,000	1.62%	364	4/09/2020	2.73%
ME	Term Deposit	5,000,000	1.63%	364	4/09/2020	2.73%
ME	Term Deposit	5,000,000	1.58%	212	16/09/2020	2.73%
BDCU	Term Deposit	5,000,000	1.65%	365	24/09/2020	2.73%
BDCU	Term Deposit	5,000,000	1.65%	365	26/09/2020	2.73%
NAB	Term Deposit	5,000,000	1.53%	243	7/10/2020	2.73%
MyState	Term Deposit	5,000,000	1.58%	269	23/10/2020	2.73%
WBC	Term Deposit	5,000,000	1.62%	365	3/11/2020	2.73%
AMP	Term Deposit	2,500,000	1.65%	182	23/11/2020	1.36%
AMP	Term Deposit	2,500,000	1.60%	180	24/11/2020	1.36%
Auswide	Term Deposit	4,000,000	1.70%	364	27/11/2020	2.18%
Macquarie	Term Deposit	5,000,000	1.60%	268	27/11/2020	2.73%
Auswide	Term Deposit	5,000,000	1.66%	365	11/12/2020	2.73%
AMP	Term Deposit	5,000,000	1.65%	212	11/12/2020	2.73%
BDCU	Term Deposit	5,000,000	1.25%	240	20/01/2021	2.73%
Auswide	Term Deposit	5,000,000	1.63%	365	19/02/2021	2.73%
ING	Term Deposit	2,000,000	1.60%	365	19/02/2021	1.09%
ING	Term Deposit	5,000,000	1.60%	365	23/02/2021	2.73%
MyState	Term Deposit	5,000,000	1.55%	364	5/03/2021	2.73%
IMB	Term Deposit	4,000,000	1.85%	364	26/03/2021	2.18%
Macquarie	Term Deposit	3,000,000	1.40%	365	29/04/2021	1.64%
BDCU	Term Deposit	5,000,000	1.10%	365	21/05/2021	2.73%
BDCU	Term Deposit	5,000,000	1.30%	365	28/05/2021	2.73%
BOQ	Term Deposit	2,500,000	1.20%	365	28/05/2021	1.36%
NAB	Call Account	11,952,131	0.25%	NA	NA	6.52%
BDCU	Call Account	750,381	0.60%	NA	NA	0.41%
Total Investments		\$183,202,512				100.00%

AMP - AMP Limited ANZ - Australia & New Zealand Banking Group Auswide - Auswide Bank BOQ - Bank of Queensland BDCU - BDCU Alliance Bank Bendigo - Bendigo & Adelaide Bank	CBA - Commonwealth Bank of Australia CUA - Credit Union Australia IMB - IMB Bank ING - ING Direct Macquarie - Macquarie Bank Limited ME - Members Equity Bank	MyState - MyState Bank NAB - National Australia Bank Newcastle - Newcastle Permanent Building Society St George - St George Bank WBC - Westpac Banking Corporation Rural - Rural Bank
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Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May 2020

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%	17.44%	31,952,131	YES	YES
WBC	A1+	40%	5.46%	10,000,000	YES	YES
Macquarie	A1	25%	15.28%	28,000,000	YES	YES
ING	A1	25%	3.82%	7,000,000	YES	YES
AMP	A2	15%	5.46%	10,000,000	YES	YES
BOQ	A2	15%	1.36%	2,500,000	NO	YES
BDCU	A2	15%	14.06%	25,750,381	NO	YES
Rural Bank	A2	15%	3.28%	6,000,000	NO	YES
IMB	A2	15%	2.18%	4,000,000	NO	YES
ME	A2	15%	7.64%	14,000,000	NO	YES
MyState	A2	15%	13.65%	25,000,000	NO	YES
Auswide	A2	15%	10.37%	19,000,000	NO	YES
Total			100.00%	183,202,512		

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 2 term deposits totalling \$10 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%	22.90%	41,952,131	YES
A1	80%	19.10%	35,000,000	YES
A2	60%	58.00%	106,250,381	YES
A3	20%	0.00%	0	YES
Govt	25%	0.00%	0	YES
Total		100.00%	183,202,512	

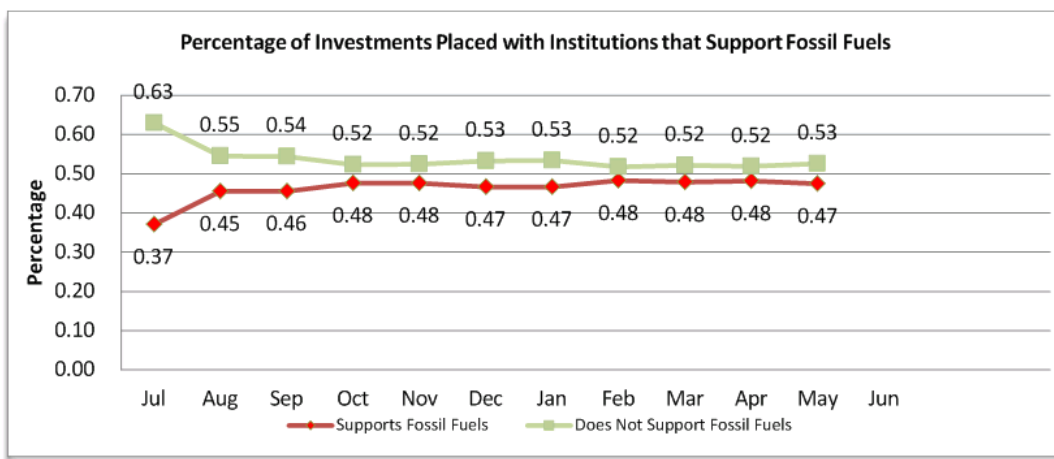


Wingecarribee Shire Council Investment Report Summary For the period ending 31 May 2020

Non-Fossil Fuel Investment Preferencing

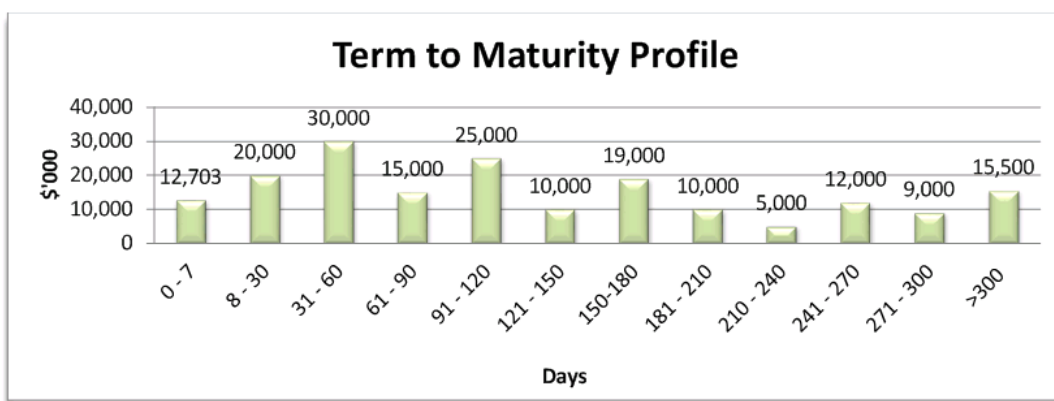
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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.



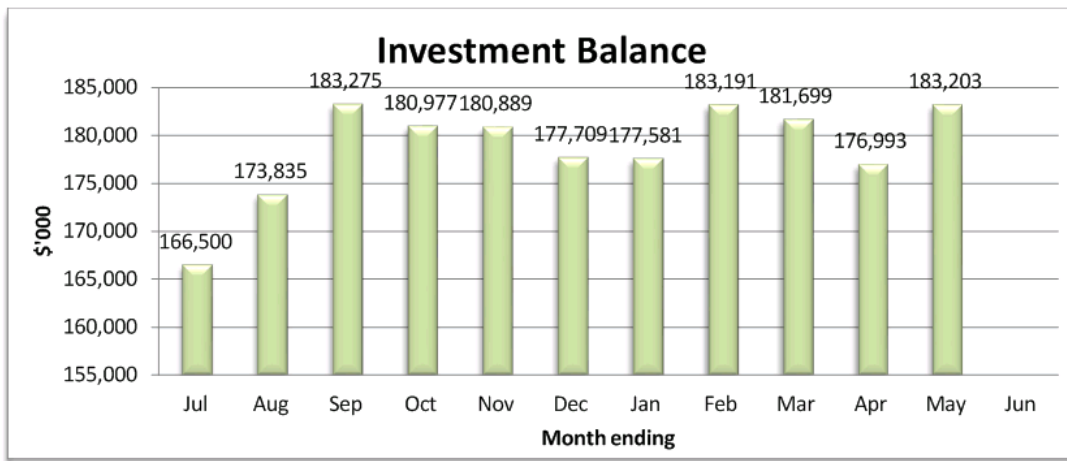


Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May 2020

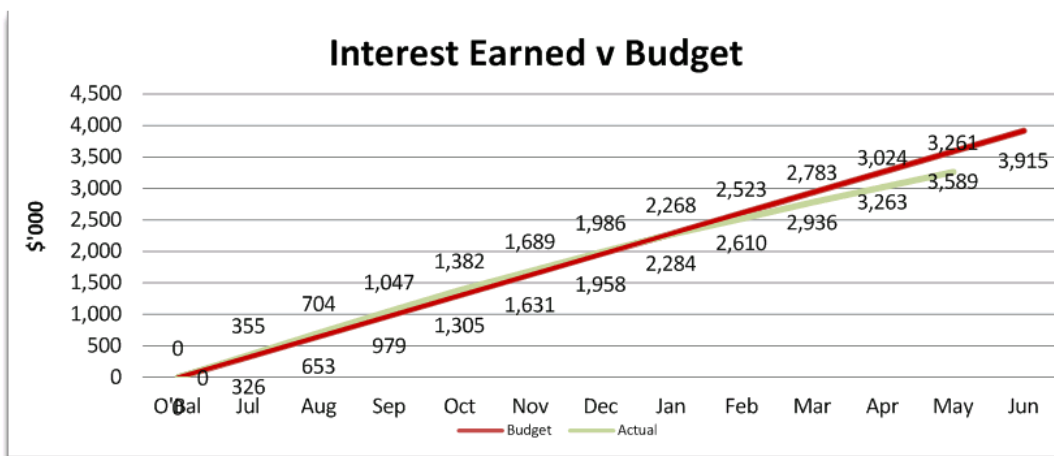
Portfolio Performance

Council's investment balance at the end of May 2020 was \$183.203 million. This has increased by \$6.21 million since the end of April 2020. The increase in investments is due to the 4th quarter rates and water instalments both being payable during the month.



Interest Revenue

Council is currently not exceeding budget expectations. Council's investment portfolio did not perform above budget due to the decreasing interest rates being offered by financial institutions.





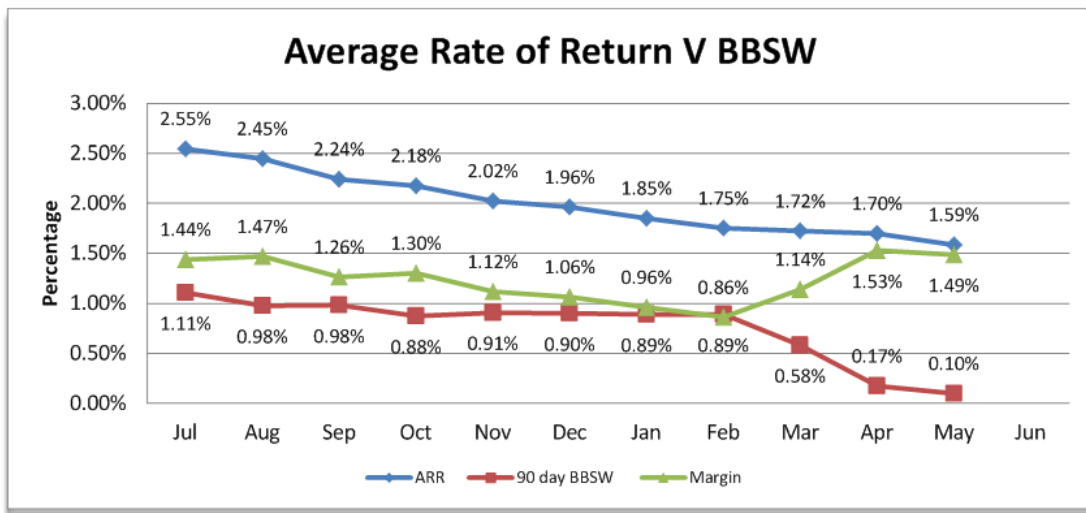
Wingecarribee Shire Council Investment Report Summary For the period ending 31 May 2020

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 May 2020 was 1.59% which is 0.11% lower than April 2020. There was a decline in the BBSW to 0.1%.

The margin above BBSW was 1.49% for May 2020 which shows Council continues to secure favourable interest rates on term deposits.





11.8 Review of the Whites Creek Floodplain Risk Management Study and Plan

Reference: 8100/6.1
 Report Author: Floodplain and Stormwater Engineer
 Authoriser: Deputy General Manager Operations, Finance and Risk
 Link to Community
 Strategic Plan: Plan for predicted impacts of climate change

PURPOSE

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

RECOMMENDATION

- 1 **THAT** the Review of the Whites Creek 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 Floodplain Development Manual.

Under the policy, the management of flood liable land is the responsibility of Local Government. The NSW 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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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The stages 2 & 3 are undertaken together.

The Whites Creek Floodplain Risk Management Study and Plan was originally completed in early 2013. Some of the recommendations could not be implemented due to land access issues. Council decided to undertake a review of the Whites Creek Floodplain Risk Management Study and Plan in order to find alternative solutions to the flooding issues. In that respect a government grant was received in 2017-18 under the Floodplain Management Program to undertake a Review of the Whites Creek 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 a review of the Whites Creek 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 October 2019 to 7 January 2020. A total of 3 submissions were received during the exhibition period and the main issues raised in the submissions were:

- Creek clearing will solve the flooding issues in the catchment,
- Bigger culverts under the railway and Argyle St will increase flooding downstream,
- Upgrade of the footbridge approach path in Cosgrove Park and willow removal from the creek.

The issues raised in the submissions were addressed and are included in Appendix O of the final report. The executive summary of the Review of the Whites Creek Floodplain Risk Management Study & Plan is included in **Attachment 1**. The catchment plan is included in **Attachment 2**.

COMMUNICATION AND CONSULTATION

Community Engagement

Community consultation was undertaken in 2 phases. Phase 1: At the beginning of the study, a community information brochure and questionnaire were distributed to 251 households and businesses to receive feedback on 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 35 responses were received.

The following options were ranked highest by the Community:

- Stormwater upgrades
- Creek clearing
- Prevent blockage of culverts
- Flood forecasting/warning system
- Community education and SES local flood plan updates

The least favoured options were:

- Voluntary house raising and house purchase

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- Channel realignment

Phase 2: The draft report on the Review of the Whites Creek 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. 452 letters were sent to residents within the catchment who owned property that was identified as being impacted by flooding and 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

Frequently asked questions and further information was also made available on Your Say Wingecarribee website during the exhibition period.

A total of 3 submissions were received on the draft report and are addressed in Appendix O of the final report.

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

Transport for NSW (TfNSW) and Australian Rail Track Corporation (ARTC) were also consulted. TfNSW advised the existing culvert crossing at Argyle Street has the potential to be heritage listed. ARTC did not provide any response.

Internal Communication and Consultation

Staff members from Council's Planning and Development Services, Strategic Planning & Assets 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.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Recommended projects will be prioritised against existing drainage projects and considered as part of the annual budget review process.

RELATED COUNCIL POLICY

Nil

OPTIONS

The options available to Council are:

Option 1

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

Option 2

Council may decide not to adopt the final report; in that case a new study may be commissioned for which no grant funding may be available.

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

CONCLUSION

The review of the Whites Creek Floodplain Risk Management Study and Plan has been undertaken in line with industry best practice and the adopted report will provide council clear direction in dealing with flooding issues within the catchment.

ATTACHMENTS

1. Attachment 1 Executive Summary
2. Attachment 2 Whites Creek Catchment

Barry W Paull
Deputy General Manager Operations, Finance and Risk

Thursday 18 June 2020



EXECUTIVE SUMMARY

Overview

The Whites Creek catchment is located in the Southern Highlands of New South Wales. It drains a 7 square kilometre catchment in a north westerly direction through Moss Vale before draining into the Medway Rivulet and into the Wingecarribee River. The extent of the Whites Creek catchment draining through Moss Vale is shown in **Figure ES1** on the following page.

During periods of heavy rainfall across the catchment, there is potential for flooding to occur as a result of major watercourses overtopping their banks and “overland” flooding when the capacity of the local stormwater system is exceeded. Flooding has been experienced on a number of occasions, particularly across Lackey Road, Railway Street and the Illawarra Highway/Argyle Street.

The ‘Whites Creek Floodplain Risk Management Study’ (URS) was prepared in 2012, outlining a range of measures that could be potentially implemented to better manage the existing and potential future flood risk across the Whites Creek catchment at that time. Since this study was completed, technological updates, as well as changes to development in the catchment that may impact flood behaviour, necessitate a review and update the floodplain risk management study and plan for the Whites Creek catchment. Catchment Simulation Solutions have been commissioned by Wingecarribee Shire Council to undertake this work.

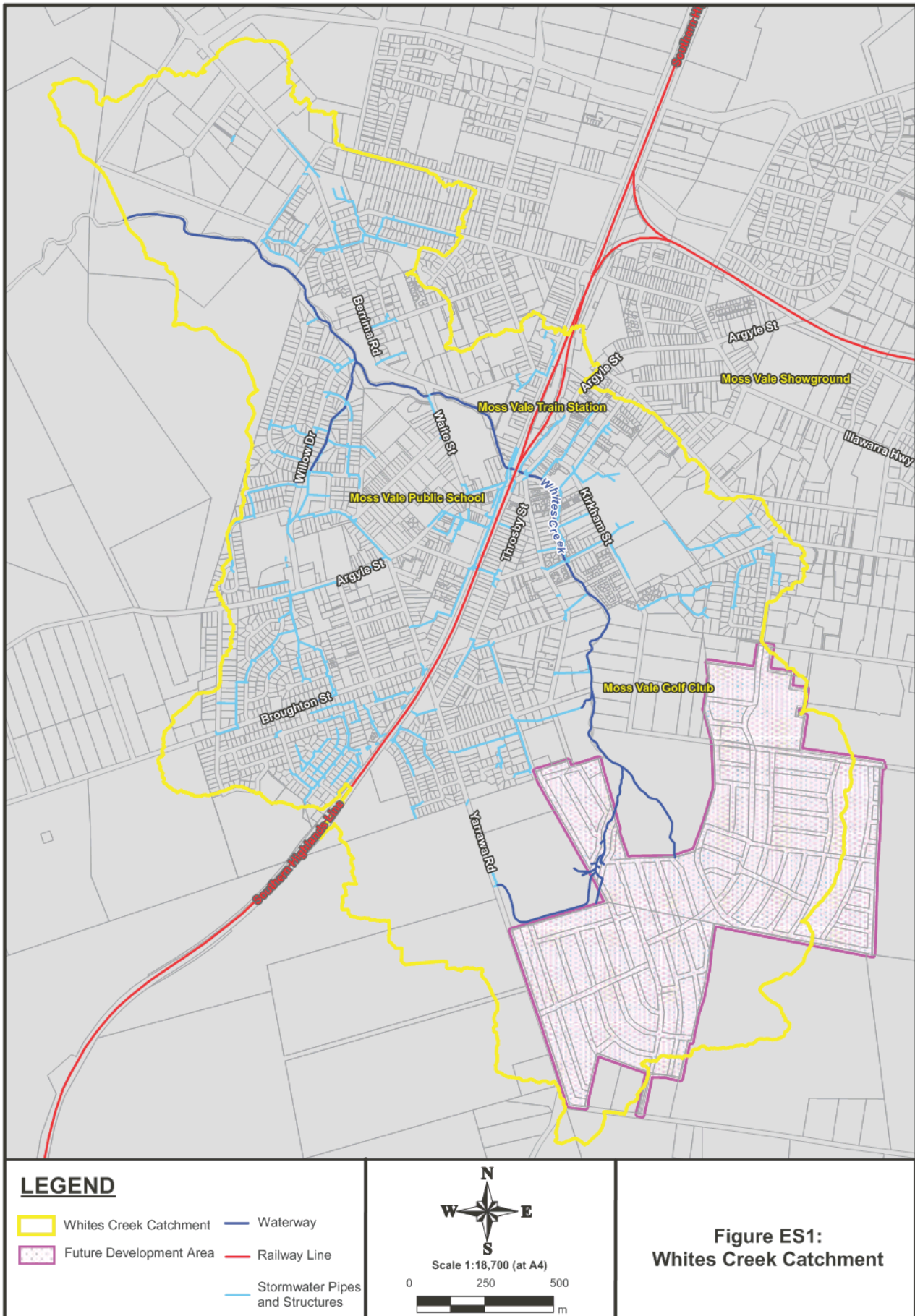
The Flooding Problem

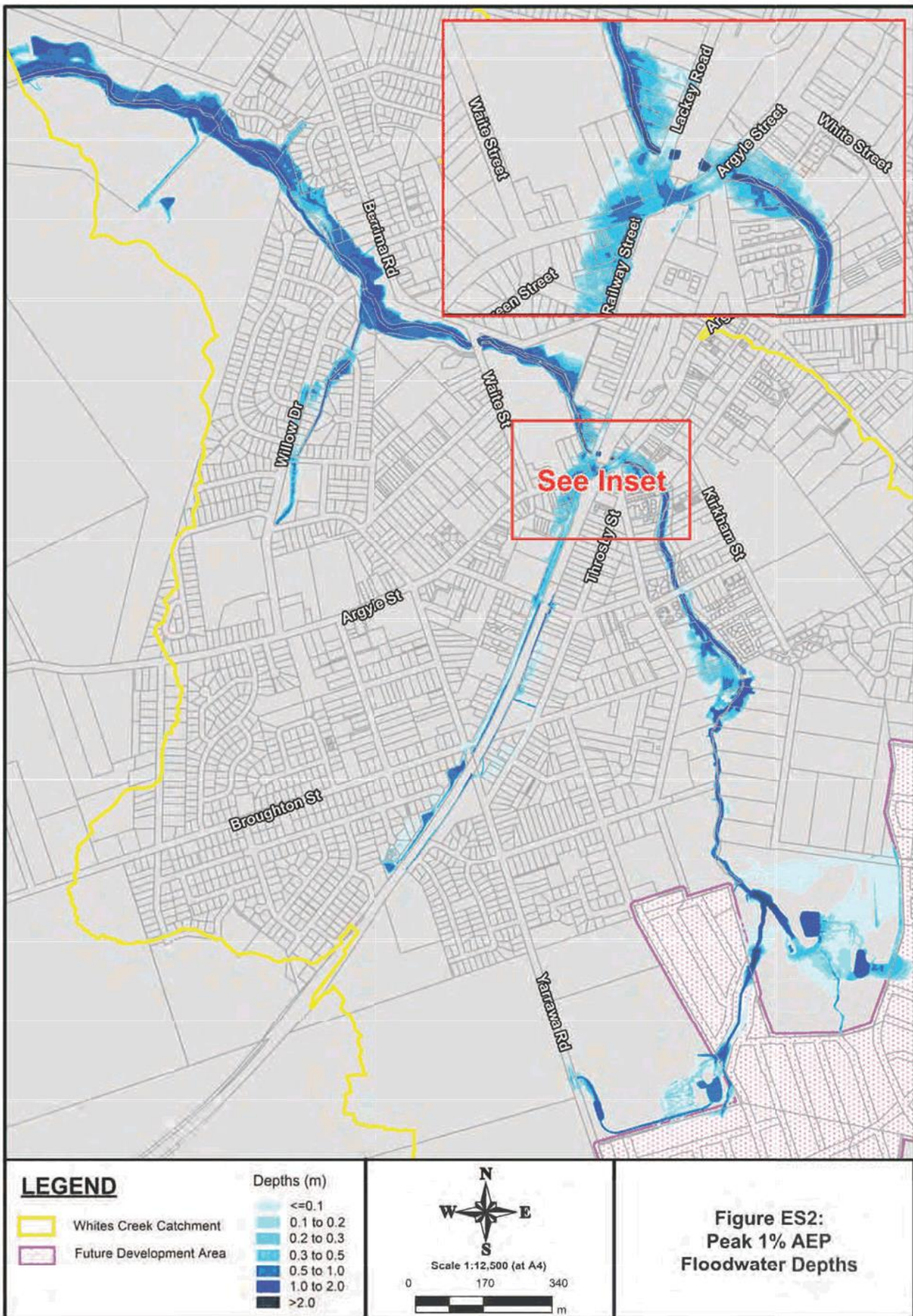
The extent of the existing flooding problem was quantified using new computer flood models of the Whites Creek catchment that were developed specifically for the study. The computer models were validated against historic flood information to ensure they were providing a reliable description of flood behaviour across the catchment.

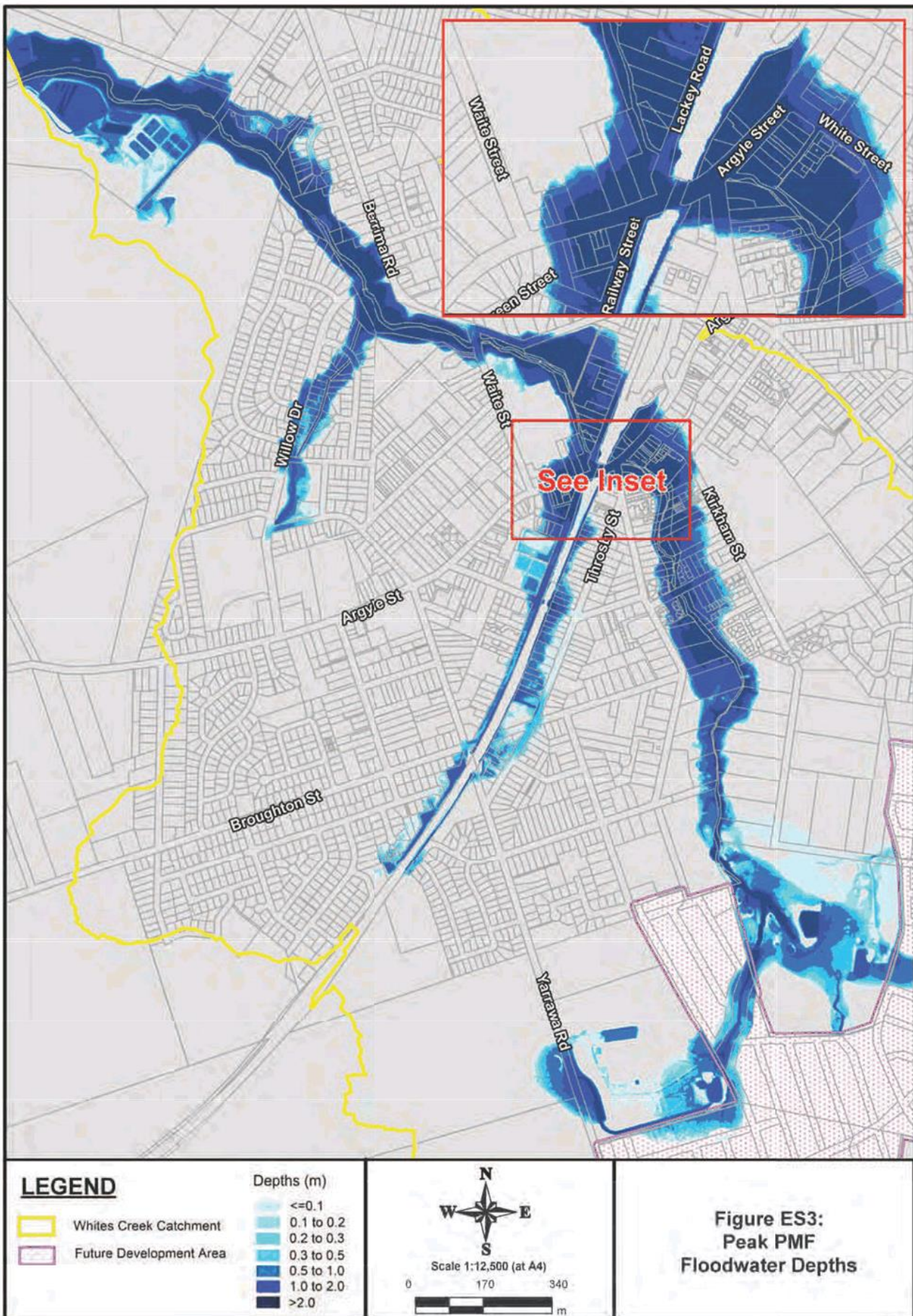
The validated model was then used to simulate a range of hypothetical “design” floods. Peak floodwater depths were extracted from the results of the design flood simulations for the 1% AEP (Annual Exceedance Probability) flood and probable maximum flood (PMF) and are presented in **Figures ES2** and **ES3**. The floodwater depth and velocity results were also used to prepare flood hazard mapping for the 1% AEP flood, which is provided in **Figure ES4**.

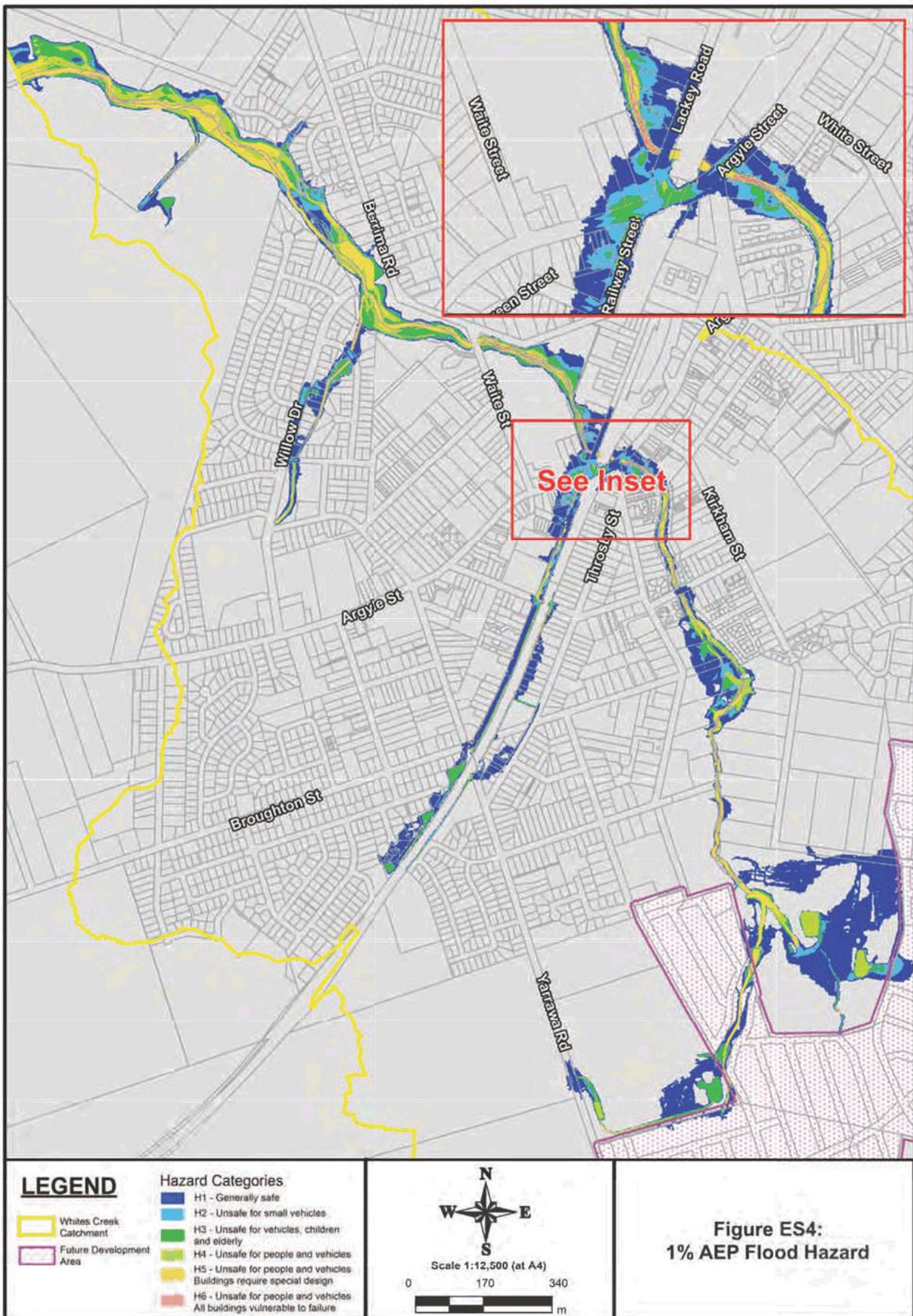
The outcomes of the modelling determined that the most significant floodwater depths are predicted to occur within roadways, with Argyle Street and Lackey Road the most vulnerable roadways in the study area. In large floods, more roads would become inundated and would not be trafficable. In general, commercial properties adjoining Argyle Street are subject to a higher flood exposure during more frequent floods than residential properties. Overall, it is expected that 140 properties (101 residential and 39 commercial) would be subject to above floor flooding during the PMF event.

A flood damage assessment was completed as part of the study to quantify the financial impact of flooding across the catchment. The damages assessment determined that if a 1% AEP flood was to occur today, over \$500,000 worth of damage could be expected across the Whites Creek catchment.











The study also considered the potential future flood risk in the catchment by assessing the impacts climate change and future development may have on flood behaviour. These assessments indicated that future catchment development and climate change increases as a result of increasing rainfall intensities would likely increase existing flood levels along most of Whites Creek. Future development has the potential to result in increased flood damage across 17 buildings/properties.

Options for Reducing the Existing and Potential Future Flooding Problem

A range of flood modification, property modification and response modification measures were considered to help manage the existing and potential future flood risk. Over 40 preliminary options were assessed qualitatively. The outcomes of the quantitative assessment yielded a shortlist of 24 options that were assessed in detail. The detailed assessment of each option involved evaluation against a range of specific criteria to provide an appraisal of the potential feasibility of each option. This included the impact that each option is predicted to have on existing flood behaviour, the environment, economics and emergency response as well as the technical feasibility of each option. All options that were assessed in detail are shown in **Figure ES5**.

Creek modification options including vegetation management and channel reshaping were considered, however, were found to have negligible impacts during large floods. As a result, they are not recommended for implementation as a flood risk management option. However, options such as vegetation management can have aesthetic and environmental benefits so can still be considered for implementation (although this needs to be balanced against increased potential for bed and bank erosion).

Floodplain Risk Management Plan

Based upon the outcomes of the detailed evaluation, the options highlighted in yellow on **Figure ES5** are recommended for implementation/further detailed investigation as part of the draft Floodplain Risk Management Plan for the Whites Creek catchment. Those options that were evaluated in detail but were not found to be viable are shown in grey.

It is expected that implementation of the plan will have a capital cost of approximately \$720,000. 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. Ongoing costs will generally be the responsibility of Council. Two options will require significant discussions with third parties to gain their support for the option, before the detail design, refined cost estimate and true benefit cost ratio can be determined.

It should be noted that the costs indicated on **Figure ES5** are estimates only. The cost for each recommended option will need to be refined through further detailed investigations and preparation of detailed design plans which is beyond the scope of the current study.

It is important that the Floodplain Risk Management Plan is continually monitored, reviewed and updated over time to ensure that it evolves with the catchment and new flood knowledge. It is recommended that Council review the Whites Creek Floodplain Risk Management Study and Plan in 5 years' time.

