

21 February 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **the temporary Council Chambers within the Theatrette, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 26 February 2020** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the the temporary Council Chambers within the Theatre, Civic Centre, Elizabeth Street, Moss Vale on Wednesday, 26 February 2020 at 3.30pm.

Time	Item
3.30pm	1. Opening of the Meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded AND that the Council Chamber now has 24 hour Video Surveillance.
	2. Acknowledgement of Country – Cllr Halstead
	3. Opening Prayer - Reverend Doug McPherson, Presbyterian Church, Mlttagong
3.35pm	4. Apologies
	5. Adoption of Previous Minutes
	6. Declarations of Interest
	7. Mayoral Minute
	8. Public Forum
	Visitor Items
	Item 9.1 Emergency Management Arrangements and Local Emergency Management Plans for Wingecarribee Shire
	9. Item 9.2 Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral
	Item 9.3 Development Application 20/0587 - Continuing Use of an Advertising Structure and Display of Advertisements, Lot 6 SP41585, 6/310-318 Bong Bong Street, Bowral
	10.- 14. Council Reports
	15. Petitions
	16. Committee Reports
5.30pm	17. Questions with Notice
	18. Notices of Motion
7.40pm	19. Closed Council
8.00pm	21. Meeting Close

Ann Prendergast
General Manager



Business

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
	An apology for this meeting was received from Clr P W Nelson.
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
	Ordinary Meeting of Council held on 12 February 2020
6. DECLARATIONS OF INTEREST1
7. MAYORAL MINUTES	
8. PUBLIC FORUM	
9. VISITOR MATTERS	
	OPERATIONS, FINANCE AND RISK
9.1	Emergency Management Arrangements and Local Emergency Management Plans for Wingecarribee Shire2
	CORPORATE, STRATEGY AND DEVELOPMENT SERVICES
9.2	Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral11
9.3	Development Application 20/0587 - Continuing Use of an Advertising Structure and Display of Advertisements, Lot 6 SP41585, 6/310-318 Bong Bong Street, Bowral.....62
10. EN BLOC MOTION	
11. OPERATIONS FINANCE AND RISK	
11.1	Post Tender Negotiations for the Vandenberg Road Renewal and Table Drain Works 84
11.2	Tender for Berrima Marketplace Playground All Abilities Upgrade88
11.3	Investment Report - January 2020.....94
11.4	Application for Transfer of Unmade Crown Road to Council - Part Surrey Street, Berrima 100
11.5	Licence Agreement to Faith FM for use of Mt Gibraltar Telecommunications Tower at 232 Oxley Drive, Bowral.....105
11.6	Modification of Easements in favour of Council over "The Hill", Middle Road, Exeter.....109
11.7	Proposed Acquisition - Land in Bowral113
12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	
12.1	ANZAC Day 2020.....114

12.2	Bi-Annual Delivery Program 2017-2021 Progress Report, 1 July - 31 December 2019.....	118
12.3	Change Of Use - Studio to Secondary Dwelling	157
<hr/>		
13.	GENERAL MANAGER	
13.1	Councillor Planning Day - November 2019	178
13.2	Legal Report.....	182
13.3	Exclusion of Notice of Motion and Question with Notice from Business Paper on 6 February 2020.....	186
14.	DELEGATE REPORTS	
<hr/>		
15.	PETITIONS	
15.1	Petition 2/2020 Planning Proposal to Amend Wingecarribee Local Environmental Plan - Aitken Road Bowral	187
<hr/>		
16.	COMMITTEE REPORTS	
16.1	Minutes of the Traffic Committee Meeting held electronically on 8 January 2020	188
16.2	Minutes of the Traffic Committee Meeting held electronically on 10 February 2020.....	195
16.3	Minutes of the Finance Committee Meeting held on 19 February 2020	200
<hr/>		
17.	QUESTIONS WITH NOTICE	
17.1	Question with Notice 4/2020 - Report on Station Street	212
17.2	Question with Notice 5/2020 - Bong Bong Street Taxi Rank	213
17.3	Question with Notice 6/2020 - Walkways along Bong Bong Street Bowral	215
17.4	Question with Notice 9/2020 - MOU Station Street Upgrade	216
<hr/>		
18.	NOTICES OF MOTION	
18.1	Notice of Motion 3/2020 - Town Water Planning.....	217
18.2	Notice of Motion 4/2020 Resource Recovery Centre Operating Hours.....	219
18.3	Notice of Motion 5/2020 - Poll for 2024 Mayor.....	220
18.4	Notice of Rescission Motion 1/2020 - DA 20/0546 Development Application 20/0546 -Erection of Buildings and Carrying out of Works for the Purpose of Seniors Housing Lot 2 DP1241233 2 Orchid Street, Colo Vale.....	222
18.5	Notice of Rescission Motion 2/2020 - DA 19/0922 Development Application 19/0922 - Thirty One (31) Lots Subdivision - 30 Residential Lots and 1 Drainage Easement Allotment - 21 Ferguson Crescent Mittagong.....	224
18.6	Notice of Motion 8/2020 Balmoral Village Association Presentation....	225
<hr/>		
19.	CLOSED COUNCIL	
	Moving into Closed Session	226
19.1	Post Tender Negotiations for Vandenberg Road Renewal and	

Table Drain Works, Robertson

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

19.2 Tender for Berrima Marketplace Playground All Abilities Upgrade

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.

19.3 Proposed Acquisition - Land in Bowral

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

19.4 Legal Report - Closed Council

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

20. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

21. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

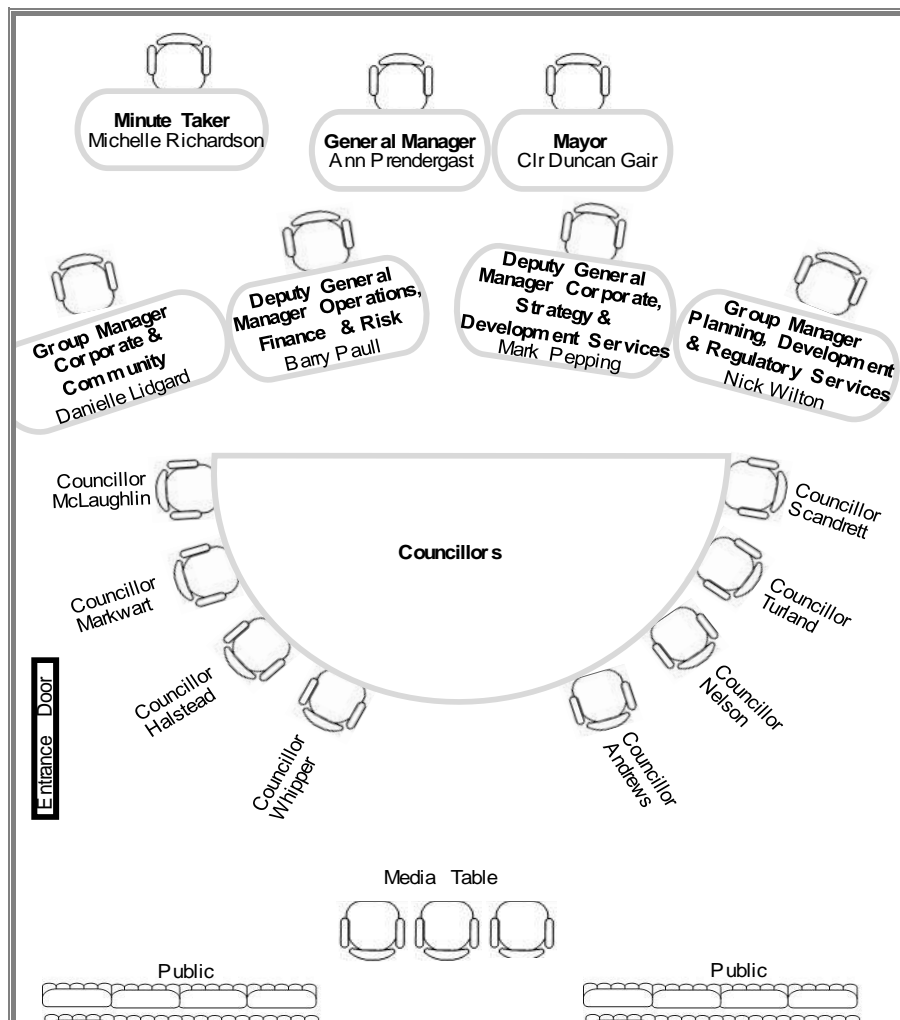
Council Theatre

Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

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

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

The Council Theatre now has 24 Hour Video Surveillance.



ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Request for Leave of Absence – Councillor P Nelson

Councillor Nelson intends to be absent from all Council commitments on Wednesday, 26 February 2020, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

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

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

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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

9 VISITOR MATTERS

OPERATIONS FINANCE AND RISK

9.1 Emergency Management Arrangements and Local Emergency Management Plans for Wingecarribee Shire

Reference:	100
Report Author:	Organisational Support Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

PURPOSE

The purpose of this report is to provide details as to how Council planned for the recent Bush Fire Emergency Event as well as other emergencies; and how has Council prepared to respond to these emergencies.

RECOMMENDATION

THAT the report be noted.

REPORT

BACKGROUND

To understand how Council prepares for emergencies it is important to have some understanding of the Australian Emergency Management Arrangements and the legislated requirements at all Levels of Government for Emergency Planning.

Under the Commonwealth, the State and Territory governments have primary responsibility for emergency management legislation, policies and frameworks within their jurisdictions.

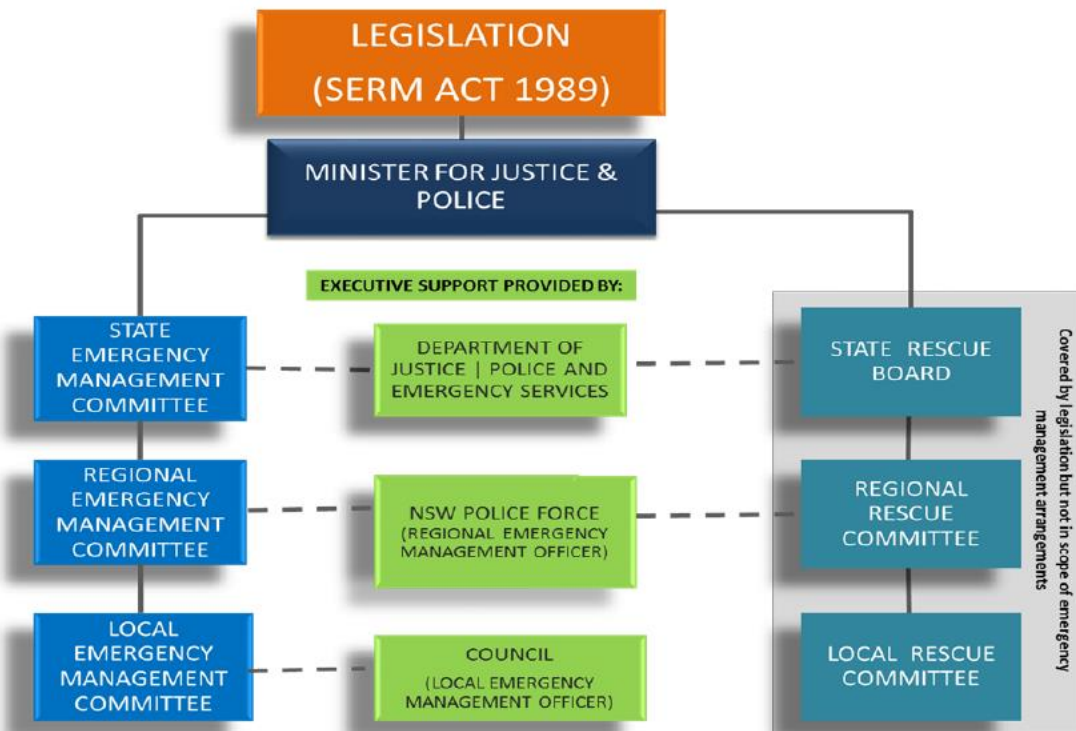
Each level of Government has responsibility commensurate with their capacity and local legislation and within its own jurisdiction, for emergency planning.

REPORT

THE SERM ACT 1989

The State Emergency and Rescue Management Act 1989 (SERM Act) provides the general legal framework and governance for emergency management in New South Wales.

For every level of government, State, Regional and Local, it clearly articulates the governance structure and the roles and responsibilities for prevention, preparation, response and recovery.



Local Government Areas are required to form a Local Emergency Management Committee for (amongst other tasks) 'the preparation of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area for which it is constituted.' 29. (1) NSW SERM Act. 1989.

Under the Act they must provide the Chair of the Committee (usually the General Manager) and an Executive Officer known as the Local Emergency Management Officer (LEMO).

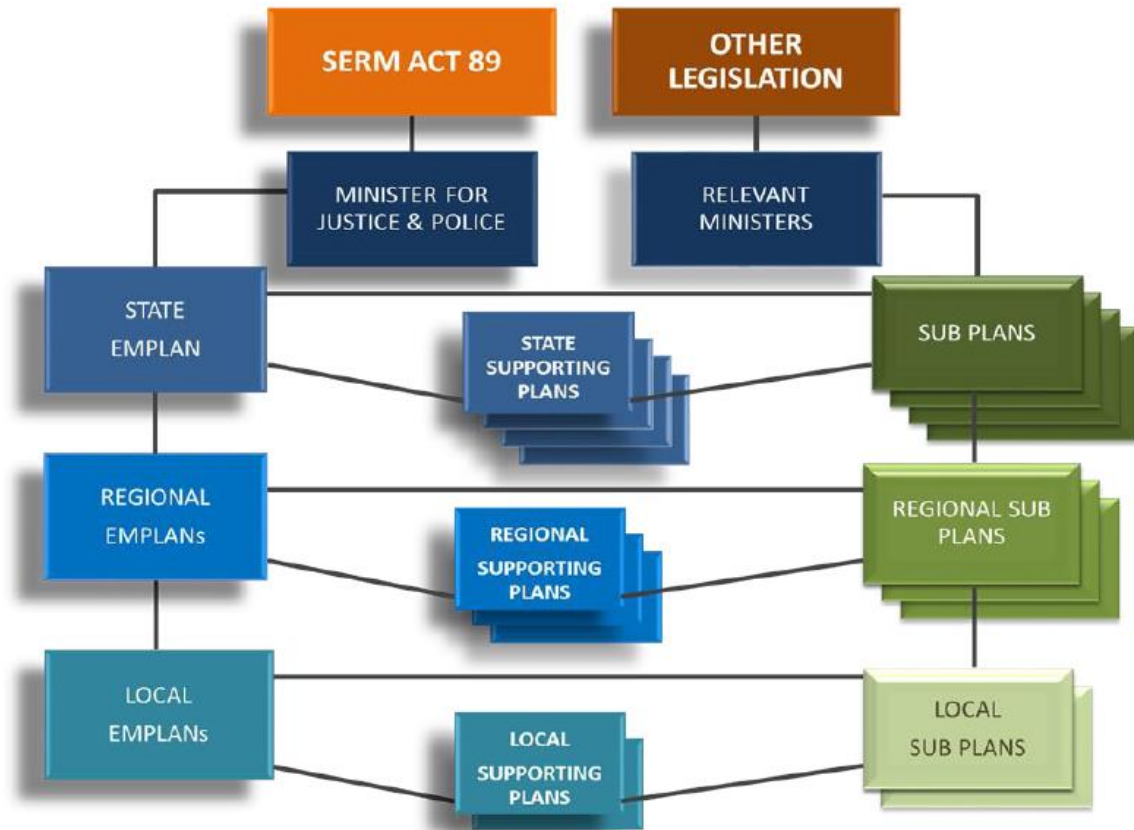
Members are local representatives of Emergency Management Agencies and Functional Areas (government departments with an emergency response directive or a prominent role in the community).