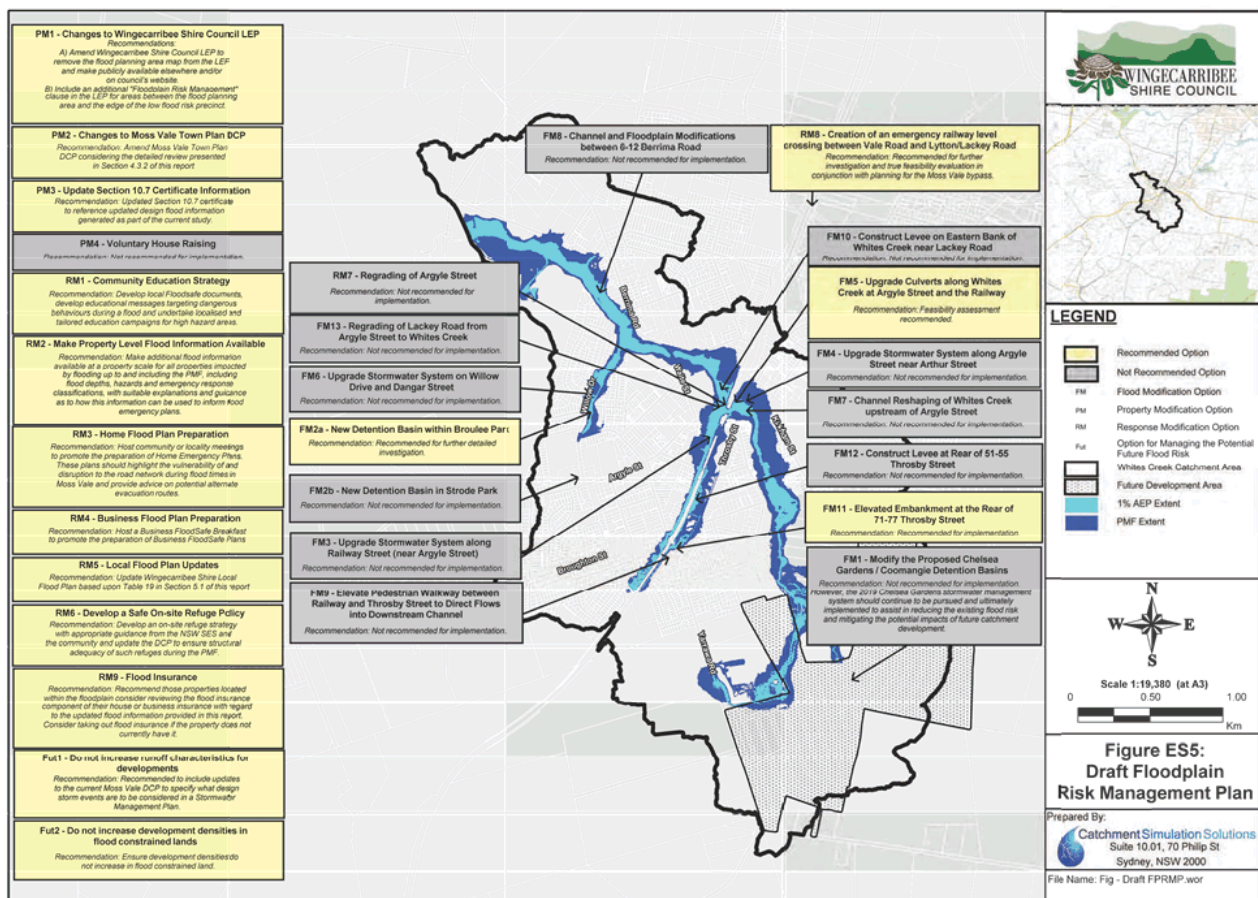


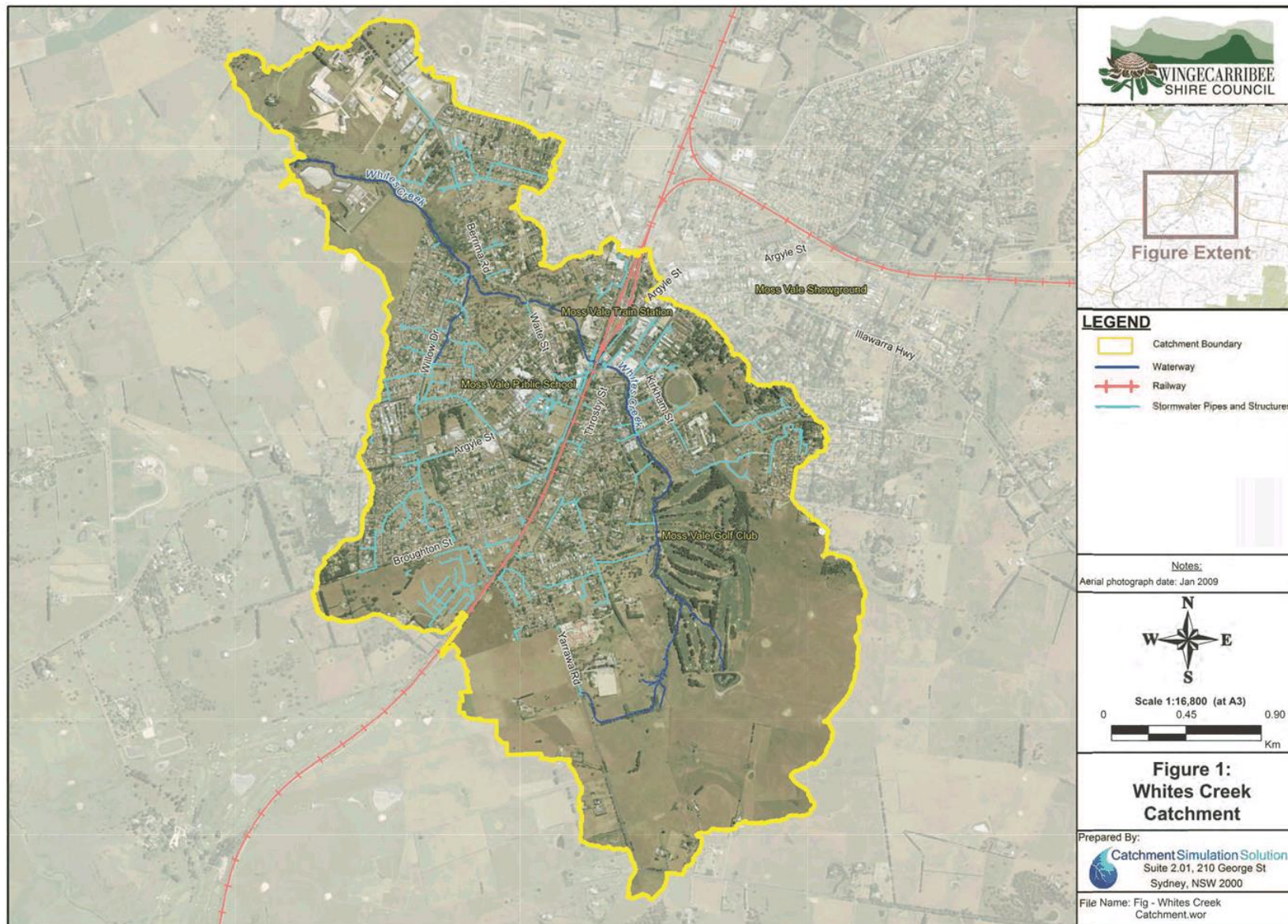


Table 1 Draft Whites Creek Floodplain Risk Management Plan

#	Option	Report Section	Implementation Responsibility	Total Cost	BCR	Priority	Timing
FM2	Further detail investigation of new detention basin in Broulee Park	7.2.2	Council	\$60,000	0.7	High	2 years
FM5	Feasibility assessment for upgrading the existing railway culverts near Argyle Street	7.3.3	Council & ARTC	\$650,000	0.2	Medium	<2 year
FM11	Elevated Embankment at the Rear of 71-77 Throsby Street	7.5.3	Council	\$10,000	3.0	High	1 year
PM1	LEP Amendments	8.2.1	Council	Council Time	n/a	High	3 years
PM2	DCP Amendments	8.2.2	Council	Council Time	n/a	High	2 years
PM3	Update Section 10.7 certificate information	8.2.3	Council	Council Time	n/a	High	<1 year
RM1	Community Education	9.2.1	Council & SES	Council & SES Time	n/a	High	1-2 years
RM2	Make property level flood information available	9.2.2	Council	Council	n/a	Medium	1 year
RM3	Encourage the community to develop household Flood Plans	9.2.3	SES / Individual Residents	Council & SES Time	n/a	Medium	2 years
RM4	Encourage the community to develop business Flood Plans	9.2.3	SES / Individual Business Owners	Council & SES Time	n/a	Medium	2 years
RM5	Local Flood Plan Updates	9.2.4	SES	SES Time	n/a	High	2 years
RM6	Develop a safe on-site refuge policy	9.2.5	Council	Council & SES Time	n/a	Medium	2 years



#	Option	Report Section	Implementation Responsibility	Total Cost	BCR	Priority	Timing
RM8	Creation of an emergency railway level crossing between Vale Road and Lytton/Lackey Road	9.3.2	Council	Council time	n/a	High	<1 year
RM9	Flood Insurance	9.4	Property owner	variable	n/a	Low	1-3 years
Fut1	Update Stormwater Management Plan requirements in DCP	10.1.1	Council	Council Time	n/a	High	1 year
Fut2	Do not increase future development densities in flood constrained land	10.1.2	Council	Council Time	n/a	High	1 year





12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Local Strategic Planning Statement and Local Housing Strategy - Outcomes of Public Exhibition

Reference: 5612/18
Report Author: Coordinator Strategic Land Use Planning
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To present to Council the outcomes of the public exhibition of the draft Wingecarribee Local Housing Strategy and draft Local Strategic Planning Statement and seek Council endorsement of the revised Strategy and Statement.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council adopt the revised draft Wingecarribee Local Housing Strategy – *Housing our Community* (Attachment 2) and Wingecarribee Local Strategic Planning Statement (Attachment 3) with changes detailed in this report;
2. **THAT** the ‘New Living Area’ for Robertson be amended in both the Local Housing Strategy and Local Strategic Planning Statement to be shown as a ‘potential long-term living area – subject to future consultation with the community’;
3. **THAT** the Wingecarribee Local Strategic Planning Statement be finalised and uploaded on the NSW Planning Portal prior to 1 July 2020;
4. **THAT** Council formally submit the Wingecarribee Local Housing Strategy to the NSW Department of Planning, Industry and Environment for endorsement;
5. **THAT** Council write to all submission makers and advise them of this resolution.

REPORT

BACKGROUND

In January 2017, the NSW Government announced major reforms to the NSW planning system. These reforms were progressively rolled out during 2018 and 2019 and included amendments to the *Environmental Planning and Assessment Act (EP&A Act) 1979* and its *Regulation*, amendments to *State Environmental Planning Policies (SEPPs)* and new planning circulars and guidelines.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 24 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The amendments to the NSW planning framework introduced, among other things, a requirement for each Council to prepare a Local Strategic Planning Statement (LSPS) to outline a 20-year land use vision for their Local Government Area (LGA), as well as a Local Housing Strategy.

A Local Housing Strategy is required to plan for the housing needs of the LGA, and to ensure there is a surplus of land available to meet the housing needs of the local community. Whereas, a LSPS is required to explain how strategic priorities at the regional and/or district level are given effect at the local level, and incorporate and summarise land use priorities identified through Council's Community Strategic Plan process. Once in place, the LSPS will inform all amendments to Council's Local Environmental Plan (LEP), including any changes to the existing land use zones and minimum lot sizes.

Under the EP&A Act, all Council's outside of the greater Sydney area are required to submit their final LSPS to the Department of Planning Infrastructure and Environment (DPIE) by 1 July 2020. There are no legislated timeframes to complete the Local Housing Strategy, however, Council does not currently have an endorsed housing strategy, and is therefore vulnerable to spot rezonings and speculative development proposals being supported by the State Government and / or Regional Planning Panel.

A draft Wingecarribee Local Housing Strategy was reported to the Ordinary Meeting of Council on 11 December 2019 to proceed to public exhibition. It was initially proposed for the housing strategy to progress in advance of the LSPS, to ensure the community had the opportunity to provide meaningful input into how and where the Shire will grow, prior to the LSPS being exhibited. However, at the Ordinary Meeting it was resolved that:

1. *THAT Council defer the release of the Wingecarribee Local Housing Strategy pending a councillor information session and consultation in early 2020.*
2. *THAT until Council deals with the draft Wingecarribee Local Housing Strategy, Council maintains its position of not accepting any planning proposals for future residential development.*

At the Ordinary Council meeting of 11 March 2020, Council considered two (2) separate reports on the draft LSPS and draft Local Housing Strategy, where it was resolved that the draft LSPS and draft Local Housing Strategy be endorsed for public exhibition for a minimum period of eight (8) weeks.

The draft Strategy and Statement were publicly exhibited for 8 weeks from 18 March to 15 May 2020 (inclusive) in accordance with the resolution of Council. This report details the outcomes of the community engagement process, and recommends changes to the draft LSPS and draft Local Housing Strategy based on the feedback received by the community.

REPORT

PUBLIC EXHIBITION

The draft Strategy and Statement were publicly exhibited for 8 weeks from 18 March to 15 May 2020 (inclusive) in accordance with the resolution of Council. The exhibition was advertised in the Southern Highlands News, on Council's website, as well as through Council's email notification list (over 4,500). Individual notification letters were sent to all landowners within and within close proximity to the identified residential investigation areas, all community consultative groups, Government agencies and the Illawarra Local Aboriginal Land Council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Hard copies of the strategies were initially made available in Council's Civic Centre and libraries, with the information also available through Council's website. As a result of the COVID-19 pandemic, the public exhibition was moved online, and hard copy information was posted out to landowners on request.

Similarly, the community 'drop in' sessions were forced to move online, as social distancing restrictions limited Council's ability to do face to face consultation. One on one (online) drop in sessions were facilitated over four (4) full days from 8.40am to 5.00pm, with over 130 consultation time slots available over the four (4) day period. Where the allocated time slots did not suit members of the community, additional time slots were made available outside of business hours to ensure that everyone had an opportunity to attend an online session.

In addition to the online drop in sessions, Council staff presented the Local Housing Strategy and LSPS to online meetings with local community / stakeholder groups and business chambers.

A total of 123 submissions were received on the draft LSPS and draft Local Housing Strategy, including seven (7) submissions which were received in the week after the exhibition period. Where multiple submissions were received from a person / company on a single matter, they have been considered as one (1) submission for the purpose of this report.

The key issues raised during the exhibition period, and Council staff responses are detailed below. A summary of all submissions, and where relevant, staff responses and recommended revisions to the strategies are provided as **Attachment 1** to this report.

A copy of the revised Wingecarribee Local Housing Strategy – Housing our Community is provided as **Attachment 2** to this report, and a copy of the revised Wingecarribee Local Strategic Planning Statement is provided as **Attachment 3**.

AGENCY FEEDBACK

A total of ten (10) submissions were received from Government agencies during the exhibition period, including two (2) submissions from the Department of Planning, Industry and Environment (DPIE) (Regional Planning), two (2) from Water NSW, two (2) from DPIE (Biodiversity and Conservation) as well as submissions from DPIE (Resilience Planning), Transport for NSW, Heritage NSW and South West Sydney Local Health District.

The agency submissions were generally supportive of the LSPS and Local Housing Strategy, and in most cases, requested Council to consider incorporating additional specific actions into the LSPS. The details of each of the Government agency submissions and, where relevant, the recommended changes to the LSPS are outlined in **Attachment 1** to this report.

The DPIE (Planning) submission on the draft LSPS confirmed that the LSPS is not inconsistent with the South East and Tablelands Regional Plan or matters of State or regional significance. Further, the LSPS is generally consistent with the LSPS Guidelines. DPIE did however recommend that the LSPS be amended to include additional information on how Council will monitor and report on the implementation of the planning priorities and actions to ensure the LSPS is consistent with the requirements of Section 3.9 of the *Environmental Planning and Assessment Act 1979*. This additional information has been incorporated into the revised LSPS which is provided as **Attachment 3** to this report.

Water NSW was generally supportive of the LSPS and Local Housing Strategy, however, flagged some concerns in relation to the proposed Bowral (South) New Living Area, particularly in relation to the release of water from the Wingecarribee Dam in flood events and / or a dam failure. A follow up meeting was facilitated between Water NSW and



Council, to agree on an approach for the proposed New Living Area, and this is addressed below in the relevant section of this report.

COMMUNITY FEEDBACK

A total of 113 public (non-agency) submissions were received on the draft Local Housing Strategy and LSPS. Feedback on the draft strategies covered a broad range of issues and viewpoints, reflective of the diverse views of our community. The key issues are addressed in the body of this report, and a summary of all submissions is provided as **Attachment 1**.

Feedback on the draft strategies covered a broad range of issues and viewpoints, reflective of the diverse views of our community. While some submissions raised objections to certain aspects of the strategies, as a whole, the feedback has been very positive.

A. POPULATION AND DWELLING FORECASTS

A number of submissions raised concerns about the population and dwelling forecasts used in the Local Housing Strategy and LSPS.

The majority of these submissions raised concerns that the projections used in the strategies are not reflective of the growth experienced in recent years, and appear to be an underestimate of the actual population growth in the Shire.

Several submissions raised concerns that the population forecasts are too high, and will result in overdevelopment in the Shire, and the loss of rural lands and natural environments and impact the character of our towns and villages.

Conversely, a number of submissions raised concerns that the population forecasts are understated, and higher levels of population growth will be necessary to achieve the objectives of the LSPS. Several submissions recommend that Council should actively encourage a larger and more diverse population to support the local economy.

Staff Comments

The population and dwelling forecasts used in the draft Local Housing Strategy and LSPS were the endorsed 2016 State Government projections for the Wingecarribee Shire, and are reflected in the Regional Plan and all current State Government strategies for our Shire.

However, since the draft Local Housing Strategy was reported to Council in December 2019, the State Government has released updated population and dwelling forecasts for our Shire. The revised population and dwelling forecasts are presented in 'High', 'Medium' and 'Low' growth scenarios.

Under the medium growth scenario, the population forecasts have been revised down from the 2016 forecasts, with an anticipated population increase of 2,500 (4,050 in the 2016 projections). However, despite the lower population forecasts, the additional dwellings required remained largely the same, with 3,100 new dwellings required over the next 20 years (3,300 in the 2016 forecast).

Under the high growth scenario, the population is anticipated to increase by over 7,000 people between 2016 and 2041. The significant variance between the medium and high growth scenarios highlights the need to plan for an adequate supply of housing, so that growth can be managed in an orderly and planned way.

The revised projections have been incorporated into the draft Strategy and draft LSPS provided as **Attachment 2** and **Attachment 3**.



It is noted that the revised population forecasts still anticipate a significant aging of our population and a reduction in school age and working age cohorts, providing significant challenges for our Shire. The draft LSPS and Local Housing Strategy include a range of actions to not only plan for an aging population, but also to encourage younger people to live, work and play in the Shire.

B. CHARACTER

Many of the submissions received highlighted the importance of the local character of the Southern Highlands. The majority of the submissions received were very supportive of the documents and the attempt to identify and protect the important characteristics of our towns, villages, rural landscapes and natural areas.

However, a number of submissions raised concerns about the changing character of the Shire, and the potential for overdevelopment to negatively impact on our unique characteristics, natural areas and rural landscapes. There is considerable concern in the community about development pressures in the Shire, and the impact a growing Sydney will continue to have on population growth and development.

The community expressed strong views that the Shire should maintain its unique character, and not become an extension of the south-west Sydney growth areas. The community generally see the Shire as a collection of towns and villages, separated by rural landscapes and natural areas, and not a peri-urban area.

Staff Comments

The draft LSPS and Local Housing Strategy seek to manage growth in a way that is in keeping with the communities expectations. A detailed analysis was undertaken to ensure that new development areas would not compromise the unique characteristics of the Shire, and would provide opportunities to define the long-term edges of our towns and villages.

The Shire is made up of a collection of separate towns and villages, separated by rich natural areas and rural landscapes. The Vision and character statements in the LSPS have been updated to reinforce the importance of our rural landscapes and natural areas, and the physical and visual separation between our towns and villages as outlined in **Attachment 3**.

The LSPS includes a character analysis for each of our towns and villages, and recommends a move towards place-based development controls, to ensure that new development is in keeping with the desired future character of our towns and villages. There was strong support for better place-based development controls, and this should be made a priority of the Council moving forward.

C. PROPOSED NEW LIVING AREAS

The draft Local Housing Strategy and LSPS provide a long-term planning framework to meet the housing needs of our community, and identify six (6) potential new living areas to be developed over a 30+ year period.

The proposed new living areas were identified through an objective, evidence-based analysis to determine how and where the Shire will grow, to ensure that we can continue to manage growth in keeping with the communities expectations. This process included detailed constraints mapping, suitability and desirability criteria assessments, an assessment against the identified housing principles, visual assessments and preliminary infrastructure assessments.

It is estimated that the six (6) new residential living areas have capacity for an additional 3,150 dwellings, which would be staged over the next 30 years to meet the housing needs of our community.

The feedback received on each of the proposed new living areas is detailed below:

1. Chelsea Gardens Coomungie and Surrounds

The Chelsea Gardens Coomungie Urban Release Area (URA) is located on the south eastern edge of the Moss Vale township. The land was rezoned in 2017 to a mix of primarily residential zones with minimum lot sizes ranging from 450m² to 2,000m².

The suitability analysis undertaken in the Housing Strategy identified a number of sites around the Chelsea Gardens Coomungie URA as highly suitable for development from a land capability and desirability perspective. However, significant limitations in existing infrastructure networks, particularly on the local and State road networks, resulted in only a small area east of Yarrawa Road being considered for inclusion in the URA.

The proposed new residential areas are shown in **Figure 1** below and provide an opportunity to integrate the proposed areas into the broader Chelsea Gardens Coomungie URA to provide an improved urban outcome, a better rural interface in the north east and a logical southern edge of town along Yarrawa Road.

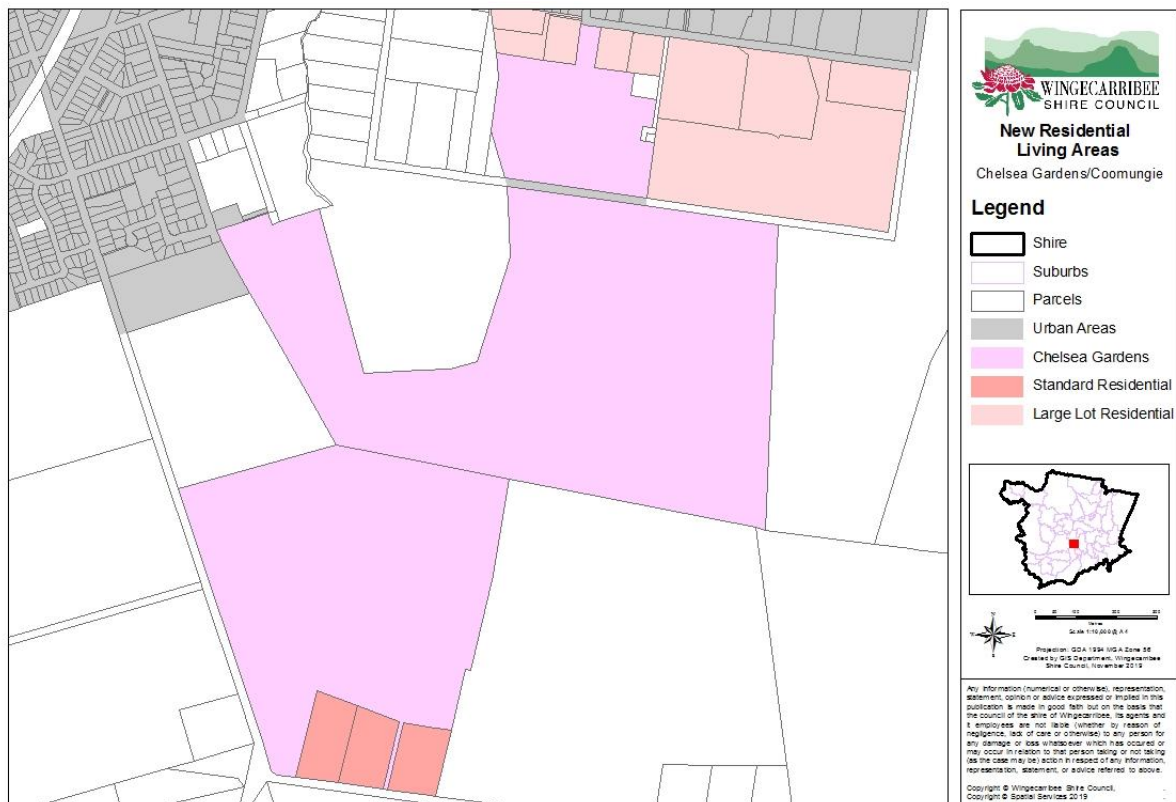


Figure 1 – Chelsea Gardens Coomungie New Living Area

Feedback on the Chelsea Gardens Coomungie New Living Area

Three (3) submissions were received in relation to the Chelsea Gardens Coomungie New Living Area. Two (2) of the submission were by or on behalf of the landowners located on



Yarrowa Road in the southern portion of the new living area, which supported the inclusion of the land within the New Living Area.

A further submission was received on behalf of a landowner within the northern portion of the investigation area, which supported the inclusion of the land within the New Living Area. The submission sought to clarify that the identified 'large lot' area did not specifically require an R5 Large Lot Residential zone.

It is recommended that the Chelsea Gardens Coomungie New Living Area be retained in the Local Housing Strategy and LSPS as exhibited.

2. Bowral South

The Bowral (South) investigation area is bounded by Kangaloon Road to the north, Eridge Park Road to the west, the Wingecarribee River to the south and the Bong Bong Race Course to the east as shown in **Figure 2** below. The area was identified as highly desirable through the suitability analysis and provides an opportunity to allow population growth in close proximity to a higher-level town centre, schools, medical and higher-level services. The site location and context will facilitate a high-quality urban outcome with a strong visual connection to the adjoining rural landscapes to the east. Further, the Wingecarribee River provides a definitive eastern edge of the Bowral township.

The site also provides an opportunity to contribute positively to the amenity and liveability of Bowral, and achieve one of Council's long-term aims of providing a cycleway and public open space along the Wingecarribee River to connect with the existing cycleway networks in Bowral. The size of the investigation area also provides an opportunity to incorporate a small neighbourhood centre within the future new living area, which will support the day to day needs of the local community, as well as the broader East Bowral area.

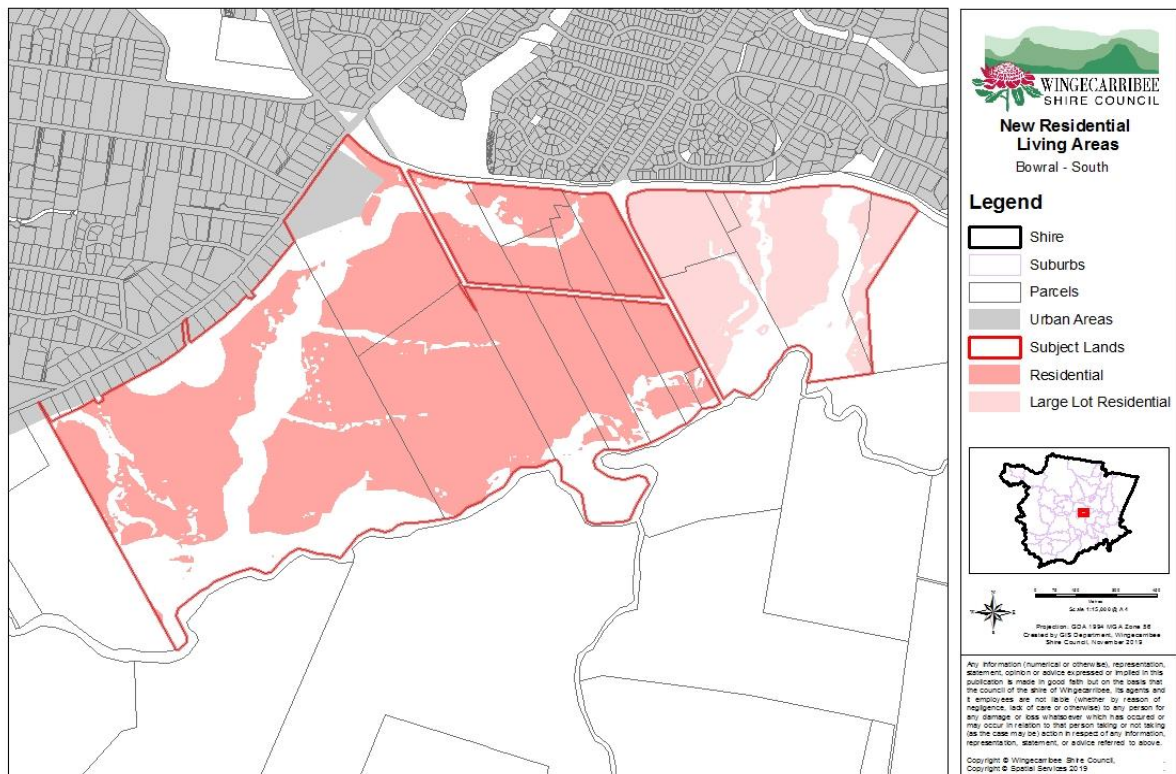


Figure 2 – Bowral (South) New Living Area



Feedback on the Bowral (South) New Living Area

A total of ten (10) submissions were received in relation to the Bowral (South) New Living Area. Two (2) of the submissions were on behalf of landowners within the investigation area who supported the inclusion as part of the New Living Area. There were three (3) additional submissions (not on behalf of landowners) that supported the New Living Area, and the analysis undertaken in the Local Housing Strategy, and a further submission that requested that additional studies such as flooding be completed prior to the land being rezoned for residential purposes.

A total of three (3) submissions opposed the Bowral (South) New Living Area. Two (2) of the submissions were supportive of the analysis that was undertaken as part of the Local Housing Strategy, however, argued that development should be better distributed throughout the Shire, and not just in Bowral and Moss Vale. The submissions also stated that the lack of detail and Master Planning makes it hard to properly comment on the proposal. A further submission opposed the new living area as it will have significant impacts on water quality in the Wingecarribee river, present a flood risk and use highly fertile agricultural lands.

Water NSW Feedback

Water NSW flagged some concerns in relation to the proposed Bowral (South) New Living Area, particularly in relation to potential flooding and water quality issues. The 2014 Flood Study over the subject land (which informed the constraints analysis), does not adequately address the release of water from the Wingecarribee Dam in significant rainfall events and / or a dam failure.

The proposed release of water from the Wingecarribee Dam is currently being reviewed by Water NSW, and it is anticipated that the flooding impacts will be worse than those identified in the 2014 Flood Study. A follow up meeting was facilitated between Water NSW and Council, to agree on an approach for the proposed New Living Area, and it was agreed that prior to any rezoning within the area, an updated site specific flood study will be required, that considers the release of water from Wingecarribee Dam, with outputs to be provided by Water NSW.

Water NSW also requested a detailed assessment of soil and water constraints be undertaken prior to rezoning, to ensure that water quality impacts can be managed appropriately.

Staff Comments

The proposed Bowral (South) New Living Area was assessed as being highly suitable as a new living area in the suitability analysis undertaken in the Local Housing Strategy. However, it is important to undertake a detailed assessment of the potential flooding constraints, prior to rezoning, to identify a suitable development footprint.

It is recommended that the New Living Area be retained in the Local Housing Strategy and LSPS with additional requirements for site specific water cycle studies (flooding and water quality) to be completed prior to any rezoning.

3. Moss Vale (West)

The Moss Vale (West) new living area is located on the south-western edge of the Moss Vale township adjoining the existing Darraby residential area as shown in **Figure 3** below.

The area was identified as highly desirable through the suitability criteria, and provides an opportunity to provide a mix of lot sizes and housing typologies in close proximity to the Moss Vale town centre, schools, higher education, medical and higher-level services. Part

of the investigation area was previously identified for residential development through the Wingecarribee Local Planning Strategy, and the site provides an opportunity to improve on the existing urban / rural interface through a transition of lot sizes and appropriate interface treatments.

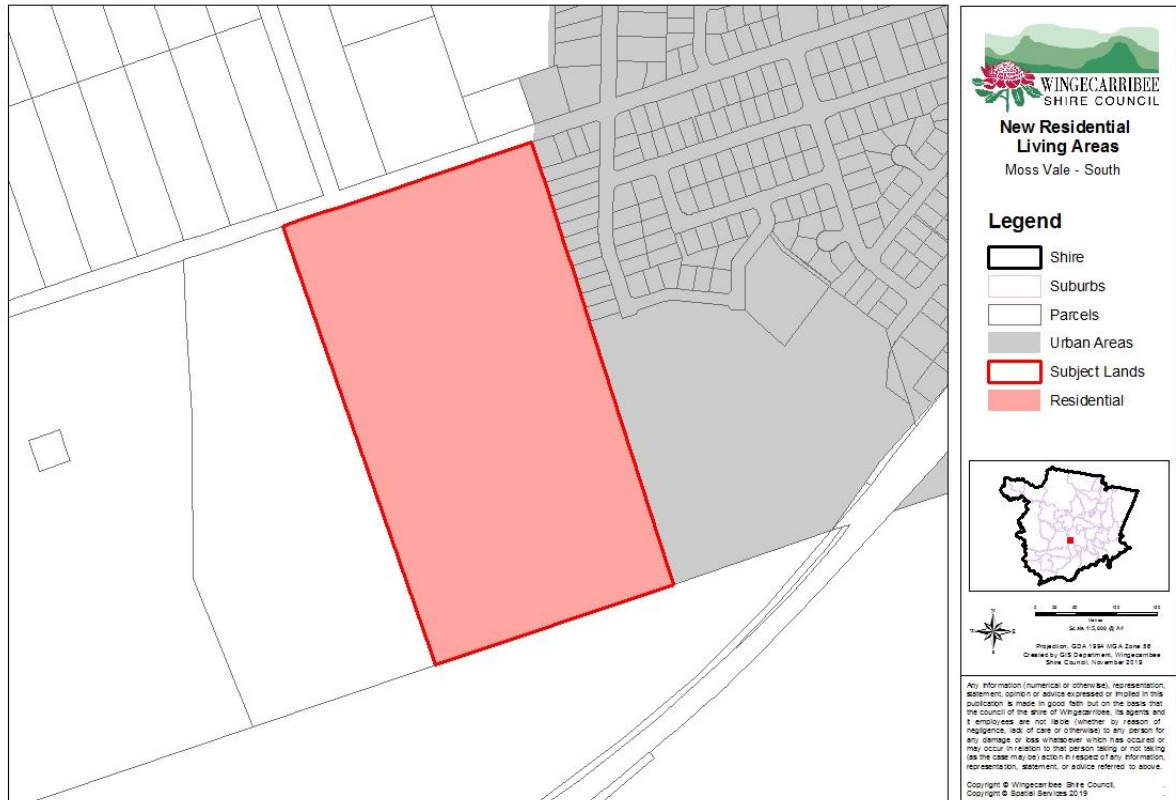


Figure 3 – Moss Vale (West) New Living Area

Feedback on the Moss Vale (West) New Living Area

No submissions were received in relation to the propose Moss Vale (West) New Living Area. It is recommended that the Moss Vale (West) New Living Area be retained in the Local Housing Strategy and LSPS as exhibited.

4. Mittagong East

The Mittagong (East) investigation area is located immediately south of Renwick between Old South Road to the east and May Street to the West. The investigation area incorporates three (3) separate rural properties on the south-eastern edge of the Mittagong township as shown in **Figure 4** below.

Based on significant limitations in the infrastructure networks and highly visible nature of the site, the investigation area was ultimately deemed unsuitable as a future living area. However, the north-western corner of the investigation area has previously been identified for residential development through the Wingecarribee Local Planning Strategy, and the Local Housing Strategy and LSPS maintain this area as a potential New Living Area.