THE STATE EMPLAN

In addition to the SERM Act, NSW has the State EMPLAN which provides a strategic overview of emergency management in New South Wales. Along with detailing the governance framework at State, Regional and Local level and the roles and responsibilities of Emergency Management and Functional Area Agencies in the prevention, preparation, response and recovery to emergencies. It is based on a risk management framework.

The EMPLAN is supported by 'hazard specific' Sub Plans and Functional Area supporting Plans for the management of those specific emergency events when they occur.

As noted before, the responsibilities and requirements for planning at each level of Government is clearly articulated in the legislation including the planning responsibilities at all three levels of government. The following diagram details the required mandatory emergency management plans at each level of government where applicable.



COMBAT AGENCIES

The SERM Act and State EEMPLANS specify for each type of event, which agency will assume the lead role. They are known as the ‘Combat Agency’. For example, the Rural Fire Service is the combat agency for Bush Fire while the State Emergency Services is the combat agency for Storm, Flood and Tsunami. Their training and expertise in specific areas determining their status as the combat agency for those events.

The Combat Agency, because of their expertise in managing ‘a type’ of emergency event, has the responsibility to prepare emergency management plans at all three levels if appropriate. The RFS are responsible for Bush Fire Planning in NSW. The SES are responsible for Flood, Storm and Tsunami plans. The department of Primary Industries is responsible for emergency planning around animal and plant diseases and events.

As the ‘Combat Agency’ they also must be the single point of truth in delivering information related to an emergency event both imminent and in progress. It is their job to constantly monitor the situation and through their public liaison team, deliver appropriate advice to the community.

Wingecarribee Shire is generally considered to have one of the most proactive Local Emergency Management Committees in the State with the work they have done in planning and preparing for different types of emergencies then testing their plans through exercises to ensure they will stack up and working with the Community on preparedness and resilience. Wingecarribee was the first Council to test emergency plans for an outbreak of foot and mouth disease in 2017. As a rural community with a Saleyard facility and proximity to rapid transport on the Hume, it was appropriate with predictions that an outbreak could occur in Australia at any time and the cost the country in lost revenue, Wingecarribee tested our plans and biosecurity arrangements to make sure they were appropriate. In 2018 we

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



tested our Snow Plan to understand how Severe Weather and our dependence on the Hume Motorway could cripple our community during snow.

Wingecarribee Shire's EMPLAN (available on our website) details important information about the Shire and its residents and the type of hazardous events we might expect to experience here. Based on a risk management process where hazards are rated according to the likelihood they will occur and the consequences to life and property if they do, any hazard rated at medium or above will have sub plans and consequence management guides developed to ensure we have an appropriate level of planned response.

The Shire's EMPLAN identifies critical, strategic as well as vulnerable assets in the community and while the EMPLAN is available to the public, we have redacted sensitive information.

Following any major event, the Combat Agency is required to review the relevant Sub Plan to ensure it is valid and sufficiently robust for purpose.

PLANNING FOR BUSHFIRES

Preparedness – The Bush Fire Management Committee (BFMC)

Under the Rural Fires Act 1997 the Bush Fire Coordinating Committee (BFCC) must constitute a Bush Fire Management Committee (BFMC) for each area in the State, which is subject to the risk of bush fires.

Council, along with other land management agencies, emergency management agencies and functional agencies make up the BFMC. Our Wollondilly/Wingecarribee BFMC has three Council officers who are members contributing to the planning and ongoing mitigation strategies for the management of bushland and fires in the Wingecarribee and Wollondilly LGAs. The Mayors of Wingecarribee and Wollondilly alternate in chairing the Committee. Each BFMC is required to prepare and submit to the BFCC a draft Bush Fire Risk Management Plan (BFRMP).

A BFRMP is a strategic document (based on AS/NZS 4360: 2004 Risk Management, as the basis for the risk assessment process) that identifies community assets at risk for bush fire and sets out a five-year program of coordinated multi-agency treatments to reduce the risk of bush fire to the assets. Treatments may include such things as hazard reduction burning, grazing, community education, fire trail maintenance, vegetation management, and establishing community fireguard groups.

Annual programs to implement those treatments identified in the plan are undertaken (when possible) by the relevant land managers and firefighting authorities.

The BFMC has a program of activities which reduce the overall bush fire risk within the area and are undertaken on an ongoing basis as part of normal business.

These treatments include:

- Reviewing the bush fire prone land map
- Ensuring developments in bush fire prone land comply with Planning for Bush Fire Protection
- Using the Local Environment Plans (LEPs) to control developments in areas with a bush fire risk
- Varying the standard bush fire danger period as required
- Requiring permits during the bush fire danger period
- Prosecution of arsonists/offenders and investigation of bush fire cause
- Normal fire suppression activities

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- Preparation of S52 Operations Coordination Plan (sets out how coordinated firefighting will occur)
- Fire Management Plans or Plans of Management (specific to Land Management Agencies like Forestry and National Parks).

Wingecarribee/Wollondilly Bush Fire Risk Management Plan

The Bush Fire Risk Management Plan through the mapping and identification Shire characteristics and assets assesses the likelihood and consequence of bush fire in our community. It sets out Wingecarribee and Wollondilly's plan for strategic land and hazard management and identifies potentially vulnerable areas based on an analysis of all contributing factors.

The Wollondilly/Wingecarribee Bush Fire Risk Management Plan is available to the public and can be found on Council's website at:

<https://www.wsc.nsw.gov.au/environment/bushfire-management/bushfire-risk-management-plan>.

Specific asset based actions are identified in the plan and are implemented by various land management agencies and fire fighting authorities. Of the 270,000 hectares covered by the Wingecarribee Shire in the plan, approximately 1% is managed by Council, 33% managed by National Parks and Wildlife Service, 7% managed by Forestry NSW, 3% managed by Department of Lands, 54% is in private ownership and 2% is managed by others.

Each land management agency and fire fighting authority responsible for implementing the treatments identified in the Plan undertake the works in an annual program. Implementation of the Plan is monitored by the BFMC and each land management agencies reports quarterly on progress of the annual program. Council actively undertakes the works identified in the Plan relating to the land it manages.

Fire mitigation activities performed by Council include:

- Implementation of Councils Bushfire Management Plans for large and other Small Reserves (these are available on Council's website)
- An ongoing program of fuel reduction works on Council managed land – scheduled and prepared by Council and undertaken by the different fire authorities.
- Annual fuel loading monitoring of Special Fire Advantage Zones (SFAZ)
- Inspecting and maintaining listed Asset Protection Zones on Council managed land on a biannual basis.
- Inspection and auditing of Council maintained fire trails and associated infrastructure and implementation of maintenance as required to RFS standards.
- Targeted reserve protection works to protect firetrail infrastructure from damage from illegal activities (eg. Illegal 4WD and trail bike use)
- Work with the RFS on community education and preparedness.

Council reports back to the BFMC on all actions undertaken to ensure performance of the Bushfire Risk Management Plan.

The **STATE Bush Fire Sub Plan** sets out the arrangement for preparedness, prevention, mitigation, response to and recovery from bush fire events by combat, participating and support agencies in NSW.



WINGECARRIBEE SHIRE LEMC & EMERGENCY PLANS

The Wingecarrabee Shire LEMC has endorsed local Sub Plans for all identified potential hazardous events that occur locally. During the year the LEMC meets 4 times or more if required to review and test plans, evaluate current threats and risks and at a local level ensure we are ready to respond should it be necessary.

Leading up to Bush Fire and Storm seasons the LEMC members review operational briefings and long-term weather forecasts, test Emergency Operations Centre readiness and ensure liaison officers and alternates will be available when needed. We check on vulnerable facilities including nursing homes, schools and day-care facilities to ensure emergency and evacuation plans are in place and that management are ready to implement them should they be necessary. We make pre-emptive checks with designated evacuation facilities for both humans and animals to ensure they are ready to go should it be necessary.

Council through its Business Continuity Plan has developed its own suite of plans and procedures to ensure it can continue to deliver critical services to the community should a significant event occur.

Council and the Shire's LEMC endeavour to plan for possible events but has no control over where, when and how an emergency event will unfold and at what intensity.

PREPARATION - A SHARED RESPONSIBILITY

The National Strategy for Disaster Resilience (COAG 2011) determined that preparedness and building resilience within our communities must be a shared responsibility. At every level we need to take some responsibility for making our own plans and Council is committed to assisting residents to prepare for emergencies. For the past 5 years Council has, in conjunction with the RFS, facilitated workshops and activities to help residents prepare in the lead up to the Bush Fire Season. We have introduced the 'hotspots' campaign to teach landholders how to manage their own bush fire risk responsibly. Our 6 week Get Ready for Bush Fire Challenge ran for three years and was then available as a DIY project on Council's website. 2019 Council completely redesigned its Bush Fire information, planning and activity area to be more user friendly with information more readily available for residents.

Council's website provides comprehensive information and links to relevant materials on preparing your property for bush fire, bush fire management plans and detailed instructions for preparing a bush fire survival plan.

All Bush Fire related materials can be found on Council's website here:

<https://www.wsc.nsw.gov.au/services/environment/bushfire-management>

EMERGENCY OPERATIONS CENTRE

An Emergency Operations Centre (EOC) is a centre established under the State Emergency and Rescue Management Act at a State, regional or local level as a centre for communication, and as a centre for coordination of operations and support, during an emergency.

During the Green Wattle Creek and Moreton Fires, Wingecarrabee's Local EOC was open from 10 December 2019 through to 24 January 2020 for the purpose of:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- Planning for an impending event in the pre-impact phase,
- Monitoring operations,
- Coordinating support to the Combat Agency (RFS)
- Alerting vulnerable people to potential impacts
- Setting up evacuation centres for both humans and animals
- Coordinating the staffing and management of evacuation centres
- Reporting back to REOC and SEOC

EMERGENCY, DISASTERS AND CATASTROPHIC DISASTER

When measuring prepared plans against an emergency or disaster it is important to understand the type of event and the definition of its severity as plans are made to address situations within our capabilities to respond.

The Australian Institute for Disaster Resilience defines emergencies as:

'Emergency: an event, actual or imminent, which endangers or threatens to endanger life, property or the environment, and which requires a significant and coordinated response.

Disaster: A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one of more of the following: human, material, economic or environmental losses and impacts.

Catastrophic disaster: Is what is beyond our current arrangements, thinking, experience and imagination. Severe to catastrophic disasters differ from emergencies in that they exceed business as usual emergency management systems and capability design parameters.'

AIDR Emergency Management Arrangements Handbook

The bush fires that devastated the East Coast of Australia in 2019/20 including Wingecarribee Shire were 'Catastrophic' in nature and severely limited the response and stretched the resources of the Combat Agency (RFS) by the sheer size and number of uncontrolled fires in the State. As such they 'exceeded business as usual emergency management systems and capability design parameters.

The Green Wattle Creek and Moreton fires burnt in Wingecarribee at multiple locations and persisted over a period in excess of 12 weeks. The fires affecting NSW and Wingecarribee were a 'Catastrophic Disaster'. It is almost certain that following the prolonged drought, the fuel load on the ground, the ground moisture content and contributing weather factors for this time of the year, it is highly likely they would still be burning today had it not been for the significant and prolonged recent rain event that followed.

COMMUNICATION AND CONSULTATION

Community Engagement

Local Emergency Management Committee

Internal Communication and Consultation

General Manager,

Local Emergency Management Officer

External Communication and Consultation

Local Emergency Management Controller

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Building resilience and preparedness to any emergency event is a shared responsibility. While all levels of government make plans to prevent, prepare, respond to and recover from natural disasters, a level of responsibility must be acknowledged at the community and individual levels. Council can only make available appropriate materials, run programs, workshops and give advice to assist the individual to prepare after which it is up to the individual to make use of the information.

- **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 governance structure for Emergency Management within NSW is clearly defined at 3 levels: State, Regional and Local Levels along with the responsibilities and requirements of the Emergency Management Committees at each level.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Nil

OPTIONS

The only option available to Council is:

Option 1

That the report be received and noted.

CONCLUSION

The Bush Fires that affected NSW during 2019/20 constituted an event of such unparalleled magnitude in Australian history that it can only be defined as a 'Catastrophic Disaster' which, by definition, is beyond our current arrangements, thinking, experience and imagination and outside of 'business as usual' operations.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

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



Legislation in NSW sets out the mandatory requirements at all levels for Emergency Management Planning. Wingecarribee Shire in accordance with legislation has prepared documented strategies and plans to respond to those identified hazards as noted in the Wingecarribee EMPLAN.

ATTACHMENTS

There are no attachments to this report.

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Friday 21 February 2020

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral

Reference:	19/1042
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	Le Ralais Pty Ltd
Owner:	Tony & Serena Antoun
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider Development Application 19/1042 which seeks development consent for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be **APPROVED** by way of a deferred commencement consent, subject to attached conditions of consent as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site, Lot 11 DP 603108, being 25 Oxley Drive, Bowral, is located on the southern side of Oxley Drive, approximately 90 metres west of the Oxley Drive / Rose Street intersection (**Attachments 2 and 3**). The site is 2608 square metres in area, has a frontage of 20.735 metres to Oxley Drive, and currently contains a single storey Residential Flat Building containing 4 residential units in the northern portion of the site. The site slopes steeply down to the rear, and adjoins Mittagong Creek and Cherry Tree Walk to the south. The site has a fall of approximately 21 metres from north (top) to south (bottom).

The site contains numerous exotic and native trees, including 24 trees which belong to the Mt Gibraltar Endangered Ecological Community group of species.



The lowest portion of the site is flood affected land, however a Flood Certificate shows that the proposed buildings are higher than 1:100 year flood levels, and not located in the 1:100 year flood affected area.

To the east of the site are a combination of recently constructed single storey and two storey detached dwelling houses on 700 square metre lots at 27, 29, 29A, 29B, 29C and 29D Oxley Drive. To the west of the site is medium density residential development constructed between the 1980's -1990's at 21 and 23 Oxley Drive. The broader locality is characterised by a combination of medium density residential development, and single storey / two storey detached dwelling houses on 700 square metre lots.

Proposed Development

Development Application 19/1042 originally sought approval for a Multi Dwelling Housing development containing 8 units within three buildings. Due to concerns raised by Council during the assessment process, including issues such as non-compliant side setbacks, building height, solar access, privacy / overlooking, insufficient landscaped area, private open space area, geotechnical concerns, and tree and vegetation matters, amended plans were submitted in October 2019 reducing the proposed development to 7 units within three buildings. Further amended plans have been submitted relating to overshadowing and privacy matters. It is the amended proposal which is being assessed in this report.

The proposed development includes:

- Three 4 bedroom units, and four 3 bedroom units, contained within three 2 storey buildings which step down the site. The lower portion of the property is proposed open space area containing existing trees;
- Double garage for each of Units 1,2,3, 6 and 7, two basement car spaces for each of Units 4 and 5, two basement visitor car spaces and one visitor car space at ground level, being a total of 14 car spaces and 3 visitor parking spaces;
- External materials of fibre cement cladding and weatherboard with 25 degree pitch colorbond roof;
- 50% of the site area being landscaped open space;
- Maximum 8 metre height (measured from natural ground level to roof pitch. Note that natural ground level is shown by highlighted line in **Attachment 5**);
- Front setback of 8 metres to Oxley Drive;
- Removal of 12 of the 45 trees on site (including 5 trees from the Mt Gibraltar Endangered Ecological Community group of species, being 4 Eucalyptus Radiata and 1 Pittosporum Undulatum). 19 of the 24 trees which belong to the Mt Gibraltar Endangered Ecological Community group of species on site will be retained;
- Gross Floor Area of 896 square metres, being a 0.34:1 Floor Space Ratio;
- Private Open Space Areas for each unit exceeding 50 square metres each, with the exception of 47 square metres private open space area for Unit 3.

The site plan of the proposed development can be found at **Attachment 4**. The elevations of the proposed development, containing a highlighted line showing natural ground level, can be found at **Attachment 5**. Plans showing June 21 midwinter overshadowing can be found at **Attachment 6**.



STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing stormwater management measures, and construction activities as contained within attached conditions of consent (**Attachment 1 - condition 72**).

State Environmental Planning Policy 44 (Koala Habitat Protection)

The site does not contain any of the Koala Feed Tree species listed in Schedule 2 of State Environmental Planning Policy 44 (Koala Habitat Protection), therefore SEPP 44 does not apply to the development. State Environmental Planning Policy (Koala Habitat Protection) 2019 commences on 1 March 2020, however is not applicable as the development application was made prior to the commencement of the new policy (Cl.15 Savings provision relating to development applications).

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

Clause 2.3 Zone objectives and land use table

The site is zoned R3 Medium Density Residential under the *Wingecarribee Local Environmental Plan 2010* and in this zone, Multi Dwelling Housing is permissible with development consent.

The objectives of the R3 Medium Density Residential zone are:

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

The proposed 7 unit Multi Dwelling Housing development is consistent with these zone objectives.



Development Control Plans

Bowral Township Development Control Plan

The proposed development is considered satisfactory with respect to the relevant objectives specified by Section A2.2. of the Bowral Township Development Control Plan, including economic function objectives, urban function objectives, residential amenity objectives, residential diversity objectives, visual amenity objectives, public views and vistas objectives, and environmental sustainability objectives.

A Flora and Fauna Assessment report has been submitted in accordance with Section A3.2 of the Bowral Township Development Control Plan, and is discussed in the Discussion of Key Issues section of this report.

The proposed development is considered satisfactory with respect to Section A4 Water Management of the Bowral Township Development Control Plan. Mittagong Creek to the south of the site is mapped as a Category 2 stream. No works are proposed within 30 metres of Mittagong Creek, therefore a Vegetation Management Plan for Riparian Corridors detailed within Section A4.1 of the Bowral Township Development Control Plan, is not required.

The proposed development is considered satisfactory with respect to Section A5 Flood Liable Land of the Bowral Township Development Control Plan. While the lowest portion of the site is flood affected land, a Flood Certificate shows that the proposed buildings are higher than 1:100 year flood levels, and not located in the 1:100 year flood affected area.

The proposed development is considered satisfactory with respect to Section A6 Vegetation Management and Landscaping of the Bowral Township Development Control Plan, including private landscaped open space objectives and controls.

The proposed development is considered satisfactory with respect to Section A8 Safer by Design of the Bowral Township Development Control Plan, including space and activity management, territorial reinforcement, surveillance, and access control.

The proposed development is considered satisfactory with respect to Section C1.2 objectives of Residential Zoned Land of the Bowral Township Development Control Plan, including new residential development being sympathetic with existing streetscapes and neighbourhood character, energy efficient, of good amenity, being safe and attractive, and which meets the needs of a range of community and demographic types.

The proposed development is considered satisfactory with respect to Section C3.1.1 objectives of Medium Density Residential Zoned Land of the Bowral Township Development Control Plan, including that the development provides a variety of housing form to cater for differing lifestyles and income levels, does not adversely affect the amenity of existing and likely future residents of a locality (as discussed in the Discussion of Key Issues section of this report), is appropriate to the existing residential streetscape; maximises urban amenity and convenience for residents; is located within reasonable walking distance of public transport; and retail and service facilities.

The proposed 7 unit Multi Dwelling Housing development complies with numerous standards contained within the Bowral Township Development Control Plan, including compliance with maximum 2 storey / 9 metre height limit, compliance with the maximum

floor space ratio of 0.5:1 (the proposed 7 unit Multi Dwelling Housing development has a proposed floor space ratio of 0.34:1), compliance with minimum street setback requirements, compliance with minimum side setback requirements, compliance with solar access requirements, compliance with the minimum 50% landscaped open space area requirement, and compliance with private open space requirements for each unit (with the exception of Unit 3 which provides a 47 square metre private open space area, being a 3 square metre deficiency).

Two variations are sought to Bowral Township Development Control Plan requirements, being a variation to the minimum 25 metre site frontage requirement and a variation to the private open space area of Unit 3, as discussed below.

The subject site, which currently contains a single storey Residential Flat Building containing 4 residential units in the northern portion of the site, has a frontage of 20.735 metres to Oxley Drive. To the east of the site are a combination of recently constructed single storey and two storey detached dwelling houses on 700 square metre lots. To the west of the site is medium density residential development constructed between the 1980's -1990's at 21 and 23 Oxley Drive. Due to these adjoining medium density developments, and recent detached dwelling developments, combined with the fact that the site already contains a medium density development which is proposed to be demolished, boundary adjustment or consolidation of an adjoining lot to achieve the minimum 25 metre site frontage is considered unreasonable and unnecessary in this instance. A refusal based on this non-compliance is not considered to be a defensible position for Council should an appeal be lodged in the Land and Environment Court.

Bowral Township Development Control Plan requires Private Open Space Areas for each multi dwelling housing unit of 50 square metres. All proposed units have a private open space area exceeding 50 square metres, with the exception of 47 square metres private open space area for Unit 3. It is considered that a refusal based on this minor non-compliance is not considered to be a defensible position for Council should an appeal be lodged in the Land and Environment Court.

Section 4.15 Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

The proposed 7 unit Multi Dwelling Housing development is permissible within the R3 Medium Density Residential zone under *Wingecarribee Local Environmental Plan 2010*, and satisfies the R3 Medium Density Residential zone objectives. The proposed development also complies with the provisions of State Environmental Planning Policy No 55 – Remediation of Land, and State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

(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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

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

(iii) any development control plan, and

The proposed 7 unit Multi Dwelling Housing development complies with standards contained within the Bowral Township Development Control Plan, including compliance with maximum 2 storey / 9 metre height limit applicable to multi dwelling housing, compliance with the maximum floor space ratio of 0.5:1 (the proposed 7 unit Multi Dwelling Housing development has a proposed floor space ratio of 0.34:1), compliance with minimum street setback requirements, compliance with minimum side setback requirements, compliance with solar access requirements, compliance with the minimum 50% landscaped open space area requirement, and compliance with private open space requirements for each unit (with the exception of Unit 3 which provides a 47 square metre private open space area, being a 3 square metre deficiency. The two variations sought to Bowral Township Development Control Plan requirements, being a variation to the minimum 25 metre site frontage requirement and a variation to the private open space area of Unit 3, are discussed above and within the Discussion of Key Issues section of this report.

Standard	Required	Provided	Compliance
Site Frontage	>25 metres	20.735 metres	No
Floor Space Ratio	Maximum 0.5:1	0.34:1	Yes
Front setbacks	8 metres	8 metres	Yes
Side Setbacks	2 metres where development is up to 3 metres in height above natural ground level (excluding balconies)	2.34 metres to 7.907 metres	Yes
Side Setbacks	3.5 metres where development is more than 3 metres in height above natural ground level (excluding balconies)	3.5 metres to 7 metres	Yes
Height	Maximum 2 storeys / 9 metres when measured from natural ground level to the highest point of the roofline	2 storeys / 8 metres (measured from natural ground level to roof pitch. Note that natural ground level is shown by highlighted line in Attachment 5)	Yes
Site Landscaping	50% of site area	50% of site area	Yes
Private Open Space Area	50 sqm per unit with a minimum length of 5 metres	Private Open Space Areas are	No

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Standard	Required	Provided	Compliance
		provided for each unit exceeding 50 square metres each, with the exception of 47 square metres private open space area for Unit 3	
Carparking	2 spaces per 3 or more bedroom dwelling, and 1 visitor parking space per 3 dwellings Therefore = 14 resident spaces required, and 3 visitor spaces required	14 resident spaces and 3 visitor spaces provided	Yes

The proposed 7 unit multi dwelling housing development is considered to satisfy Section C15.3 Northern Entrance Medium Density Development of Bowral Township Development Control Plan, including:

- The proposed scale and configuration of the proposed 7 unit multi dwelling housing development is considered an acceptable architectural outcome. The proposed building will not be visually prominent when viewed from Oxley Drive, and its visual prominence when viewed from Cherry Tree Walk will be softened by the retention and enhancement of vegetation in the southern portion of the site. Proposed landscaping within side setback areas will assist in softening the appearance of the development.
- The provision of more than 50% site landscaping is considered to respect the overall garden character of the neighbourhood.
- Proposed architectural features, including roof forms, window positioning and proportioning, verandah treatment, fencing, and building proportions are considered compatible with existing architecture occupying adjoining or nearby land.
- Proposed external materials of fibre cement cladding and weatherboard, with 25 degree pitch colorbond roof is considered to result in a harmonious relationship with existing development on adjoining and nearby land.

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

Not applicable to Development Application 19/1042.

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

Not applicable to Development Application 19/1042.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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

Not applicable.

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

The impacts of the proposed development, including built form, character, streetscape, setbacks, and solar access are discussed in the Discussions of Key issues section of this report.

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

The site is considered suitable for the proposed 7 unit Multi Dwelling Housing development as discussed in the Discussions of Key issues section of this report.

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

Refer to the Consultation Section of this report.

- (e) *the public interest.*

The proposed 7 unit Multi Dwelling Housing development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

CONSULTATION

Internal Referrals

The required conditions are incorporated throughout the Draft Conditions of Consent (**Attachment 1**).

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer has provided conditions of consent, including conditions addressing stormwater, parking and access.
Modelling Assistant Engineer	Council's Modelling Assistant Engineer raises no objection to the submitted Water and Sewer modelling showing sufficient water and sewer capacities available to service the development.
Flood Engineer	Council's Flood Engineer raises no objection to the proposed development, as the development is located above the flood affected portion of the site.
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed 7 unit Multi Dwelling Housing development and has provided conditions of consent.
Flora and Fauna	The proposed development will remove 12 of the 45 trees on site (including 5 trees from the Mt Gibraltar Endangered Ecological Community group of species, being 4 <i>Eucalyptus radiata</i> and 1 <i>Pittosporum undulatum</i>). 19 of the 24 trees which belong to the Mt Gibraltar Endangered Ecological Community group of species on site will be retained. The proposed tree removal is supported by Council's Flora and

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Referrals	Advice/Response/Conditions
	Fauna Consultant, subject to conditions addressing tree protection, removal of noxious and environmental weeds from the site (including removal of ivy and blackberry), compensatory plantings of Mt Gibraltar Forest species to occur within a regeneration area in the south of the site, and the erection of two large and one small nesting boxes, and one bat box (condition 23).

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed 7 unit Multi Dwelling Housing development, subject to conditions of consent addressing stormwater management and construction activities (condition 72).
Rural Fire Service	Rural Fire Service raise no objection to the proposed development, subject to the entire property being managed as an inner protection area (condition 70).

Neighbour Notification (or Advertising)/Public Participation

The originally proposed 8 unit Multi Dwelling Housing development was neighbour notified to 52 surrounding properties, advertised in the local paper, and a site sign was erected on the premises. 10 submissions objecting to the proposal were received.

As a courtesy, objectors were advised in October 2019 that amended plans had been submitted by the applicant proposing a 7 unit multi dwelling housing development, seeking to address concerns raised by Council in the assessment of the application. While this was not a re-notification or re-advertisement requesting submissions, four subsequent submissions were received objecting to the amended plans.