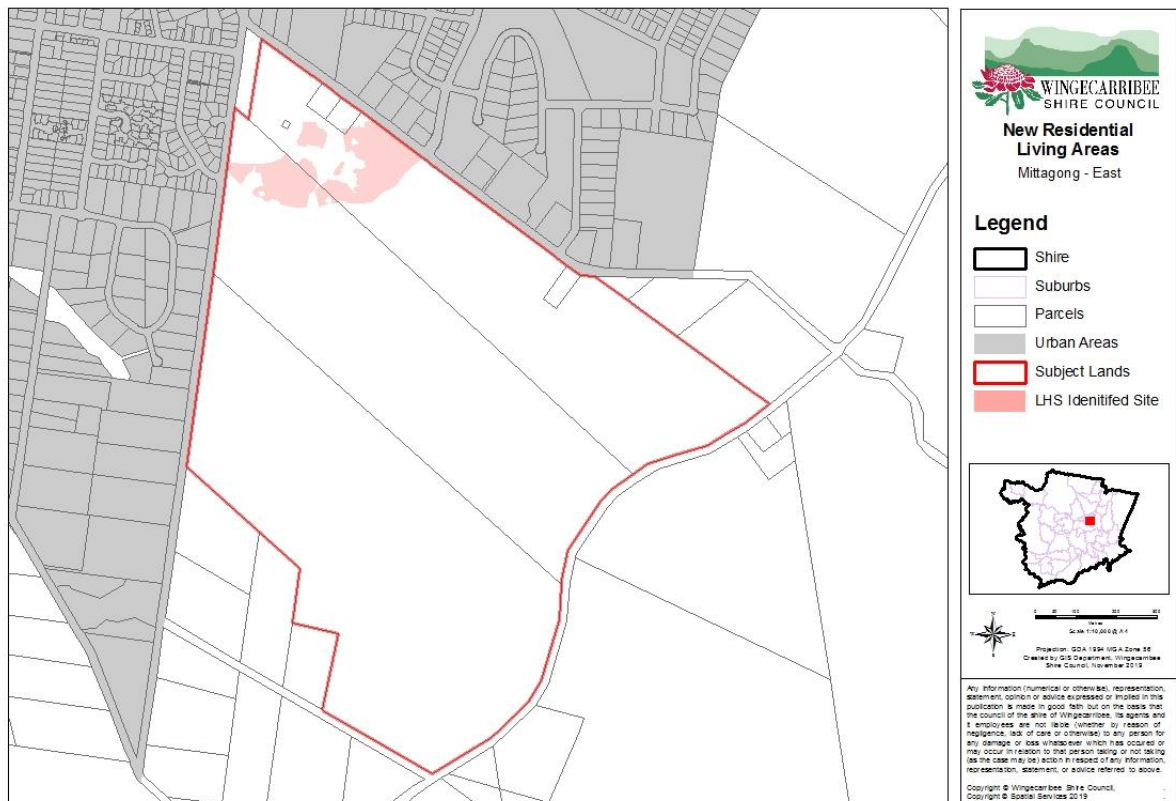


Figure 4 – Mittagong (East) New Living Area

Feedback on the Mittagong (East) New Living Area

Two (2) submission were received in relation to the Mittagong (East) New Living Area, on behalf of landowners within the investigation area.

The submissions argue that the entire site should be considered as a New Living Area, as the land was identified as highly suitable through the Local Housing Strategy, and the site provides the only opportunity to facilitate a new residential development area around Mittagong. Further, the submissions argue that the limitations in the infrastructure network can be properly assessed, with potential upgrades determined prior to the land being rezoned.

Both submissions offer to work with Council to undertake a more detailed assessment of the land's capability, prior to any rezoning occurring.

Staff Comments

As outlined in the submissions, the subject land was identified as highly suitable for residential development based on the criteria outlined in the strategy. However, an initial infrastructure analysis was undertaken which identified major limitations in the existing traffic and transport networks, and development of the area has the potential to create unacceptable impacts on the local road network.

Based on the significant limitations in the infrastructure networks and highly visible nature of the site, the investigation area was ultimately deemed unsuitable as a future living area.

However, the investigation area is the only potential greenfield development site around Mittagong, with the majority of land in the area being heavily constrained. It is recommended that the investigation area be retained in the Local Housing Strategy and LSPS as exhibited, however, if population growth increases faster than expected, a more detailed assessment of this investigation should be undertaken to determine its suitability as a New Living Area. It is noted that this would be a long-term housing option (15+ years), and would be subject to more detailed consultation with the community prior to being considered for rezoning.

5. Robertson (North-East)

The Robertson (North- East) investigation area is located on the north-eastern edge of the Robertson village immediately east of the unformed East Street road reserve and north of the unformed High Street road reserve as shown in **Figure 5** below. The Investigation area provides an opportunity to support a modest increase in population in the Robertson village to address the housing needs of the community and reinforce the viability and sustainability of the village centre and existing services within Robertson.

There is excess capacity within the Robertson sewerage treatment plant, and where possible, the Local Housing Strategy and LSPS aim to efficiently utilise existing infrastructure networks to support population growth, and to reduce the cost of providing new housing to meet the needs of the community.

In addition to the investigation area, the strategies identify the opportunity to increase the mix of housing types, including smaller housing options, through infill development to support a modest growth in population, and allow people to age within their communities, and support the viability of the village centre.

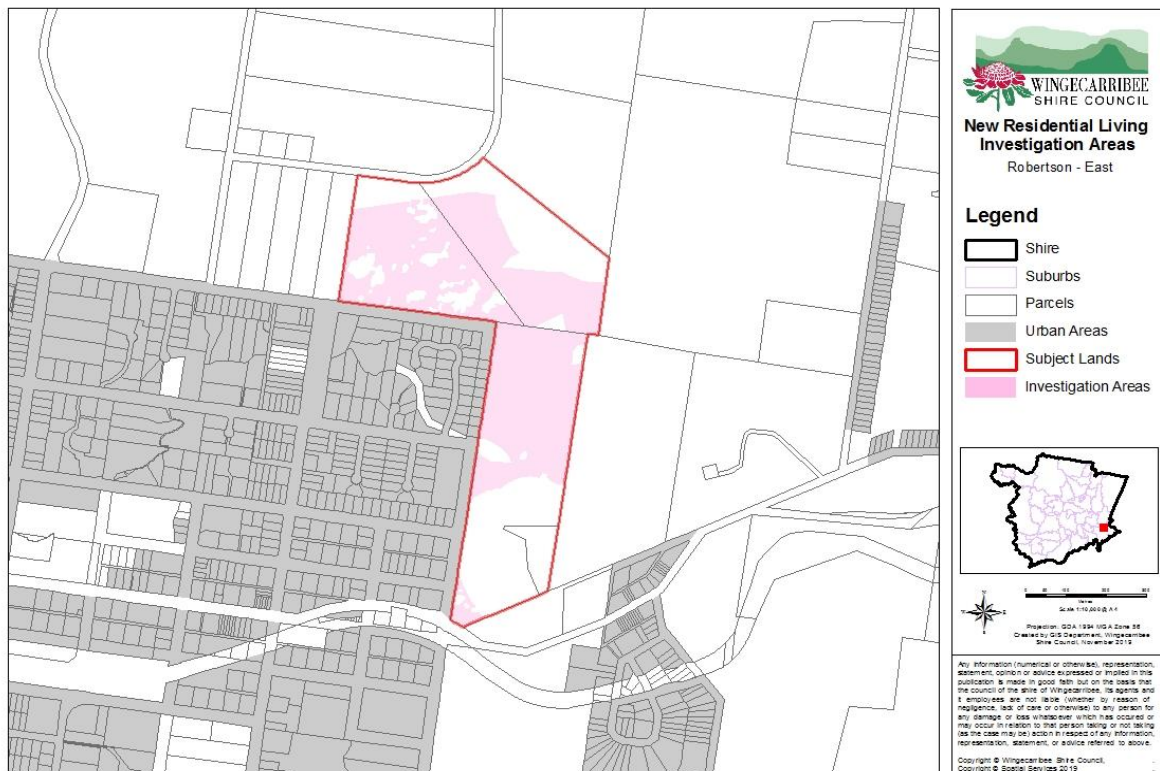


Figure 5 – Robertson (North-East) New Living Area



Feedback on the Robertson New Living Area

A total of 35 submissions were received in relation to housing in Robertson, with 32 submissions relating to the proposed New Living Area.

Of the 32 submissions received in relation to the New Living Area, only eight (8) submissions (25%) supported the proposal. These submissions promoted the need for an increase in population to support the viability of the village commercial centre.

Seven (7) submissions opposed any new development in Robertson, and argued that the village is already sustainable and does not need any additional development / population to support the viability of the commercial area. An additional 17 submissions opposed the New Living Area, as it was located outside of the traditional village mile, would impact adjoining owners, and would not address the need for smaller housing options in close proximity to the commercial area within the village.

However, of the 35 submissions received in relation to housing in Robertson, 28 submissions (80%) expressed support for infill development and an increase in smaller housing options for the village. The submissions generally argue that a reduction in the minimum lot size, and smaller housing options would provide greater housing choice for the community, and support the viability of the village centre.

Staff Comments

The Local Housing Strategy and LSPS built on the previous community consultation undertaken as part of the Local Planning Strategy process, where the community expressed a desire for a viable commercial centre, a stronger focal point for the village and improved housing choice for the community.

These community expectations have been reinforced through the exhibition period, with the vast majority of submissions supporting infill development and an increase in housing choices, as well as better place-based development controls for the village.

It is recommended that the Local Housing Strategy be amended to prioritise infill development in Robertson in the first instance, reflective of the views of the community. It is acknowledged that a New Living Area may be required in the longer term, but the priority should be to promote and support infill development within the existing village boundaries.

Further, it is recommended that the New Living Area for Robertson be amended in both the Local Housing Strategy and LSPS to be shown as a 'potential long-term living area – subject to future consultation with the community'. It is noted that this would be a long-term housing option, and would be subject to more detailed consultation with the community prior to being considered for rezoning.

6. Colo Vale (Wensleydale)

The Colo Vale (Wensleydale) investigation area is located on the eastern edge of the Colo Vale village and is bound by Wilson Drive to the west, Church Avenue to the South, and thick bushland and State Reserve to the north as shown in **Figure 6** below. The investigation area did not show up as highly desirable through the suitability analysis, primarily due to the lack of higher-level services within close proximity to the site (i.e. supermarket, medical etc).

However, this site presents a unique opportunity to provide a new living area in Colo Vale, as well as a small-scale neighbourhood centre that could service the new community, the broader Colo Vale area and the surrounding northern villages and rural communities. In the longer term, a new neighbourhood centre could meet the day to day needs of the northern

villages, providing easy access to a supermarket and medical services, and reduce the reliance on private motor vehicles for the community. Further, the site has easy access onto the Hume Motorway, and is unlikely to have any significant impacts on the existing traffic and transport network of Colo Vale.

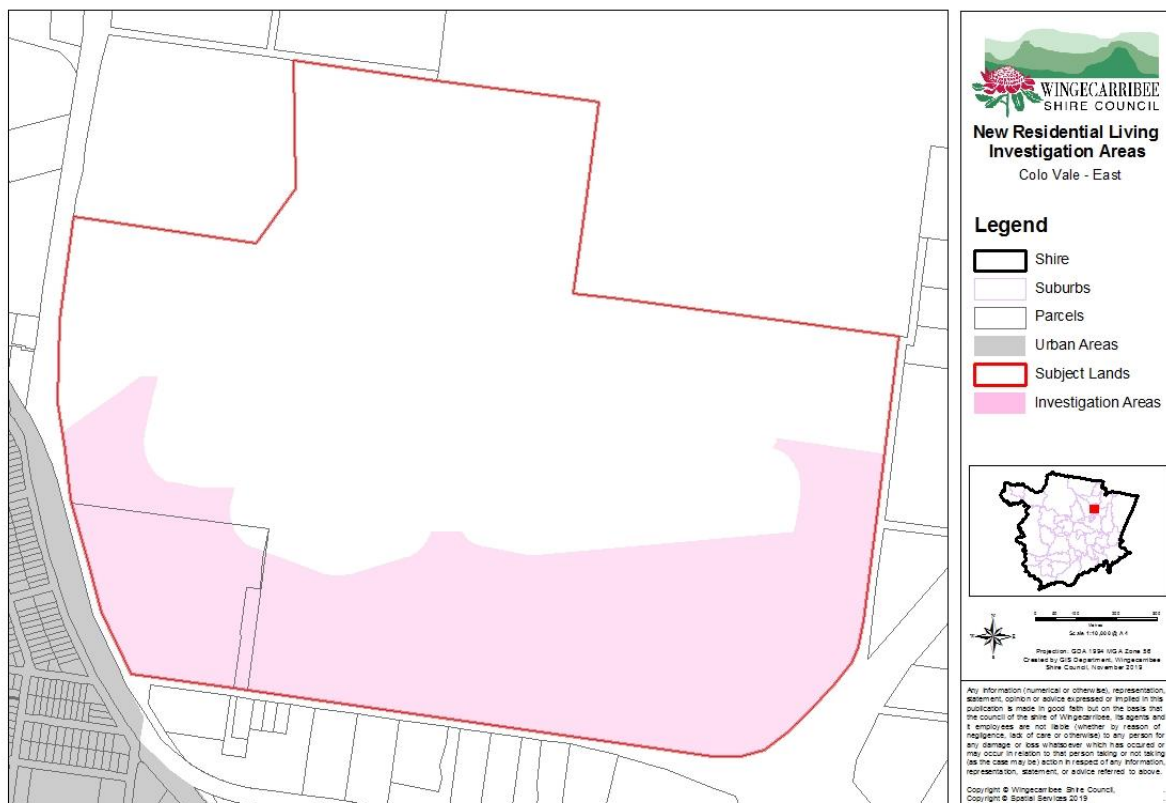


Figure 6 – Colo Vale (Wensleydale) New Living Area

Feedback on Colo Vale New Living Area

A total of nine (9) submissions were received in relation to the proposed Colo Vale (Wensleydale) New Living Area. Four (4) submissions supported the proposal, stating that it would provide additional housing in the village, and support housing affordability.

Five (5) submission opposed the New Living Area, with four (4) of the objections coming from areas outside of Colo Vale. The objections related to potential impacts on heritage and the visual landscape, as well as bushfire threats and loss of vegetation.

In addition to the submissions on the New Living Areas, Council received four (4) land owner development proposals for Colo Vale during the exhibition period. These proposals are considered later in this report.

Staff Comments

The Colo Vale New Living Area provides an opportunity to support a modest growth in population in the village, as well as a small neighbourhood centre that could service the new community, the broader Colo Vale area and the surrounding northern villages and rural communities.

It is recommended that the Colo Vale New Living Area be retained in the Local Housing Strategy and LSPS as exhibited.

Precinct Plan – Berrima

The Berrima Residents Association, the National Trust and a number of individual submissions made reference to the Berrima Precinct Plan in the draft LSPS. While the submissions are supportive of the Precinct Plan as a whole, they recommend potential improvements to the character statement to reflect the communities views and aspirations, as well as the heritage and cultural significance of the village the surrounding cultural landscapes.

Staff Comments

It is recommended that the ‘contributory elements’ outlined in the Precinct Plan character assessment be updated to reflect the importance of the rustic village character and the undeveloped landscape surrounding the village. Further, a ‘review to strengthen development controls for the village and surrounds’ is recommended to be included as an ‘opportunities for improvement’ in the Precinct Plan.

E. LAND OWNER REZONING REQUESTS / PROPOSALS

A total of 12 land owner requests / proposals were received during the public exhibition period. Each of the proposals are briefly outlined below, including a staff assessment of the merits of each proposal.

The proposed new living areas outlined in the Housing Strategy and LSPS were identified through an objective, evidence-based analysis to determine how and where the Shire will grow, based on sound planning principles. With the exception of one (1) of the land owner proposals, no submission raised any concerns with the detailed suitability criteria used to identify the New Living Areas.

The draft Local Housing Strategy identifies enough land to accommodate our anticipated population growth for 30+ years, and there is no need to identify any additional development areas that have not been identified through they detailed analysis that informed the strategies. Further, the inclusion of any of the land owner rezoning requests / proposals would require a re-exhibition of the draft Local Housing Strategy and LSPS, and would result in Council not meeting the legislated timeframes to finalise the LSPS.

Site 1 Proposal – 1530 Wilson Drive Colo Vale

Site 1 is located at 1530 Wilson Drive, Colo Vale (Lot 22 and 23 DP 846388) as shown in **Figure 7** below. The subject land has been proposed by the landowner as an alternative to the proposed New Living Area in Colo Vale known as the Wensleydale site.

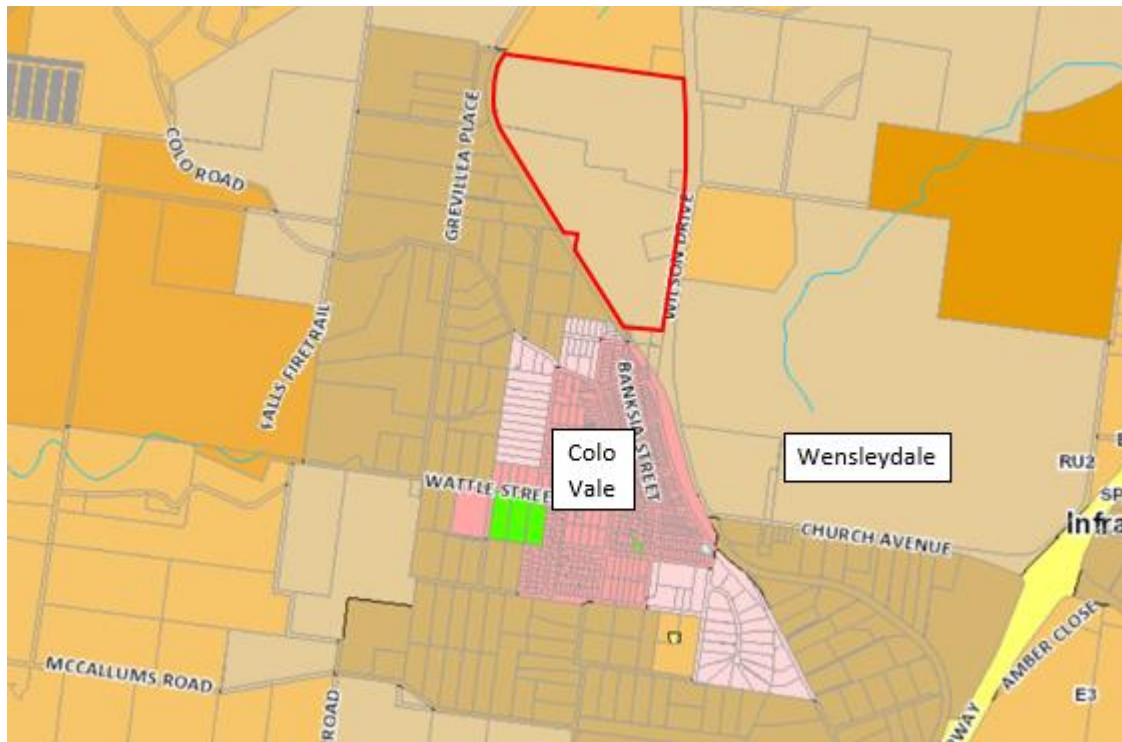


Figure 7 – Landowner Site 1 Subject Land

The proposal seeks to provide a primarily residential development with the opportunity for a small neighbourhood centre including a child care centre, as shown in the concept master plan provided as **Figure 8**.

The submission argues that unlike the Wensleydale site, the proposal provides a potential direct connection into the Colo Vale village. The proposal does not impact on heritage or the visual landscapes in the way that developing the Wensleydale site would, and the land is largely unconstrained. The subject land is in a highly accessible location, and has easy access to enabling infrastructure.



Figure 8 – Landowner Site 1 Concept Master Plan

Staff Comments

Similar to the proposed New Living Area at Wensleydale, the proposal has some merit in that it could support a modest increase in population and a small neighbourhood centre to meet the day to day needs of the Colo Vale community, without completely changing the existing character of the village.

However, the site could / should only be considered as an alternative to the Wensleydale site, as there is insufficient demand to warrant 2 new living areas in Colo Vale, and the rezoning of both sites would completely change the character of the existing Colo Vale village.

As outlined in the New Living Area section of this report above, the Colo Vale community has previously expressed support for a modest increase in population to support a small neighbourhood centre in the village through the Local Planning Strategy process. However, the community has also strongly expressed their desire to maintain the village character of Colo Vale.

The existing infrastructure networks in Colo Vale (particularly the traffic network) are limited in capacity, and unlike the Wensleydale site, the proposal would significantly increase the number of vehicles utilising the existing street network in the village.

As shown in **Figure 9** below, large parts of the subject land are constrained. The constraints analysis identified the land as bushfire prone and containing areas of high value environmental lands.

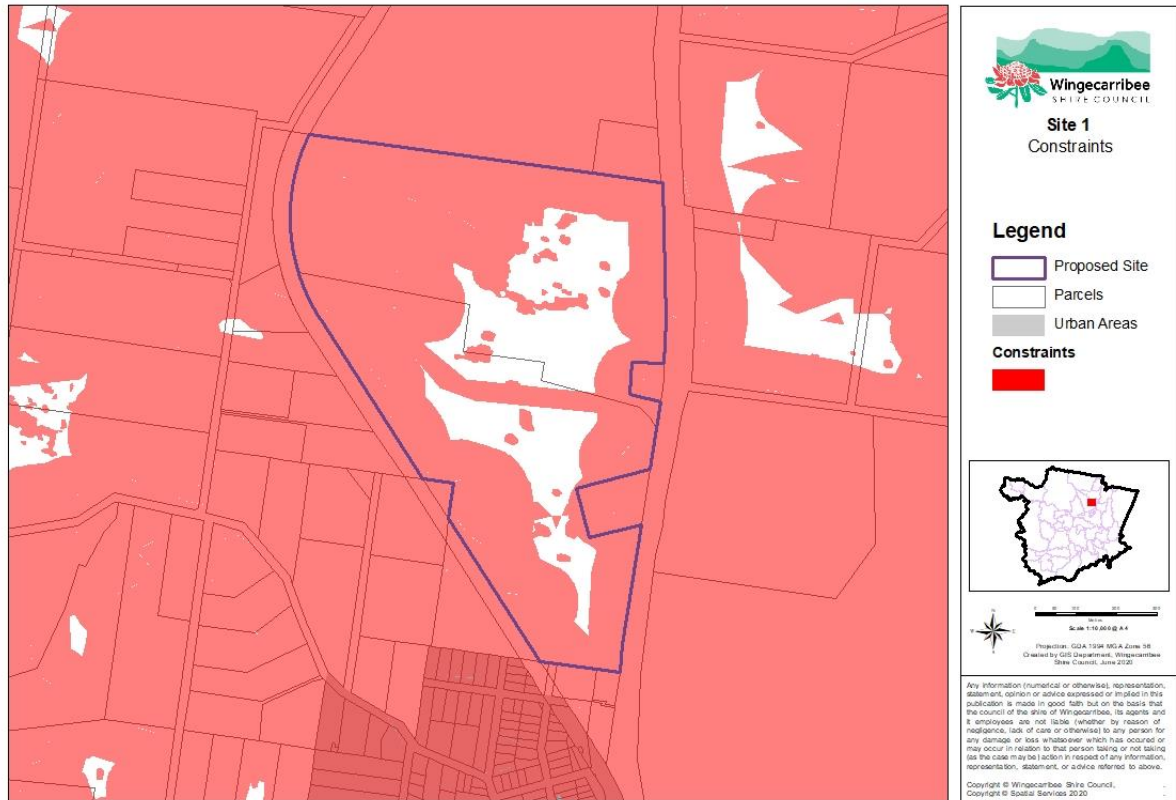


Figure 9 – Landowner Site 1 Constraints

The suitability analysis undertaken as part of the Local Housing Strategy identified the unconstrained parts of the land as moderately suitable for development, as shown in **Figure 10** below. However, as outlined above, there is insufficient demand and justification to include more than one (1) new living area in the Colo Vale village, and it is recommended that the proposal not be incorporated into the final Housing Strategy and LSPS.

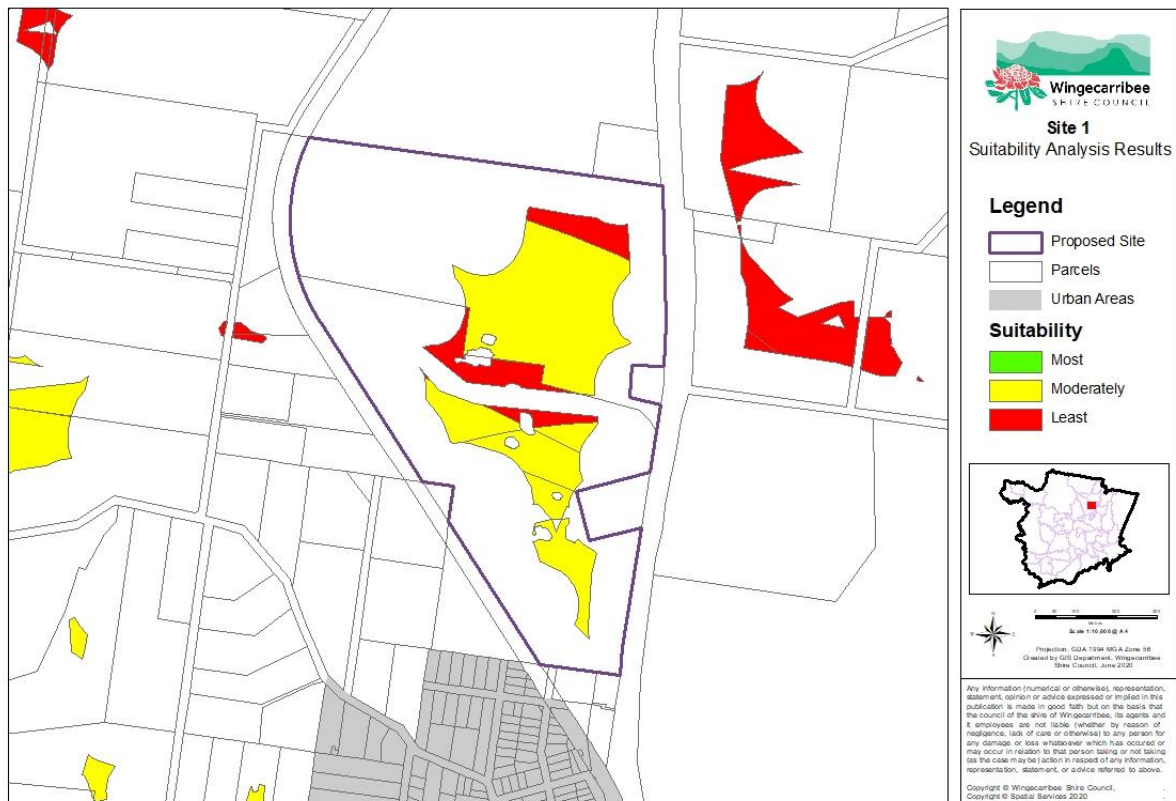


Figure 10 – Landowner Site 1 Suitability Analysis Results

Site 2 Proposal – 1521 Wilson Drive Colo Vale

Site 2 is located at 1521 Wilson Drive, Colo Vale (Lot 1 DP 202812) as shown in **Figure 11** below.

The landowner states that the subject land was part of the original Wensleydale landholding, and should be included in the investigation area. The two land parcels would provide a broader and more diverse site for any future development and a coordinated environmental approach across both sites.

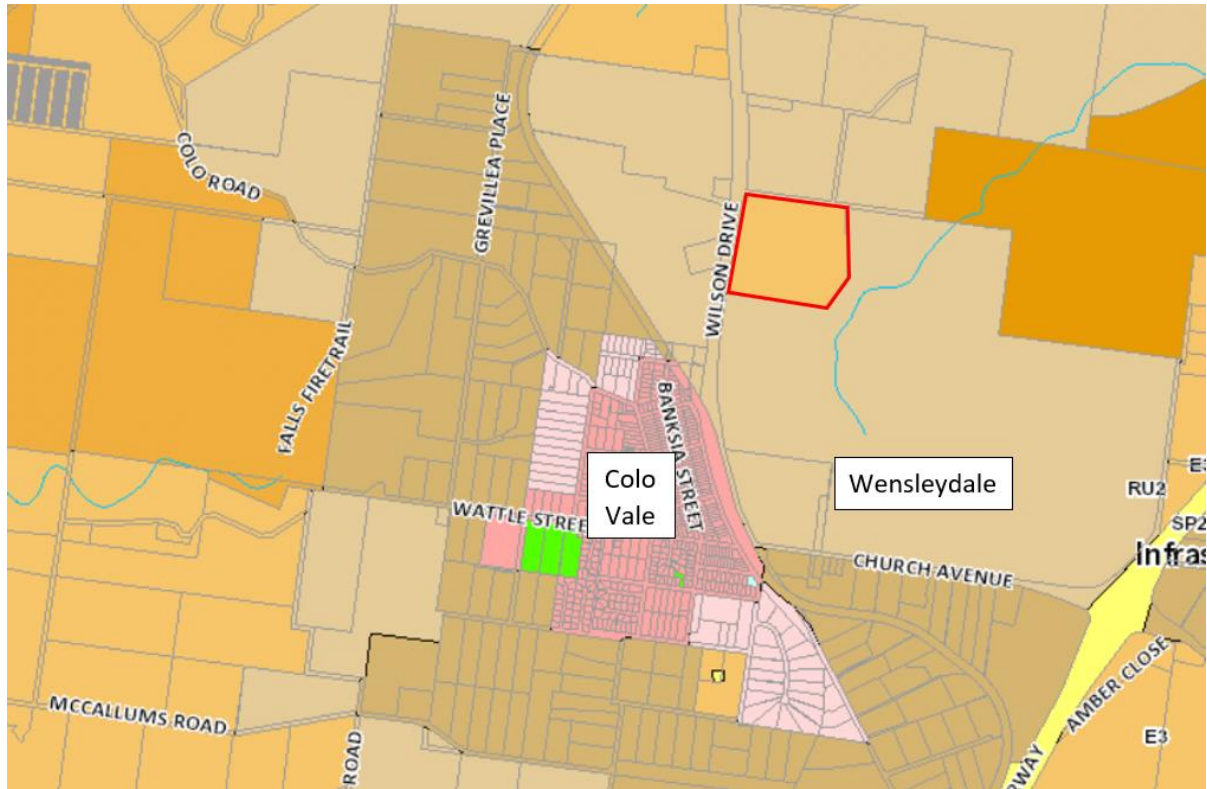


Figure 11 – Landowner Site 2 Subject Land

Staff Comments

The subject land is heavily vegetated, bushfire prone and contains high value environmental lands. The outcomes of the constraints analysis over the subject land is shown in **Figure 12** below.

It is recommended that the proposal not be incorporated into the final Housing Strategy and LSPS.



Figure 12 – Landowner Site 2 Constraints

Site 3 Proposal – Colo Vale

Site 3 is made up of seven (7) separate allotments on Wattle Street, Colo Vale as shown in **Figure 13** below. The individual landowners have collectively put in a submission to be included in the Local Housing Strategy and LSPS to facilitate a residential subdivision to provide smaller lots and housing types to meet the needs of the Colo Vale community.

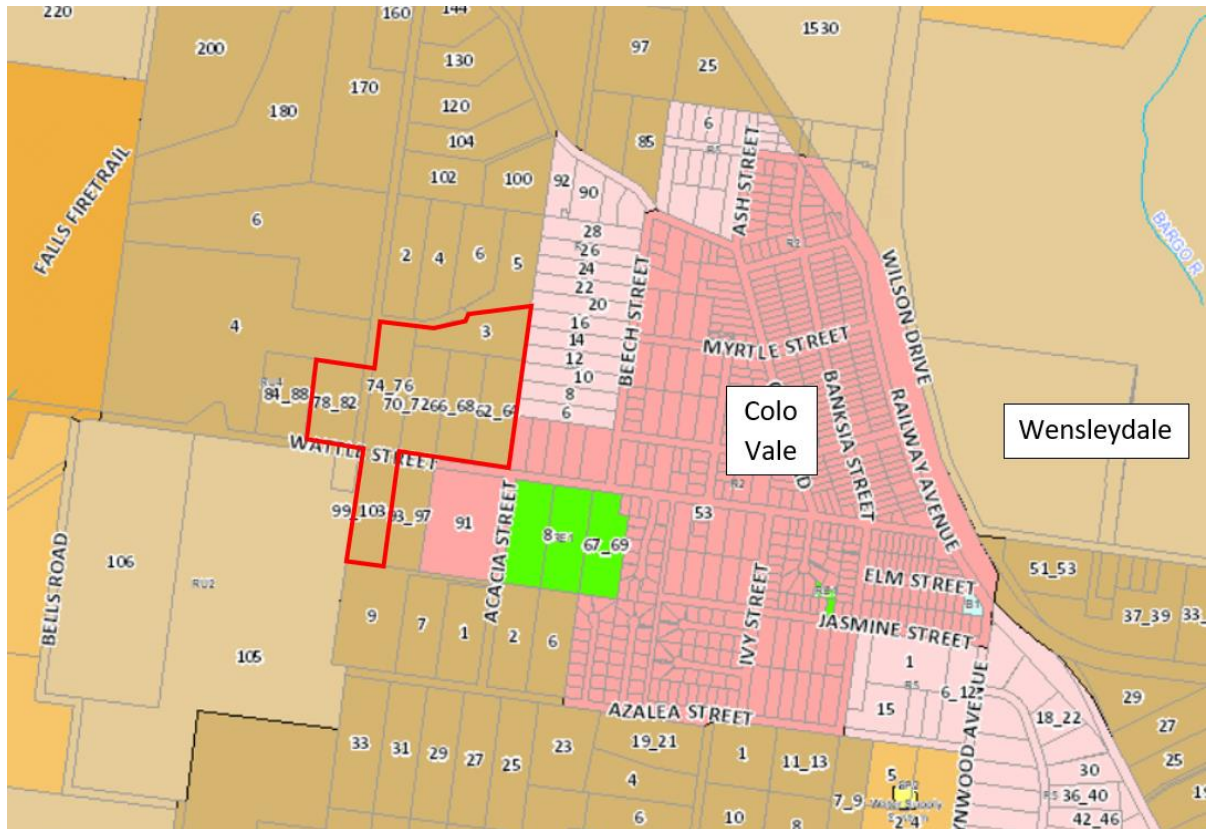


Figure 11 – Landowner Site 3 Subject Land

The submissions states that the subject land is located immediately adjacent to the existing residential area in Colo Vale. The land is in a high amenity area, in close proximity to the school and park, and is appropriately located to provide smaller lots and housing options to meet the needs of the community, and provide a modest increase in population to support the potential neighbourhood centre proposed for the Wensleydale site.

The proposal is supported by a high-level land capability assessment, which states that the site has no heritage, riparian or ecological constraints. Parts of the site are bushfire prone, however, development of the site provides an opportunity to create a bushfire buffer for the existing Colo Vale village.

The landowners are willing to work together to facilitate the residential subdivision of the land.

Staff Comments

The proposal has some merit in that it addresses the need to provide smaller housing options to meet the needs of our community, and provide opportunities for people to access appropriate housing options and age within their own community.

As outlined in the proposal, the subject land is located close to a school, park and immediately adjoining the existing residential area in the village, and is suitably located to accommodate smaller housing options.

However, as shown in **Figure 14** below, large parts of the subject land are constrained. The land is predominantly bushfire prone land, and contains high value environmental lands, which will limit the ability to clear vegetation and manage the bushfire threat appropriately.

The existing infrastructure networks in Colo Vale (particularly the traffic network) are limited in capacity, and unlike the Wensleydale site, the proposal would increase the number of vehicles utilising the existing street network in the village. The land is in fragmented ownership, which often leads to poor urban outcomes as individual allotments are developed in isolation. Despite a willingness from the landowners to work together, detailed Development Control Plan provisions would be required to facilitate a good urban outcome across the subject land.

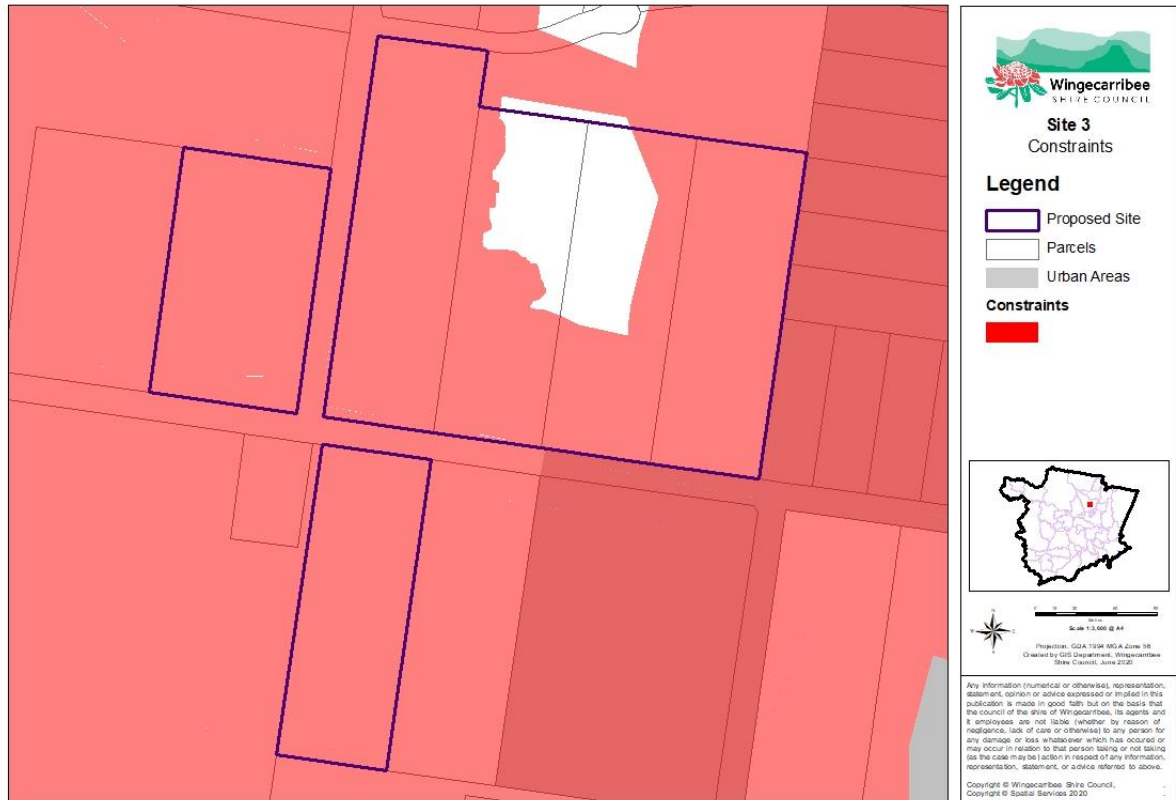


Figure 14 – Landowner Site 3 Constraints

The suitability analysis undertaken as part of the Local Housing Strategy identified the unconstrained parts of the land as moderately suitable for development, as shown in **Figure 15** below. However, the land is relatively constrained, and there is insufficient demand and justification to support an additional site within the Colo Vale village, and it is recommended that the proposal not be incorporated into the final Housing Strategy and LSPS.

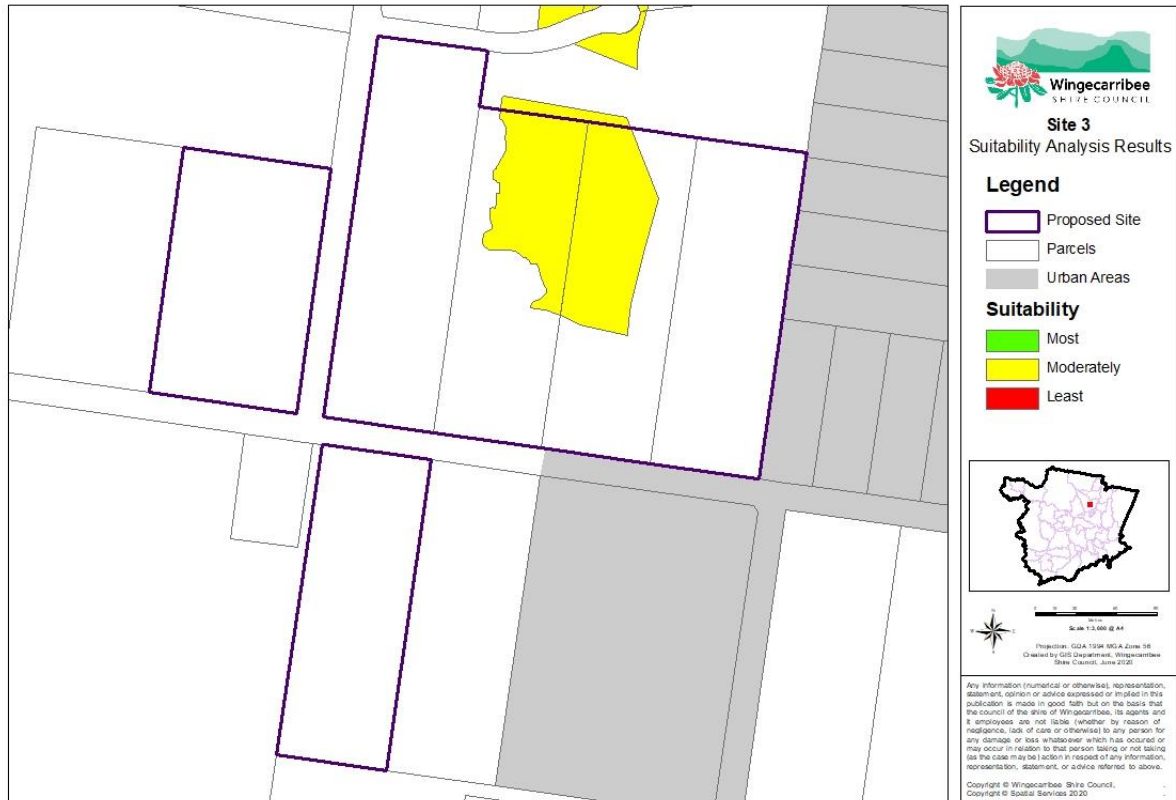


Figure 15 – Landowner Site 3 Suitability Analysis Results

Site 4 Proposal – 181 Drapers Road Colo Vale

Site 4 is located at 181 Drapers Road, Colo Vale (Lot 2 DP 700350) as shown in **Figure 16** below. The proposal seeks to rezone the subject land to facilitate a large lot residential / rural lifestyle subdivision over the subject land.

The proposal states that there is a strong demand / need for large lot rural lifestyle lots in the Wingecarribee, to accommodate people relocating out of south-west and western Sydney.

The submission states that the subject land is highly accessible to the Hume Motorway with easy access to south-west and western Sydney, as well as the southern parts of the Shire. The proposal states that the land is unconstrained, is not bushfire prone and can be easily connected to the sewer, with the Mittagong Sewerage Treatment Plant located close by. Further, the landowner is interested in developing in the short-term, so the site provides an opportunity to immediately address a housing need for the Shire, and provide an increase in population to support the future neighbourhood centre proposed for Colo Vale.

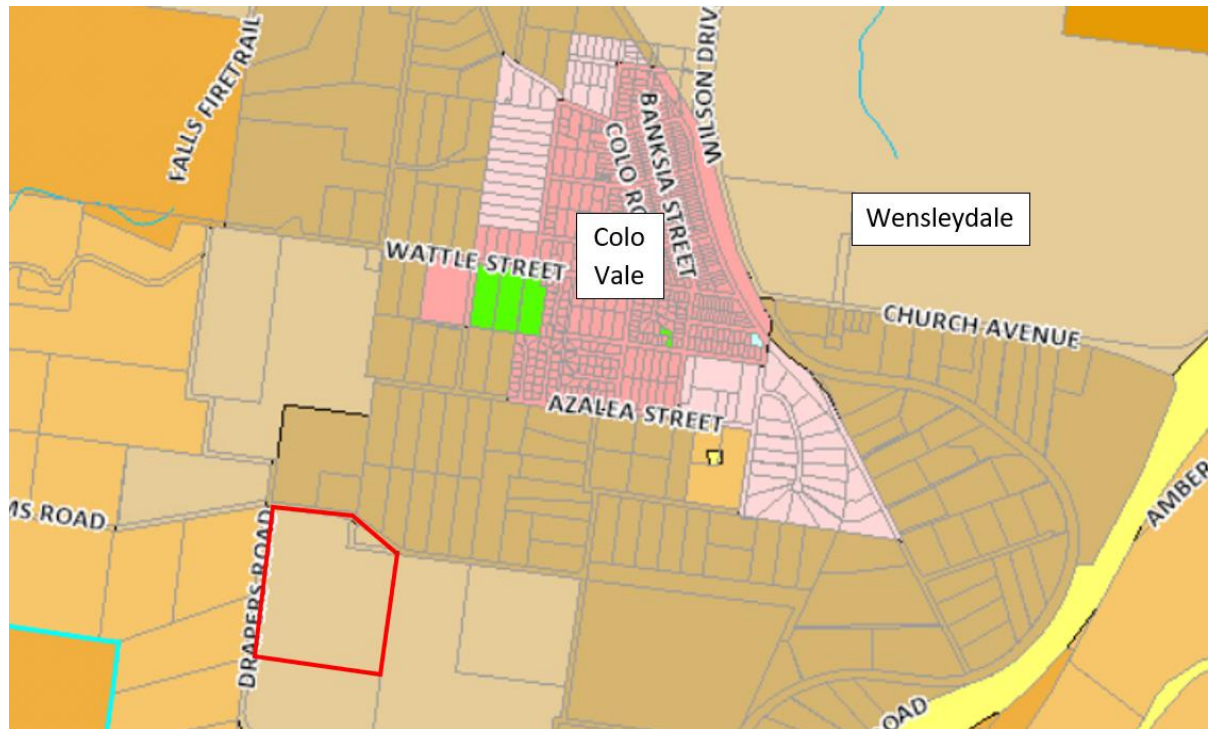


Figure 16 – Landowner Site 4 Subject Land

The proponent argues that development should be focused in the northern part of the Shire to accommodate population growth out of South-Western Sydney and to reduce congestion in the remainder of the Shire. The proposal also includes a proposed structure plan for the Colo Vale village. The proposed structure plan seeks to expand the residential area of Colo Vale significantly, including rezoning the existing rural lifestyle lots surrounding the village to a standard residential zone.

The structure plan also identifies opportunities for new large lot residential / rural lifestyle lots over existing rural properties as shown in **Figure 17** below.

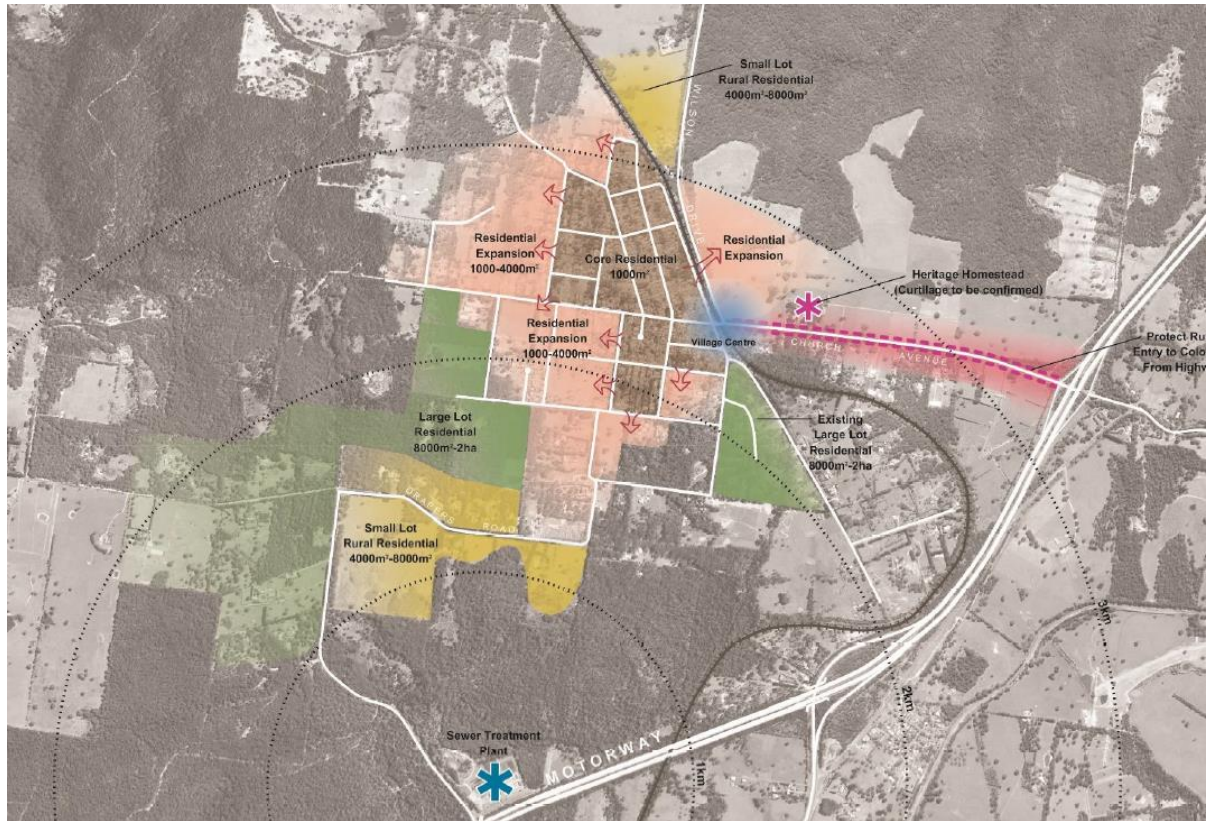


Figure 17 – Landowner Site 4 Structure Plan

In addition to the proposal, the submission challenges and makes a number of assertions in relation to the analysis in the draft Local Housing Strategy. The assertions made in the submission and corresponding staff comments are provided in **Table 1** below.

TABLE 1 – SUBMISSION COMMENTS

Assertion in Submission	Staff Comments
Housing Strategy does not adequately give effect to the Regional Plan by planning for large lot residential lots	<p>The Shire has a significant supply of existing larger lots, as well recently rezoned land that will facilitate a modest increase in rural lifestyle lots in the Shire, and the housing gap analysis undertaken as part of the Local Housing Strategy highlighted the need to provide smaller housing options to meet the needs of our community.</p> <p>DPIE has confirmed that they are satisfied that the strategy adequately addresses and gives effect to the Regional Plan.</p>
Colo Vale has been overlooked in the Strategies	<p>The Local Housing Strategy and LSPS identify a new living area and small neighbourhood centre on the Wensleydale site in Colo Vale.</p> <p>This will provide a modest increase in</p>

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	population, and a small neighbourhood centre, without completely changing the character of the village, consistent with the views expressed by the community throughout the Local Planning Strategy process.
There is a fundamental flaw in the constraints analysis which excludes land less than 40ha	The submission appears to misunderstand the analysis undertaken. The strategy excluded non-fragmented (over 40ha) high value agricultural lands, to ensure that we protect and maintain viable agricultural land in the Shire.
Proximity to health care and higher education should not be a consideration in the suitability analysis	<p>Locating people close to services including health care and education is a universally accepted planning principle, and is consistent with the Ministerial Directions to be considered when rezoning land for residential purposes.</p> <p>However, it is noted that health care and higher education were only two (2) aspects of the broad criteria that was used in identifying land suitable for residential development.</p>

Staff Comments

This proposal is predicated on an assumption that there is a strong need / demand for large lot residential and rural lifestyle lots, without providing any evidence to support that assumption. The Shire has a significant supply of existing larger lots, as well recently rezoned land that will facilitate a modest increase in rural lifestyle lots in the Shire, and the housing gap analysis undertaken as part of the Local Housing Strategy highlighted the need to provide smaller housing options to meet the needs of our community, rather than more large lots.

Larger lots still make up an important aspect of our housing supply, and there is no plan to reduce the amount of large residential or rural lifestyle lots in the Shire. However, given our aging population and shrinking household sizes, it is important to provide opportunities for people to downsize from rural lifestyle lots, to housing options that meet their changing needs. This in turn frees up the supply of larger lot residential housing, which will continue to provide appropriate housing choice in the Shire.

However, an oversupply of rural lifestyle lots, has the potential to compromise this important cycle in the housing supply market, where existing landowners cannot sell their rural lifestyle lot to downsize into more appropriate housing.

The structure plan submitted with the proposal ignores the significant known constraints of the land, and is not considered realistic or achievable. The structure plan as presented in the proposal would completely change Colo Vale and significantly increase the population away from services and employment, in an area with insufficient infrastructure to accommodate that level of growth.

Significant land fragmentation would also result in highly undesirable urban outcomes for Colo Vale, as individual land owners develop in isolation. Further, despite the submission being predicated on a need for additional large lot residential options, the structure plan

provided would result in a reduction in large lot residential land supply, and would significantly fragment the 'green between' Mittagong and Colo Vale.

Contrary to statements made in the proposal, large parts of the site are mapped as bushfire prone land. The constraints analysis (**Figure 18**) identified the land as largely bushfire prone and containing areas of high value environmental lands, which will limit the ability to clear vegetation and manage the bushfire threat appropriately.



Figure 18 – Landowner Site 4 Constraints

The suitability analysis undertaken as part of the Local Housing Strategy identified the unconstrained parts of the land as moderately suitable for development, as shown in **Figure 19** below. However, as outlined above, the structure plan is not considered realistic or achievable, and there is no adequate justification to provide additional large lot residential development areas. It is recommended that the proposal not be incorporated into the final Housing Strategy and LSPS.

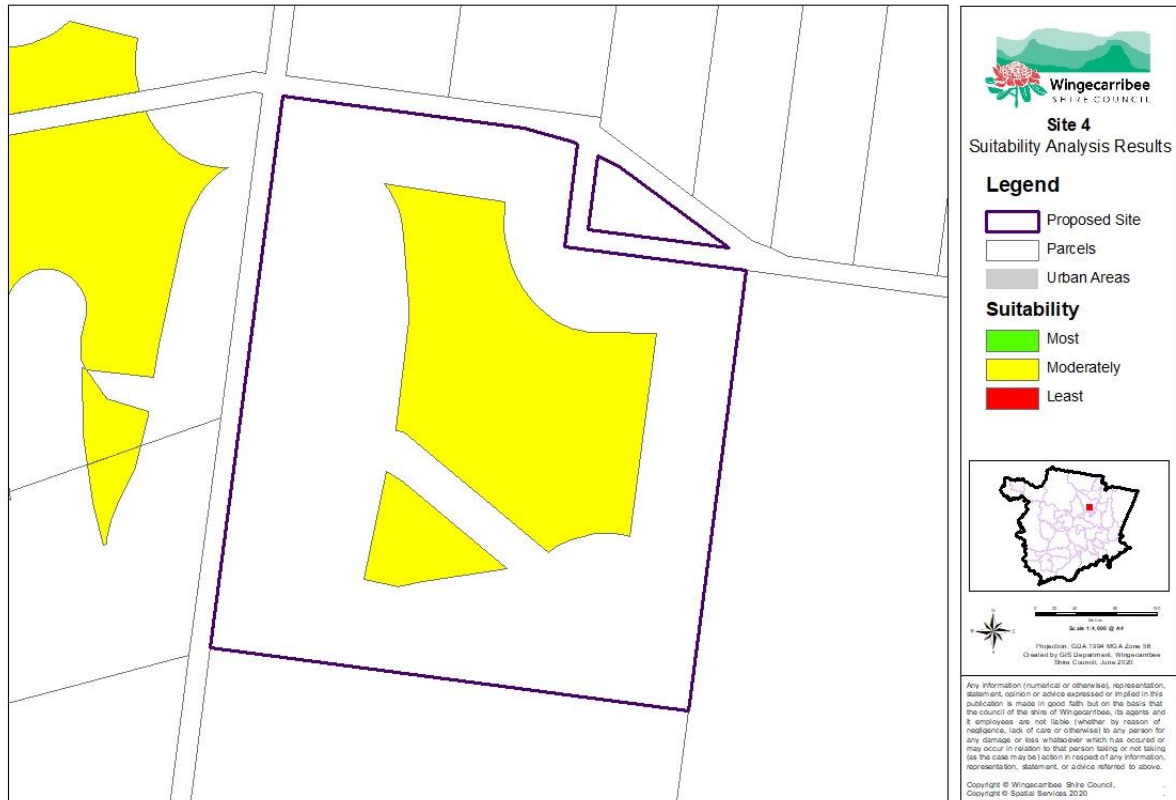


Figure 19 – Landowner Site 4 Suitability Analysis Results

Site 5 – 73 Mary Street Mittagong

Site 5 is located at 73 Mary Street, Mittagong (Lot 2 DP 157625) as shown in **Figure 20** below. The proposal seeks to rezone the subject land as infill development located between existing residential areas to the north and west, and the proposed New Living Area to the east.

The submission states that the proposal achieves Council’s objectives of infill development, on a site that is appropriately located in close proximity to services and employment. The site is highly accessible and has enabling infrastructure available at the site.

The proposal is supported by a concept subdivision plan which is shown in **Figure 21** below.

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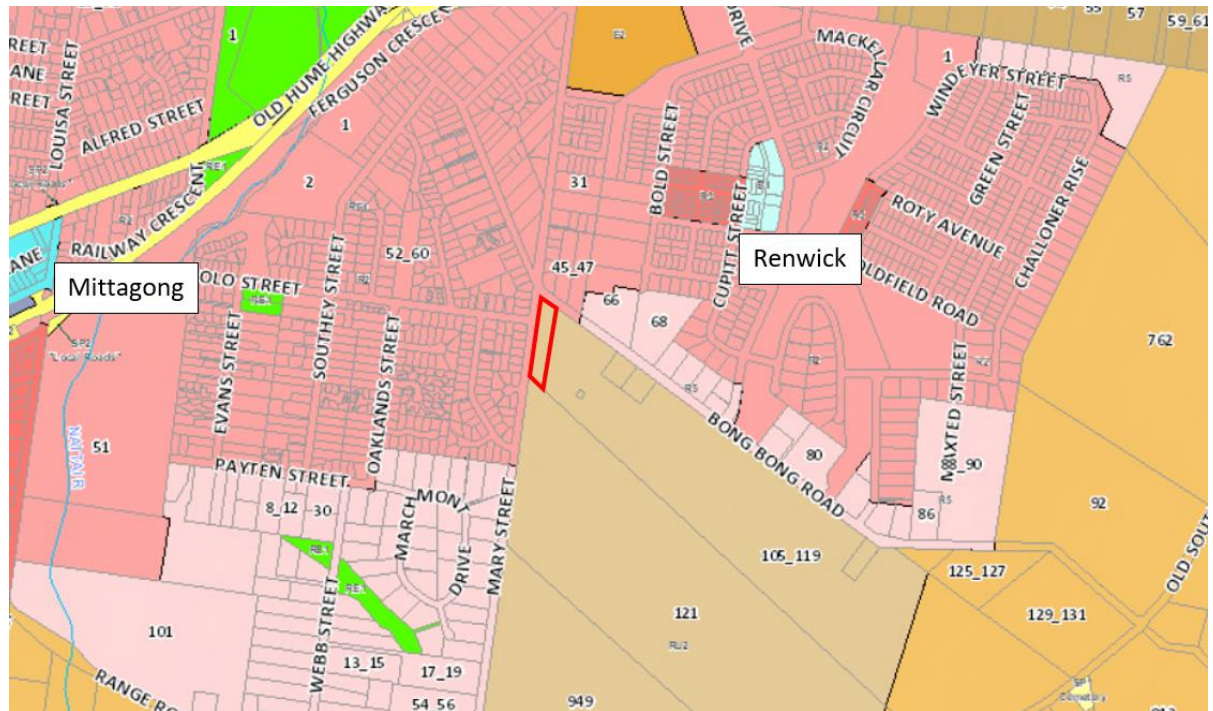


Figure 20 – Landowner Site 5 Subject Land



Figure 21 – Landowner Site 5 Concept Subdivision

Staff Comments

The proposal has some merit if the adjoining New Living Area proceeds, as the land will ultimately present as an infill development opportunity, in close proximity to the Mittagong town centre.

However, as shown in **Figure 22** below, the subject land is mapped as bushfire prone land, which may limit the development potential of the land.

It is recommended that the proposal be incorporated into the Local Housing Strategy as part of the Mittagong Investigation Area. If the New Living Area to the east proceeds, and the landowner can demonstrate the bushfire threat can be appropriately managed, the land may be able to be considered for a future infill rezoning.

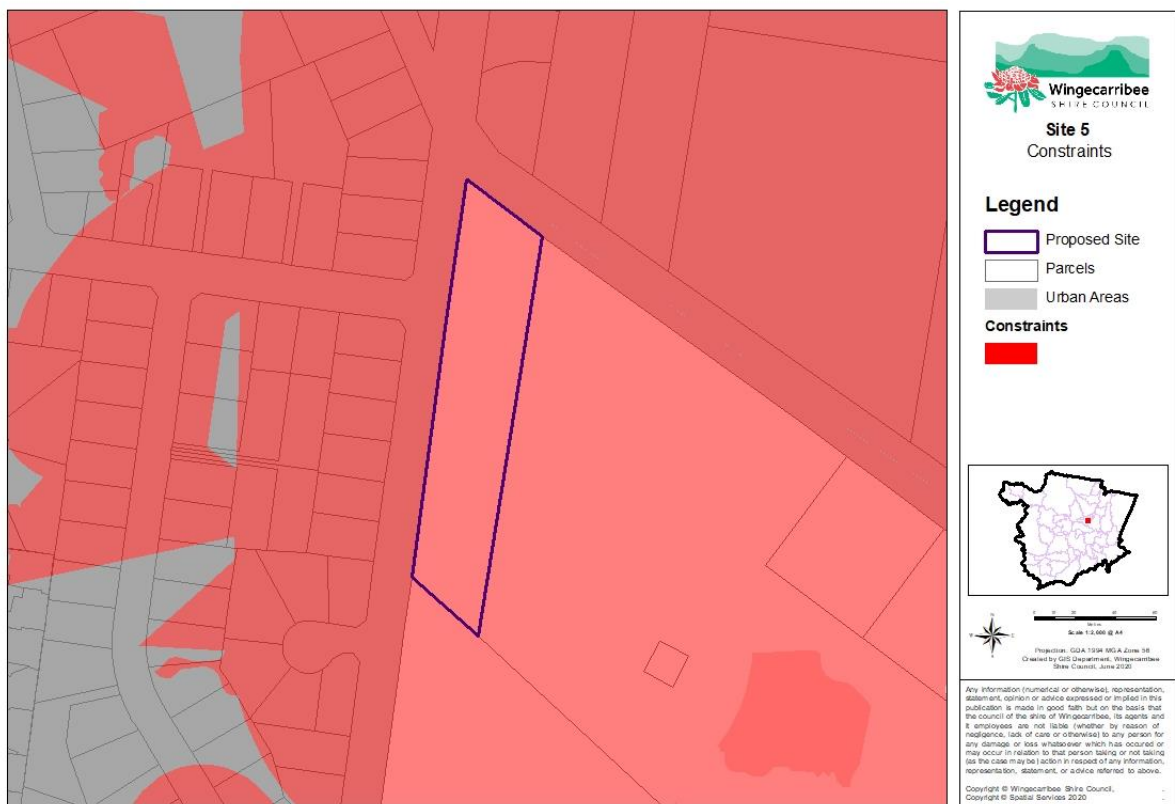


Figure 22 – Landowner Site 5 Constraints

Site 6 – 542 Kangaloon Road Glenquarry

Site 6 is located at 542 Kangaloon Road, Glenquarry (Lot 1 DP 1120682) as shown in **Figure 23** below. The submission states that the subject land is partially located within the proposed Bowral (South) New Living Area (separate Lot and DP), and was identified as high-moderately suitable for residential development through the Local Housing Strategy process. The proposal is seeking to incorporate the entire allotment within the proposed New Living Area.

The Local Housing Strategy identifies the Wingecarribee River as the long-term southern edge of Bowral, and the subject land is still bound by the Wingecarribee River as per the remainder of the New Living Area. The development of the subject land would provide an

additional 3km of riverfront land as public open space, and an opportunity to significantly improve pedestrian and cycleway linkages.

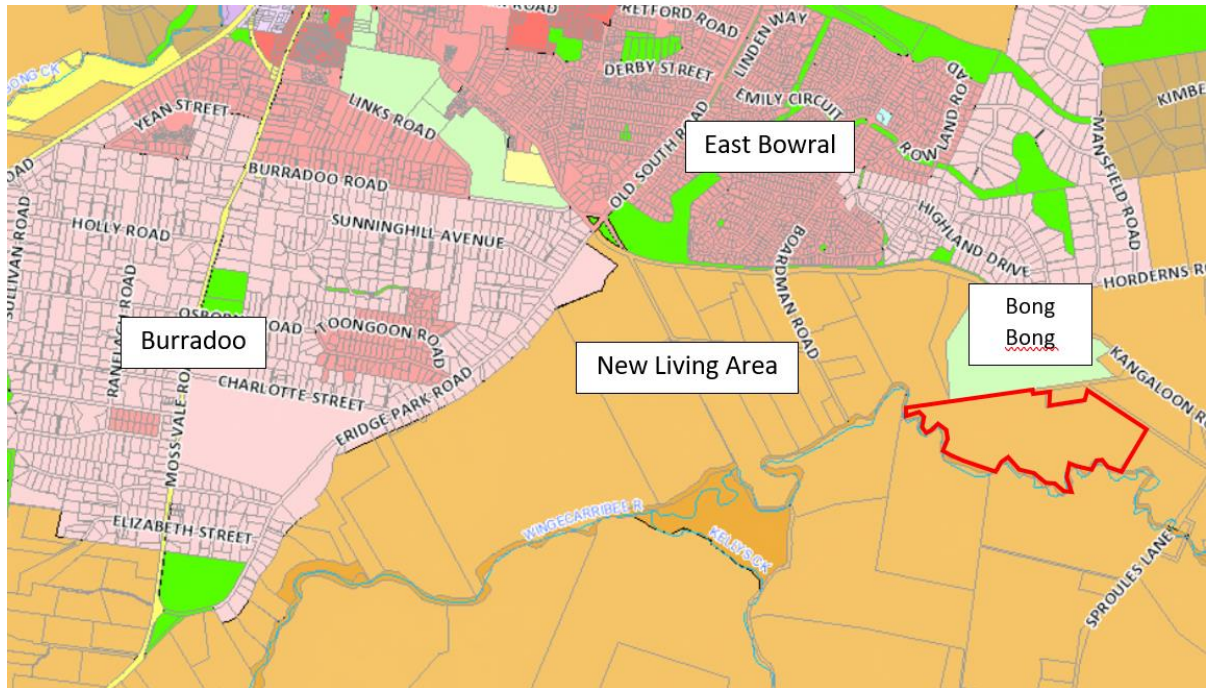


Figure 23 – Landowner Site 6 Subject Land

Staff Comments

As shown in **Figure 24** and **Figure 25** below, the subject land is largely free of any constraints, and was identified as being highly suitable based on the suitability analysis outlined in the Local Housing Strategy.

However, a key aim of the Local Housing Strategy and LSPS was to determine long term boundaries of our towns and villages, to ensure that we can manage urban sprawl and maintain the physical and visual separation between our towns and villages. The Wingecarribee River provides a logical southern boundary for Bowral, and the strategy identifies the Bong Bong Racecourse as the long-term eastern boundary for the town.

The proposal seeks to extend the New Living Area beyond the identified boundary, which is inconsistent with the aims of the strategies. Further, the identified New Living Area is anticipated to provide sufficient supply to meet the long-term housing needs of the community, and there is no justification for including additional land over and above what is required over the next 30 years.

Therefore, despite the land being relatively unconstrained, and potentially suitable for residential development, it is not recommended that the proposal be incorporated into the Local Housing Strategy or LSPS.

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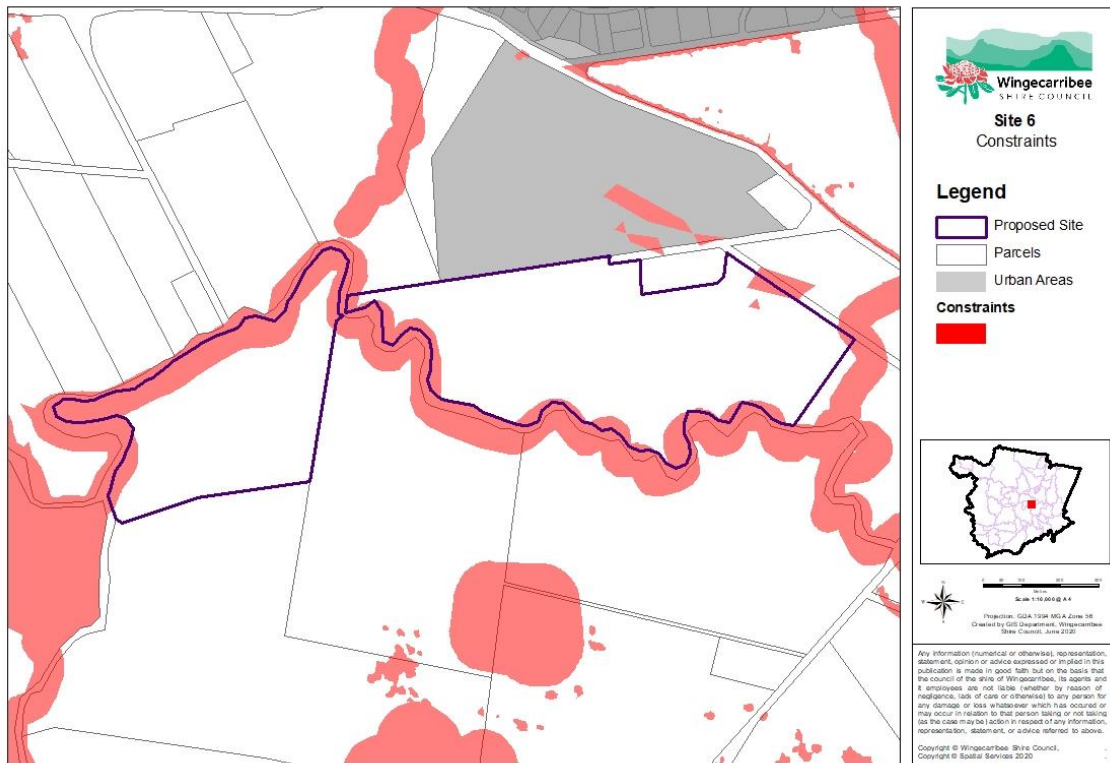


Figure 24 – Landowner Site 6 Constraints

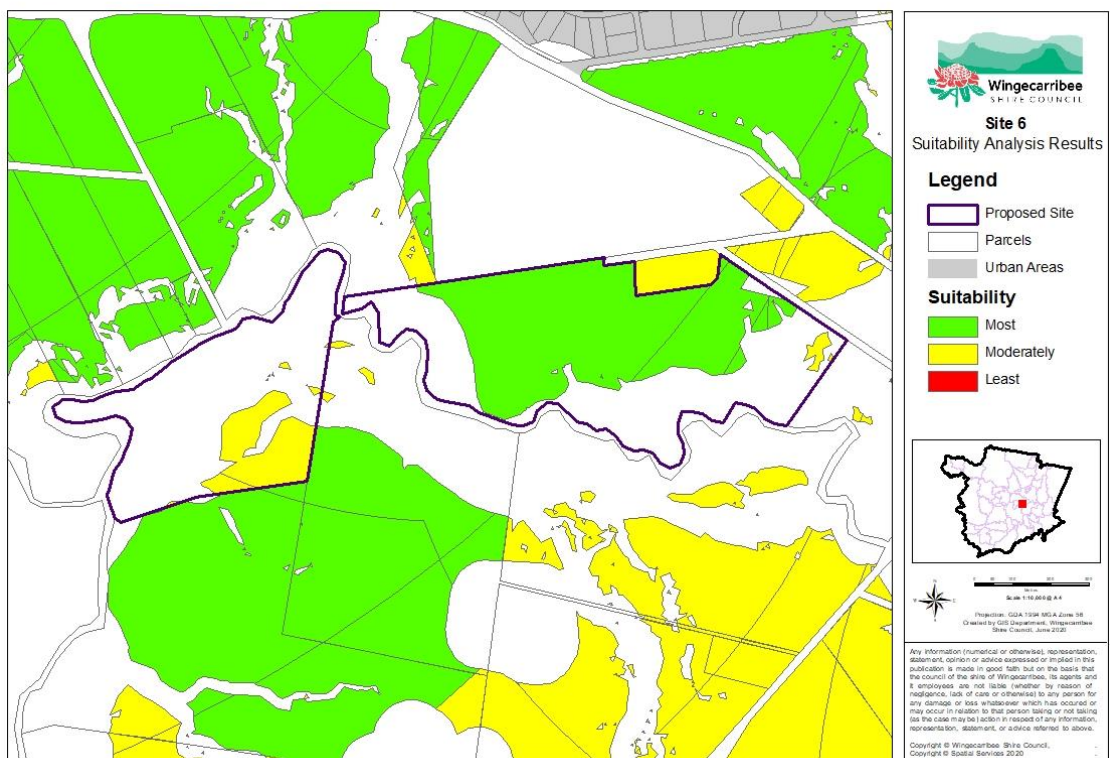


Figure 25 – Landowner Site 6 Suitability Analysis Results

Site 7 proposal – Cliff Street Bowral

Site 7 is located at Cliff Street, Bowral as shown in **Figure 26** below. The proposal is seeking to be rezoned from an R5 Large Lot Residential zone to an R3 Medium Density Residential zone. The submission states that the current zoning is an anomaly and that the land should be zoned R3 Medium Density Residential.