The issues raised from all 14 submissions regarding the proposed multi dwelling housing development have been summarised and are considered below:

Issues	Response
Overshadowing - Unacceptable overshadowing of neighbouring properties, particularly in winter. Units 6 and 7 will block western afternoon sunlight to adjoining eastern property. Buildings will destroy winter sun in our back garden, and most of the other sun at other times of the year. Our major source of light comes from the north west/west for the part of our house that is most utilised during the day. The new development will impede this light in a major way in our view. This conclusion is self-evident if the site is reviewed and is made particularly problematic due to the heights. Natural light on either side of the development will be greatly compromised. The overshadowing impact is in effect a major reduction of solar access to the landscaped and usable areas of the garden at no.29B during the winter afternoons. Overshadowing impacts will affect 29A in a similar manner and also and 29C Oxley Drive. Major reduction in the bulk of the	Overshadowing matters are discussed in the Discussion of Key Issues section of this report. An additional submission from an objector and objector's consultant, containing shadow diagrams, was received 7 February 2020. The shadow diagrams submitted with the objection (Attachment 7) are based upon

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Issues	Response
<p>development needed to maintain our solar access into the future. Proposed development has major impacts on the amenity of not only 29B's exterior usable outdoor space and garden but also on the indoor habitable bedrooms and living room, and major reduction of solar access to the landscaped and usable areas of the garden at no 29B during the winter afternoon in comparison to a single dwelling or a unit reduced development. Western side of 25 Oxley Drive will have significant overshadowing. The excessive height and bulk of the roof form of unit 5 causes extensive loss of midwinter solar access to both 29B's outdoor open space after 1pm and the living room windows after 2pm. The height and roof form of unit 4 blocks sun completely to the northern outdoor space from 2.30pm onward. Unit 5 becomes effectively a 3 storey building in relation to 29B and unit 4 is a 4.5 storey building in relation to 29B. Proposal does not satisfy the amenity test for neighbouring properties. Deletion of unit 5 roof would increase solar access to 29B indoor space and outdoor usable space by 30mins.</p>	<p>superseded plans, and are not based upon the amended plans submitted by the applicant dated 3 February 2020 (Attachment 6) as placed on Council's DA Tracker 4 February 2020, which reduce overshadowing impacts upon adjoining eastern properties by the replacement of the previous eastern elevation gable roof of Unit 5 with a hipped roof. Attachment 7 shows objector's consultant's shadow diagrams based on superseded plans. Attachment 6 shows shadow diagrams submitted with amended plans 3 February 2020, reducing overshadowing impacts.</p>
<p>Privacy impacts - Balconies and living areas will invade the privacy of adjoining properties. Huge privacy impacts upon the privacy of units 3 – 6, 23 Oxley Drive, and new dwellings at 29, 29A, 29B, 29C Oxley Drive. The owners of 29B will be living with no privacy all year round until tall and dense vegetation can be realised. Large opening doors and balconies will look directly into adjoining properties' bedrooms and gardens. Design will overlook adjoining residences causing a loss of privacy in private personal living areas, courtyard, kitchen dining and rear bedroom of townhouses 7 & 8, 21 Oxley Drive. Major reduction in the bulk of the development to maintain our solar access and privacy into the future. Privacy impacts will affect 29A in a similar manner and also and 29C Oxley Drive. Major reduction in the bulk of the development to maintain privacy into the future. Units 5 and particularly Unit 7 will tower over us, with very little setback between the buildings and our boundary fence. Owners of 29B will be living in a dwelling and outdoor area with no privacy from at least 2 apartments in the new development, all year round. The proposed development at No 25 Oxley Drive is a bulky form in relation to the adjoining single storey houses. The two storey form</p>	<p>Privacy / overlooking matters are discussed in the Discussion of Key Issues section of this report.</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Issues	Response
<p>while suitable for single dwellings adjoining each other in a typical street here creates a situation where windows of upper levels, which would normally face front and rear, now face side boundaries and so impinge markedly on privacy of neighbouring houses. Unit 7's lower level is located at approximately the same contour as 29B south edge. However the upper floor windows face directly onto both 29B's outdoor usable space, garden and private indoor spaces, namely a bedroom and living room. These spaces are at a lower level which creates an invasion of privacy such that the owners must always keep their curtains or blinds shut and so lose the amenity of their garden. Habitable rooms look over the outdoor space and the interior spaces of 29B such that the owners will feel intimidated and will have to close their curtains or blinds to find privacy.</p>	
<p>Density / Character / Appearance - Proposed development is out of keeping with style and standard of development expected in Bowral, is a severe overdevelopment of a highly constrained site and inconsistent with the surrounding area and also with planning requirements. Proposal does not meet minimum 25 metre site frontage for medium density developments. Proposal is not of a modest scale, and will be visually obtrusive when viewed from Cherry Tree Walk. Development will dominate properties to the east and west. The most important issue is whether the proposed development fits into the Northern Medium Density Precinct area. There is no objective evidence produced as to how its scale is appropriate in the local context. What are the local buildings that are similar in scale, having 8 units on a small site with minimal open space immediately surrounding them? This is a regional town, not inner Sydney, where the scale and density of the proposed development would be more usual.</p>	<p>The site is zoned R3 Medium Density Residential under the <i>Wingecarribee Local Environmental Plan 2010</i> and in this zone, Multi Dwelling Housing is permissible with development consent. Built Form / Density / Character of the proposed development, and the requested variation to minimum 25 metre frontage requirement are discussed in the Discussion of Key Issues section of this report.</p>
<p>Setbacks - Insufficient side setbacks of units to boundaries do not comply with Bowral DCP requirements, and do not provide sufficient area for landscaping. Very little opportunity available for landscaping to reduce the bulk of the new dwellings.</p> <p>Rear setback provided has no benefit to 29A and 29B Oxley Drive.</p>	<p>Proposed side setbacks as shown in amended plans comply with Bowral Town Plan DCP requirements.</p>
<p>Unacceptable degree of tree removal and insufficient landscaping. Trees to be removed are a rare species that is native to Mt Gibraltar and are not found elsewhere in the district. They are quite beautiful and form part of the view for all surrounding properties. Adjoining properties' views of trees on the site will be removed. The overwhelming impact is of a development without any landscaping when viewed from the east</p>	<p>The proposed development will remove 12 of the 45 trees on site (including 5 trees from the Mt Gibraltar Endangered Ecological Community</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Issues	Response
<p>or west, adjacent to the proposed buildings. Developer is requesting approval to remove trees without an arborist report which, given the sensitivities surrounding environmental issues, is not in accordance with what is expected when describing environmental issues. The loss of rare trees and their replacement with the type of overdevelopment that is typical in inner Sydney city, is clearly a loss. The fact that the bottom third of the development has been left as open space does not benefit adjoining properties at all. It is questionable whether it benefits anyone at all other than the two units numbers 7 and 8 at the rear of the proposed development. The site will lose approximately half the current mature trees on site, and loss of habitat for native birds, snakes, lizards, echidna, wombat and koala habitat. Council Rangers have marked these trees as “protected”. The required 50% open space requirement is not achieved by this development.</p>	<p>group of species, being 4 Eucalyptus radiata and 1 Pittosporum undulatum). 19 of the 24 trees which belong to the Mt Gibraltar Endangered Ecological Community group of species on site will be retained.</p> <p>The proposed tree removal is supported by Council’s Flora and Fauna Consultant, subject to conditions addressing tree protection, removal of noxious and environmental weeds from the site (including removal of ivy and blackberry), compensatory plantings of Mt Gibraltar Forest species to occur within a regeneration area in the south of the site, and the erection of two large and one small nesting boxes, and one bat box (condition 23).</p> <p>A condition of consent (condition 23) will require replacement planting to compensate for the removal of the 5 trees from the Mt Gibraltar Endangered Ecological Community group of species at a rate of 3:1. The amended plans submitted in October 2019 show compliance with the 50% site landscaping requirement.</p>
<p>Eucalypt marked on the plans as tree number 5 is mostly on adjoining property, and should not be removed. The developer</p>	<p>Amended plans submitted show retention of tree located</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Issues	Response
had been given permission by the Council to remove a tree owned by us without our permission.	at the boundary between the subject site and the adjoining eastern Lot 4 DP 1197464 29 B Oxley Drive. The retention of this tree can be reinforced by a condition of consent (condition 48).
Each unit “has its own generous private outdoor open space that is directly off the main living area.” The drawings do not support the accuracy of this statement.	Private Open Space Areas for each unit exceeds the minimum requirement of 50 square metres each, with the exception of 47 square metres private open space area for Unit 3.
Additional dwellings at the site will contribute to the further development of a heat sink.	“Heat island effect” is caused when an urban area is significantly hotter due to hard surfaces, like roads, footpaths, roofs, as well as buildings. While the proposed development will increase hard surface area on the site, the proposed development contains more than 50% site landscaped area, which complies with Bowral Township DCP requirements.
The market does not need additional medium density residential development.	The commercial success of a development 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.



DISCUSSION OF KEY ISSUES

Height / Visual Impact on adjoining properties

While the site has a fall of approximately 21 metres from north to south, the proposed development steps down the slope, and includes basement parking areas below natural ground level, thereby achieving a maximum 8 metre height measured from natural ground level to roof pitch, which complies with the maximum 9 metre / 2 storey height limit under Bowral Township Development Control Plan. Elevation plans (**Attachment 5**) show natural ground levels as a highlighted line, which assists in understanding the proposed development's compliance with the maximum 9 metre / 2 storey height limit under Bowral Township Development Control Plan.

The height of the proposed development will have a visual impact upon adjoining properties, however as the proposed development complies with the height controls of the Bowral Township Development Control Plan, the visual impact of the height of the development is not beyond that which would be expected within a Medium Density Residential zone.

Overshadowing

The subject site has a north-south orientation, therefore shadow impacts are not concentrated upon one property, but shared between adjoining properties throughout the day. As the site slopes down to the south, shadows are therefore lengthened in comparison to a flat level site.

Amended plans submitted by the applicant dated 3 February 2020 (**Attachment 6**), which include reduced overshadowing impacts upon adjoining eastern properties by the replacement of the previous eastern elevation gable roof of Unit 5 with a hipped roof, are the shadow diagrams assessed below.

On June 21 midwinter, the adjoining eastern properties at 29, 29A, and 29C Oxley Drive currently enjoy more than 1 ½ to 2 hours of morning solar access to private open space areas, and 3 hours afternoon solar access to private open space areas (as the current existing Residential Flat Building at 25 Oxley Drive is located in the northern portion of the site which minimises afternoon overshadowing impacts upon the adjoining eastern properties). The proposed development at 25 Oxley Drive will not reduce morning solar access to the private open space areas of these eastern dwellings. The proposed development will reduce June 21 midwinter afternoon solar access to private open space areas of 29, 29A, and 29C Oxley Drive to 1 ½ to two hours, however combined with the current morning solar access, overshadowing impacts will comply and satisfy the Bowral DCP requirement that "Any new development must not reduce the solar access currently enjoyed in 50% of the primary private open space of adjacent dwellings so (*sic*) be less than 3 hours of direct sunlight on June 21st." for 29, 29A, and 29C Oxley Drive. Specifically, solar access to 50% of the primary private open space on June 21st will be available for 29 Oxley Drive for 4 hours between 10am – 2pm, 29A Oxley Drive for 3 hours between 10.30am – 1.30pm, and 29C Oxley Drive for 4 hours between 10am – 2pm.

On June 21 midwinter, the adjoining eastern properties at 29, 29A, and 29C Oxley Drive currently enjoy more than 1 ½ to 2 hours of morning solar access to living areas, and 1 - 2 hours afternoon solar access to living areas (as the current existing Residential Flat Building at 25 Oxley Drive is located in the northern portion of the site which minimises afternoon overshadowing impacts upon the adjoining eastern properties). The proposed development at 25 Oxley Drive will not reduce morning solar access to the living areas of these eastern dwellings. The proposed development will reduce June 21 midwinter afternoon solar access to living areas of 29, 29A, and 29C Oxley Drive to 1 to 2 hours, however combined with the current morning solar access, overshadowing impacts will comply and satisfy the Bowral DCP requirement that "Any new development must not reduce the solar access currently

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



enjoyed in living areas of adjacent dwellings so (*sic*) be less than 3 hours of direct sunlight on June 21st.” for 29, 29A, and 29C Oxley Drive. Specifically, solar access to living areas on June 21st will be available for 29 Oxley Drive for 3 hours between 10am – 1pm, 29A Oxley Drive for 3 ½ hours between 10.30am – 2pm, and 29C Oxley Drive for 3 hours between 9 -10am and then 11am -1pm.

On June 21 midwinter, the adjoining eastern property at 29B Oxley Drive currently receives half an hour solar access in the morning to northern facing windows of the living room area, which is located in the north eastern portion of the dwelling, and receives more than 3 hours solar access from 12 midday onwards to the western facing windows of the family area which is located in the north western corner of the dwelling. The proposed development at 25 Oxley Drive will not reduce the morning solar access to the northern facing living room windows of 29B Oxley Drive, but will reduce afternoon solar access to the western facing family room window from its current 3+ hours down to 3 hours, being 12 midday to 3pm June 21 midwinter, due to the reduced roof line of proposed Unit 5/25 from a gable roof to a hipped roof, as shown in plans dated 3 February 2020. Combined with current morning solar access which will not be impeded by the proposed development, the living and family areas of 29B Oxley Drive will have 3 ½ hours of solar access, which is half an hour greater than the Bowral DCP requirement that “Any new development must not reduce the solar access currently enjoyed in living areas of adjacent dwellings so (*sic*) be less than 3 hours of direct sunlight on June 21st.”.

Continuing this example, on June 21 midwinter, more than 50% of the private open space of 29B Oxley Drive currently receives more than 4 hours solar access. The proposed development at 25 Oxley Drive will not reduce morning solar access to the private open space of 29B Oxley Drive, but will reduce afternoon solar access to private open space, particularly from 2pm onwards. However should the proposed development at 25 Oxley Drive proceed, solar access to the private open space area of 29B Oxley Drive will not be reduced below 50% of its private open space area between 10:30am – 1:30pm, therefore satisfying Bowral DCP requirement that “Any new development must not reduce the solar access currently enjoyed in 50% of the primary private open space of adjacent dwellings so (*sic*) be less than 3 hours of direct sunlight on June 21st.”

On June 21 midwinter, the adjoining western properties at 3/23, 4/23, 5/23, 6/23 Oxley Drive enjoy approximately 3 hours morning solar access to private open space areas. 3/23 Oxley Drive has a northern facing living area which will not be affected by the proposed development, and 4/23, 5/23, 6/23 Oxley Drive enjoy approximately 3 hours afternoon solar access to upper level western / north western orientated living areas (it should be noted that Council approved plans for the adjoining western properties at 4/23, 5/23, 6/23 Oxley Drive do not include upper or lower level eastern facing living room areas, but rather upper level eastern facing bedroom areas and eastern facing lower level subfloor areas, some of which have been subsequently converted into rumpus room areas / secondary living areas with no record of Council consent). On June 21 midwinter, the proposed development at 25 Oxley Drive will remove morning solar access until 10 am to the private open space of the eastern courtyards of 3/23, 4/23, 5/23, 6/23 Oxley Drive, but solar access to these private open space eastern courtyards will be available from 10am - 1pm and will comply and satisfy the Bowral DCP requirement that any new development must not reduce the solar access currently enjoyed in 50% of the primary private open space of adjacent dwellings to be less than 3 hours of direct sunlight on June 21st. The proposed development will not reduce June 21 midwinter solar access to the northern facing living area of 3/23 Oxley Drive. The proposed development will not reduce June 21 midwinter afternoon solar access to approved living areas of 4/23, 5/23, 6/23 Oxley Drive (which are located in the upper level western / north western areas of these units), therefore will satisfy the Bowral DCP

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



requirement that any new development must not reduce the solar access currently enjoyed in living areas of adjacent dwellings to be less than 3 hours of direct sunlight on June 21st.

On June 21 midwinter, the proposed development at 25 Oxley Drive will remove morning solar access until 10 am to the private open space courtyards and northern facing living areas of 7/21 and 8/21 Oxley Drive, but solar access to these private open space courtyards and living areas for the remainder of the day will comply and satisfy the Bowral DCP requirement that any new development must not reduce the solar access currently enjoyed in 50% of the primary private open space of adjacent dwellings to be less than 3 hours of direct sunlight on June 21st, and satisfy the Bowral DCP requirement that any new development must not reduce the solar access currently enjoyed in living areas of adjacent dwellings to be less than 3 hours of direct sunlight on June 21st.

An additional submission from an objector and objector's consultant, containing shadow diagrams, was received 7 February 2020. The shadow diagrams submitted with the objection (**Attachment 7**) are based upon superseded plans, and are not based upon the amended plans submitted by the applicant dated 3 February 2020 (**Attachment 6**) as placed on Council's DA Tracker 4 February 2020, which reduce overshadowing impacts upon adjoining eastern properties by the replacement of the previous eastern elevation gable roof of Unit 5 with a hipped roof. **Attachment 7** shows objector's consultant's shadow diagrams based on superseded plans, and are included for the information of Councillors. **Attachment 6** shows shadow diagrams submitted by applicant with amended plans dated 3 February 2020, reducing overshadowing impacts.

Privacy / Overlooking

Due to concerns raised by Council during the assessment process, including issues such as privacy / overlooking, amended plans were submitted in October 2019 reducing the proposed development to a Multi Dwelling Housing development containing 7 units within three buildings. Further amended plans have been submitted relating to privacy matters. It is the amended proposal which is being assessed in this report.

Proposed Units 1 and 2

Proposed Units 1 and 2 / 25 Oxley Drive contain ground level western facing living area (living / dining /kitchen area) windows facing the eastern facing living areas and private open space areas of the adjoining western Unit 3/23 Oxley Drive. Proposed Unit 1/ 25 western facing ground level living area window will face the blank eastern wall of Unit 3/23 Oxley Drive, and combined with the existing fence line, will create no privacy impacts. The proposed upper level western facing rumpus room window of Unit 1 should have fixed obscure glazing in any part of the window less than 1.7 metres above the floor to ensure privacy of the adjoining western Unit 3/23 Oxley Drive and its open space area. This can be addressed by a condition of consent (**condition 25**).

Proposed Unit 2/25 Oxley Drive ground level western facing living, dining and kitchen windows are setback 2.34 metres from the western boundary, and the adjoining western Unit 3/23 Oxley Drive is setback 3.5 metres from its eastern boundary. Therefore the 5.85 metre separation between windows, combined with landscaping and fencing, ensures privacy for the existing 3/23 Oxley Drive. Unit 2 upper level western facing rumpus and deck is screened by louvres, providing sufficient privacy for Unit 3/23 Oxley Drive.

Western facing bedroom windows and eastern facing bedroom windows will overlook the adjoining properties, however as bedrooms are not living areas, obscure glazing to bedroom areas is not required. Eastern facing first floor rumpus and "window seat" windows should have fixed obscure glazing in any part of the windows less than 1.7 metres above the floor to ensure privacy of the adjoining eastern properties. This can be addressed by a condition of consent (**condition 25**).



Proposed Unit 3

Proposed Unit 3/25 Oxley Drive adjoins the western existing Unit 4/23 Oxley Drive. Proposed Unit 3/25 has western facing ground level living area (living / dining / kitchen area) windows setback 2.4 metres from the western boundary, with a ground floor level and private open space level of RL 693.485, which is 0.195 metres (19.5 cm) higher than the existing Unit 4/23 terrace level of 693.28, therefore due to similar levels and combined with fencing there will be no privacy impacts. Amended plans show the upper level western facing rumpus room windows will have fixed obscure glazing in any part of the window less than 1.7 metres above the floor to ensure privacy of the adjoining western Unit 4/23 Oxley Drive and its open space area. This will ensure the privacy for the adjoining western Unit 4/23 Oxley Drive private open space area, and eastern facing upper level bedroom windows of Unit 4/23 Oxley Drive.

Eastern facing bedroom window will overlook the adjoining eastern properties, however as bedrooms are not living areas, obscure glazing to bedroom areas is not required.

Proposed Unit 4

Proposed Unit 4/25 Oxley Drive adjoins the western existing Units 4 and 5 /23 Oxley Drive and directly adjoins the private open space area of 4 /23 Oxley Drive. Proposed Unit 4/25 has western facing living area (living / dining) windows, and private open space area at RL 693.485. The directly adjoining private open space terrace level of 4/23 Oxley Drive is RL 693.28, which is 0.205 metres (20.5 cm) and 0.335 metres (33.5 cm) lower than the proposed yard and terrace of proposed Unit 4/25, therefore due to similar levels and combined with fencing there will be no privacy impacts.

Amended plans show the upper level western facing rumpus room windows will have fixed obscure glazing in any part of the window less than 1.7 metres above the floor to ensure privacy of the adjoining western Units 4 and 5/23 Oxley Drive and their open space areas. This will ensure the privacy for the adjoining western Units 4 and 5/23 Oxley Drive private open space area, and eastern facing upper level bedroom windows of Units 4 and 5/23 Oxley Drive.

Western facing bedroom windows and eastern facing bedroom windows will overlook adjoining properties, however as bedrooms are not living areas, obscure glazing to bedroom areas is not required.

Due to the elevation of the eastern facing ground floor kitchen window of Unit 4, this window should also have fixed obscure glazing in any part of the window less than 1.7 metres above the floor. This can be addressed by a condition of consent (**condition 25**).

Proposed Unit 5

Proposed Unit 5/25 Oxley Drive directly adjoins the private open space area of 5/23 Oxley Drive, and is in close proximity to the private open space area of Unit 6/23 Oxley Drive. Proposed Unit 5/25 has western facing living areas at RL 693.485, and western facing dining /study area and deck at RL 692.07. The western facing living area window is proposed to have obscure glazing in its lower panes, to prevent overlooking to the private open space areas and windows of Units 5 and 6/23 Oxley Drive. The proposed Unit 5/25 deck area at RL 692.07 is 0.7 metres (70 cm) higher than the adjoining private open space of Unit 5/23 Oxley Drive. With the provision of new 1.8 metre high lapped & capped timber boundary fencing, topped with 300mm lattice between 25 Oxley Drive and adjoining eastern and western properties, at the developer's expense, privacy of 5 and 6/23 Oxley Drive will be achieved. **Attachment 5** shows the view of proposed Unit 5/25 Oxley Drive when viewed from 6/23 Oxley Drive.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Eastern facing bedroom window will overlook the adjoining eastern properties, however as bedrooms are not living areas, obscure glazing to bedroom areas is not required. Due to the elevations of the eastern facing ground floor kitchen window of Unit 5, and the eastern facing lower ground floor rumpus window of Unit 5, both windows should also have fixed obscure glazing in any part of the window less than 1.7 metres above the floor. This can be addressed by a condition of consent (**condition 25**).

Fixed screening to the east of the elevated entry path to Units 4 and 5 to ensure the privacy of eastern / south eastern properties is required by a condition of consent (**condition 25**).

Proposed Unit 6

Kitchen, dining and living areas of proposed Unit 6/25 Oxley Drive are located on the lower ground floor, with western windows facing a steep vegetated portion of the adjoining western property at 23 Oxley Drive. This steep vegetated portion of the adjoining western property at 23 Oxley Drive is not useable private open space area due to its gradient. Therefore the western facing kitchen / dining / living area windows of proposed Unit 6/25 Oxley Drive, and the ground floor entry walkway to proposed Unit 6/25 which is not screened to the west, do not adversely impact upon the privacy of the adjoining western property at 23 Oxley Drive.

The dining / living / verandah of proposed Units 6 & 7/25 Oxley Drive is approximately 6 metres higher than the courtyard of 8/21 Oxley Drive, which is located downslope on the adjoining south western property. There is an approximate 13 metre separation between the dining / living / verandah of proposed Units 6 & 7/25 Oxley Drive and the courtyard of 8/21 Oxley Drive. The existing vegetation, and proposed additional plantings as required by condition 23, combined with the 13 metre separation distance and 1.8 metre high lapped and capped timber fencing with 300mm lattice, is considered to provide sufficient privacy between proposed Units 6 and 7/25 Oxley Drive, and the neighbouring 8/21 Oxley Drive.

Western facing bedroom window will overlook the adjoining western property, however as bedrooms are not living areas, obscure glazing to bedroom areas is not required.

Proposed Unit 7

Kitchen, dining and living areas of proposed Unit 7/25 Oxley Drive are located on the lower ground floor, with eastern windows facing the adjoining eastern property at 29B Oxley Drive. The living / dining window and kitchen window will have obscure glazing to the bottom panes, so there is no privacy impact from these living areas to the adjoining eastern property. The ground level entry walkway contains a 1.7 metre high screen to its east, to prevent overlooking into 29B Oxley Drive.

Eastern facing bedroom windows will overlook 29B Oxley Drive, however as bedrooms are not living areas, obscure glazing to bedroom areas is not required. A condition of consent (**condition 25**) will require the upper level Unit 7 eastern facing study area, shall have fixed obscure glazing in any part of the window less than 1.7 metres above the floor. The submitted landscape plans show proposed plantings of Viburnum hedging of between 2 metres – 7 metres height between proposed Unit 7 and the eastern boundary, which with 1.8 metre high lapped and capped timber fencing with 300mm lattice, will assist in provision of privacy for the adjoining eastern 29B Oxley Drive.

The existing vegetation, and proposed additional plantings as required by **condition 23**, combined with the separation distance, is considered to provide sufficient privacy between proposed Unit 7 and the neighbouring south eastern dwellings at 29C and 29D Oxley Drive.



Variation to minimum 25 metre Site Frontage requirement

The site currently contains a single storey Residential Flat Building containing 4 residential units on a site with a 20.735 metre frontage to Oxley Drive. While the site does not achieve the minimum 25 metre site frontage to a public street as required by Section C3.2.2 of Bowral Town Plan DCP, it is accepted that the adjoining western properties contain existing medium density residential development, and the adjoining eastern properties comprise 6 separate residential lots containing dwelling houses, making consolidation to achieve the 25 metre minimum frontage requirement difficult to achieve.

Due to these adjoining medium density developments, and recent detached dwelling developments, combined with the fact that the site already contains a medium density development which is proposed to be demolished, consolidation of an adjoining lot to achieve the minimum 25 metre site frontage is considered unreasonable and unnecessary in this instance. A refusal based on this non-compliance is not considered to be a defensible position for Council should an appeal be lodged in the Land and Environment Court.

The amended design of the proposed multi dwelling housing proposal sufficiently minimises amenity impacts upon adjoining lots, particularly to compensate for the narrow 20 metre width of the property. The improved design minimizing impacts assists Council in supporting the requested variation to the 25 metre site frontage requirement.

47 square metre private open space area for Unit 3

Bowral Township Development Control Plan requires Private Open Space Areas for each multi dwelling housing unit of 50 square metres. All proposed units have a private open space area exceeding 50 square metres, with the exception of 47 square metres private open space area for Unit 3. It is considered that a refusal based on this minor non-compliance is not considered to be a defensible position for Council should an appeal be lodged in the Land and Environment Court.

This 3 square metre deficiency is considered minor, and a variation to the standard is considered acceptable.

Built Form / Density / Character

The proposed 7 unit multi dwelling housing development contained within three 2 storey buildings which step down the site, with external materials of fibre cement cladding and weatherboard, 25 degree pitch colorbond roof, 50% of the site area being landscaped open space, with a maximum 8 metre height (measured from natural ground level to roof pitch) and a gross floor area of 896 square metres, being a 0.34:1 Floor Space Ratio, is not considered to be an overdevelopment of the site.

The R3 Medium Density Residential zone within Bowral is undergoing a gradual transition from dwelling houses to multi dwelling housing and residential flat buildings, and this proposed development is representative of that transitional change, and consistent with the intended character of a medium density residential area.

The proposed 7 unit multi dwelling housing development is considered to satisfy Section C15.3 Northern Entrance Medium Density Development of Bowral Township Development Control Plan, including:

- The proposed scale and configuration of the proposed 7 unit multi dwelling housing development is considered an acceptable architectural outcome. The proposed building will not be visually prominent when viewed from Oxley Drive, and its visual prominence when viewed from Cherry Tree Walk will be softened by the retention and enhancement of vegetation in the southern portion of the site. Proposed

landscaping within side setback areas will assist in softening the appearance of the development.