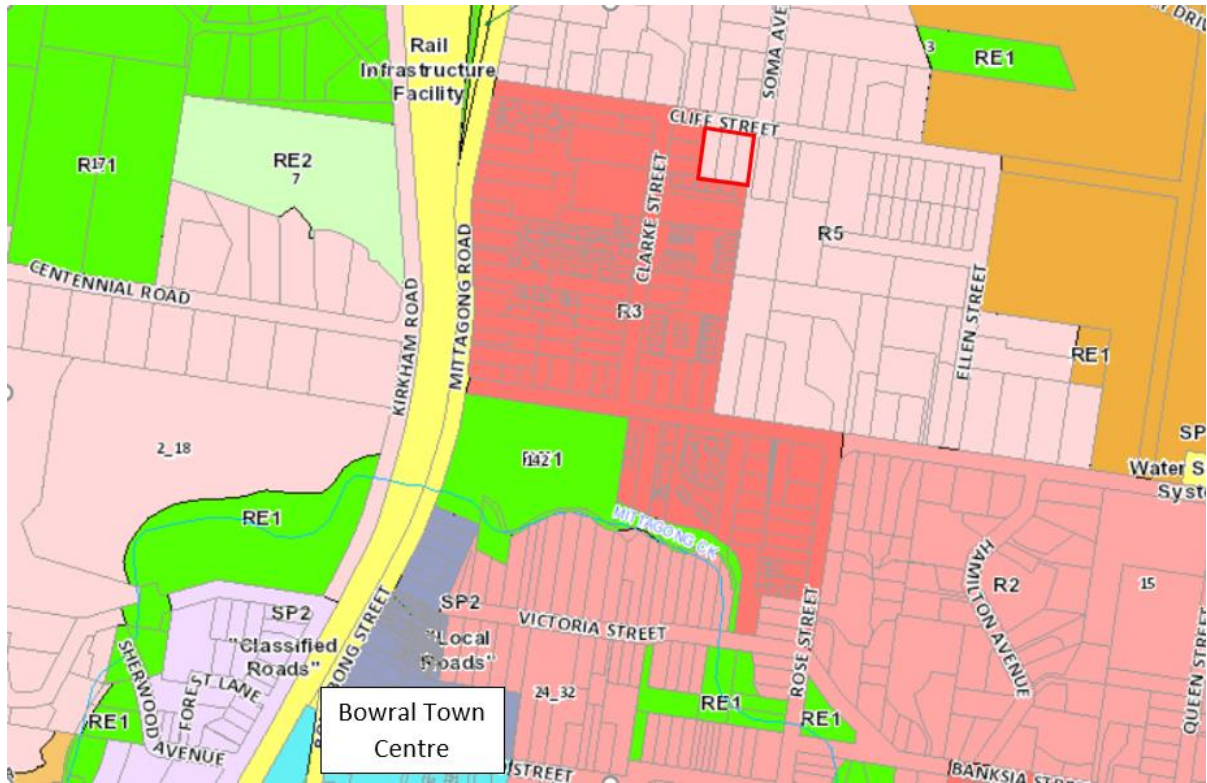


Figure 26 – Landowner Site 7 Subject Land

Staff Comments

The subject land is immediately adjoining medium density zoned land, however, the current zoning of the site is not considered to be an anomaly.

The proposal potentially has some merit, and could assist in achieving Council’s goals of delivering infill development, and greater housing mix in close proximity to existing centres. However, there is already a significant amount of R3 zoned land that is underutilised, and a rezoning of the subject land is not currently necessary or justified.

The Housing Strategy and LSPS identify targets for infill and medium density development, and if these targets are not being met, Council will consider all policy options available to increase the supply of infill and medium density development. While this may include rezoning additional land to R3, it is not recommended to incorporate the proposal into the Local Housing Strategy or LSPS at this stage.

Site 8 – Land on Yarrowa Road, Moss Vale

Site 8 is located on Yarrowa Road, Moss Vale immediately west of the existing Chelsea Gardens Coomungie URA as shown in **Figure 27** below. The proposal is seeking the subject land to be included as a potential New Living Area in the Local Housing Strategy.

The submission argues that subject land is suitable for residential development when analysed against the constraints analysis and suitability analysis outlined in the Local Housing Strategy, and the site should be included as a New Living Area.

The submission acknowledges that there might be infrastructure constraints in the area, however, they can be resolved by infrastructure upgrades as is the case for most new developments.

The submission suggests that Chelsea Gardens should be removed as one of the identified greenfield sites as it is already zoned residential, and the subject site should be included instead. Further, the sole reliance on a single developer to provide mass housing needs in Moss Vale might not yield desired results and will limit housing choice.

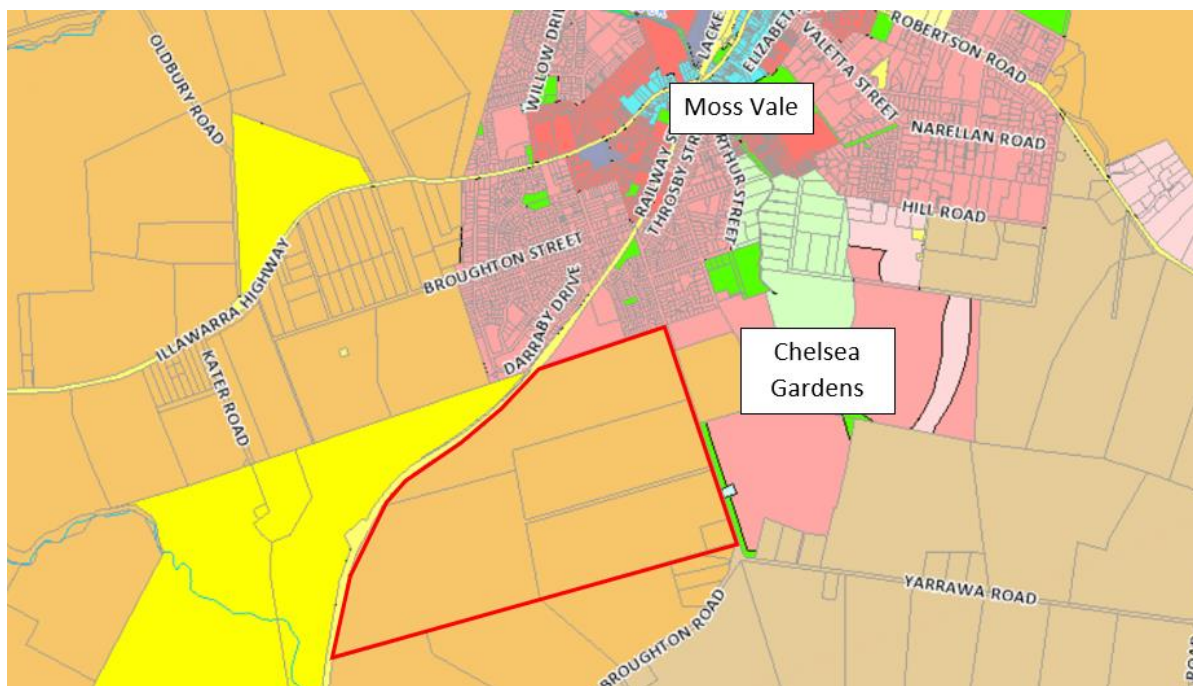


Figure 27 – Landowner Site 8 Subject Land

Staff Comments

As shown in **Figure 28** and **Figure 29** below, the subject land is largely free of any constraints, and was identified as being highly suitable based on the suitability analysis outlined in the Local Housing Strategy.

However, there are significant limitations within the local infrastructure networks (particularly traffic) that cannot be easily resolved as eluded to in the submission. It has become increasingly apparent as part of the assessment of the Chelsea Gardens Coomungie URA, that additional development to the west of Yarrowa Road would cause unacceptable impacts on the local and state traffic networks.

Further, a key aim of the Local Housing Strategy and LSPS was to determine long term boundaries for our towns and villages, to ensure that we can manage urban sprawl and maintain the physical and visual separation between our towns and villages. Yarrowa Road was identified in the strategy as the long-term western edge of Moss Vale, and the proposal is considered inconsistent with the aims of the strategies. Further, the identified New Living Area is anticipated to provide sufficient supply to meet the long-term housing needs of the community, and there is no justification for including additional land over and above what is required over the next 30 years.

Therefore, despite the land being relatively unconstrained, and potentially suitable for residential development, it is not recommended that the proposal be incorporated into the Local Housing Strategy or LSPS.

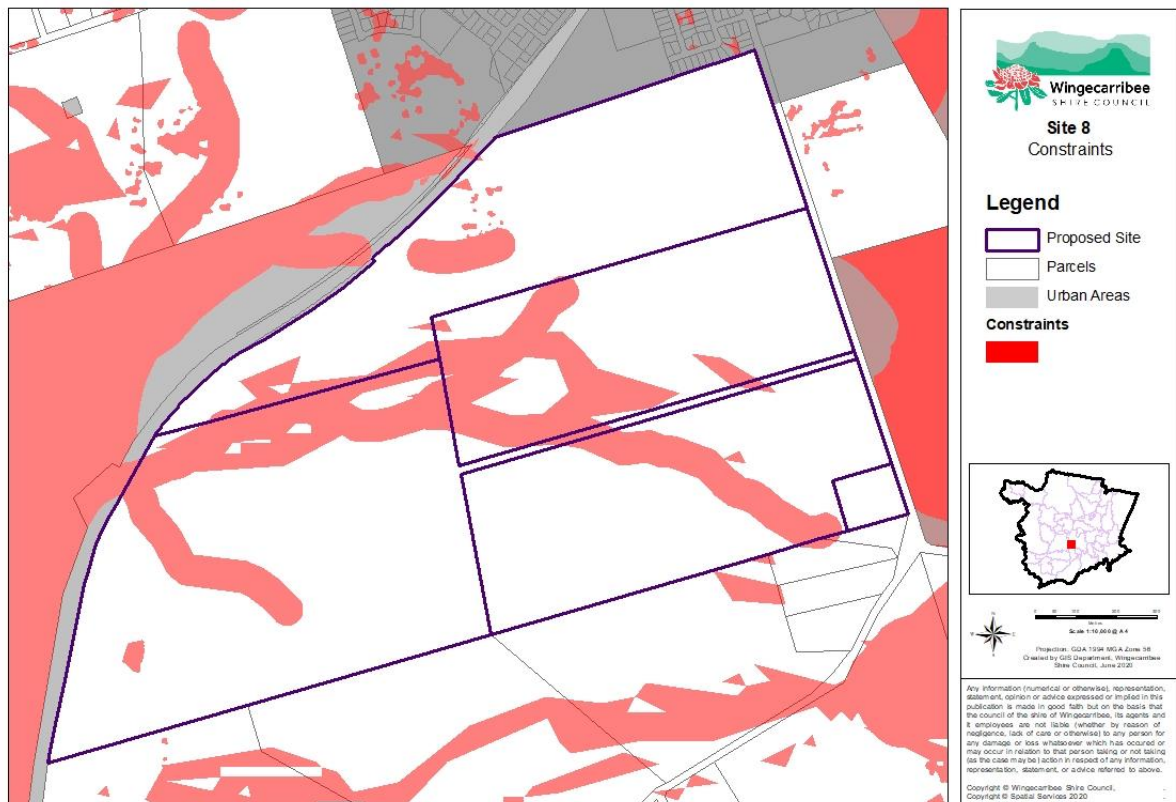


Figure 28 – Landowner Site 8 Constraints

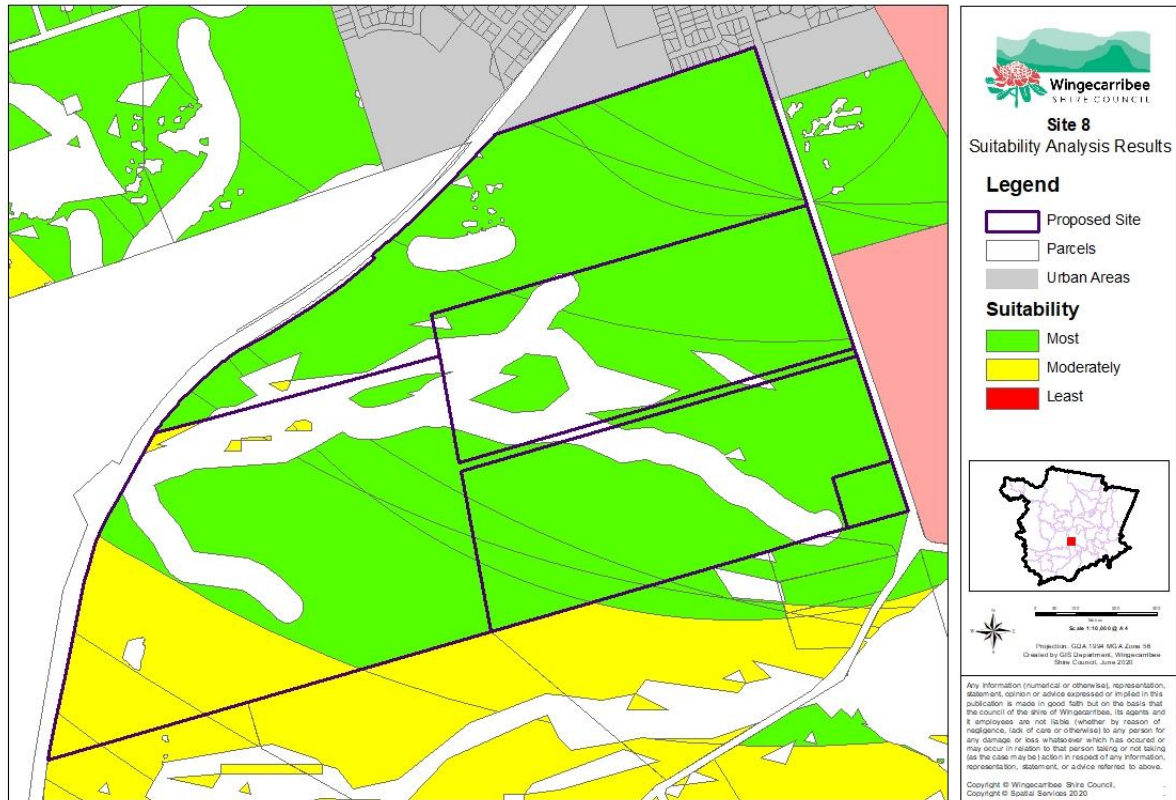


Figure 29 – Landowner Site 8 Suitability Analysis Results

Site 9 Proposal – Durham Farm 200 Durham Road Bundanoon

Site 9 is located at 200 Durham Road, Bundanoon (Lot 46 DP 751289) to the west of the existing Bundanoon township as shown in **Figure 30** below.

The proposal is seeking a rezoning from E3 Environmental Management to an RU4 Primary Production Small Lots to meet the demand for rural property in the Shire. The submission states that the proposal would provide an affordable acreage development in the Shire, and that Council should plan for 'affordable rural housing', not just affordable housing.

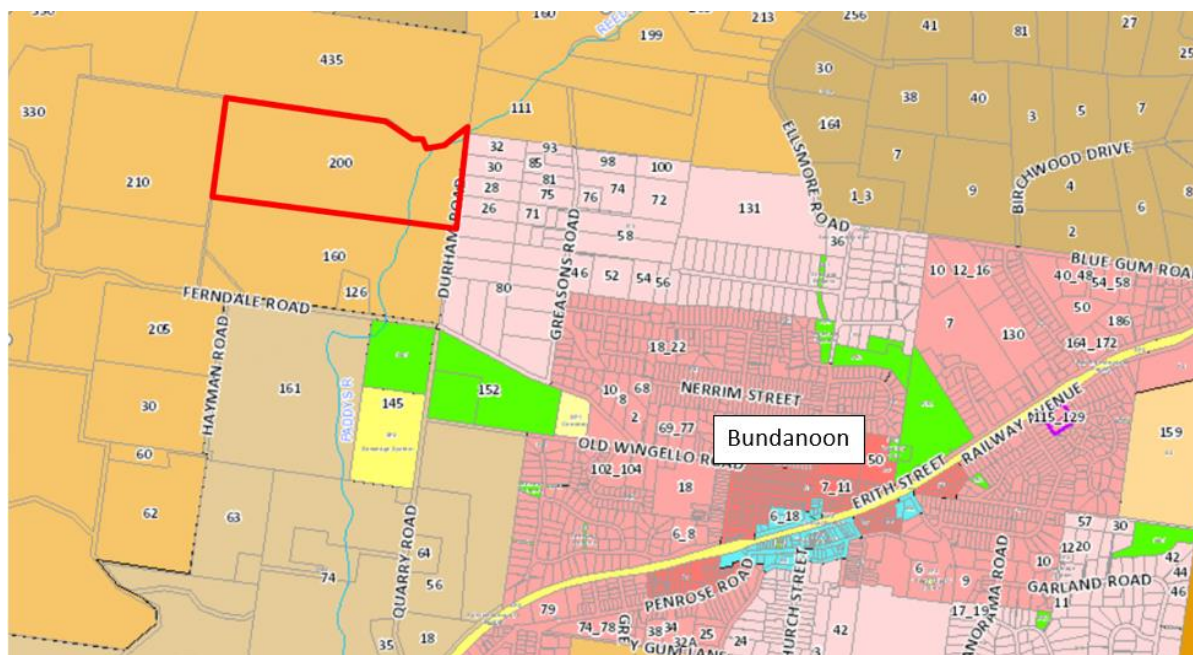


Figure 30 – Landowner Site 9 Subject Land

Staff Comments

There is a significant amount of capacity within the existing Bundanoon township for both residential and rural residential development, without the need to zone additional land for development purposes.

The subject land is located outside of the service are for the Bundanoon Sewerage Treatment Plant, and Water NSW has advised that they will not support any rezoning which provides additional development potential in unsewered areas.

There is no strategic merit for the proposal and it is not recommended to be incorporated into the Local Housing Strategy or LSPS.

Site 10 – 921 Penrose Road Penrose

Site 10 is located at 921 Penrose Road, Penrose (Lot 46 DP 751289) as shown in **Figure 31** below.

The submission is seeking the subject land be included in the strategy as a new living area, and to be rezoned from E3 Environmental Management to an R2 Low Density Residential zone.

There is support in the local community for additional housing, to improve the viability and sustainability of the community, and the submission is supported by a letter of support from the local community group.

The submission states that the proposal would provide an attractive option for first home buyers and young families and provides a more affordable housing option in Penrose. The subject land is in close proximity to the train station and village commercial centre, and would remove a significant bushfire threat from Penrose.

The proposal includes a concept subdivision plan (**Figure 32**) and a land capability assessment demonstrating the land is suitable for residential development.

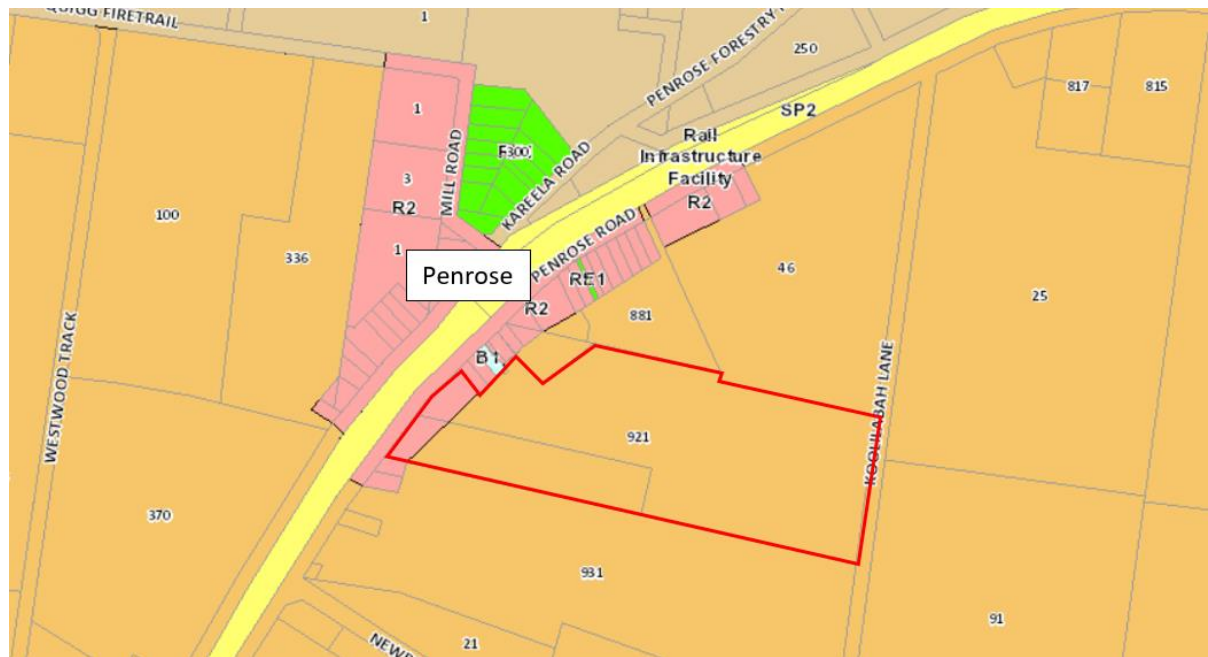


Figure 31 – Landowner Site 10 Subject Land



Figure 32 – Landowner Site 10 Concept Subdivision

Staff Comments

It is acknowledged that a modest increase in population in Penrose would support the viability and sustainability of the small existing commercial premises within the village. However, the proposal is considered inconsistent with the Section 9.1 Ministerial Directions which seek to locate new residential development areas in close proximity to services, employment and infrastructure.

Further, Water NSW have advised they will not support any rezoning which facilitates additional development in unsewered areas, and it is therefore not recommended to incorporate the proposal into the Local Housing Strategy of LSPS.

Site 11 Proposal – 1-9 Lemmons Road, Robertson

Site 11 is made up of five (5) individual allotments located at 1-9 Lemmons Road, Robertson as shown in **Figure 33** below. The individual landowners have collectively put in a submission to be included in the proposed New Living Area adjoining the subject land, to facilitate the residential subdivision of the land.

The proponents argue that additional housing would support population growth and the viability of the village centre. The subject land is considered suitable for development based on the suitability analysis outlined in the criteria.

The subject land has three (3) existing road frontages, and Lemmons Road could become the logical northern boundary of the village. The submission states that the site is not visually prominent, and the proposal would not impact on the streetscape or existing character of Robertson.

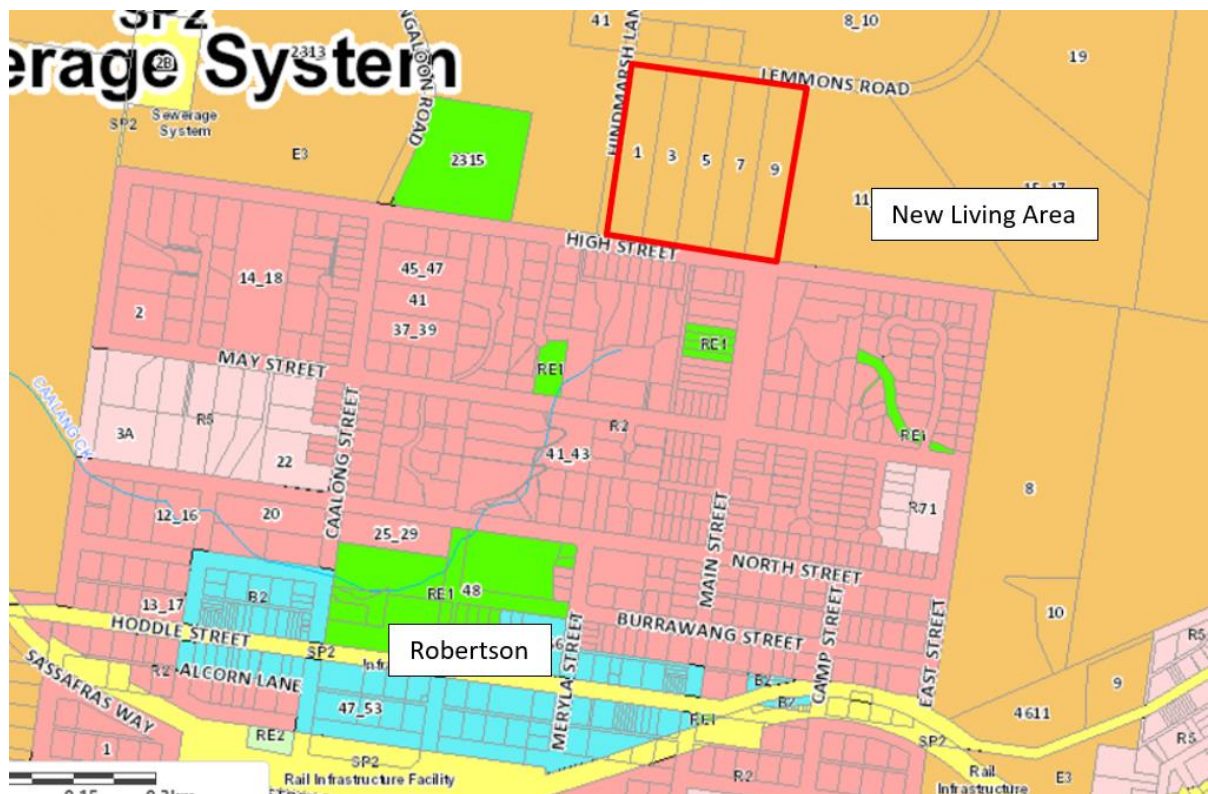


Figure 33 – Landowner Site 11 Subject Land

Staff Comments

The Local Housing Strategy and LSPS identify a potential New Living Area immediately adjoining the subject land. It is acknowledged that the subject land has similar attributes to the adjoining New Living Area, and was assessed as being moderately suitable in the suitability analysis undertaken as part of the Local Housing Strategy process.

However, the subject land ultimately ranked lower than the identified New Living Area due to the fragmented nature of the land.

The proposal is considered to have some merit, in that it would provide for modest population growth in Robertson and support the viability of the existing commercial centre. Further, the subject land has three road frontages, and Lemmons Lane could be established as the long-term northern boundary of the village.

However, the vast majority of submissions relating to Robertson opposed the identified New Living Area, and expressed a strong preference for infill development to support a modest growth in population for the village.

As outlined above, the identified New Living Area is recommended to remain in the strategies as a 'potential long-term living area – subject to future consultation with the community'. It is recommended that the subject land be incorporated into the Local Housing Strategy and LSPS as part of the potential future living area. It is noted that this would be a long-term housing option, and would be subject to more detailed consultation with the community prior to being considered for rezoning.

Site 12 Proposal – 123 Medway Road, Medway

Site 12 is located at 123 Medway Road, Medway as shown in **Figure 34** below.

The submission requests the land be rezoned to either a B4 Mixed Use, RE2 Private Recreation, B6 Business Enterprise, B2 Local Centre, R4 High Density Residential or R3 Medium Density, with a Floor Space Ratio of 4:1, 3:1 or 2:1, to facilitate the development of the subject land.



Figure 34 – Landowner Site 12 Subject Land



Staff Comments

The proposal has not demonstrated any strategic merit or justification, and the requested densities are not considered appropriate for the location.

It is not recommended to incorporate the proposal into the Local Housing Strategy or LSPS.

COMMUNICATION AND CONSULTATION

Community Engagement

The community engagement process is outlined in the body of this report.

Internal Communication and Consultation

The draft LSPS and draft Local Housing Strategy were developed with assistance from Council's Environment and Sustainability teams, as well as the Assets team to ensure the planning priorities outlined in the LSPS were reflective of their respective teams' priorities. Council's GIS team provided critical input into the project, undertaking all spatial analysis and mapping work for both the LSPS and Local Housing Strategy.

A number of information sessions were held with Councillors during 2019 and 2020 with a detailed information session held on 4 March 2020 to provide an overview of the LSPS. The draft LSPS and Local Housing Strategy were also reported through the Demographics and Housing Committee in 2019 and 2020.

External Communication and Consultation

The external communication and consultation process is outlined in the body of this report.

SUSTAINABILITY ASSESSMENT

- **Environment**

The draft LSPS and draft Local Housing Strategy provide a 20-year land use vision and planning framework for the Shire that seeks to manage growth in a way that protects the Shire's natural areas and rural landscapes. Further, the LSPS includes a number of specific planning priorities that seek to provide improved environmental outcomes across the Shire over the next 20 years.

- **Social**

The draft LSPS and draft Local Housing Strategy provide a 20-year land use vision and planning framework for the Shire that seeks to balance the economic, environmental and social needs over the next 20 years, and to ensure the needs of the community continue to be met into the future.

- **Broader Economic Implications**

The draft LSPS and draft Local Housing Strategy will provide a level of certainty in the future land use of the Shire, including the location of future development areas. This will allow Council, the development industry and the broader community to make informed investment decisions based on an adopted strategy of the Council.



- **Culture**

The draft LSPS includes planning priorities and actions that seek to better manage both Aboriginal Cultural Heritage and Non-Aboriginal Heritage across the Shire.

- **Governance**

The preparation of a LSPS is mandated under the Environmental Planning and Assessment Act, and is required to be adopted and submitted to DPIE by 1 July 2020.

The draft LSPS and draft Local Housing Strategy provide an evidence-based process for identifying how we will manage growth into the future. Once adopted, the LSPS will provide the long-term strategic framework to inform future LEP and DCP amendments.

COUNCIL BUDGET IMPLICATIONS

The intent of the LSPS and Local Housing Strategy is to provide certainty in the location of future development areas and will allow Council to make informed investment decisions in relation to new and augmented infrastructure. Further, the strategies recommend the introduction of a 'value capture' framework to provide a long-term, sustainable funding mechanism for infrastructure to support our growing communities.

RELATED COUNCIL POLICY

Not applicable in the context of this report.

OPTIONS

The options available to Council are:

Option 1

1. **THAT** Council adopt the revised draft Wingecarribee Local Housing Strategy (Attachment 1) and Wingecarribee Local Strategic Planning Statement (Attachment 2) with changes detailed in this report;
2. **THAT** the 'New Living Area' for Robertson be amended in both the Local Housing Strategy and Local Strategic Planning Statement to be shown as a 'potential long-term living area – subject to future consultation with the community';
3. **THAT** the Wingecarribee Local Strategic Planning Statement be finalised and uploaded on the NSW Planning Portal prior to 1 July 2020;
4. **THAT** Council formally submit the Wingecarribee Local Housing Strategy to the NSW Department of Planning, Industry and Environment for endorsement;
5. **THAT** Council write to all submission makers and advise them of this resolution.

Option 2

1. **THAT** Council adopt the draft Wingecarribee Local Housing Strategy and Wingecarribee Local Strategic Planning Statement as exhibited;
2. **THAT** the Wingecarribee Local Strategic Planning Statement be finalised and uploaded on the NSW Planning Portal prior to 1 July 2020;
3. **THAT** Council formally submit the Wingecarribee Local Housing Strategy to the NSW Department of Planning, Industry and Environment for endorsement;
4. **THAT** Council write to all submission makers and advise them of this resolution.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Option 3

1. THAT Council include additional site/s as potential new living areas in the draft Local Housing Strategy and Draft Local Strategic Planning Statement
2. THAT the draft Wingecarribee Local Housing Strategy and Wingecarribee Local Strategic Planning Statement be re-exhibited to give the community the opportunity to provide feedback on the additional new living areas proposed by Council;
3. THAT Council inform the Department of Planning, Industry and Environment that the draft Wingecarribee Local Housing Strategy and Wingecarribee Local Strategic Planning Statement will be re-exhibited, and Council will not meet the legislated timeframe to finalise the Local Strategic Planning Statement;
4. THAT Council write to all submission makers and advise them of this resolution.

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

CONCLUSION

The draft Wingecarribee LSPS and draft Local Housing Strategy provide a long-term planning framework to meet the economic, housing, social and environmental needs of our community. These important documents will provide certainty to the community in relation to how our Shire will plan for and manage growth over the next 20-30 years and will facilitate informed investment decisions for both Council and the development industry.

The Strategy and LSPS are intended to provide localised input into the review of regional planning policies and provide a framework for future amendments to the Wingecarribee Local Environmental Plan (LEP) and Development Control Plans (DCP). The LSPS and Housing Strategy will also inform future infrastructure planning and investment decisions by Council, State Government agencies and service providers.

ATTACHMENTS

1. Summary of Submissions
2. Wingecarribee Local Housing Strategy for Adoption - *circulated under separate cover*
3. Wingecarribee Local Strategic Planning Statement for Adoption - *circulated under separate cover*



Attachment 1 – Summary of Submissions

Agency Submissions	
Summary of Submission	Staff Response
<p>The DPIE (Planning) submission on the draft LSPS confirmed that the LSPS is not inconsistent with the South East and Tablelands Regional Plan or matters of State or regional significance. Further, the LSPS is generally consistent with the LSPS Guidelines.</p> <p>DPIE recommend the LSPS be amended to include additional information on how Council will monitor and report on the implementation of the planning priorities and actions to ensure the LSPS is consistent with the requirements of Section 3.9 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>DPIE recommended the actions that are not land use related should be considered to be removed, including Planning Priority 3.2. Further, Council is encouraged to consider a rationalisation/reduction in the number of actions to key deliverables to focus the outcomes of the document and reduce monitoring scope.</p>	<p>The revised LSPS incorporates additional information in relation to monitoring and reporting.</p> <p>Where possible, actions in the LSPS have been refined to focus on land use specific matters. Where an actions is not land use specific, it has been flagged as being non land use related (NL) in the LSPS, and will not be included in the annual reporting on the LSPS.</p>
<p>The DPIE (Planning) submission on the draft LHS states that the LHS gives a good LGA snap-shot, policy context and evidence base (population, age, household make-up, housing affordability, housing stock etc) consistent with the Department’s Local Housing Strategy Guideline.</p> <p>The LHS should be updated to reflect updated population forecasts for the Shire.</p> <p>The LHS should include an implementation and delivery plan as outlined in the Local Housing Strategy Guideline.</p>	<p>The LHS has been updated to reflect the updated population forecasts for the Shire.</p> <p>An implementation and delivery plan will be developed following the adoption of the LHS, to reflect the feedback received from the community.</p>
<p>The DPIE (Resilience Planning) submission states the LSPS would benefit from the following:</p> <ul style="list-style-type: none"> • A more detailed outline of the risks faced in the region. • The LSPS could include statements of known hazard risks (history of events) or hazard maps to support decision-making in the absence of scientific studies. 	<p>The issues raised in the submission are generally covered in the LSPS.</p> <p>Some recommended actions are not land use specific and are somewhat contradictory to the advice provided by DPIE (planning).</p>



<ul style="list-style-type: none"> • The inclusion of an action that focusses on resilience and recovery after a natural hazard event – rather than just before them – would help Wingecarribee build its resilience more broadly. • Considerations to managing future risk (climate and growth) so as to not to increase the population at risk and the demand on Emergency Services personnel and volunteers could be explored this could be incorporated into Action 1.2.3 of Priority 1.2. • It would be also highly suggested that council look at including an action to review its development controls to encourage adaptable and resilient buildings. 	
<p>Transport for NSW provides a number of suggested refinements to specific actions within the LSPS as well as minor mapping changes. The comments are provided for consideration when preparing the final version of the LSPS for Council, and TfNSW does not however require the LSPS to be revised or amended to accommodate these comments.</p> <p>TfNSW comments provide a basis for future collaboration with Council on strategic planning matters and our commitment to work with Council on strategic planning matters that have potential interaction or implications for Transport for NSW services and infrastructure.</p>	<p>A number of minor amendments to actions and maps have been incorporated into the LSPS consistent with the suggestions of TfNSW.</p> <p>The recommendations will be considered in future amendments to the Wingecarribee LEP and DCP.</p>
<p>DPIE (Biodiversity and Conservation) x2 submissions on the LSPS suggests a number of additional actions be included in the LSPS, specifically in Planning Priorities 1.2-1.4, 4.1 and 5.1-5.2.</p>	<p>The suggested actions for Planning Priorities 1.2-1.4 have been incorporated into the LSPS, where a similar action does not already exist.</p> <p>The recommended actions for Planning Priority 4.1 are covered in section 6 of the LSPS.</p>
<p>Heritage NSW are supportive of the heritage provisions contained within the LSPS and LHS. Heritage NSW make a number of suggestions to improve the management of heritage including:</p> <ul style="list-style-type: none"> • The preparation of an Aboriginal Cultural Heritage Study to inform amendments to the LEP. • Replacing the term ‘European Heritage’ with the term ‘Non-Aboriginal Heritage’ as it is more inclusive • Further articulating heritage as it relates to character. 	<p>The LSPS has generally been updated to reflect the suggestions of Heritage NSW.</p> <p>As outlined in the LHS and LSPS, Aboriginal Cultural Heritage Assessments are required prior to any of the new living areas being rezoned.</p>



<p>Water NSW submission on the draft LHS raised concerns about the proposed Bowral (South) New Living Area, particularly in relation to the release of water from the Wingecarribee Dam in flood events and / or a dam failure.</p> <p>The existing 2014 flood study, does not adequately consider the release of water from the Wingecarribee Dam, and additional modelling is required to determine a potential development footprint.</p>	<p>A follow up meeting was facilitated between Water NSW and Council, to agree on an approach for the proposed New Living Area. It was agreed that prior to any rezoning within the area, an updated site specific flood study will be required, that considers the release of water from Wingecarribee Dam, with outputs to be provided by Water NSW, and the LHS has been updated in this regard.</p> <p>Water NSW also requested a detailed assessment of soil and water constraints be undertaken prior to rezoning, to ensure that water quality impacts can be managed appropriately.</p>
<p>Water NSW generally support the draft LSPS, and note it gives due recognition to the Sydney Drinking Water Catchment and protecting water ways and water quality.</p> <p>Water NSW make a number of suggestions to include additional actions in relation to Water Sensitive Urban Design, as well as suggestions for improvements to Council's LEP and DCP.</p>	<p>A number of minor refinements have been made to specific actions in relation to WSUD.</p> <p>Comments will be considered during subsequent reviews of Council's LEP and DCP.</p>
<p>Illawarra Shoalhaven Local Health District is strongly supportive of the Vision, Planning Priorities and Actions contained in the LSPS.</p> <p>Strongly supports:</p> <ul style="list-style-type: none"> • Place-based planning for towns and villages • Actions to improve active transport and public transport • Plans to create healthy and socially connected communities • Greater housing mix <p>ISLHD provide resources and suggestions to consider in finalising the LSPS</p>	<p>A number of minor refinements have been made to specific actions to address the ISLHD comments.</p> <p>The recommendations will be considered in future amendments to the Wingecarribee LEP and DCP.</p>
General Submissions	
Summary of Submission	Staff Response
<p>The submission encourages Council to ensure that the value of shade for UV radiation protection and other co-benefits are fully recognised in the Shire's vision statement.</p>	<p>Comments are noted & will be considered during subsequent DCP review, especially those related to provision of shade.</p>
<p>The submission is generally supportive. Recommends including additional specific sustainability actions into Planning Priority 4.3, particularly</p>	<p>Comments are noted & will be considered during subsequent DCP review.</p>



<p>regarding broader range of lot sizes and focus on sustainable housing development & design principles.</p>	<p>It is noted that Planning Priority 1.1 includes specific actions to promote sustainable housing design principles.</p>
<p>LHS priority 1: Certain residential DCP controls should be reviewed as they currently do not allow for the best quality infill development outcomes to occur. FSR & frontage provisions particularly require review.</p>	<p>Comments are noted & will be considered during subsequent DCP review.</p>
<p>Cardno's assessment of the draft LSPS is that "it is of an exceptionally high standard in comparison to other LSPS documents. It relies on robust and reliable evidence directly relating to economic, social and environmental matters. It demonstrates the ways in which it is aligned with adopted strategic plans for the region and with Council's Community Strategic Plan. It clearly identifies planning priorities, practical actions and methods for monitoring and reporting on implementation."</p> <p>The submission makes some further specific comments, including that greenfield sites offer the opportunity to permanently and clearly define urban edges and to plan for and provide the urban-rural interface, as well as being an opportunity to implement water sensitive urban design treatments to the overall benefit of the broader environment. Greenfield sites also provide the opportunity for a whole-of-site design which incorporates the pathways, open space and connectivity considered so important in the existing towns and villages.</p>	<p>Comments are noted.</p>
<p>Strategy should emphasise importance of Shire to Sydney Catchment & other environmental constraints. More should be made of existing infrastructure and infill opportunities. More use should be made of new technologies in location of residential areas. More focus needed on smaller dwellings. More hostel & boarding accommodation needed. Population growth should be limited to reduce infrastructure demands & pollution issues. Housing should be designed to optimise solar benefits & should require more tree planting.</p>	<p>The importance of the Shire to the Sydney Catchment is recognised in the LSPS. Both the LSPS and LHS identify constrained land (highest environmental value) and exclude them from potential urban growth.</p> <p>The LSPS and LHS include specific actions to encourage and incentivise sustainable development outcomes.</p>



<p>The submission supports the approach to identifying potential residential release areas to accommodate future growth. With regard to how these areas might develop, however, COVID-19 has seen the introduction of significant changes to the way people live, work and socialise. A whole new way of planning may be necessary and the LHS & LSPS should be delayed until these impacts can be considered. Specifically, residential densities & open space opportunities (cycle ways and walking trails) may require significant review. The submission also notes the value of heritage, including heritage landscapes.</p> <p>Additional specific page comments have been included.</p>	<p>Comments are noted and will be taken into consideration during the master planning process, before new living areas are rezoned.</p> <p>The LSPS includes specific actions in relation to identifying and protecting heritage consistent with the expectations of our community.</p>
<p>The submission requests that the exhibition time be extended due to social isolation restrictions. The submission supports smaller homes for retirees which could benefit younger residents as well. Also encourages the location of medium density residential opportunities across the whole Shire - within the villages as well as the towns. The Shire is seen as an attractive area and needs to be made attractive for all types of households. This may become increasingly important as Sydney grows. Footpaths & cycleways should be encouraged to provide outdoor activities. Water & food safety should be a priority. New opportunities for business and investment should be encouraged, focussing on emerging industries that can make use of green energies & reduce our carbon footprint.</p>	<p>The LSPS and LHS promote a greater mix of housing types in appropriate locations, and has a strong focus on liveability, including the provision of active transport networks.</p> <p>The LSPS seeks to provide flexibility in the planning framework, to support innovation in business opportunities, and promote sustainable industries.</p>
<p>The submission addresses the need for affordable housing in the Shire to ensure a resilient future & a strong and stable community base. Submission also addresses the need for future housing to seriously address environmental sustainability through size, design, materials and environmentally supporting infrastructure, together with higher open space ratios for parks and community gardens.</p>	<p>The draft LSPS and LHS promote affordable housing as well as sustainable design and built form outcomes.</p> <p>Specific suggestions regarding design and infrastructure components can be considered during subsequent DCP review.</p>
<p>The submission is supportive, addressing the 'vexed question of controls over the increase in the Shire's population.' It offers a commendable</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural</p>



<p>alternative to a process of individual property rezonings. Protection of the rural and natural environment is considered a high priority. A more flexible approach to the balance of infill to greenfield development is preferred to a fixed ratio. Monitoring of development, and adjusting accordingly, is preferred. The economic and tourist benefits of the protection of the rural and natural environment need to be emphasised. These environments also support important and often endangered flora and fauna.</p> <p>The submission does not support the proposed Colo Vale (Wensleydale) residential area on the basis that there is little community support and that necessary infrastructure and services are not available. It is also considered unnecessary as the other greenfield sites will provide sufficient land to accommodate estimated future population growth.</p>	<p>and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p>
<p>The submission is supportive especially with regard to identifying challenges to the Shire and environmental opportunities. Submission does express concerns that population projections are under-estimated and that Council needs to act more quickly to introduce environmental protections. Submission also questions the projections in relation to the Station Street upgrade.</p>	<p>The LSPS and LHS have been updated to reflect the updated forecasts for the Shire. The LHS plans for a surplus of housing supply, so that the planning framework is adaptable to changing circumstances (such as increased population growth).</p>
<p>The submission addresses sustainability and conservation of energy while providing for the community within the Shire, with specific focus on passive solar design, natural building materials, and renewable resources for heating and cooling such as photovoltaic panels. The submission has also provided some measures and controls for infill and green field development.</p> <p>The submission also includes suggestions regarding future residential development, including a range of lot sizes and densities, ageing in home designs, the use of safe & environmentally sustainable materials, improved water saving measures, improved connectivity through cycleways and walkways & open space areas.</p>	<p>Comments are noted and are consistent with the priorities and actions outlined in the LSPS and LHS.</p> <p>Specific design & materials comments will be considered in subsequent DCP review.</p>

12.1 Local Strategic Planning Statement and Local Housing Strategy - Outcomes of Public Exhibition
 ATTACHMENT 1 Summary of Submissions



<p>Submission focusses on threats to the rural and natural environment from clearing for housing. The submission argues that population growth in the Shire must be slowed as it is already changing the character and liveability of the towns and villages as well as adversely impacting the environment. Any future housing must be more energy efficient and environmentally sustainable. "We need clever medium-density housing with a thoughtful variety of green spaces within the urban design and more trees to provide shade, coolness, animal habitat and a sense of wellbeing."</p>	<p>The proposed new living areas were identified through a detailed analysis to ensure growth can be managed in a way that does not impact on our rural and natural environment.</p>
<p>The submission addresses the need to slow down the Shire's population growth to reduce pressure on the environment and sustainability. The supply of housing needs to be limited to protect the rural character of the Shire. Housing supply in the last 5 years has been 4 times the increase estimated by NSW Planning.</p>	<p>The revised forecasts for the Shire estimate a very modest growth in population for the Shire.</p> <p>The LSPS and LHS seek to ensure that growth is managed in a sustainable way.</p>
<p>The submission considers the draft LHS to be "well thought out and presented". Specific comments are offered on certain pages. An additional 6th aim is suggested - "ensure that new development supports and enhances the Southern Highlands local character, natural areas and rural landscapes".</p> <p>Additional comments with regard to the LSPS stress the need for measurable outcomes, the preservation and enhancement of the Shire's local character, the need to review how and why people move about and connect, especially in light of recent COVID-19 impacts. The need for Council to actively engage with stakeholders, especially with surrounding Councils, was also stressed.</p>	<p>Comments are noted and are consistent with the priorities and actions outlined in the LSPS and LHS.</p>
<p>The submission questions how the strategies will address climate change, noting that now would be the time to put in place a 20 year programme of transitioning towards zero net emissions by 2050.</p>	<p>The LSPS contains a specific Planning Priority and set of actions relating to climate change.</p>



<p>The submission offers a SWOT (Strengths, Weaknesses, Opportunities & Threats) analysis of the Shire which addresses a range of factors including environment, lifestyle, education and business. This analysis concludes that the population projections are under-estimated and that if the goals of the strategy are to be achieved even greater population growth will be necessary.</p> <p>The submission proposes that, due to the recent challenges faced by the Shire (bushfire and COVID 19), it is necessary to encourage a "much larger and diversified population and to supplement the traditional business base by adding a more progressive innovation and education-based community."</p>	<p>The revised population forecasts outline high, medium and low growth forecasts for the Shire. The LSPS and LHS have identified enough land to ensure that we can manage growth in a planned and orderly way.</p> <p>The revised forecasts still anticipate a significant aging of our population and a reduction in school age and working age cohorts, providing significant challenges for our Shire. The draft LSPS and Local Housing Strategy include a range of actions to not only plan for an aging population, but also to encourage younger people to live, work and play in the Shire.</p>
<p>The submission references Council's declaration of a climate emergency on 12 February 2019 and that these strategies must now address greenhouse gas emissions, and energy efficiency as well as other possible impacts on "the unique Southern Highlands environment". The submission expresses concern with the level of projected population growth given the need to protect the Sydney catchment, food production land and the environment.</p>	<p>The LSPS contains a specific Planning Priority and set of actions relating to climate change, and specific actions to encourage more sustainable development outcomes.</p>
<p>With regard to the draft LHS, the submission notes that "the six proposed new living areas are generally 'greenfield infill' of the surrounding urban form within a natural boundary", or "a logical extension of the urban form. None are at significant odds with Council's 'green in between' policy". The submission also notes that while infill development must usually rely on existing infrastructure, greenfield development can provide infrastructure to a higher standard. Furthermore, the greenfield sites offer the opportunity for 'master planning' to provide the housing choice identified as a key component of the strategy.</p> <p>With regard to the draft LSPS, the submission notes that it was led by the Community Strategic Plan and addresses the Local Housing Strategy. Priorities are "clear, measurable and achievable".</p>	<p>Comments are noted and are consistent with the finding and analysis outlined in the LSPS and LHS.</p>



<p>The submission states its strong objection to greenfield development being 'forced upon' the Shire by the Department. The submission does not support the 50:50 greenfield infill proposal and considers that infill development has less adverse impact compared with current practices for the development of greenfield sites. The submission provides a number of suggestions as to where and when greenfield development might be acceptable and how that development might occur.</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p> <p>Specific DCP relevant suggestions can be considered in the subsequent review of DCP controls.</p>
<p>The submission "commends the draft Local Housing Strategy which has a thoughtful and valid methodology to identify the best location for future housing." The submission also expresses some concerns and offers suggestions for improvement. The submission questions the validity of the population projections and emphasises the need for Council to be proactive in establishing and enforcing environmental safeguards for any future greenfield development, especially without a clear timetable of schedule for such releases.</p> <p>The submission expresses concern about the basis for the 50% infill development goal and considers that the strategy should be more specific in relation to actions the Council will take to encourage/enforce the provision of smaller and affordable housing. The submission also recommends that Council emphasise the importance of sustainable, energy efficient and 'low running cost' housing.</p>	<p>The LSPS and LHS have been updated to reflect the updated forecasts for the Shire. The LHS plans for a surplus of housing supply, so that the planning framework is adaptable to changing circumstances (such as increased population growth or increased development pressures).</p> <p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p> <p>Specific DCP relevant suggestions can be considered in the subsequent review of DCP controls.</p>
<p>The submission questions where are the references to climate change and is concerned that there seems to be little regard for the effect of increasing temperatures; little regard for the need for clever climate appropriate house design and orientation and, retention of vegetation and tree coverage to cope with and manage climate change.</p>	<p>The LSPS contains a specific Planning Priority (No. 1.1) and set of actions relating to climate change, and specific actions to encourage more sustainable development outcomes.</p>
<p>The submission expresses the view that the recent rate of population growth must stop to protect the rural character of the area. The</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural</p>



<p>submission states that we need policies which respect and protect the environment and which are sustainable for future generations, and that infill development as at Renwick "is a tragedy and must not be repeated".</p>	<p>and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p>
<p>The submission does not support current rates of population growth and current residential development styles which have an adverse impact on current character. The current rate of population growth is not sustainable and must be monitored to avoid "becoming another Campbelltown." Retail areas are similarly becoming more homogeneous. Council needs to take a stronger stand against these changes.</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p>
<p>Any planning proposal submitted shall be assessed against the amount of carbon emissions generation and are carried out in the most environmentally sustainable fashion to ensure our shire can transition to a carbon neutral community.</p>	<p>The LSPS contains a specific Planning Priority (No. 1.1) and set of actions relating to climate change, and specific actions to encourage more sustainable development outcomes, and this will be a consideration of Planning Proposals moving forward.</p>
<p>The submission objects the strategies due to the perceived over-development of the area. Also states, people who choose to live in this region enjoy the open spaces and rural aspects, and the plan has no merit apart from over-crowding with no additional amenities for residents such as local shops or services.</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p>
<p>The submission questions the population projections and states that they are not accurate and hence can result in the strategies not have desirable outcomes. As people and businesses realise that working remotely is greatly beneficial, people might want to move into regional area from the city and hence the housing stock will fall short in the Shire and hence become unaffordable for people. Wingecarribee can achieve its stated objectives for development of the community, however, reliance on the current population projections could have a negative impact on reaching those objectives and could result in a very changed and undesirable housing structure for the shire.</p>	<p>The LSPS and LHS have been updated to reflect the updated forecasts for the Shire. The LHS plans for a surplus of housing supply, so that the planning framework is adaptable to changing circumstances (such as increased population growth).</p>

12.1 Local Strategic Planning Statement and Local Housing Strategy - Outcomes of Public Exhibition
 ATTACHMENT 1 Summary of Submissions



<p>The submission is generally supportive of both strategies, but would encourage Council to consider wider employment opportunities and benefits to the community from more innovative industries and businesses which could be located in the region. The submission also notes the need to address affordable housing.</p>	<p>The LSPS seeks to provide flexibility in the planning framework, to support innovation in business opportunities, and promote sustainable industries.</p> <p>The draft LHS and LSPS include specific planning priorities and actions to increase the stock of affordable housing in the Shire.</p>
<p>The submission supports extending the consultation period due to COVID-19, but also makes the point that post-COVID-19 ways of life and consequent Council responses may well be different from now and that a broader perspective may now be needed. The relationship between residential and business zone land uses and more working from home are specific examples. More use of 'cluster housing' opportunities should be considered where open space and recreation facilities can be shared among a number of residents. There is a need to provide affordable housing within the Shire to develop and maintain the businesses and industries identified in the plan, and not rely on workers coming from other areas. The impact of non-resident property owners should be considered. Seniors housing options that offer lifestyle choices reflect this type of accommodation.</p> <p>Submission suggests that the Moss Vale Enterprise zone could be developed to serve as a 'hub' for home based or local businesses, enabling and encouraging more residents to work locally. Retail centres could also undergo significant change post-COVID-19. Better use could be made of school grounds for broader community use.</p>	<p>Comments are noted and are consistent with the priorities and actions outlined in the LSPS and LHS.</p> <p>The LSPS includes specific actions to undertake a review of Employment Lands in the Shire to support employment generating development.</p> <p>Specific comments relating to DCP controls will be considered in subsequent DCP review.</p>
<p>The submission offers a comprehensive review of population growth and future estimates for the Shire noting that they key component of population growth in net in-migration. The submission makes some interesting observations about how medium density housing is defined and calculated for census purposes, resulting in a potential under-enumeration of the Shire's actual medium density/smaller lots housing.</p>	<p>These comments are noted and will be considered the development of a land and housing monitor.</p>



<p>Proposed rezoning of land in Medway.</p>	<p>The submission is addressed in the body of the report.</p>
<p>The submission considers the LHS to be well intentioned but lacks detail on how infill development will be achieved. It questions how the population growth forecasts were done and the extent to which the supply of lots from current development proposals is factored in. Also, infill development is cited as a priority but there is no clear indication of where it might go and so how feasible it is. There is a strong emphasis on smaller housing, but housing is built to meet the market and the market does not seem to want smaller housing. Subdivision and infill in new estates should not be allowed. The DCP controls do not appear to be effective in preventing this. Stronger controls should be in place through '88B Instruments'. Any future development should ensure that the developer contributes to infrastructure needs and new development should be environmentally sustainable.</p>	<p>Council has a significant amount of medium density zoned land in close proximity to our three main centres of Bowral, Mittagong and Moss Vale. Council has previously undertaken an assessment of both the capacity and likely supply of infill development options, which demonstrate there is sufficient zoned land to accommodate infill development.</p> <p>Further, the LSPS and LHS include specific actions to investigate and remove unnecessary barriers to realising the potential of this zoned land to increase the stock of medium density housing. The LSPS and LHS set housing targets, and where the targets are not being met, Council will update the planning framework where required.</p>
<p>The submission suggests that in order to save the Shire's rural nature and green spaces, it is essential to control the population growth and not place added demand on infrastructure.</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting important rural and environmental lands, and balancing infill and greenfield development to protect and enhance the character of our towns and villages.</p>
<p>The submission emphasises that the impacts of population growth on education demand, active open space and community facilities must be addressed as well as the overall impact on expanding town centres. Supporting good design is essential and practical incentives are required. Seniors Housing should comply with the SEPP given local climate conditions.</p> <p>The submission estimates that an additional 1500 lots in greenfield areas is an over provision of dwellings. It also suggests that Council should consider reducing the minimum lot size in areas where there are services below the current 4000m2.</p>	<p>The LSPS and LHS includes specific actions that seek to align infrastructure delivery with population growth, to ensure our growing communities are supported by essential infrastructure.</p> <p>The LHS plans for a surplus of housing supply, so that the planning framework is adaptable to changing circumstances (such as increased population growth).</p>
<p>Bowral Submissions</p>	



Summary of Submission	Staff Response
<p>Opposed the new development area in Bowral South, as new residential development should be distributed all across the Shire instead of Bowral South taking most of the load. Also, the same development was not supported 10 years ago and people are still of the same opinion.</p>	<p>Matter addressed in the Council report.</p>
<p>Supports Council planning for future residential development in the Shire. However, opposes the new living area proposed in Bowral South. Argues that the new living areas should be distributed all across the Shire instead of Bowral South and Moss Vale taking most of the load. Also, states that the lack of a master plan makes it difficult to accept or comment on the strategy.</p>	<p>Matter addressed in the Council report.</p>
<p>Objects to the Bowral South new living area as the construction will poison the Wingecarribee river, and use up a lot of highly fertile agricultural land of the area. Also suggests that new development around Hume Highway will be much lower impact.</p>	<p>Matter addressed in the Council report.</p>
<p>The submission is made on behalf of the land owners of one of the land included in the strategy as new residential area. The submission requests to add another lot to the investigation area proposed for future residences in Bowral South, which would increase the currently proposed New living area. This in turn could lead to future connections onto the Wingecarribee Reservoir, which would be of enormous long term value to the whole of the Wingecarribee community. It would also add to the land fronting Wingecarribee river. It will also be a continuation of urban usage of land. The submission also highlights that the land could be used from non-vehicular linkages</p>	<p>Matter addressed in the Council report.</p>
<p>The submission is supportive of the proposed new living area in Bowral South.</p>	<p>Matter addressed in the Council report.</p>



<p>The submission talks about wasted land in Burradoo region and requests for min. lot sizes to be reduced and used for infill residential development without unduly creating over-development.</p>	<p>Large lot residential will continue to be an important component of our housing supply in the Shire. The LHS and LSPS will not facilitate a reduction in lot sizes in Burradoo.</p>
<p>The submission does not support the strategy and is mostly general in nature and has a few points regarding South Bowral development.</p> <p>It questions how will the infill vs greenfield be fairly measured and monitored on a yearly basis to ensure it is not just the bigger / easier greenfield that overrides and takes priority and how does a 50/50 split make it fair? Why are the greenfield development that took place between 2016-2020 not part of the strategies? Additional studies for the South Bowral site like flooding etc. shall be done prior to deciding this a residential area. The submitter fears that the Shire will become a smaller Sydney based on the strategy even if we do not share boundaries. The proposed residential development is also a threat to the heritage trees and wildlife and potential flooding in the area.</p>	<p>The Land and Housing Monitor will be reported annually to Council against the housing targets outlined in the LHS, and will guide future rezoning decisions.</p> <p>The Bowral (South) New Living Area is addressed in the Council report.</p>
<p>The submission supports the Bowral South new living area and the owner will continue to pursue a seniors living development on the subject land.</p>	<p>Matter addressed in the Council report.</p>
<p>17 Cliff Street, Bowral - spot rezoning (addressed in Council report)</p>	<p>Submission addressed in Council report.</p>
<p style="text-align: center;">Moss Vale Submissions</p>	
<p style="text-align: center;">Summary of Submission</p>	<p style="text-align: center;">Staff Response</p>
<p>Inclusion of land within Chelsea Gardens Coomungie New Living Area.</p>	<p>Matter addressed in the Council report.</p>
<p>Inclusion of land of three (3) lots on Yarrawa Road within the Chelsea Gardens Coomungie New Living Area.</p>	<p>Matter addressed in the Council report.</p>
<p>The submission refers to over population within the Shire (assumed to be 4 times the numbers predicted by the department), and the insufficient infrastructure and facilities, roads etc. It requests an update of the MV By-pass, narrow roads, lack of bus services and sewer.</p>	<p>The draft LSPS and LHS include specific priorities and actions to ensure that our growing communities are supported by essential infrastructure.</p>



<p>Questions the employment opportunities to support new growing population, entertainment facilities for teenagers.</p> <p>Suggests smaller blocks in the new living areas, more open space, increased social housing, and massive controls on housing supply to maintain the rural nature of the Shire.</p>	<p>The LSPS and LHS promote a mix of housing types, and employment opportunities to encourage and support a diverse population in the Shire.</p>
<p>Inclusion of land on Hill Road within the Chelsea Gardens Coomungie New Living Area.</p>	<p>Matter addressed in the Council report.</p>
<p>Request to be included as a New Living Area in the draft Strategies.</p>	<p>Matter addressed in the Council report.</p>
Mittagong Submissions	
Summary of Submission	Staff Response
<p>Expansion of the Mittagong (East) New Living Area</p>	<p>Matter addressed in the Council report.</p>
<p>Expansion of the Mittagong (East) New Living Area</p>	<p>Matter addressed in the Council report.</p>
<p>The submission does not directly talk about the strategies. However, it is questioning the R5 zone with Bunya Close and Braemar Avenue, and why has it remained that zoning when the other lots in the vicinity are zoned R2 with a lower min. lot size. Lowering the MLS in the area will yield smaller infill development without adversely affecting the surroundings. There could also be pedestrian connections to Old Hume Hwy (or cycling) providing activation for the area. It also questions the development of Nattai Ponds without a connection footpath.</p>	<p>Land within Bunya Close is located on the fringe of the existing residential area, and provides a logical transition of lot sizes / zones.</p>
<p>This submission is seeking support for DA at the Malting site at 2 Colo Street Mittagong. It is a tourist/hotel accommodation proposed on a Heritage item in Mittagong - R2 zoned land. The submission quotes that the proposal is supporting Planning Priority 2.3 and 3.1.</p>	<p>Comments are noted.</p>
<p>Request to be included as a New Living Area in the draft Strategies.</p>	<p>Matter addressed in the Council report.</p>
Berrima Submissions	
Summary of Submission	Staff Response



<p>The submission emphasises on the Heritage character of Berrima and states that the controls shall be strengthened in order to the protect the heritage character of the town as a whole and not just its facades and views from main roads or streets. It also emphasises that the Berrima Landscape Conservation Area (BLCA) shall be extended to the new boundary and protect the town+ from being developed any further expansion into the rural lands to the North, as recommended by the 2017 orris/Hay landscape study. It also states that the DCP controls shall be strengthened for both commercial and residential zones, in order to maintain the existing rustic character of the village and that, Peri-urban infill is detrimental to the conservation of the undeveloped rural surroundings. The conservation shall apply not just to the facade or road vistas but to the whole town.</p>	<p>A number of changes have been included in the Berrima Precinct Plan including a recommendation to review the development controls for the village and surrounding landscape.</p> <p>The planning priority outlined in the LSPS and LHS to support infill development relates specifically to urban infill development within the existing town boundaries. It does not relate to the urban fringe / peri-urban areas.</p>
<p>The submission supports the Berrima Residents Association submission and suggests the inclusions stated in the BRA submission be included in the LSPS. It also supports the viewpoint that landscape as a whole shall be valued instead of just the view corridors. The emphasises that the Berrima Landscape Conservation area shall be given importance and included in the character statement of Berrima in the LSPS, as stated in the BRA submission.</p>	<p>Matter is addressed in the Council report.</p>
<p>The Submission is an extension to the BRA submission and NT submission and urges Council to expressly adopt the important elements of the character statement submitted by the BRA, particularly that the landscape as a whole is to be protected, not just the view corridors. Similarly, express mention needs to be made of the need to expand the BLCA as recommended by the BRA and the heritage study by Colleen Morris and Christine Hay.</p> <p>A separate submission to the LHS has been made, which is included in the general section and is negative towards the new living area in Colo Vale.</p>	<p>Matter is addressed in the Council report.</p>



<p>The submission raises concerns about the lack of recognition contained in the strategies regarding the importance resource land and production holds for the LGA, and effect any disruption to Boral's production may have on planning in the Shire. The submission is majorly in regards to sustainable solutions and reduction of emissions to be more environmentally friendly. There is no recognition in the LSPS about the critical role Boral site plays within the building and construction industry in the Shire. It also points out that Boral owned land is identified as 'Recreational Space' on Pg. 76 of the LSPS, which is not accurate and shall be contracted with Boral.</p> <p>Other concerns raised by the submissions are: emission reduction targets, servicing housing and infrastructure projects (Priority 5.2), continued Quarry operation - as the priorities and actions have an impact on the Boral manufacturing in Berrima, they shall be in the discussions and would like to continue uninterrupted operation as they are a significant facility producing 60% cement on NSW and ACT.</p>	<p>The LSPS outlines a range of Planning Priorities and actions to encourage emissions reductions and sustainable development. However, the LSPS will have no impact on the existing Boral operations.</p>
<p>The draft Housing Strategy's recognition of the need to control population through careful monitoring and targets is to be applauded. Housing in the future should address carbon emissions, energy efficiency and the impact it has on the rural environment. The submission also brings attention to lack of infrastructure for growing population and narrow roads causing traffic jams etc., and urges Council to look into Camden/Narellan areas to see how once rural lands have lost character due to new development.</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting and enhancing our rural landscapes and natural areas.</p> <p>The LSPS includes specific priorities and actions to promote and incentivise sustainable development.</p>
<p>The submission has mixed response for different aspects of the strategy. It endorses the BRA submission, and states that the main focus of the strategy shall be curbing population growth in some areas of the shire, like Berrima, while still meeting the population growth targets within the shire. It suggest to have annual target of housing provision instead of a ratio target as this might be difficult to enforce. It is also against the new living</p>	<p>The LSPS and LHS seek to manage growth in a way that is in keeping with the communities expectations. This includes protecting and enhancing our rural landscapes and natural areas, and locating new development areas in appropriate locations. While there may be a limited amount of development within the Berrima village based on the existing development controls, Berrima is not anticipated to accommodate 'population growth'.</p>



area proposed in Colo Vale as it is against the community's interest and is only driven by the landowner.	The LSPS includes specific priorities and actions to promote and incentivise sustainable development.
Submissions	
Summary of Submission	Staff Response
Proposes reduction of min. lot size of the existing lots in Robertson for further subdivision instead of the proposed new living area, promoting infill development till 2050, and no high storey buildings.	Matter addressed in Council report.
Objects the development at Robertson and is in favour of keeping the small town character. Fears the loss of community if the boundaries of the town are increased and additional residents come in. Suggests development shall be restricted to Bowral, Mittagong and Moss Vale as they are already bigger towns within the Shire, and smaller blocks shall be developed near the centre instead, allowing for heritage character to be maintained.	Matter addressed in Council report.
The submission supports the strategy and encourages the new living area within Robertson as it will provide a greater housing choice for people to continue living in the village in all stages of life. The submitter suggests various lot sizes to welcome different groups of people and also would like an option to subdivide current lots, and also make opportunity for medium density housing like town houses within the town centre. This also increases environmental sustainability as people will not leave the area to access services if they can get them in Robertson reducing our emissions.	Matter addressed in Council report.
The submission supports the new living are in Robertson and suggests inclusion of the lots west of the proposed new living area as its extension, to have more number of dwellings and better lot subdivision. The subject lots are Lots 1-5 DP245774, 1-9 Lemmons Road, Robertson as they are already used for residential purposes unlike the area within the strategy, and can be serviced. Lots 1-3 have been part of a planning proposal in the past and was not supported by Council at the time. The submitter questions the exclusion of the five lots in the strategy and requests to include both are areas as new living areas in Robertson.	Matter addressed in Council report.
The submission opposes the new living area in Robertson. The assumption in the strategy that Robertson needs more population to sustain as an	Matter addressed in Council report.



<p>individual town needs to be re-thought of. COVID-19 has given the town perspective that the community is sustainable in itself and does not need any more people to function by itself. All businesses in the village have catered to residents' needs in this difficult time and necessary shops remained open throughout. There were alternative options for people to but from these shops like phone orders, online orders and delivery. There does not feel a need to bring more people into Robertson. Bringing in more people into Robertson by the proposed living area will over crown the place and it will not remain a small town any more. Instead, investing in the existing businesses would make more sense. There does not seem to be a demand for smaller lots. The elders in the community are happy living in Robertson within their community and not having to move.</p>	
<p>The submitter in favour of some aspects of the strategy and does not agree with the others. Agrees that housing choices are necessary within Robertson so the elder population can age within their long lived village and do not have to move out. Agrees that more population and housing choice is required for Robertson to be a self-sufficient town. However, also proposes that the best way to do so is by changing min. lot size for the existing lots, and providing smaller lots around the town centre for the elderly population, instead of extending the town boundaries.</p> <p>This will make Robertson sustainable and walkable to the town centre. Suggests that a MLS of 500m2 or lesser will work better in the town centre. A community layout made easily accessible for an ageing population is essential when looking at the statistics for the changing demographics in the area, which is the opposite of age-care facilities.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is against the new living area in Robertson as the character of the area will be lost if the new dwellings are built with no character controls and proper amenity.</p> <p>The submission also states that the touristic attraction of Robertson is being a rural town and that will not prevail if more dwellings are added and the town boundary is increased.</p>	<p>Matter addressed in Council report.</p>



<p>The submitter lives in Robertson and does a long commute to Sydney for work to live in country side, and would not like the area becoming another Sydney type development. Believes that the rural character of the village attract tourists and this will be lost with the new character residential development.</p> <p>To add 110 lots at the eastern end of town will completely change the character of the town in a negative way. If blocks are to be added it should be done very gradually, with buildings and houses that keep to the country character of the towns and that don't encourage urban sprawl. The submitter questions the lack of design control guidelines in the strategies, and why arable land is being proposed for residential development?</p>	
<p>The submission is against the new living area proposed in Robertson as he does not wish the area to become another Albion Park.</p>	<p>Matter addressed in Council report.</p>
<p>The submission supports the new living area and additional population in Robertson in order to make it a self-sufficient town and have basic necessities within the town to avoid long travels made by 98% of the town's residences, to Moss Vale or Bowral for basic necessities.</p> <p>In order to achieve this, there shall be appropriate zones within the town centre which enables for smaller dwellings for the senior population, housing choice and for local businesses like medical centre, grocery store etc.</p> <p>The three main towns of the shire are currently absorbing the population and economic growth. Currently there is no medium density in the town, no housing choice for the older generation and the viability of the centre is dependent on the neighbouring residents.</p> <p>There are no zonings to accommodate service sector businesses and the town has excessive commercial zoning. For Robertson to be a sustainable community, there needs to be a resident population that will support a viable range of key retail services.</p> <p>Senior urban economist, Mike Cullen of Urbacity advises that the threshold population required to attract investment in an IGA grocer or similar in Robertson would be 3,000 residents, which is an addition of 500 dwellings.</p> <p>There shall be a provision of smaller and more affordable housing, housing</p>	<p>Matter addressed in Council report.</p>



<p>favourable for the seniors, integrated housing, scaled developer contributions for different development, while protecting the village character of Robertson.</p>	
<p>The submission proposes reducing min. lot size of the existing lots in Robertson for further subdivision instead of the proposed new living area, in order to increase the population. Recent developments on 2000 sq.m lots has happened with a potential for another dwelling on the lot.</p>	<p>Matter addressed in Council report.</p>
<p>Robertson. We prefer to be known as a Village why does it have to change Town impersonal. we do need to have better facilities but Town that's a disappointment.</p>	<p>The LSPS does not seek to change the status of the Robertson village.</p>
<p>The Pharmacy's submission strongly supports the growth and housing options in Robertson village, in order to have enough population for the local businesses and essential services in the area to function and sustain. It also specifies that there shall be smaller houses closer to the town for the elderly to live in the their own village. It states that the current population is half of what's required to sustain a pharmacy. Better provisions are required for medical services and for elder people to age in Robertson. The future housing in Robertson must include dwellings suitable for older citizens, single and couples, as well as for other smaller households. Smaller lot sizes within walking distance of the town centre are required to enable the development of suitable housing for older people and small households. It also encourages Council not to concentrate all its efforts in the 'big towns', make necessary changes to DCP to support housing diversity in smaller towns like Robertson and plan for an economically viable shopping centre.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is against the Robertson new living area, as it has a visual impact on the existing properties along the boundary. However, the submission is in favour of increase in population closer to the town centre for the people who need it.</p>	<p>Matter addressed in Council report.</p>
<p>the submission is favour of increased population and providing for the elderly population to age in their own neighbourhood. However, the submission states that this might not be achievable by increasing population outside of the square mile development, but decreasing min.</p>	<p>Matter addressed in Council report.</p>

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<p>lot size and creating opportunities for infill development within the Robertson Town square mile. The choice to age at home needs to be catered for in appropriate housing and with age friendly village design. The submission states that the most appropriate location for the homes for the ageing is within 400 meters of essential services, with walkability to medical, shopping etc. is vital for physical and social health and Robertson has scope for this. Enabling variable sizes of houses and apartments for the elderly would be a win win for residents and the community as they want to age in place. It also states that if people are able to shop locally, the village will be more environmentally responsible and sustainable.</p>	
<p>The submission is supportive of the Housing strategy and would also like to add another five, 2ha lots to the new living areas in Robertson, to provide for the future residential development of the land at an agreed density of development, being a minimum lot size of 600 m2, to assist in addressing the Shires overall housing demands, and increase the population of Robertson to make it a sustainable town. There is a detailed analysis of the favourability of the subject sites to be included as new residential zones within the strategy. The submitter also suggests to amend zoning in commercial zones, modify the current DCP to facilitate more medium density development in the form of terrace homes, villas, town homes and 2 storey apartment buildings. Completion of pedestrian footpath from the existing sealed section of Main Street to meet High Street.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is leaning towards supporting the strategy and increasing housing choices in Robertson, and also talks about reducing min. lot sizes to increase population and improve services like sewer and water provisions.</p>	<p>Matter addressed in Council report.</p>
<p>The submission opposes the proposed new living are in Robertson as it is incompatible with its existing rural nature and the proposed strategy will undoubtedly jeopardise the character of the Robertson village and will also disrupt a valuable agricultural land in Robertson providing a green buffer to the town boundary. The proposed area is a highly fertile agriculture land which will be converted to smaller lots to have new 110 dwellings, and will</p>	<p>Matter addressed in Council report.</p>