- The provision of more than 50% site landscaping is considered to respect the overall garden character of the neighbourhood.
- Proposed architectural features, including roof forms, window positioning and proportioning, verandah treatment, fencing, and building proportions are considered compatible with existing architecture occupying adjoining or nearby land.
- Proposed external materials of fibre cement cladding and weatherboard, with 25 degree pitch colorbond roof is considered to result in a harmonious relationship with existing development on adjoining and nearby land.

Side Setbacks / Side boundary landscaping

Section C3.7.2 of Bowral Town Plan DCP requires minimum side setbacks for medium density development including multi dwelling housing of

- (i) 2 metres where development is up to 3 metres in height above natural ground level, or
- (ii) 3.5 metres where development is more than 3 metres in height above natural ground level.

The purpose of these minimum side setback requirements is to assist in preserving the visual and acoustic privacy of adjoining residential development, while placing medium density development with sufficient separation to respect the spatial character of the locality.

The proposed side setbacks on the originally submitted plans did not comply with the above numerical requirements, however amended plans now fully comply with Bowral Town Plan DCP side setback requirements.

Deferred Commencement

A stormwater easement is required burdening the adjoining southern land and benefitting the subject property. Should approval be granted for the proposed development, proof of registration of a stormwater easement burdening Lot 12 DP 603108 and benefitting Lot 11 DP 603108, shall be submitted to the satisfaction of Council prior to general conditions of consent being enacted. This can be addressed by way of deferred commencement condition (**deferred commencement condition 1**).

Flora and Fauna

The proposed development will remove 12 of the 45 trees on site (including 5 trees from the Mt Gibraltar Endangered Ecological Community group of species, being 4 *Eucalyptus radiata* and 1 *Pittosporum undulatum*). 19 of the 24 trees which belong to the Mt Gibraltar Endangered Ecological Community group of species on site will be retained.

The proposed tree removal is supported by Council's Flora and Fauna Consultant, subject to conditions addressing tree protection, removal of noxious and environmental weeds from the site (including removal of ivy and blackberry), compensatory plantings of Mt Gibraltar Forest species to occur within a regeneration area in the south of the site, and the erection of two large and one small nesting boxes, and one bat box (**condition 23**).

SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

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

- **Broader Economic Implications**

There are no broader economic implications associated with this report.

- **Culture**

The proposed Residential Flat Building development has no identifiable cultural impacts.

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

OPTIONS

The options available to Council are:

Option 1

THAT Council determine Development Application 19/1042 by way of deferred commencement approval subject to conditions of development consent contained in **Attachment 1**

Option 2

THAT Council determine Development Application 19/1042 by way of refusal, and nominate reasons for refusal.

Option 1 is recommended.

CONCLUSION

It is recommended that Development Application 19/1042 which seeks approval for Multi Dwelling Housing containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be supported subject to conditions.

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

ATTACHMENTS

1. Draft Conditions
2. Site Location - *circulated under separate cover*
3. Zoning - *circulated under separate cover*
4. Site Plan - *circulated under separate cover*
5. Elevations - *circulated under separate cover*
6. Overshadowing - *circulated under separate cover*
7. Objector's consultant's shadow diagrams based on superseded plans - *circulated under separate cover*
8. Objector's consultant's plans showing view of development from 29 B Oxley Drive - *circulated under separate cover*



ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

SCHEDULE 1

DEFERRED COMMENCEMENT CONDITION THAT MUST BE SATISFIED BEFORE THE CONSENT CAN OPERATE

1. Proof of registration of a stormwater easement burdening Lot 12 DP 603108 and benefitting Lot 11 DP 603108, shall be submitted to the satisfaction of Council prior to general conditions of consent being enacted. This can be addressed by way of deferred commencement condition.

Deferred Commencement condition 1 is required to be addressed to the satisfaction of Council within 12 months of X February 2020 prior to General Development Consent Conditions 1 – 72 being acted upon.

Note: *The consent shall operate from the date in which Council acknowledges compliance with the condition within Schedule 1 of this Deferred Commencement of Consent, and shall lapse X February 2025.*

SCHEDULE 2 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Multi Dwelling Housing containing 7 units. No strata subdivision is approved by this consent.

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
Plans	DA01C, DA02C, DA03A, DA05D, DA06A, DA07B, DA08A, DA09A, DA10-1B, DA10-2C,	Coble Stephens Architects	3/2/2020

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



	DA10-3A, DA10-4A, DA11C, DA12B		
Plans	DA04C, DA13B	Coble Stephens Architects	6/2/2020
Statement of Environmental Effects		Lee Environmental Planning	January 2019
Flora and Fauna Assessment Report		Joy Hafey	December 2019
Arboricultural Impact Appraisal and Method Statement		Andrew Scales Naturally Trees	31 July 2019
Geotechnical Risk Management Report	PX 0004	Hodgson Consulting Engineers	6 July 2019
Water & Sewer Development Assessment Report	Issue 1 Rev B	Jones Nicholson Consulting Engineers	8 October 2019

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

3. Inconsistency between documents

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

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

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

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

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

5. Erection of Signs

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

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is



being carried out, but must be removed when the work has been completed.

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

6. Notification of Home Building Act 1989 Requirements

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

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

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

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

7. Asbestos Removal - Demolition of Buildings

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

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

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

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.
- c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Wingecarribee Shire Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must not

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



commence prior to the commencement date nominated in the written notice.

d) On the first day of demolition, work is not to commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PCA is satisfied that all measures are in place so as to comply with WorkCover's document 'Your Guide to Working with Asbestos'.

e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

f) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Certifying Authority.

h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

i) Protective fencing is to be installed to prevent public access to the site.

j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.

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

k) After completion, the applicant shall notify the Principal Certifying Authority within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.

l) Within 14 days of completion of demolition, the applicant shall submit to Council:

- (i) an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and
- (ii) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

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



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

8. Application for a Construction Certificate (Building Works)

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

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

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

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

9. Appointment of Principal Certifying Authority

No 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

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



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

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

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

11. Section 7.11 Contributions (formerly Section 94)

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

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

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 7.11 Administration 2011 to 2031
- Open Space & Recreation Facilities

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



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

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

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

12. Water Management Act - Certificate of Compliance

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

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

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

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

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

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

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

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 February 2020 to 30 April 2020	\$11,192.12	\$10,850.36	\$3,663.76
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			

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



CPI Period	Water DSP	Sewer DSP	Stormwater DSP
is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au < http://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 + Sewer \$250 + Stormwater \$250 = \$750

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

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

In the case of other forms of development, the Construction Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

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

13. Dilapidation Report

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

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

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

14. 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

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



of the Construction Certificate. The CTMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CTMP must include the following:

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

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

15. 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.*

16. Stormwater - Control of Peak Discharge

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

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

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

17. 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.*

18. Off Street Parking Provision - General

14 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided (being 2 car spaces for each unit, and 3 visitor car spaces. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

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

Reason: *To ensure adequate parking and access.*

19. Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



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

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

20. Waste Management Plan

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

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

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

21. Erosion and Sediment Control Plan

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

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

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



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

(n) Maintenance schedule.

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

22. 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.*

23. Landscape Plan

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

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- estimated size at maturity.
- Removal of noxious and environmental weeds from the site (including removal of ivy and blackberry)
- Compensatory plantings of Mt Gibraltar Forest tree species (at a rate of 3:1 for the 5 trees from the Mt Gibraltar Endangered Ecological Community group of species approved for removal by this consent) to occur within a regeneration area in the south of the site.
- Plantings of Mt Gibraltar Forest shrub and ground cover species as listed in the Flora and Fauna Assessment prepared by Joy Hafey, dated December 2019, being:

6 Melaleuca hypericifolia, 1 Hymenanthera dentata, 1 Hedycaria angustifolia, 12 Helichrysum scorpioides, 15 Blechnum cartilagineum, 10 Doodia aspera, 10 Dichonra repens, 6 Hardenbergia violacea, and 2 Acacia melanoxylon. Following removal of exotic grasses eg *Phalaris*, native seed such as *Poa sp, Microleana stipoides, Themeda australis* is to be sown.

- Erection of two large and one small nesting boxes, and one bat box to compensate for the removal of trees with existing hollows
- Boundary landscaping to soften visual impact of development when viewed from adjoining properties

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

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

24. Fire Hydrants Minor Residential Developments

Prior to the issue of any Construction Certificate or Section 68 Approval for the development, detailed plans and specifications shall be provided to the Principal Certifier and Council to demonstrate compliance with *Fire and Rescue NSW (FRNSW) Fire hydrants for minor residential development - Fire Safety Guideline*. This includes the requirement for the provision of vehicular access for FRNSW fire appliances and water to allow firefighting operations to be undertaken at the development.

Note: *This may require separate approvals under Section 68 of the Local Government Act and Section 138 of the Roads Act for the extension of Councils mains water supply where necessary.*

25. Fixed Obscure Glazing / Fixed Screening

The proposed upper level western facing rumpus room window of Unit 1 should have fixed obscure glazing in any part of the window less than 1.7 metres above the floor to ensure privacy of the adjoining western Unit 3/23 Oxley Drive and its open space area.



The eastern facing first floor rumpus and “window seat” windows of Unit 2 should have fixed obscure glazing in any part of the windows less than 1.7 metres above the floor to ensure privacy of the adjoining eastern properties.

Due to the elevation of the eastern facing ground floor kitchen window of Unit 4, this window shall have fixed obscure glazing in any part of the window less than 1.7 metres above the floor.

Due to the elevation of the eastern facing ground floor kitchen window of Unit 5, and the elevation of the eastern facing lower ground floor rumpus window of Unit 5, both windows shall have fixed obscure glazing in any part of the window less than 1.7 metres above the floor.

The upper level Unit 7 eastern facing study area, shall have fixed obscure glazing in any part of the window less than 1.7 metres above the floor.

Fixed screening to the east of the elevated entry path to Units 4 and 5 to ensure the privacy of eastern / south eastern properties shall be provided.

Details shall be submitted to Council for approval prior to the issue of the Construction Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

26. Notice of Commencement

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

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



27. Construction Certificate

No work shall commence until a:

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

Reason *Statutory requirement.*

28. Developers Representative during Construction of Works

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

Details to be submitted include:-

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

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

- (a) Prior to demolition works commencing (fencing must be erected and approved Waste Management Plan to be on site).

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



(b) At the completion of demolition works (documents relating to disposal of hazardous waste are to be provided on site).

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

Reason: *To ensure compliance with the consent.*

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

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

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

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

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

Reason: *Statutory requirement.*

31. 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.*

32. Fencing of the Construction Site

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

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or



(c) involve the enclosure of a public place or part of a public place.

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

33. 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.*

34. Wheel Wash

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

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

35. 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.*

36. 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.*

37. Demolition Requirements

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

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

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

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

- (g) Sewer Assets Temporary Disconnection or Closure

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

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

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

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

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

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

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the



Water and Sewer Planning and Development Engineer before any demolition works can commence.

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

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

Reason: *To comply with statutory requirements.*

38. Excavations and Backfilling

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

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

39. Retaining Walls and Drainage

If the soil conditions require it:

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

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

40. Support for Neighbouring Buildings

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

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

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



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

Reason: *To preserve and protect neighbouring buildings.*

41. Engineering Inspections by Council

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

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

(b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

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

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

Reason: *Statutory requirement.*

42. Stormwater - Construction

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

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

43. 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.*

44. 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.*

45. 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.*

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

Small Works

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

Reason: *Environmental amenity*

48. Vegetation Management

Approval is granted by this development consent for the removal of 12 of the 45 trees on site (including 5 trees from the Mt Gibraltar Endangered Ecological Community group of species, being 4 *Eucalyptus radiata* and 1 *Pittosporum undulatum*). 19 of the 24 trees which belong to the Mt Gibraltar Endangered Ecological Community group of species on site shall be retained. No approval is granted by this consent for the removal of the eucalypt tree located at the boundary between the subject site and the adjoining eastern Lot 4 DP 1197464, 29 B Oxley Drive.

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

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

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

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

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

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



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

49. Approved hours of Construction/Demolition

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

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

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

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

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. Maintenance of the site

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

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

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

During construction:

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

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

Reason: *Environmental amenity.*

52. Temporary Onsite Toilet

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



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

Each toilet shall:

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

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

53. Waste Management

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

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

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

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

54. Occupation Certificate

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

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

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

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

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

Note: *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval*

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



and Section 68 (Local Government Act) approval are completed and inspected by Council.

55. Section 138 Roads Act Final

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

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

56. Section 68 Local Government Act Final

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

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

57. Council Property

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

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

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 this consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

(a) Relevant BASIX Certificate means:

(i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or

(ii) if a replacement BASIX Certificate accompanies any subsequent application for a



Construction Certificate, the replacement BASIX Certificate; and

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

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

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.*

61. **Civil Engineering works and services**

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

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

62. **Vehicle Access (Urban)**

Access to the site shall be provided by means of a new vehicle crossing as per Standard Drawing 107 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Councils standard specification.*

63. **Multi Dwelling Housing**

The following shall be completed prior to the issue of the Occupation Certificate:

Letter Boxes and Street Numbers - Units

Separate letter boxes and street numbers for each unit being provided adjacent to the street frontage, to meet the specification of Australia Post and Council.

Television Aerials - Units and Motels etc.

Only one common television aerial shall be installed per building, to minimise visual "clutter" and maintain the amenity of the locality.

Fencing - Medium Density

Provision and maintenance thereafter at the developer's expense of permanent and effective screen fencing of 1.8m height hardwood timber lapped and capped fencing to the side eastern and western boundaries of the site, to maintain the privacy of residents of the site and other properties. Fencing to the western boundary of the property shall be 1.8m height hardwood timber lapped and capped fencing with 300mm lattice above, but shall not extend into the most southern 1:100 flood affected portion of the site. Fencing to the eastern boundary of the property shall be 1.8m height hardwood

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



timber lapped and capped fencing with 300mm lattice above, and shall commence at the north western corner of 29A Oxley Drive, but shall not extend into the most southern 1:100 flood affected portion of the site.

The eucalypt tree located at the boundary between the subject site and the adjoining eastern Lot 4 DP 1197464 29 B Oxley Drive is to be retained, therefore side boundary fencing shall be erected sensitively to ensure the retention of this tree.

Reason: *To ensure compliance with Councils development controls.*

64. Parking Signs

A sign worded "**VISITOR PARKING AT REAR**" adjacent to the vehicular entry at Oxley Drive and clearly visible from the street shall be erected prior to the issue of the Occupation Certificate. The sign shall be of maximum dimensions 1.2m x 0.6m.

Reason: *To direct customers to the rear parking area.*

65. Landscaping Plan

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

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

66. Street Trees

Prior to the issue of the Occupation Certificate, one street tree shall be planted in the Oxley Drive footpath verge area adjoining the site in accordance with Council's Urban Street Tree Masterplan.

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

67. National Plumbing and Drainage Code

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

Reason: *To comply with legislation.*

68. Stormwater Facilities Alterations

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

Reason: *To provide appropriate storm water management.*

69. Storm water Facilities Maintenance

A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

Reason: *To provide appropriate storm water management.*

70. NSW Rural Fire Service

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

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

71. Water Management Act 2000

While no building footprints are approved within 40 metres of the Mittagong Rivulet, no works shall occur within 40 metres of the defined watercourse unless approval is obtained under the Water Management Act 2000, or written advice received from Natural Resources Access Regulator that such approval is not required.

CONCURRENCE CONDITIONS

72. Concurrence - Water NSW

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



General

1. The layout and works of the development shall be as specified in the Statement of Environmental Effects (dated January 2019) prepared by Lee Environmental Planning and shown on the Site Plan and Landscape Plan (Job No. 610-18-482, Sheet No. DA02A, Rev. A, dated 27-09-19) prepared by Coble and Stephens Architects. No revisions to layout or works or staging of the development that will impact on water quality, shall be permitted without the agreement of Water NSW.

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

Stormwater Management

2. All stormwater management measures as specified in Section 7 of the WSUD Treatment Measures Report (Rev. A; dated 12 December 2018) and shown on Civil Design Plans (Sheet No. C01P2, AMDT. P2; dated 25.09.19 & Sheet No. C03P1; AMDT. P1; dated 11.12.18) both prepared by Jones Nicholson Consulting Engineers Pty Ltd shall be implemented. The stormwater management measures shall include:
 - six rainwater tanks
 - gross pollutant traps (Ocean Guard or Water NSW endorsed equivalent), and
 - cartridge filters (Storm Filter or Water NSW endorsed equivalent).
3. Six rainwater tanks shall be installed as specified in Section 7 of the WSUD Treatment Measures Report (Rev. A; dated 12 December 2018) prepared by Jones Nicholson Consulting Engineers Pty Ltd and shown on the Site Plans (Job No. 610-18-482, Sheet Nos. DA 03A, 04A, 06A, Rev. A, dated 27-9-19) prepared by Coble and Stephens Architects. Each rainwater tank shall:
 - be plumbed to toilets and for external uses (i.e. irrigation and washing), and
 - overflow from the tanks be directed to the site stormwater drainage system.
4. No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
5. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
6. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall be prepared prior to the issuance of an Occupation Certificate and shall be provided to body corporation. The Plan shall:
 - include details about the location and nature of stormwater management structures such as pits, pipes, gross pollutant traps (GPTs), cartridge filters, rainwater tanks and any other stormwater structures and drainage works
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures including the frequency of such activities

**9.2 Development Application 19/1042 - Multi Dwelling Housing
containing 7 units - 25 Oxley Drive, Bowral
ATTACHMENT 1 Draft Conditions**



- identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities, particularly for Cartridge Filters and GPTs.
7. All stormwater treatment devices, particularly GPTs and cartridge filters, be inspected, monitored, maintained and managed in accordance with the Operational Environmental Management Plan.

Reason for Conditions 2 to 7 – To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

8. The Site Analysis and Erosion Control Plan (Job No. 610-18-482, Sheet No. DA01A, Rev. A, dated 27-09-19) prepared by Coble Stephens Architects shall be updated for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
9. The Erosion and Sediment Control Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. The controls shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

Reason for Conditions 8 & 9 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

END OF CONDITIONS

9.3 Development Application 20/0587 - Continuing Use of an Advertising Structure and Display of Advertisements, Lot 6 SP41585, 6/310-318 Bong Bong Street, Bowral

Reference:	20/0587
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	F, H & RS Scarcella
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to present development application 20/0587 for the Council's consideration and recommends APPROVAL subject to the conditions specified in Attachment 1.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT development application 20/0587 for continuing use of an advertising structure and display of advertisements at Lot 6 SP41585, No 6/310-318 Bong Bong Street, Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

Attachments 1 and 2 illustrate the land's location and layout. It is a developed commercial lot on the eastern side of Bong Bong Street in Bowral's town centre. Surrounding properties are generally used for commercial purposes, along with Council's Oxley Mall Car Park occupying multiple lots immediately to the land's east.

Background

On 3 April 2019 development application 19/1445 was made to Council, seeking retrospective consent for an advertisement ("community digital billboard") already unlawfully erected and in use on the subject land. Council determined the application by refusing

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



consent on 11 April 2019. Council's notice of determination specified the following reasons for refusal:

1. *The proposed development would, by reason of its scale, illumination and animation have a significant adverse impact on the character and townscape of Bowral Town Centre. Accordingly, it is evident that the proposal is contrary to the controls and objectives of State Environment Planning Policy 64 'Advertising and Signage, The Wingecarribee Local Environmental Plan 2010 and the Bowral Town Plan Development Control Plan.*

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

2. *The proposed signage does not relate to the function being carried out on the subject site. The proposal therefore conflicts with the aims and objectives of State Environmental Policy 64 'Advertising and Signage', the Wingecarribee Local Environmental Plan 2010 and the Bowral Township Development Control Plan.*

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

3. *Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, Council considers the development not to be in the public interest.*

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

On 6 September 2019 application 19/1445.01 was made to Council, requesting review of Council's determination of development application 19/1445. The application did not include any amendment of the originally proposed development. Pursuant to section 8.3 (2) (a) of the Environmental Planning and Assessment Act 1979, Council's review of its determination was required to have been finalised no later than 11 October 2019.

Council staff considered application 19/1445.01, recommended Council confirm its determination of development application 19/1445 by refusal of consent, and on 8 October 2019 drafted a notice of determination to that effect. However, the notice of determination was not finalised by 11 October 2019, rendering Council's review invalid.

The recommended reasons to confirm refusal were:

1. *Council is not satisfied by the application and its accompanying documents that the proposed advertisement satisfies the assessment criteria specified by clauses 4, 7 and 8 of Schedule 1 to State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64), respectively regarding:*
 - *Streetscape, setting or landscape*
 - *Illumination*
 - *Safety.*

Consequently, clause 8 (b) of SEPP 64 specifies Council must not grant development consent to the application.



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

2. *The proposed advertisement does not relate exclusively to development or activities carried out on the subject land. Consequently, Council considers the proposed development contrary to:*
 - (a) *the general requirement specified by section A10.3 (b) of Council's applicable Bowral Town Plan Development Control Plan regarding signage and outdoor advertising:*
 - (b) *Signs shall only appear wholly on land where the advertised activity or development is carried out...*
 - (b) *the control specified by section A10.6.2 (f) of Council's applicable Bowral Town Plan Development Control Plan regarding signage for multiple premises:*
 - (f) *Signage in respect of development with frontage to a car park or external pedestrian area within view of a public street or place, shall comply with the requirements for signs in business zones as they would apply to premises having frontage to a public street.*

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

3. *On the basis that the proposed advertisement is contrary to the general requirement specified by section A10.3 (b) of Council's applicable Bowral Town Plan Development Control Plan regarding signage and outdoor advertising, and does not pertain only to a public or community event or road works or emergency services information, section A10.7.2 (a) and (b) of Council's applicable Bowral Town Plan Development Control Plan, regarding permissibility of digital signage, specifies the proposed development is prohibited.*

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

4. *Council considers there to be no overriding public interest in favour of granting consent for the proposed development.*

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

Proposed Development

The current development application 20/0587 was made to Council on 7 November 2019, seeking consent to retain and continue operation of the unlawfully erected advertising structure and internally illuminated advertisement the subject of the abovementioned development application 19/1445. The advertising structure faces east, towards Council's Oxley Mall car park, from inside an upper storey window at the rear of an existing building on the land. Documents accompanying the application include images of the existing advertising structure and advertisement, which are reproduced in **Attachment 4**.



STATUTORY PROVISIONS

State Environmental Planning Policies (SEPPs)

The application has been considered with regard to the relevant provisions of applicable SEPPs, as discussed below.

- SEPP 64—Advertising and Signage

- Part 1—Preliminary

- Clause 3—Aims, objectives etc

Documents accompanying the application indicate it is proposed to operate the internally illuminated advertisement from 5:00am to 11:00pm daily. However, early morning and late night illumination of the advertisement, or animated or flashing content, are considered likely to detract from desirable visual amenity in the locality (this might not be the case if the advertisement were located at the land's Bong Bong Street frontage, where it might be considered to contribute to the vitality of Bowral's town centre). The development as proposed is therefore considered contrary to the aim specified by clause 3 (1) (a) (i) to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area.

Given the above, recommended consent **conditions 5 and 6** specifies the proposed internally illuminated advertisement shall not be permitted to operate before 6:00am or after 6:00pm (Australian Eastern Standard Time) on any day, and shall not display any animated or flashing content.

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the aims specified by clause 3 (1) (a) (i)-(iii) of SEPP 64:

3 Aims, objectives etc

(1) *This Policy aims:*

(a) *to ensure that signage (including advertising):*

(i) *is compatible with the desired amenity and visual character of an area, and*

(ii) *provides effective communication in suitable locations, and*

(iii) *is of high quality design and finish...*

- Clause 4—Definitions

Documents accompanying the application indicate the proposed signage "displays advertising for various local businesses, provides information in relation to the activities of various community groups, including Wingecarribee Shire Council and acts generally as a community notice board". On that basis, the proposed development comprises erection and display of an advertisement as defined by clause 4:

advertisement means signage to which Part 3 applies and includes any advertising structure for the advertisement.



○ Part 2—Signage generally

▪ Clause 8—Granting of consent to signage

Clause 8 (a) and (b) effectively provides that Council may grant consent for the proposed development if satisfied:

- (a) that the proposed signage is consistent with the objectives specified by clause 3 (1) (a), and
- (b) that the proposed signage satisfies assessment criteria specified in Schedule 1 to SEPP 64.

With respect to clause 8 (a), and as discussed above, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the aims specified by clause 3 (1) (a).

With respect to clause 8 (b), the application has been considered with regard to the assessment criteria specified in Schedule 1 to SEPP 64, as discussed below:

• Schedule 1—Assessment criteria

○ Clause 1—Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

Provided all recommended consent conditions are complied with, the proposed development is considered compatible with the existing and desired future character of the locality.

- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There is not considered to be any particular theme for outdoor advertising in the area or locality.

○ Clause 2—Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

Provided all recommended consent conditions are complied with, the proposed development is not considered likely to significantly detract from the amenity of any surrounding area.

○ Clause 3—Views and vistas

- *Does the proposal obscure or compromise important views?*



The proposed development is not expected to obscure or compromise important views.

- *Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposed development is below the roofline of the existing building on the land and is not expected to dominate the skyline or reduce the quality of any vista.

- *Does the proposal respect the viewing rights of other advertisers?*

The proposed development is not considered likely to compromise other advertisers' viewing rights in the locality.

- Clause 4—Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

Provided all recommended consent conditions are complied with, the proposed development is not considered likely to have a significant negative impact on the streetscape, setting or landscape.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

Provided all recommended consent conditions are complied with, the proposed development is not considered likely to have a significant negative impact on the visual interest of the streetscape, setting or landscape.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The proposed development is not expected to significantly reduce or increase advertising clutter in the locality.

- *Does the proposal screen unsightliness?*

The proposed development does not have any screening effect.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed development is located inside an upper storey window of an existing building on the land and below the building's roofline. It



thus does not protrude above any building, structure or tree canopy.

- *Does the proposal require ongoing vegetation management?*

The proposed development is not expected to have any impact with respect to vegetation management.

- Clause 5—Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The proposed development is considered compatible with the land and building on which it is located.

- *Does the proposal respect important features of the site or building, or both?*

The proposed development is not expected to compromise any important features of the land or building thereon.

- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed development is considered to show some innovation and imagination in relation to the building on the land.

- Clause 6—Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The proposed advertisement is located within an existing building and is not considered to require any additional safety devices or platforms. It is internally illuminated, which is not considered likely to have any significant negative impact in the locality provided all recommended consent conditions are complied with. The proposed advertisement displays variable content.

- Clause 7—Illumination

- *Would illumination result in unacceptable glare?*



Provided all recommended consent conditions are complied with, the proposed development is not expected to result in unacceptable glare.

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*

Provided all recommended consent conditions are complied with, the proposed development is not expected to significantly compromise pedestrian or motorist safety. Regardless of permitted hours of illumination, the proposed advertisement is not expected to compromise aircraft safety.

- *Would illumination detract from the amenity of any residence or other form of accommodation?*

1. The proposed advertisement is not expected to be visually prominent, if visible at all, from any residential accommodation. This aside, provided all recommended consent conditions are complied with, the proposed development is not expected to have any significant negative impact on residential amenity.

- *Can the intensity of the illumination be adjusted, if necessary?*

Documents accompanying the application indicate the intensity of illumination of the proposed advertisement is adjustable. However, recommended consent **condition 6**, restricting operation to between 6:00am and 6:00pm will permit operation mainly to daylight hours, and is considered likely to negate any need for reduction of the advertisement's brightness.

- *Is the illumination subject to a curfew?*

Documents accompanying the application indicate the proposed advertisement can be programmed to operate on a 24-hourly basis, and it is considered appropriate that recommended consent **condition 6** restricts illumination to between 6:00am and 6:00pm.

- Clause 8—Safety

- *Would the proposal reduce the safety for any public road?*

The proposed development is not expected to be visually prominent from any public road, and is therefore considered unlikely to compromise public road safety.

- *Would the proposal reduce the safety for pedestrians or bicyclists?*

Provided all recommended consent conditions are complied with, the proposed development is not expected to significantly compromise safety for pedestrians or cyclists.

- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed development is not expected to obscure sightlines from public areas, but may produce hazardous glare for motorists using Council's Oxley Mall car park during early morning and late night hours. Recommended consent **conditions 5 and 6** therefore restrict illumination of the advertisement to between 6:00am and 6:00pm and prohibit animated or flashing content.