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<p>be almost a 25% increase in the size of the town square of Robertson. The submission also states that the remoteness of Robertson, proximity to train station, lack of passenger transport, proximity to higher educational centres etc. are a few points noted that prove the unsuitability of housing provision in the area.</p>	
<p>The submission opposes the strategy and claims that Robertson is self-sufficient, has enough variety of businesses, caters to the local for their daily needs and does not need the extra population as Robertson is self-sufficient as is. The residents of Robertson have chosen Robertson due to the way it is. Robertson is attracting younger families to the area because Robertson offers a lot to those younger families wanting to escape the dense housing of the city, they've chosen Robertson because it is all single story, because it is a village with lots of back yard space for kids.</p>	<p>Matter addressed in Council report.</p>
<p>The overall submission is against the strategy as it proposes the new living area in Robertson which will eventually bring in population to the area and will be adverse visual impact from the residents living to the west and to the south of the proposed new development, along with the noise and dust during construction. The existing businesses are already busy and adding people to the village will just make it worse. Currently, the people of Robertson know each other and feel safe in the area. The only support given to the new living area is if the min. lot size is around 2 acres (8000 sq. m) in order to limit the number of lots and people.</p>	<p>Matter addressed in Council report.</p>
<p>The submission opposes the strategies as it will have significant visual impacts to the existing properties on the boundary of the village. However, the submission supports the increase in population density in particular parts of Robertson to help in the aging population, who might wish to live closer to village businesses and not be burdened with large properties to maintain.</p>	<p>Matter addressed in Council report.</p>
<p>The submission opposes to the new living area proposed in Robertson as it will block views and will not directly achieve the priorities mentioned in the strategy. However, it also states that infill development close to the town centre will cater to housing diversity and be closer to amenities for the elderly population of Robertson.</p>	<p>Matter addressed in Council report.</p>

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<p>The submission is in favour of the new living area and hopes to see that character of this village is still intact. The submitter agrees with the intention to provide more housing in Robertson to increase the population size as long as housing needs are provided to meet a variety of needs, specifically younger working people with families, and the older generation who may move off rural properties and want to still live in the town they have grown up in.</p> <p>It also argues that there is a need for childcare centres in Robertson so that both parents can work and contribute to the local community. The submitter also hopes that the environment will be given top priority and there should be no widespread devastation of vegetation further impacting the existing loss of habitat for birds, wombats and other wildlife.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is opposing the new living area as it might cause harm to the significant patches of rainforest and in turn harm the environment. It is not necessary to add the new area to bring in population to Robertson. That can still be done within the town square mile, with existing lots being subdivided.</p>	<p>Matter addressed in Council report.</p>
<p>The submission supports the mix of housing options for the elderly as they don't have to leave their town to downsize in old age. It also brings light to the lots closer to the town centre and amenities which might be used for villa style medium density housing which might be more friendly for elder generation as it will be less to maintain and walkable to shops etc.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is against the Robertson new living area, as it is outside the boundaries of the town and will take up the fertile land. It suggests more housing choices with the town boundaries for older generation that would like to continue living in Robertson as they age. This would make the businesses viable and continue the village character of Robertson.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is regarding the disconnect in the business/town centre as the businesses are scattered along Hoddle Street. It also highlights the town is in major need of a decent supermarket for daily needs of the community. Lack of attention and bureaucracy in Council has also lead to lack of swimming pool with the town and hence people have to travel to Moss Vale or Bowral for these kind of activities. Any additional housing and</p>	<p>The LSPS includes specific actions to introduce place-based controls for Robertson, which will include a review of the town centre development controls.</p>

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<p>subsequent increase in population must consider the availability of suitable shopping facilities within its guidelines.</p>	
<p>The submission opposes the new living area in Robertson, however, agrees that the population of Robertson needs to grow in order for the town to economically survive in itself, but within the town boundaries as infill development. The submission also refers to a proposal for a sustainable Robertson by Design Urban (Steven Thorne), was distributed to be commented on and was endorsed by the Age Friendly Association and Robertson Business chamber. It states that significantly larger number of houses could be permitted on land which is not environmentally sensitive or valued rainforest remnants, with smaller housing sites, now that Robertson has been sewered. Robertson lacks medium density development for ageing couples to live in. The submitter believes that the objectives mentioned in the two strategies can be achieved with better planning within the town square and does not need a vast additional green field development to do so.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is objecting the new living area in Robertson. It supports housing choice for the elderly, but argues this can happen without extending the village boundaries. The submitter requests to keep the village walkable and have better public transport for its residents and visitors. Property prices are rising due to investment buyers. It is necessary to have diversity of the young and old in the village. Infill development can allow for more population without changing the character of the village and increasing its boundaries.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is against the new living area proposed in Robertson. However, it is supportive of the population diversity and more housing choices for the ageing population of Robertson, to remain within the existing boundaries of the town as infill development.</p>	<p>Matter addressed in Council report.</p>
<p>The submitter lives in Shackleton Street and is against the new living area proposed in Robertson. It states that the proposed area and greenfield development does not cater the planning priorities of the strategies. It would be better to provide better housing options for the ageing population within the town square mile of Robertson as it is walkable and</p>	<p>Matter addressed in Council report.</p>



<p>closer to the town centre which is what is required for the elderly people. The lot sizes suggested in the proposed residential area will not cater to small houses or medium density. The greenfield development will only cater for higher price points on large blocks and not provide a mix, which is not the point of priority 2. A remote village like Robertson should not be catering for a new release area, as it will be a burden on the limited resources available in Robertson.</p>	
<p>The submission is against the new living area in Robertson. It states that large new development is not a sustainable way forward. Better housing choice within the square mile of Robertson is preferred as it is within walking distance of the village centre, is more sustainable and reduces the carbon footprint of the village.</p> <p>Opportunity to live and work on the same site along Illawarra highway should be allowed for business owners.</p> <p>The submitter questions the capacity of the sewage treatment plant for the proposed residential development and states that opening of further green belts is not infilling within the existing town boundary and is not a sustainable exercise for Local and State Governments.</p>	<p>Matter addressed in Council report.</p>
<p>The submission in principal supports the strategies and the new living area proposed in Robertson. It also states that the 110 dwellings proposed in the new living area would only be a part of the population growth required in Robertson.</p> <p>This shall be added to another 200-300 dwellings within the existing square mile of Robertson, in order for the village to be economically viable and independent, catering to the daily needs of its residents and the ageing population of Robertson.</p> <p>The submitter also mentions that there is a history of small business failure due to the size of the town.</p> <p>The submission argues that there is:</p> <ul style="list-style-type: none"> • need for increased housing opportunities and choices for an ageing 	<p>Matter are generally addressed in Council report.</p> <p>The LSPS includes specific actions to introduce place-based controls for Robertson, which will include a review of the town centre and village development controls.</p>



<p>population.</p> <ul style="list-style-type: none"> • need for increased housing opportunities and choices for singles and small households. • limited variety of housing choices in the Shire, and a need for more choice in future housing planning. • Commitment to infill development to fill void in housing choices • Acknowledgment of the need for growth in population to support business and employment opportunities in smaller towns like Robertson. <p>It has also recommended few amendments to the strategies:</p> <ul style="list-style-type: none"> • Priority given to housing development in smaller towns and villages and less emphasis on the larger centres. • Detailed and serious resources committed to identify impediments to infill development in Robertson. • Commitment and resources to develop Robertson as a walkable town offering diverse housing choices for all ages and stages of life. • Priority given to review of LEP and DCP affecting Robertson to allow and encourage infill development, particularly within the ‘town square mile’. • Development of a building design code to preserve and enhance the character of Robertson. • Review and development of population targets for Robertson with a view to support a sustainable local economy, and provide better environmental outcomes like car dependency, for residents. 	
<p>The submission is against the new living area in Robertson. It states that this is most fertile land for horticulture and shall not be destroyed by concreting it with houses. It will also destroy the remnant nature of the land along Lemmons Road and impact on the rural character of Robertson.</p>	<p>Matter addressed in Council report.</p>
<p>The submission is against the new living area proposed in Robertson. It suggests that reducing the lot sizes within the town square to encourage housing choices might be better as it will be walkable to the amenities. The submitter encourages medium density residential development within the town square which can be in character with the architectural heritage of the rural village/s, which can be achieved with good design examples</p>	<p>Matter addressed in Council report.</p>



available that have already been successfully applied all over the world and in Australia and recommends The Cottage Company as one of the local examples.	
The submission is against the proposed new living area in Robertson, as it will block their view towards the rural lands from their property at Shackleton Drive. They also object to the new living area as it is further from the town centre where all the amenities are and is not walkable distance to the centre.	Matter addressed in Council report.
The submission is against the new living area proposed in Robertson as it adjacent to their property at Shackleton Drive. The submitter also mentions the two localised flooding incidents on High Street in their short time of living in the village, and that the proposed new development is likely to have flooding constraint. They also feel that Council shall focus on infill development near the town centre instead of this proposal.	Matter addressed in Council report.
Submission opposes the new living area in Robertson, but supports infill development within the existing village.	Matter addressed in Council report.
Bundanoon and Southern Villages Submissions	
Summary of Submission	Staff Response
The submission notes the long standing importance of cycling in and around Bundanoon and supports progression of a bike and pedestrian pathway which has been the subject of a number of proposals over the years, providing details for a preferred treatment & location. The submission also includes a concept master plan for the Bundanoon Town Centre and recommendations on certain town centre treatments.	Comments are noted and are consistent with the priorities and precinct plan outlined in the LSPS and LHS.
The Penrose Community Association aims to improve the sustainability of the village and to promote the village to ensure it remains a viable community. To achieve these aims PCA wishes to engage with Council to explore options for future housing within the village. The PCA would also like to explore options for retaining some form of local neighbourhood business presence in the village.	Matter addressed in Council report. Water NSW have advised that they will not support any rezoning that increases development potential within unsewered areas.
Spot rezoning - Bundanoon	Matter addressed in Council report.
The submission is overall supportive of the strategies and has suggested some additions to the actions in order to maintain the character of	Comments are noted and are consistent with the priorities and precinct plan outlined in the LSPS and LHS.



<p>Bundanoon, protect the heritage conservation areas, promote active transport etc. It has also pointed a few corrections in the map of Bundanoon related to the location of the school. the corrections recommended are as follows:</p> <p>1. Planning priority 6.1, p. 58:</p> <ul style="list-style-type: none"> • Develop place-based urban design development controls for our satellite centres of Bundanoon and Robertson to ensure that new development is in keeping with the existing low-scale village character of these areas, including their mature tree canopies • Identify opportunities for additional green space/parkland within town and village centres <p>2. Planning Priority 6.2, p. 59:</p> <ul style="list-style-type: none"> • Undertake a review of proposed heritage items deferred by Council in 2012, and consider any heritage items that may have been overlooked in previous heritage surveys, to ensure significant places are protected and to provide greater certainty to property owners and the community. 	<p>The addition to Planning Priority 6.1 has been included in the revised LSPS.</p>
<p>The submission requests land to be included in the strategy as a new living area. The submission is also supported by the Penrose Community Association.</p>	<p>Matter addressed in Council report.</p>
Submissions	
Summary of Submission	Staff Response
<p>Proposes to include certain sites within Colo Vale as investigation areas for re-zoning in the strategy.</p>	<p>Matter addressed in Council report.</p>
<p>The submission supports the proposed Wenslydale living area which will assist in the provision of additional services to support the northern villages generally. Such development may also facilitate much needed roadworks for The Old Hume Highway and northern section of Old South Road. A designated cycle track along this corridor would also be a welcome improvement. "Well done on the vision to open up the Northern Villages to some life and activity instead of constantly being forgotten."</p>	<p>Matter addressed in Council report.</p>



<p>The submission requests additional land in Colo Vale to be considered as a potential new living area in the North of the Shire.</p>	<p>Matter addressed in Council report.</p>
<p>The submission supports the four land use planning goals in the strategy and any sustainable development that assists in meeting them. The strategies' focus on protection and enhancement of the rural and natural environments is also supported.</p> <p>The submission also strongly opposes the proposed development of Wensleydale which does not meet the goals supported above. The proposal is not considered necessary or sensible. It would destroy the rural ambiance of the village and threaten the existing ecological communities in the vicinity as well as water catchment land and is not considered compatible with heritage and cultural values of the area. Potential commercial/residential land use conflicts could result and it could also require significant upgrades to the freeway on and off ramps.</p> <p>There is already enough cleared land to meet our future housing needs and the northern villages should be kept for future food production.</p>	<p>Matter addressed in Council report.</p>
<p>The submission requests an additional land in Colo Vale to be considered as a potential new living area being adjacent to the proposed new living area.</p>	<p>Matter addressed in Council report.</p>
<p>The submission requests additional land in Colo Vale to be considered as a potential new living area in the strategies.</p>	<p>Matter addressed in Council report.</p>
<p>The submission supports the proposal as providing future affordable housing.</p>	<p>Matter addressed in Council report.</p>

12.2 Post Exhibition Report - Planning Proposal For A New Heritage Item And New Heritage Conservation Area In Aitken And Kangaloon Roads, Bowral (Aitken Road Heritage)

Reference:	5901/68
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 to inform Council of the outcome of the public exhibition of the Planning Proposal known as 'Aitken Road Heritage, Bowral' which seeks to add a new heritage item comprising three properties in Aitken Road and a new heritage conservation including properties in Aitken Road and Kangaloon Road, Bowral.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Council endorse the Planning Proposal to amend WLEP 2010 to add a new heritage item called 'Aitken Road Interwar Housing Group' [comprising nos. 25-27, 33-37 and 39-41 Aitken Road, Bowral] into Schedule 5 (Environmental heritage) Part 1 (Heritage items); and a new heritage conservation area called 'Aitken Road Conservation Area' [comprising nos. 12-30 and 25-43 Aitken Road and 56, 58 and 60 Kangaloon Road, Bowral] into Schedule 5 (Environmental heritage) Part 2 (Heritage conservation areas) **AND THAT** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for completion.

REPORT

BACKGROUND

In October 2018 a development application (DA 19/0574) was lodged for a residential care facility (seniors housing) on the property at 39-41 Aitken Road, Bowral. This application proposed the demolition of all the buildings on the site and the removal of 37 trees. Following concern about the proposal raised by the community, and information about the heritage significance of the subject site and neighbouring properties, Interim Heritage Order (IHO) No. 9 was placed over the property and four of its neighbours on 18 January 2019, on the advice of Council's Heritage Advisor. This precinct defined by the IHO was called the 'Aitken Road Bowral Group' and comprised the following properties on the eastern side of Aitken Road:

- 25-27 Aitken Road – Lots 24 and 25 DP 11348 – known as 'Glenfarne'
- 29 Aitken Road – Lot 23 DP 11348
- 31 Aitken Road – Lot 22 DP 11348
- 33-37 Aitken Road – Lots 19-21 DP 11348 – known as 'Grantham'
- 39-41 Aitken Road – Lot 11 DP 633966 – known as 'Barkfold'.

The location of Aitken Road in the context of Bowral is shown on **Figure 1**. This figure is reproduced in **ATTACHMENT 1**.

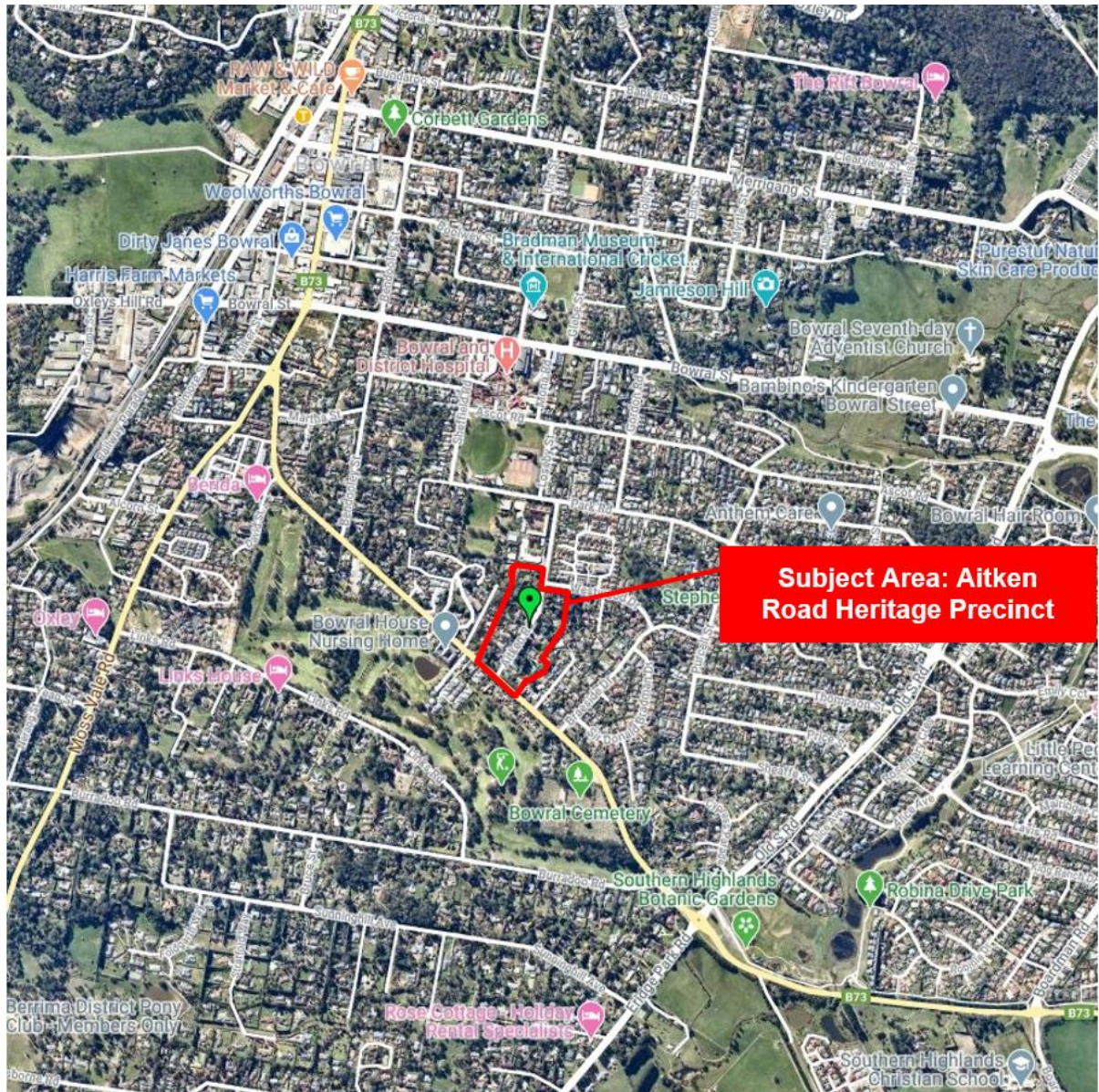


Figure 1—The location of the Aitken Road subject area in context of an aerial photo of Bowral (Source: Nearmap)

On 10 July 2019 Council considered a report on the heritage assessment of the Aitken Road Bowral Group and the report recommended heritage listing of three out of the five houses identified in the IHO. Additionally, the report recognised the quality of the Aitken Road housing stock, gardens and streetscape, and its historical importance as an interwar subdivision and recommended that the southern half of Aitken Road be formed as a heritage conservation area. **Figure 2**, below, shows the properties and area proposed as a heritage item and a heritage conservation area. This figure is reproduced in **ATTACHMENT 2**.

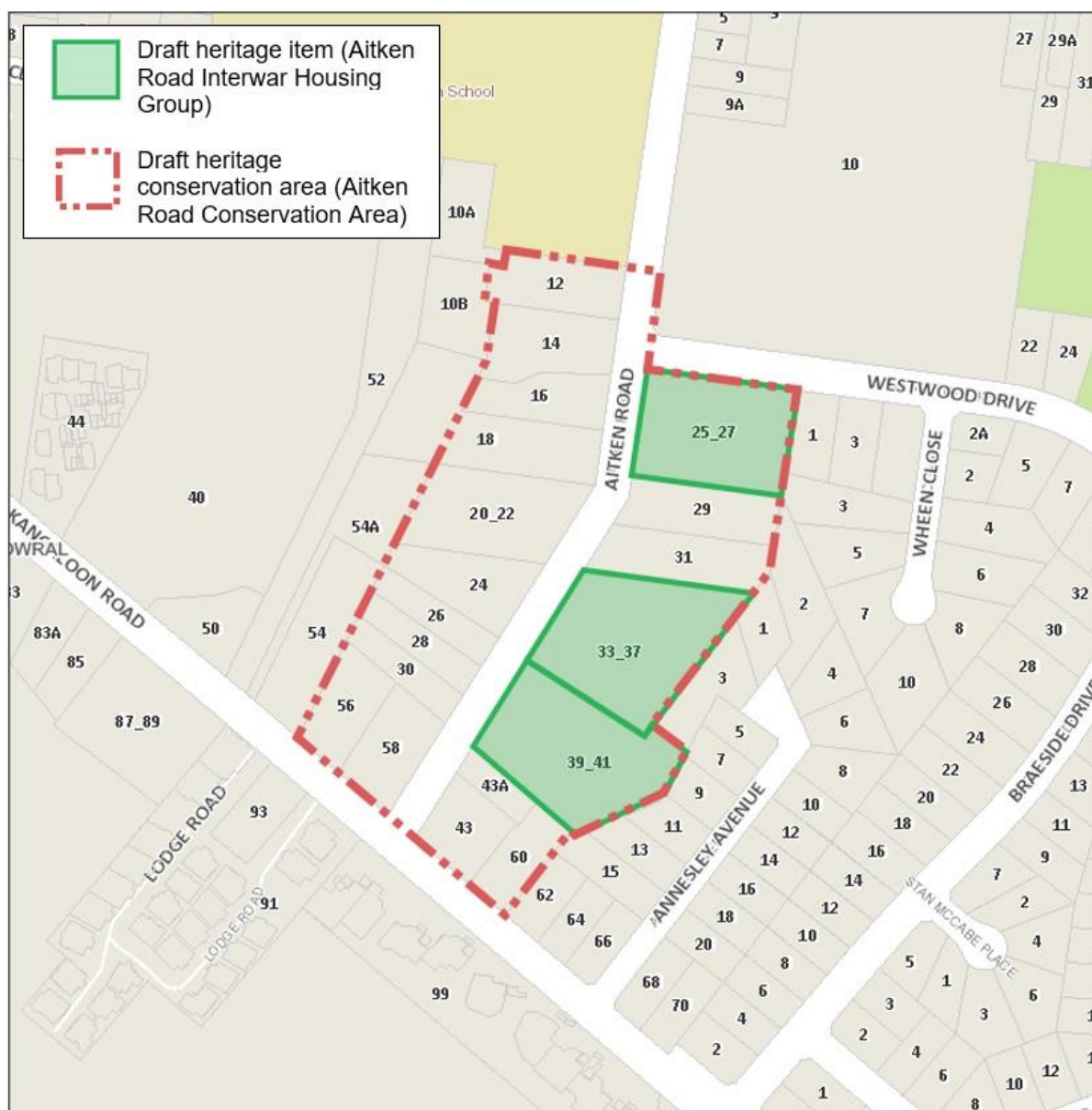


Figure 2—The area of the proposed ‘Aitken Road Conservation Area’ and the proposed ‘Aitken Road Interwar Housing Group’ heritage item

This proposal was supported by Council who made the following resolution:

1. *THAT* Council supports the proposed heritage listing of the ‘Aitken Road Interwar Housing Group’ comprising Lots 24-25 DP 11348 (25-27 Aitken Road, known as ‘Glenfarne’), Lots 19-21 DP 11348 (33-37 Aitken Road, known as ‘Grantham’) and Lot 11 DP 633966 (39-41 Aitken Road, known as ‘Barkfold’).
2. *THAT* Council supports the creation of the ‘Aitken Road Conservation Area’ comprising 12-30 and 25-43 Aitken Road, inclusive, and 56, 58 and 60 Kangaloon Road, Bowral.
3. *THAT* a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the

Heritage Map to add 'Aitken Road Interwar Housing Group' as a new heritage item and 'Aitken Road Conservation Area' as a new heritage conservation area.

4. *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 & Assessment Act 1979.*
5. *THAT Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.*
6. *THAT Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.*
7. *THAT Interim Heritage Order No. 9 is extended until 18 January 2020 to allow for the preparation and processing of the Planning Proposal.*
8. *THAT all affected property owners and objectors to the development application (DA 19/0574) be advised of Council's decision.*

REPORT

The Planning Proposal

Following Council's resolution of 10 July 2019, the Planning Proposal was prepared and sent to the Department of Planning, Industry and Environment (NSWDPIE) with a request for a Gateway Determination.

A Gateway Determination was received on 29 November 2019 and it gave permission for Council to proceed to public exhibition of the Planning Proposal subject to compliance with the terms of the Gateway Determination. A copy of the Gateway Determination is contained as **ATTACHMENT 3**.

The Gateway Determination required referral of the Planning Proposal to the Department of Premier & Cabinet (Heritage NSW), WaterNSW, and the NSW Rural Fire Service prior to public exhibition. These referrals were undertaken.

Agency Referrals

The referral to Department of Premier and Cabinet (Heritage NSW) was undertaken concurrently with the request for the Gateway Determination. Heritage NSW's advice, received on 22 October 2019, acknowledged the interim heritage order and stated:

"Heritage [NSW] encourages the identification and assessment of heritage items and items that contribute to significant local landscapes. Council should satisfy itself that the necessary assessments, notifications and due diligence have been completed."

The heritage assessment was undertaken with reference to the Heritage NSW publications *Assessing Heritage Significance* and *Conservation Areas*. The advice in both these publications was used as the basis for the justification of the proposal, in particular the assessment of the heritage item in accordance with the NSW Heritage Assessment Criteria which parses heritage significance into the following elements:

- Historical significance
- Associational significance
- Aesthetic/technical significance
- Social significance
- Research potential

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- Rarity
- Representativeness.

This best practice approach to assessing heritage significance is considered to satisfy the Gateway Determination requirement in relation to consultation with Heritage NSW and adherence to relevant heritage guidelines.

WaterNSW responded on 6 January 2020 and advised:

The Planning Proposal notes that it is consistent with, and does not affect the application of, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP). With respect to Section 9.1 Direction 5.2 Sydney Drinking Water Catchment, the Proposal notes that it seeks to maintain the existing zoning and land use of the subject land, thereby helping to protect water quality. WaterNSW concurs with these conclusions.

Council is advised that in relation to Direction 5.2, Strategic Land and Water Capability Assessments (SLWCAs) are not applicable in this circumstance given that no changes in land use or zoning are proposed.

Any future development in the area will need to be assessed against the SEPP and have a Neutral or Beneficial Effect on Water Quality.

WaterNSW's response supported the Planning Proposal and allowed it to proceed to public exhibition.

No response was received from NSW Rural Fire Service within the 21-day timeframe nominated in the Gateway Determination. This did not prevent the Planning Proposal from being exhibited. However, a response from NSW Rural Fire Service was received on 10 February 2020 stating that the agency had no concerns or issues in relation to bush fire.

Effect of the Planning Proposal

The effect of the Planning Proposal is to create a new heritage item (Aitken Road Interwar Housing Group) and a new heritage conservation area (Aitken Road Conservation Area) by amending the Wingecarribee Local Environmental Plan (WLEP) 2010 in the following manner:

- a) Include in Schedule 5, Part 1 (Heritage items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Bowral	Aitken Road Interwar Housing Group	25-27, 33-37 and 39-41 Aitken Road	Lots 19-21 and 24-25, DP 11348; Lot 11, DP 633966	Local	I7001

- b) Include in Schedule 5, Part 2 (Heritage conservation areas) the following new item:

Suburb	Item Name	Item No
Bowral	Aitken Road Conservation Area	C7065

- c) Add the new heritage item and the new heritage conservation area to the Heritage Map. The amended map will show the new heritage item coloured brown (indicating a general item) and the new heritage conservation area will be outlined and hatched in red. The following WLEP 2010 Heritage Map sheet will require amendment:

Map(s) to be Revoked	Map(s) to be Adopted
Heritage Map - Sheet HER_007D 8350_COM_HER_007D_020_20170123	Heritage Map – Sheet HER_007D (as amended)

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Additionally, the amendment will include a savings provision that will apply to any development application lodged but not determined before the coming into force of the amendment. This provision will only appear in the amendment and not the principal instrument but will have the effect that any development application on the subject land will be assessed in accordance with the development controls in force at the time of lodgement.

Public Exhibition

The Planning Proposal and all relevant supporting documentation was placed on public exhibition for a period of 31 days from Wednesday 15 January to Friday 14 February 2020. The Planning Proposal and supporting documentation was available for download from Council's website and the Your Say Wingecarribee website. Physical copies were available at the Civic Centre, Bowral and Mittagong Public Libraries and the Mobile ROADS Library for viewing. The exhibition was notified on Council's Community Update page of the Southern Highland News commencing on 15 January and each subsequent Wednesday during the exhibition period.

The public exhibition comprised a copy of the Planning Proposal together with the following supporting documentation as attachments:

1. Interim Heritage Order No. 9 published 18 January 2019
2. Report to Council 10 July 2019
3. Resolution of Council 10 July 2019
4. Gateway Determination (29 November 2019), including cover letter
5. Referral Response from Department of Premier & Cabinet (22 October 2019)
6. Referral Response from WaterNSW (6 January 2020)
7. Heritage Inventory Sheet for Aitken Road Interwar Housing Group
8. Heritage Inventory Sheet for Aitken Road Conservation Area

Eighty-five (85) letters to affected and adjoining residents, non-owner occupants and other interested local parties (including the Wingecarribee Heritage Advisory Committee) were sent out at the commencement of public exhibition. In addition, the offices of the State and Federal Local Members were notified by letter of the public exhibition of the Planning Proposal.

On commencement of public exhibition, the proposed heritage item and proposed heritage conservation area were officially recognised as being a draft heritage item and a draft heritage conservation area (as shown on **Figure 2** and **ATTACHMENT 2**).

Council does not have delegation to process this Planning Proposal. Should Council support the recommendation of this report to proceed with the Planning Proposal, it will be sent to NSWDPIC for finalisation.

Submissions

There were 22 individual submissions (comprising emails, letters and online submissions) and a further 48 form letters containing a total of 124 signatures. All but two (2) of the submissions were in support of the proposal. The main issues and themes raised in the submissions are listed and addressed in the table below, commencing with the reasons for objection. The number of submissions which contained the comment is shown in brackets. It is noted that most submissions raised more than one issue or made more than one comment.

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Submission Comment	Council Response
<p>South-eastern end of Aitken Road (at the corner of Kangaloon Road) does not contain buildings of heritage value and should be removed from the conservation area. (1)</p>	<p>The inclusion of all properties south of Bowral High School and Westwood Drive within the draft heritage conservation area is deliberate and not solely based on the quality (or perceived lack thereof) of the buildings. These sites were part of the original land subdivision (the Golf Links View Estate) and contain modest buildings surrounded by mature gardens, in character with the Aitken Road area. In an assessment of the value of these properties they would at best be contributory to the conservation area and at worst neutral. Much of the value of these properties comes from the mature plantings. The removal of these properties from the Aitken Road Conservation Area would devalue the conservation area as a whole and their inclusion in the conservation area is recommended.</p>
<p>Savings provision required by Gateway Determination not included in the Planning Proposal. (1)</p>	<p>One of the requirements of the Gateway Determination is to include in the Planning Proposal a reference to a savings provision to apply to any development application lodged but not determined. The Planning Proposal was updated with the following statement:</p> <p><i>It must be noted that any development application received on any land within the subject precinct before the commencement of the amendment to the WLEP 2010 to create a new heritage item and a new heritage conservation area will be assessed in accordance with the provisions in force at the time of lodgement of that application. That is, with no heritage applying to the land. This is in accordance with the savings provisions contained in section 1.8A of the WLEP 2010. However, heritage significance could potentially be a consideration for a non-heritage listed site under the evaluation criteria to be applied to the assessment of a development application in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.</i></p> <p>It has been since pointed out that the reference to clause 1.8A is incorrect as case law has determined that this clause only applies to development applications lodged before the commencement of the whole WLEP 2010 (i.e. on 16 June 2010) and does not apply to individual amendments to the plan. Therefore, the correct</p>

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Submission Comment	Council Response
	mechanism is to insert a savings provision into the wording of the LEP amendment. However, the intent of the savings provision was described and the correct mechanism will be requested when legal drafting of the amendment is undertaken (see narrative under “Effect of the Planning Proposal” in this report). This approach has been discussed with a senior officer at the NSWDPPIE who confirmed that the intended effect of the saving provision was sufficiently articulated in the exhibited Planning Proposal and that re-exhibition is not required.
Consultation with Heritage NSW (Department of Premier & Cabinet) was not undertaken in accordance with the Gateway Determination. (1)	The Planning Proposal was concurrently forwarded to both NSWDPPIE with a request for a Gateway Determination and to Heritage NSW with a request for comment in anticipation that the Gateway Determination would require such consultation. This is a common practice to save time. The comment from Heritage NSW was received before the date of the Gateway Determination and its validity has been questioned in a submission. Following the receipt of the Gateway Determination, Council’s Heritage Officer sought clarification on Heritage NSW’s advice and it is considered that the Gateway Determination requirement for consultation has been adequately satisfied.
There has been limited investigation and assessment of the proposed heritage listings. (1)	Council’s assessment of the draft heritage item group and conservation area was undertaken in accordance with Heritage NSW guidelines and the research undertaken by Council has been augmented with research undertaken by local historical researchers and groups, including the research into Alf Stephens and Sons undertaken by a local historical researcher couple. The proposal is considered to be well justified.
Proposal is supported. (68)	This comment is noted. 68 out of 70 submissions (inclusive of form letters) were in support of the proposal.
Proposal will protect significant gardens and landscape. (58)	This comment is noted. A couple of submissions valued the wildlife that make their homes in the large gardens and mature trees of the area. Protection and preservation of the landscape is of critical importance to the conservation area.

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Submission Comment	Council Response
Alf Stephens' building stock is recognised and valued. (57)	This comment is noted. Research undertaken by local researchers has revealed the positive legacy left by Alf Stephens & Sons builders (Alf Senior and Junior) with many characteristic Bowral houses and grand homes and buildings throughout the Highlands and Canberra built by them.
Association of 'Grantham' (33-37 Aitken Road) with Donald Bradman is important. (55)	This comment is noted. The draft heritage listing of 'Grantham' will preserve the remains of the cricket pitch built by Alf Stephens on his property for use by a young Don Bradman.
Developments proposals within Aitken Road (DA 19/0574 for a residential care facility at 39-41 Aitken Road and DA 20/0757 for seniors housing comprising 4 dwellings at 43 Aitken Road) are out of character and are not supported. (55)	This comment is noted. Many of the residents have separately made submissions in objection to these development applications. DA 19/0574 has now been withdrawn and the pending court proceedings vacated. DA 20/0757 is in the process of being assessed.
Proposal will preserve heritage architecture that contributes to the character of Old Bowral. (5)	This comment is noted. The proposal recognises the special character of the Aitken Road area and a number of buildings within the street.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement has been undertaken in accordance with all requirements of the Gateway Determination, Departmental guidelines and the relevant provisions of the Environmental Planning & Assessment Act 1979.

Internal Communication and Consultation

Internal communication was undertaken with planners in Council's Planning, Development and Regulatory Services Department as well as Council's consultation Heritage Advisor.

External Communication and Consultation

Agency consultation was undertaken in accordance with the Gateway Determination. Consultation with the community was undertaken as detailed in this report.

SUSTAINABILITY ASSESSMENT

• Environment

The heritage listing of the sites and area will provide additional protection for the trees and gardens in the Aitken Road subject area.

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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**

Identifying, protecting and promoting places of significant cultural heritage is one of the strategies (strategy 3.2.3) identified in the Wingecarribee Community Strategic Plan, Wingecarribee 2031 (amended 2017) 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. The endorsement of this report and the subsequent making of the amendment to the WLEP 2010 in part satisfies this goal and strategy.

- **Governance**

The Planning Proposal has been prepared in accordance with guidelines published by the Department of Planning, Industry and Environment and in accordance with the Gateway Determination issued in respect of the Planning Proposal.

COUNCIL BUDGET IMPLICATIONS

As this is a Council-initiated Planning Proposal, no Planning Proposal fees are applicable. The Planning Proposal has been prepared in-house using existing Council resources with voluntary historical input from the community.

RELATED COUNCIL POLICY

There are no related Council policies.

OPTIONS

The options available to Council are:

Option 1

THAT Council endorse the Planning Proposal to amend WLEP 2010 to add a new heritage item called 'Aitken Road Interwar Housing Group' [comprising nos. 25-27, 33-37 and 39-41 Aitken Road, Bowral] into Schedule 5 (Environmental heritage) Part 1 (Heritage items) and a new heritage conservation area called 'Aitken Road Conservation Area' [comprising nos. 12-30 and 25-43 Aitken Road and 56, 58 and 60 Kangaloon Road, Bowral] into Schedule 5 (Environmental heritage) Part 2 (Heritage conservation areas) AND THAT the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for completion.

Option 2

THAT Council resolve not to proceed with the Planning Proposal to amend WLEP 2010 to add a new heritage item called 'Aitken Road Interwar Housing Group' [comprising nos. 25-27, 33-37 and 39-41 Aitken Road, Bowral] into Schedule 5 (Environmental heritage) Part 1 (Heritage items) and a new heritage conservation area called 'Aitken Road Conservation

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Area' [comprising nos. 12-30 and 25-43 Aitken Road and 56, 58 and 60 Kangaloon Road, Bowral] into Schedule 5 (Environmental heritage) Part 2 (Heritage conservation areas).

This option is not recommended due to the well-justified nature of the proposal and the significant community support for it, including those that reside within the area.

Option 1 is the recommended option to this report.

CONCLUSION

The amount of community support for the draft heritage listing of Alf Stephens' houses in Aitken Road and the proposed Aitken Road Heritage Conservation Area is evidenced by the number of persons who made submissions or representations to Council on this Planning Proposal. The recognition of the special nature of Aitken Road and its importance as a representative example of 'Old Bowral' was a strong theme in a number of submissions. The support of Council's draft heritage item and draft conservation area by the community provides Council with good justification to support the recommendation to proceed with the Planning Proposal and ensure the ongoing protection of this part of Bowral.

ATTACHMENTS

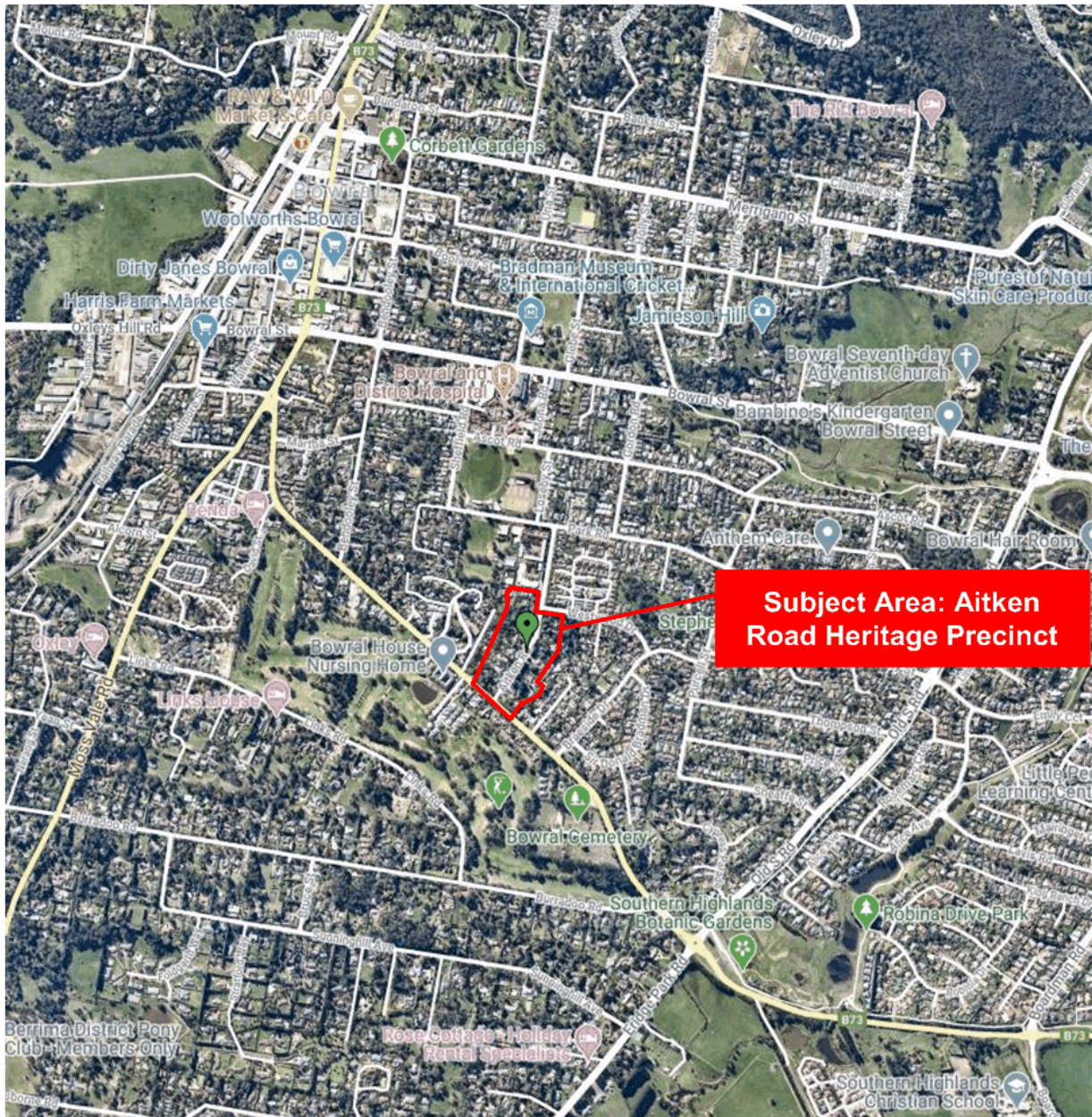
1. Aitken Road Heritage Precinct - Location Map
2. Aitken Road Heritage Precinct – map of draft heritage item and draft heritage conservation area
3. Gateway Determination issued by the Department of Planning, Industry and Environment on 29 November 2019

12.2 Post Exhibition Report - Planning Proposal for a new heritage item and new heritage conservation area in Aitken and Kangaloon Roads, Bowral (Aitken Road Heritage)



ATTACHMENT 1 Aitken Road Heritage Precinct - Location Map

ATTACHMENT 1
LOCATION OF AITKEN ROAD PRECINCT, BOWRAL

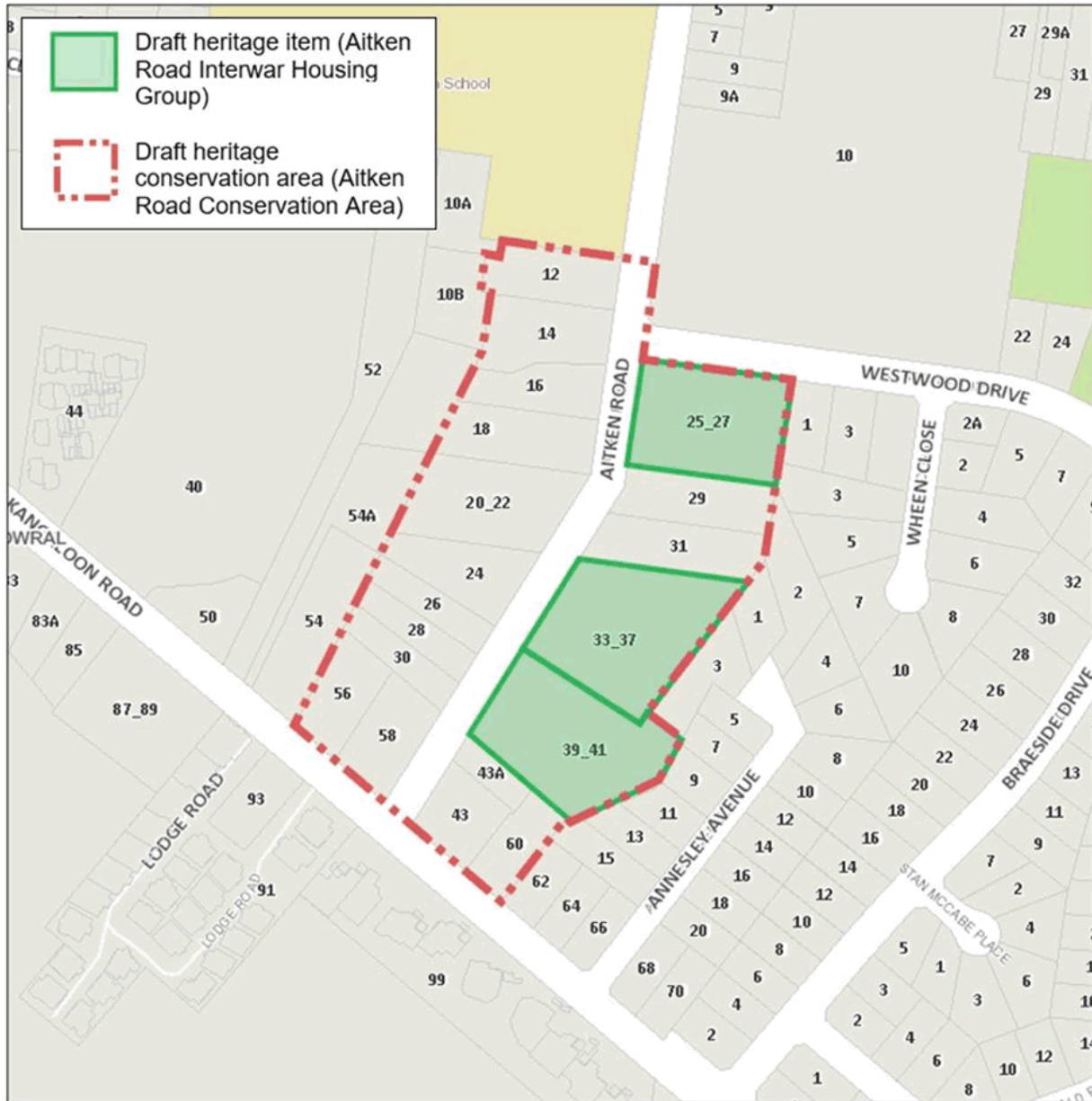


12.2 Post Exhibition Report - Planning Proposal for a new heritage item and new heritage conservation area in Aitken and Kangaloon Roads, Bowral (Aitken Road Heritage)



ATTACHMENT 2 Aitken Road Heritage Precinct – map of draft heritage item and draft heritage conservation area

ATTACHMENT 2
AITKEN ROAD HERITAGE PRECINCT



12.2 Post Exhibition Report - Planning Proposal for a new heritage item and new heritage conservation area in Aitken and Kangaloon Roads, Bowral (Aitken Road Heritage)

ATTACHMENT 3 Gateway Determination issued by the Department of Planning, Industry and Environment on 29 November 2019



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2019_WINGE_005_00): to amend the Wingecarribee Local Environmental Plan 2010 by adding a new heritage item and a new conservation area concerning land at Aitken Road, Bowral and Kangaloon Road, Bowral.

I, the Director, Southern Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wingecarribee Local Environmental Plan (LEP) 2010 as described above should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal and accompanying heritage assessment (Attachment 2 – Report to Council dated 10 July 2019) are to be updated in consultation with the Department of Premier and Cabinet (Heritage) to ensure the requirements of the relevant heritage guidelines are met.
2. Prior to public exhibition, the planning proposal is to be updated to include a reference to a savings provision to apply to any development application lodged but not determined.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018); and
 - (a) Council is to write to all landowners within and adjoining the proposed conservation area providing notice of the proposal and public exhibition and explaining the effects of the proposed changes.
4. Prior to public exhibition, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Department of Premier and Cabinet (Heritage);
 - NSW Rural Fire Service; and

12.2 Post Exhibition Report - Planning Proposal for a new heritage item and new heritage conservation area in Aitken and Kangaloon Roads, Bowral (Aitken Road Heritage)

ATTACHMENT 3 Gateway Determination issued by the Department of Planning, Industry and Environment on 29 November 2019



- Water NSW.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 29th day of November 2019.

A handwritten signature in black ink that reads "Sarah Lees".

Sarah Lees
Director, Southern Region
Local and Regional Planning

Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces



12.3 Adoption of Draft Agency Information Guide

Reference:	1420/19
Report Author:	Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to seek Council's adoption of an updated agency information guide.

RECOMMENDATION

THAT the draft Agency Information Guide at Attachment 1 to the report be adopted.

REPORT

BACKGROUND

On 14 August 2019, Council passed the following resolution (MN 387/19):

THAT the draft Agency Information Guide included at Attachment 1 be adopted by Council.

Section 20 of the *Government Information (Public Access) Act 2009* (the 'GIPA Act') provides that all agencies (including local authorities) must have an agency information guide, while section 21 of the GIPA Act requires agencies to review their agency information guides and adopt a new agency information guide at least every 12 months.

Section 17(d) of the GIPA Act allows the NSW Information Commissioner to issue guidelines and other publications for the assistance of agencies in connection with their functions under the GIPA Act, including with respect to agency information guides as provided by section 22(2) of the GIPA Act.

Since the adoption of Council's current Agency Information Guide on 14 August 2019, the NSW Information and Privacy Commission (the 'IPC') has updated its *Agency Information Guides: Self-assessment checklist for agencies* (the 'Checklist'). Further, on 15 August 2019, the IPC provided its feedback on Council's current Agency Information Guide, intended to assist Council in the next review of its Agency Information Guide.

REPORT

The GIPA Act obliges agencies, including Council, to have an agency information guide that meets the requirements of the GIPA Act. Section 20(1) of the GIPA Act provides that an agency information guide must:

- (a) describe the structure and functions of the agency;
- (b) describe the way in which the agency's functions (including, in particular, the agency's decision-making functions) affect members of the public;

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- (c) specify any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agencies functions;
- (d) identify the various kinds of government information the agency holds;
- (e) identify the kinds of government information the agency holds that the agency makes, or will make, publicly available;
- (f) specify the manner in which the agency makes, or will make, government information publicly available; and
- (g) identify the kinds of information that are, or will be, made publicly available free of charge and those kinds of information for which a charge is, or will be, imposed.

Council's current Agency Information Guide is available on Council's website as required by the GIPA Act.

The draft Agency Information Guide at **Attachment 1** to this report differs from the current Agency Information Guide in a number of respects that, collectively, seek to enhance its useability for members of the public, as outlined in the below sections:

Corporate style guide

In 2020, Council began implementing a new corporate style guide. The draft Agency Information Guide has been developed in consultation with Council's Media and Communications team so that this new style guide is implemented.

Restructure of document

The current Agency Information Guide was developed with reference to the IPC's *Guideline 6: Agency Information Guides* ('Guideline 6') in order to reflect the template structure recommended by the IPC. The broader structure of the draft Agency Information Guide is therefore substantially the same as the current Agency Information Guide with the exception of:

- (a) the movement of the Introduction to the cover page of the document, prior to the Table of Contents;
- (b) the deletion of one subheading and the addition of a new subheading (Organisational Structure) at Part 1 of the document;
- (c) amendments to and the addition of various headings and subheadings through Parts 2 and 3 of the document; and
- (d) a restructure of various paragraphs to enhance the readability of the document and ensure that information is included under the most appropriate subheadings.

Amendments and additions to content of document

Throughout the draft Agency Information Guide, various amendments and additions have been made to the content previously included in the current Agency Information Guide. This includes amendments to the wording of information already contained in the current Agency Information Guide and the addition of new content. Key additions are as follows:

- (a) Figure 1: *Wingecarribee Shire Council organisational structure as at June 2020* has been added at Part 1.3 of the draft Agency Information Guide.
- (b) Reference has been made at Part 2 of the draft Agency Information Guide to:
 - i. legislation other than the GIPA Act (including the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*) through which

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- Council is required to make certain kinds of information publicly available; and
- ii. information contained in certain documents that are available for purchase, in accordance with section 20(1)(g) of the GIPA Act.
- (c) Additional information has been included at Part 2.4 of the draft Agency Information Guide, including:
- i. explicit reference to circumstances under which an applicant may be entitled to a discount in processing charges imposed in relation to a formal access application lodged under the GIPA Act, in response to the IPC's recommendations following its review of the current Agency Information Guide; and
 - ii. the addition of information regarding advance payments of processing charges (advance deposits) that may be requested by Council in accordance with the GIPA Act.
- (d) Examples of various programs and community events organised by Council have been provided at Part 3.1 of the draft Agency Information Guide under the subheading ***Community planning and development functions***.
- (e) In accordance with best practice guidance provided by the IPC's Guideline 6, hyperlinks to Council's annual reports, integrated planning and reporting framework, policies, Privacy Management Plan and strategies and plans have been included at Part 5 of the draft Agency Information Guide.

Further to the above, minor grammatical corrections have been made throughout the document.

Update of hyperlinks

The IPC's Guideline 6 states that it is best practice to ensure that hyperlinks included in an agency information guide are active, relevant and appropriately guide the reader. The hyperlinks included in the current Agency Information Guide have been reviewed and amended where necessary to ensure that the most accurate, up-to-date and relevant information is available.

COMMUNICATION AND CONSULTATION

Community Engagement

Public exhibition of the draft Agency Information Guide at **Attachment 1** to this report is not recommended for the following reasons.

The information contained in the draft Agency Information Guide is substantially similar to that which is included in the current Agency Information Guide and in fact includes additional information beyond that included in the current Agency Information Guide. No substantial information has been removed from the document.

Further, Council is obliged under the GIPA Act to review and adopt its agency information guide annually with further requirements prescribing the information which it is mandatory to include in an agency information guide. All mandatory information has been included in the draft document, as well as additional information that it is recommended, but not mandatory, to include. As this is the case, it is not considered necessary to publicly exhibit the draft Agency Information Guide.

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Internal Communication and Consultation

Council's Community Development and Media and Communications teams were consulted in the preparation of the draft Agency Information Guide at **Attachment 1** to this report.

External Communication and Consultation

Section 22(1) of the GIPA Act provides that an agency must notify the NSW Information Commissioner before adopting or amending an agency information guide and must, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed agency information guide or amendment.

The Information Commissioner has been provided with a copy of the draft Agency Information Guide at **Attachment 1** to this report. Any comments the Information Commissioner might wish to make will be incorporated into the next annual review of Council's Agency Information Guide.

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 implications in relation to this report.

- **Governance**

Council is obliged to have an agency information guide in accordance with the requirements of section 20(1) of the GIPA Act. This report seeks to ensure that these requirements are met.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

- Code of Meeting Practice
- Community Engagement Policy
- Notification of Development Proposals Policy
- Privacy Management Plan

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OPTIONS

The options available to Council are:

Option 1

THAT the draft Agency Information Guide at Attachment 1 to the report be adopted.

Option 2

THAT Council amend and adopt the draft Agency Information Guide at **Attachment 1** to the report.

Option 3

THAT Council endorse the draft Agency Information Guide at **Attachment 1** for public exhibition for a period of twenty-eight (28) days, following which the draft Agency Information Guide will be submitted to Council for adoption.

Option 1 is the recommended option to this report.

CONCLUSION

The draft Agency Information Guide at **Attachment 1** to this report has been developed to assist Council to comply with its obligations under the GIPA Act and to reflect guidance provided by the IPC. It is recommended that Council adopt the draft Agency Information Guide.

ATTACHMENTS

1. Draft Agency Information Guide - *circulated under separate cover*

Mark Pepping
Deputy General Manager Corporate Strategy and Development Services

Thursday 18 June 2020



13 GENERAL MANAGER

13.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 24 June 2020.

RECOMMENDATION

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.3.

Note: The Council, or a committee of the Council, may allow member of the public to make representations to or at a meeting should be closed (15.9 – Code of Meeting Practice).

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

REPORT

BACKGROUND

This report updates the current status and costs paid during May 2020, for legal proceedings involving Council in the Land and Environment Court, including those matters completed since the last report to Council.

Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is report in a closed report.

REPORT

On 17 April 2013, Council resolved:

THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.

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The report on the status of legal affairs involving Council contains information and advice that is privileged on the grounds of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the Local Government Act 1993.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. **If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.**

Consultants' Fees

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land and Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Costs report to Council.

There were consultants' fees for legal proceedings paid in the month of April 2020 – refer **Attachment 1**.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Staff and management provide information, as required, to assist the progress of the matters reported.

External Communication and Consultation

Solicitors from Council's Legal Panel provide advice and conduct legal proceedings on Council's behalf.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report. However, some legal proceedings may deal with unauthorised works or activities which have had or could have an environmental impact.

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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 is a strong community expectation in relation to enforcement and compliance actions by Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal Costs- May 2020

Mark Pepping
Deputy General Manager Corporate Strategy and Development Services

Thursday 18 June 2020



Legal Costs - May 2020

Legal Matter	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Total Expenditure
	May-20	May-20	Year to Date (YTD)	Year to Date (YTD)	Life to Date (LTD)
Catholic Health Care Pty Ltd Aitken Road, Bowral	\$ 503	\$ 1,377	\$ 53,722	\$ 95,510	\$ 97,209
K.N.D Nominees Pty Ltd Walker Street, Bowral	-	-	\$ 8,134	-	\$ 8,134
Reulie Land Co Pty Ltd Myra Vale Road, Wildes Meadow	\$ 16,069	-	\$ 39,611	-	\$ 58,510
Lend Lease Retirement Living Holdings Aitken Road, Bowral	-	-	\$ 7,787	-	\$ 16,095
ERF Hospice Pty Ltd Edward Street, Bowral	\$ 1,653	-	\$ 20,061	-	\$ 29,751
Michael Brown Planning Loftus Street, Bowral	\$ 18,351	-	\$ 118,194	-	\$ 342,357
Turland Mittagong Road Bowral	\$ 756	-	\$ 10,377	\$ 1,925	\$ 214,237
Bowral Garage Development Pty Ltd Bong Bong Street, Bowral	\$ 4,320	-	\$ 7,186	-	\$ 7,186
Phoebe Hodgson Gordon Road, Bowral	\$ 1,592	-	\$ 19,268	\$ 5,100	\$ 24,368
Woodbine Park Nominees Wombeyan Caves Road, High Range	\$ 1,672	-	\$ 7,399	-	\$ 7,399
Lasovase Pty Ltd Myra Vale Road, Wildes Meadow	\$ 6,836	-	\$ 19,704	\$ 4,200	\$ 23,904
Morris Brigadoon Drive, Bundanoon	-	-	\$ 1,720	-	\$ 11,226
Paloma Blanca Pastoral Pty Ltd Colo Road, Colo Vale	-	-	\$ 12,430	\$ 3,240	\$ 151,173
Strathleigh Investments Pty Ltd Alice Street, Mittagong	-	-	\$ 11,607	-	\$ 55,216
Shelley Boyce Tyndall Street Mittagong	-	-	\$ 6,715	-	\$ 34,883
Sett Homes P/L Willow Street, Willow Vale	-	-	\$ 8,246	-	\$ 13,169
Fenwick v Woodside Properties Wingello Road, Bundanoon	-	-	\$ 31,255	-	\$ 72,669
PS Design and Construction Sir James Fairfax Circuit, Bowral	\$ 5,450.00	-	\$ 5,450	\$ 5,141	\$ 10,591
John Bennett Oxley Drive, Mittagong	\$ 8,499	-	\$ 10,304	-	\$ 10,304
Total Expenditure	\$ 65,701	\$ 1,377	\$ 399,170	\$ 115,116	\$ 1,188,381

Note: This report includes proceedings where legal and/or consultancy costs have been incurred in the 2019/20 Financial Year. It is important to note that the figure reported to the Finance Committee on a quarterly basis is projected expenditure for the entire financial year. The figure reported to the Finance Committee also includes non-development related legal expenditure.

Fees Recovered – May 2020

Legal Matter	Fees Recovered May-20	Fees Recovered YTD	Fees Recovered LTD
O'Shanassy	-	\$4,750	\$18,728
Willow Properties	-	\$5,000	\$18,500
Michael Brown Planning Strategies	-	\$12,453	\$45,080
Garry Turland	-	\$5,000	\$5,000
Shelley Boyce	-	\$5,000	\$5,000
Total Recovery	\$0	\$32,203	\$92,308

Notes:

O'Shanassy - \$93,500 penalty (OSR recovery) plus Council has been awarded by the Supreme Court of NSW a costs order of \$379,000 plus \$4,999.23 being Council's costs in order to undertake the costs assessment.



15 PETITIONS

15.1 Petition 3/2020 DA 20/1051 - Proposed Retail Premises at West Parade and Rosina Street, Hill Top

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

PURPOSE

The purpose of this report is to present Council with a petition relating to DA 20/1051 - Proposed Retail Premises at West Parade and Rosina Street, Hilltop.

The petition contains over 150 signatures.

A copy of the Petition will be tabled at the Ordinary Meeting of Council.

RECOMMENDATION

THAT Petition 3/2020 relating to DA 20/1051 - Proposed Retail Premises at West Parade and Rosina Street, Hilltop be received and noted by Council.

ATTACHMENTS

There are no attachments to this report.



16 COMMITTEE REPORTS

16.1 Management and Advisory Committee Reports

Reference: 107/1
Report Author: Committee Coordinator

PURPOSE

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

1. Jurd Park Management Committee held on 29 October 2019
2. Loseby Park Community Hall Management Committee, 25 October 2019
3. Hampden Park Management Committee held on 12 November 2019

RECOMMENDATION

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

1. Jurd Park Management Committee held on 29 October 2019
2. Loseby Park Community Hall Management Committee, 25 October 2019
3. Hampden Park Management Committee held on 12 November 2019

ATTACHMENTS

There are no attachments to this report.

16.2 Minutes of the Traffic Committee Meeting held electronically on Wednesday 20 May 2020

Reference:	107/6
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held electronically on Wednesday 20 May 2020.

RECOMMENDATION

THAT recommendation No TC26/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 20 May 2020 be adopted.

SUMMARY OF THE RECOMMENDATION AND ACTION FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Proposed parking and traffic alterations in Mittagong Railway Station forecourt and Regent Street, Mittagong

TC 26/20

THAT

1. There is no objection to the construction drawing for Mittagong Station Upgrade project to implement the parking and traffic alterations within the forecourt area in Mittagong Station and Regent Street which includes:
 - A traffic island on the interface between Regent Street and the Mittagong Station forecourt area
 - Changes to parking restrictions on Regent Street
 - Provision of a formal bus zone and an accessible 'kiss and ride' bay
 - New kerb ramps on both sides of Regent Street
2. The concern about the maintenance of the pavement in the forecourt area be referred to Transport for NSW requesting that this be monitored periodically. It is noted that the proposed bus stop will require a tight turn exit which will likely accelerate pavement wear in this area which will potentially create a trip hazard.

Note: The changes within the commuter car park are not part of the Local Traffic Committee report or recommendation.

ATTACHMENTS

1. Minutes of the Traffic Committee meeting held electronically on Wednesday 20 May 2020



MINUTES

of the
Traffic Committee Meeting
held Electronically on

Wednesday 20 May 2020

File No. 107/6

16.2 Minutes of the Traffic Committee Meeting held electronically on Wednesday 20 May 2020

ATTACHMENT 1 Minutes of the Traffic Committee meeting held electronically on Wednesday 20 May 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 20 May 2020



1. AGENDA REPORTS	2
1.1 Proposed parking and traffic alteration in Mittagong Railway Station forecourt and Regent Street, Mittagong	2

16.2 Minutes of the Traffic Committee Meeting held electronically on Wednesday
20 May 2020

ATTACHMENT 1 Minutes of the Traffic Committee meeting held
electronically on Wednesday 20 May 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 20 May 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE
COUNCIL HELD ELECTRONICALLY ON WEDNESDAY 20 MAY 2020.

Present:	Clr Ken Halstead OAM	Chair
	Mrs Jayd Marsh	Transport for NSW
	Sergeant Matthew Hoffman	NSW Police
	Mr Ian Armstrong	Representing Member for Wollondilly
	Mrs Katherine Wood	Representing Member for Goulburn

Council Staff:	Mr Stace Lewer	Manager Assets
	Ms Daria Chen	Acting Traffic Engineer
	Mr Naif Ahmed	Coordinator Assets Roads & Traffic



MINUTES OF THE TRAFFIC COMMITTEE MEETING
Wednesday 20 May 2020



1. AGENDA REPORTS

1.1 Proposed parking and traffic alterations in Mittagong Railway Station forecourt and Regent Street, Mittagong

Reference: 7450
 Report Author: Traffic Engineer (Contractor)
 Authoriser: Manager Assets
 Link to Community Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider the most appropriate parking and traffic alterations in Mittagong Railway Station forecourt and Regent Street from Station Street to Ward Lane, Mittagong

RECOMMENDATION

THAT

1. *There is no objection to the construction drawing for Mittagong Station Upgrade project to implement the parking and traffic alterations within the forecourt area in Mittagong Station and Regent Street which includes:*
 - A traffic island on the interface between Regent Street and the Mittagong Station forecourt area,*
 - Changes to parking restrictions on Regent Street*
 - Provision of a formal bus zone and an accessible 'kiss and ride' bay*
 - New kerb ramps on both sides of Regent Street*
2. *The concern about the maintenance of the pavement in the forecourt area be referred to Transport for NSW requesting that this be monitored periodically. It is noted that the proposed bus stop will require a tight turn exit which will likely accelerate pavement wear in this area which will potentially create a trip hazard.*

Note: The changes within the commuter car park are not part of the Local Traffic Committee report or recommendation.

TC26/20

Unanimous support

17 QUESTIONS WITH NOTICE

17.1 Question with Notice 19/2020 - General Manager's Review

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

To: General Manager

From: Clr Turland

Received: 15 June 2020

Subject: General Manager's Review

Question:

1. When will the General Manager's review be conducted as per the contract?
2. Has the wellness review of the General Manager's performance been undertaken as per the contract?

Response:

1. The General Manager's Performance Review will be conducted by the Performance Review Committee on 24 July 2020.
2. The General Manager will provide a report to the Performance Review Committee against the KPI's contained in the General Manager's Performance Agreement.

RECOMMENDATION

THAT the information in relation to Question with Notice 19/2020 - General Manager's Review - be noted.

17.2 Question with Notice 20/2020 - Frankland Street Sale

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

To: General Manager
From: Cllr Turland
Received: 15 June 2020

Subject: Frankland Street Sale

Question:

1. Can the General Manager report to Council on the settlement of Frankland Street property.
2. Has there been a delay and what action has been undertaken?

Response:

Given that the question requires an answer in relation to a current legal matter involving Council, a verbal answer will be provided in closed Council when the Legal Report is being considered.

RECOMMENDATION

THAT the information in relation to Question with Notice 20/2020 - Frankland Street Sale - be noted.

17.3 Question with Notice 21/2020 - New Carpark in Mittagong

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

To: General Manager

From: Clr Turland

Received: 15 June 2020

Subject: New Carpark in Mittagong

Question:

1. Can Council provide a certificate [for] the land that will be transferred to Council at the Mittagong Railway Station is not contaminate from Australian Rail Track Corporation (ARTC), Sydney Trains, Environment Protection Authority (EPA), NSW State Government.

Response:

Council has engaged a suitably qualified contractor to undertake soil testing and geotechnical investigations at the proposed site. Those investigations will be undertaken once approval to gain access to the site is received from ARTC.

RECOMMENDATION

THAT the information in relation to Question with Notice 21/2020 - New Carpark in Mittagong - be noted.

18 NOTICES OF MOTION

18.1 Notice of Motion 20/2020 - DA15/00007 - Bloomfield Close, East Bowral

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

PURPOSE

Councillors Halstead and Turland have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020:

THAT a comprehensive report be brought to Council outlining the stormwater drainage consideration and conditioning of DA15/00007 for the development located in Bloomfield Close, East Bowral.

RECOMMENDATION

Submitted for determination.



18.2 Notice of Motion 22/2020 - Playhouse Renovation

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

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020:

1. THAT Council staff prepare a design and construct tender document as a matter of urgency;
2. THAT Council staff report back to Council by Council meeting 22 July 2020 on the tender documents (OC) and to be funded by the first settlement from the sale of Frankland Street property.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

The Draft 2020/2021 Capital Works program currently on exhibition in Council's Draft Operational Plan and Budget includes \$67.5 million of capital works. With the recent announcement regarding Council's success in obtaining \$2.8 million under the Federal Government's "Building Better Regions Fund", for the Bowral Memorial Hall, that project will now also be included for commencement in early 2021, thus further expanding the proposed Capital Works Programme.

The Project Delivery resources of Council will therefore have a very challenging program of capital works to deliver which is now in the vicinity of \$70 million.

If it is Council's direction to now fast track the repairs and refurbishment of the Mittagong Memorial Hall, it will require a review of priorities of the Capital Works program and other projects may need to be deferred. Alternatively, the project management of this work could be outsourced to an appropriate consultant, that will involve significant additional costs, in the order of 10% of the total project costs or approximately \$200k to \$250K.

It is also highlighted that a "design and construct" delivery model for this type of project is a much higher risk approach with an increased likelihood of project variations due to unforeseen issues in design and delivery of the project which will inevitably occur. If this model of delivery is imposed by Council, the contingency component of the project budget will need to be significantly increased to manage the increased risk and the delivery timeline will need to be flexible as the investigation and design process confirms the details of the project.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 24 June 2020

NOTICES OF MOTION



In conclusion the proposal to fast track a “design and construct” Project Delivery Model is not favoured by staff and does not align with the Project Delivery Framework currently being implemented across Council. The endorsed project delivery model requires “high risk” projects to be delivered in two stages. Stage 1 involves detailed investigation and design with a focus on identifying all risk factors from the project and ensuring that action is taken to manage those risks prior to commencement of delivery, with a “shovel ready” project then taken to market with an appropriate budget and project delivery plan. A fast tracked “design and construct” approach will also preclude Council the opportunity to pursue grant funding for this project.

It is highlighted also that the commitment to create a reserve for the proposed new Animal Shelter in the 2020/21 Draft Operational Plan & Budget of \$5.2 million is partly funded by the sale of Lot 3 of the Frankland St. property mentioned in the proposed recommendation 2.

18.3 Notice of Motion 24/2020 - Shire Bike Strategy

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

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020:

1. THAT Councillors and staff undertake a site visit with the proponent;
2. THAT Councillors and staff hold a briefing session with the proponent;
3. THAT Council coordinate a workshop with stakeholders and interested parties, including the Member for Goulburn and the Member for Wollondilly as a matter of urgency.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

From the information supplied in the Notice of Motion, it is unclear as to who the proponent is and what site would be visited and how that relates to the Shire Bicycle Strategy.

Notwithstanding the above, it is noted that Council has an adopted Bicycle Strategy which dates back to 2008. In Stage 1, the Bicycle Strategy identified existing and proposed key bicycle routes for Moss Vale, Bowral and Mittagong and established priorities for the implementation of upgrades and construction of new bicycle routes.

In 2016, Council adopted Stage 2 of the Bicycle Strategy which identified a proposed network of bicycle routes that will promote the connectivity between Wingecarribee's Main town to the rural towns and villages including from Mittagong to the northern villages of Willow Vale, Colo Vale, Hill Top, Balmoral and Yerrinbool, from Bowral and Moss Vale to the eastern villages of Robertson and Burrawang and the western villages of Berrima and New Berrima and from Moss Vale to the southern villages of Sutton Forest, Exeter and Bundanoon.

Council staff have secured in the past and continue to source potential government grants to continue with the short, medium and long term implementation of the Shire's Bicycle Strategy. Council's Section 94 (now S7.11) Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2012-2036 also identifies cycleways across the Shire for funding from Developer Contributions.

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 Bulk Water Treatment Chemicals

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 Bulk Water Treatment Chemicals.

19.2 Tender for the Construction of Church Road Oval Amenities Building Upgrade

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Church Road Oval Amenities Building Upgrade.

19.3 Legal Report - Closed Council

Relevant Legal Provisions

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 24 June 2020

CLOSED COUNCIL



Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 May 2020.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Ann Prendergast
General Manager

Thursday 18 June 2020