- Part 3—Advertisements

- Division 1—General

- Clause 9—Advertisements to which this Part applies

Part 3 applies to all signage to which SEPP 64 applies, except:

- (a) business identification signs
 - (b) building identification signs
 - (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it
 - (d) signage on vehicles.

The proposed development does not fall within any of the above categories, so Part 3 applies to it.

- Division 2—Control of advertisements

- Clause 11—Requirement for consent

Clause 11 specifies development consent is required for display of an advertisement.

- Clause 13—Matters for consideration

Clause 13 (1) specifies as follows:

13 Matters for consideration

- (1) *A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies*



unless the advertisement or the advertising structure, as the case requires:

- (a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
- (c) satisfies any other relevant requirements of this Policy.*

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to clause 13 (1) (a) and (b).

With respect to clause 13 (1) (c), the other relevant requirements of SEPP 64 are discussed in detail throughout this section of this report.

- Clause 14—Duration of consents

Clause 14 specifies as follows:

14 Duration of consents

- (1) A consent granted under this Part ceases to be in force:
 - (a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or*
 - (b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.**
- (2) The consent authority may specify a period of less than 15 years only if:
 - (a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or*
 - (b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the**



consent authority, the proposed advertisement would be inconsistent with that change, or

- (c) *the specification of a lesser period is required by another provision of this Policy.*

Recommended consent **condition 3** specifies that pursuant to clause 14 (1) (a) of SEPP 64, Council's consent ceases to be in force on the expiration of 15 years after the date of consent.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010 (the LEP)

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the LEP's relevant provisions, including:

- Clause 1.2—Aims of Plan
- Clause 1.4—Definitions
- Clause 2.3—Zone objectives and Land Use Table.

With respect clause 1.4, the proposed development comprises erection and display of an *advertisement* as defined:

advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

With respect to clause 2.3, the land is in Zone B2 Local Centre. The Land Use Table at the end of Part 2 of the LEP specifies development for the purpose of advertisements is permitted with consent.

Development Control Plans

Bowral Town Plan Development Control Plan (the DCP)

The application has been considered with regard to the DCP's relevant provisions, as discussed below.

- Part A—Provisions applicable to all land
 - Section 2—General objectives
 - Section A2.2—Objectives of this Plan
Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant objectives specified by sections A2.2.1, A2.2.2, A2.2.4, A2.2.6, A2.2.7 and A2.2.9 regarding economic function, urban function, residential amenity, visual amenity, public views and vistas, and the public domain.
 - Section 8—Safer by design
 - Section A8.3—Crime prevention through environmental design

Provided all recommended consent conditions are complied with, 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 regarding space and activity management, territorial reinforcement, surveillance, and access control.

○ Section 9—Construction standards and procedures

▪ Section A9.9—Structures over public areas

Section A9.9 applies because the proposed advertising structure effectively overhangs the land's boundary to the Council-owned adjoining Lot 1 DP163374, which is part of the Oxley Mall public car park. The proposed development is considered satisfactory with respect to the provisions of section A9.9.

○ Section 10—Signage and outdoor advertising

▪ Section A10.2—Objectives

Section A10.2 (e) specifies the objective that signage shall only relate to a function that could reasonably be expected to be carried out in the locality. The proposed advertisement's content is variable. To ensure consistency with the signage and outdoor advertising objectives specified by section A10.2, recommended consent **condition 7** specifies Council's consent permits only the display of content relating to development or activities carried out on the subject land.

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the signage and outdoor advertising objectives specified by section A10.2.

▪ Section A10.3—General requirements for all signage

Section A10.3 (b) and (j) (ii)-(iii) specifies:

There are a number of mandatory requirements with which all Signage (irrespective of its type, location, size, design, or other features) shall comply. These are:

b) Signs shall only appear wholly on land where the advertised activity or development is carried out, except signage that is managed by the Tourist Attraction Signposting Assessment Committee (TASAC). NB: TASAC is a group formed by the NSW State Government to have overall responsibility for the planning and implementation of tourist signposting systems in NSW.

j) Signs which are illuminated (as in making a sign appear brighter than it otherwise would appear) must:

(ii) Must not have animation or moving/flashing images, and

(iii) Must comply with Australian standards for the control of outdoor lighting.



With respect to section A10.3 (b) and as discussed earlier, documents accompanying the application indicate the proposed signage “displays advertising for various local businesses, provides information in relation to the activities of various community groups, including Wingecarribee Shire Council and acts generally as a community notice board”. The proposed advertisement of businesses, groups, events, activities and products not directly associated with the subject land is contrary to section A10.3 (b) of the DCP. A recommended consent condition therefore specifies the proposed advertisement’s content shall relate only to a purpose for which the subject land is lawfully used.

With respect to section A10.3 (j) (ii) and (iii), recommended consent **conditions 5 and 8** specify the proposed advertisement shall not display animated or flashing content, and when in operation the proposed advertisement shall comply with all relevant provisions of Australian Standard AS 4282—1997 Control of the obtrusive effects of outdoor lighting.

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the provisions of section A10.3.

- Section A10.6—Signage requiring Council consent

The subject land is occupied by several commercial tenancies and is one lot in a Strata scheme occupied by additional commercial tenancies. Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of section A10.6.2 regarding signage for multiple premises.

- Section A10.7—Digital signage including variable message signs (VMS)

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the provisions of section 10.7.

- Part B—Provisions applicable to business-zoned land

- Section 17—Bong Bong Street precinct

- Section B17.2—Preferred outcomes

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the preferred outcomes specified by section B17.2.

- Section B17.3—Specific controls

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the specific controls specified by section B17.3.

Section 4.15 Evaluation

(1) *Matters for consideration—general*

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

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with regard to the relevant provisions of applicable SEPPs and the LEP.

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

Not applicable.

(iii) *any development control plan, and*

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

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

Not applicable.

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

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

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

Not applicable.

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

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

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

Provided all recommended consent conditions are complied with, the proposed development is considered compatible with the character and amenity of the



locality. No site attributes are considered to render the land unsuitable for the proposed development.

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

Refer to the Consultation section of this report.

Council notified the application to owners and occupiers of surrounding properties, inviting submissions between 20 November and 6 December 2019. Notification did not attract any submissions.

- (e) *the public interest.*

Provided all recommended consent conditions are complied with, there is not considered to be any overriding public interest either in favour of or against granting consent for the proposed development.

CONSULTATION

Pre-lodgement Meeting

The applicant did not request any formal prelodgement advice regarding the proposed development.

External Referrals

The application does not warrant referral to any external authority.

Internal Referrals

Referrals	Advice/Response/Conditions
Development Compliance Officer	Erection and display of the existing advertisement is development for which consent is required but has not been obtained. It is therefore unlawful. The subject application seeks retrospective consent, essentially to legitimise the advertisement's erection and display.

Neighbour Notification (or Advertising)/Public Participation

Council notified the application to owners and occupiers of surrounding properties, inviting submissions between 20 November and 6 December 2019. Notification did not attract any submissions.

SUSTAINABILITY ASSESSMENT

- ***Environment***

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

- ***Social***

There are no social issues in relation to this report.

- ***Broader Economic Implications***

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

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

COUNCIL BUDGET IMPLICATIONS

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

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

The proposed development has been considered with regard to the relevant provisions of applicable state environmental planning policies, Wingecarribee Local Environmental Plan 2010, and Council's applicable Bowral Town Plan Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Determine development application 20/0587 by granting development consent, subject to the conditions specified in **Attachment 1**.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Option 2

Determine development application 20/0587 by refusing development consent, and specify reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of applicable environmental planning instruments, development control plans and Council policies, and is not expected to have any significant negative environmental, social or economic impact nor any significant negative impact on the character and amenity of the locality.

ATTACHMENTS

1. DA 20/0587 Draft Conditions of Consent
2. DA 20/0587 Locality Map
3. DA 20/0587 Aerial Image
4. DA 20/0587 Images of Existing Advertisement

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 21 February 2020



DRAFT CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent is granted in accordance with Council’s notice of determination for erection and display of an advertisement as defined by Wingecarribee Local Environmental Plan 2010.

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

2. Development in Accordance with Plans and Documents

Except where otherwise specified by conditions of consent, the development shall be carried out in accordance with the documents accompanying the development application, and the stamped consent images set out in the following table including any notations or amendments made by Council.

Image Description	Reference / Version	Prepared By	Dated
Figure 5 of Statement of Environmental Effects for Continued Use of an Advertising Structure for the Display of Advertising and Community Notices	SEE High Street Advertising, Bowral	Lee Environmental Planning	November 2019
Figure 6 of Statement of Environmental Effects for Continued Use of an Advertising Structure for the Display of Advertising and Community Notices			
Cadastral View of Subject Land, Indicating Location of Suite 29	Ref: 20/0587-A	Unknown	Undated

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

3. Time Limited Consent

Pursuant to clause 14 (1) (a) of State Environmental Planning Policy No 64-Advertising and Signage, Council’s consent ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Environmental Planning and Assessment Act 1979.

Reason: *Statutory restriction specified by State Environmental Planning Policy No 64-Advertising and Signage.*

4. Inconsistency between documents

In the event of any inconsistency between the conditions of Council’s consent and the images/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).*

9.3 Development Application 20/0587 - Continuing Use of an Advertising
Structure and Display of Advertisements, Lot 6 SP41585, 6/310-318 Bong
Bong Street, Bowral

ATTACHMENT 1 DA 20/0587 Draft Conditions of Consent

**CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT****5. Animated or Flashing Content**

The advertisement shall not be permitted to display animated or flashing content.

Reason: *To minimise risk to traffic safety on adjoining land used for the purpose of a public car park, and minimise potential negative impact on the character and amenity of the locality.*

6. Hours of operation

The advertisement shall not be permitted to operate before 6:00am or after 6:00pm (Australian Eastern Standard Time) on any day.

Reason: *To minimise risk to traffic safety on adjoining Council land used for the purpose of a public car park, and minimise potential negative impacts of the development on the character and amenity of the locality.*

7. Advertised Content

The advertisement shall not be permitted to display any content not related to a purpose for which the land is lawfully used.

Reason: *To ensure compliance with the objectives and requirements specified by sections A10.2 (e) and A10.3 (b) of Council's applicable Bowral Town Plan Development Control Plan.*

8. Illumination

In operation, the proposed advertisement shall comply with all relevant provisions of Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

Reason: *To minimise potential obtrusive effects of illuminated advertising in the locality.*

END OF CONDITIONS







11 OPERATIONS FINANCE AND RISK

11.1 Post Tender Negotiations for the Vandenberg Road Renewal and Table Drain Works

Reference:	6330/18.21
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the outcome from the Post Tender negotiations for Vandenberg Road Renewal and Table Drain Works.

RECOMMENDATION

1. **THAT** in relation to the report concerning Post Tender Negotiations for the Vandenberg Road Renewal and Table Drain Works - Council adopts the recommendations contained within the Closed Council report – Item 19.1.

OR

2. **THAT** the report concerning Tender for Post Tender Negotiations for the Vandenberg Road Renewal and Table Drain Works - 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



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

At the ordinary meeting of Council held 27 February 2019, Council adopted the following resolutions in relation to the report concerning Tender for the Vandenberg Road Renewal and Table Drain Works;

- a) THAT Council rejects all tenders received for the Vandenberg Road Renewal and Table Drain Works, Robertson – Tender number 6330/18.21 – under 178(1)(b) of the Local Government (General) Regulation 2005 so as to allow Council to negotiate the scope of the table drain works and waste management options.
- b) THAT Council does not invite fresh tenders.
- c) THAT Council enters into negotiations with Stefanutti Construction Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender, in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005.

REPORT

In accordance with the *Local Government (General) Regulation 2005* part 7, section 178(3)(e) and 178(1)(b), Council approved entering into negotiations with Stefanutti Constructions.

This report presents the assessment and recommendation relating to the outcome of the negotiation.

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.

Mandatory Criteria:

Criteria
Public Liability - \$20 million

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle – Comprehensive
Works Insurance

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability	5%
Experience - Relevant	5%
Specifications	5%
Quality Assurance	5%
Innovation	5%
Local Contractor	10%
Work Health and Safety	5%
Environment	5%
Total	45%

Summary of Selection Criteria & Weighting:

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

CONSULTATION

Community Engagement

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

Consultation has taken place between Council's infrastructure services, assets, procurement and project delivery areas. This consultation includes, scope, technical requirements, budgeting and operational impacts.

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **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.

11.2 Tender for Berrima Marketplace Playground All Abilities Upgrade

Reference:	41370
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 Berrima Marketplace – Playground Upgrade.

RECOMMENDATION

1. **THAT** in relation to the report concerning Tender for Berrima Marketplace – Playground Upgrade - Council adopts the recommendations contained within the Closed Council report – Item 19.2.

OR

2. **THAT** the report concerning Tender for Berrima Marketplace – Playground 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)s(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



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 Playground at Berrima Marketplace. The works included are for the installation of a disabled access carpark, the provision of pathways and the upgrade of the existing playground. The playground area is to have sandstone log edging, mulch loose fill softfall and rubber wetpour. New equipment is to be provided in addition to selected items that are to remain.

REPORT

Council sought tenders from suitably 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 14th January 2020 to 4 February 2020 (22 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tuesday, 14 January 2020
Newspaper – Southern Highlands News	Wednesday 15, January 2020
Newspaper – Southern Highlands News	Wednesday 22, January 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 three (3) tender submissions were received:

Company Name	Location	Postcode
--------------	----------	----------

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

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



Direct Projects Pty Ltd	Seven Hills, NSW	2147
Growth Civil Landscapes Pty Limited	Kirrawee, NSW	2232
Paramount Landscaping Pty Ltd	Beresfield, NSW	2322

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



LATE TENDERS

There was one late tender submission received (therefore non-conforming):

Company Name	Location	Postcode
Play By Design Pty Ltd	Greenwich, NSW	2065

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity
Motor Vehicle - Comprehensive
Works Insurance - Willingness to Obtain
Bank Guarantee - 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:

Criteria	Weighting
Capability	10%
Experience	10%
Specifications, Service & Support, Fit for Purpose	10%
Community & Social (including local content)	10%
Work Health and Safety	5%
Environment	5%

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Criteria	Weighting
Total	50%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	50%
Total Cost Criteria	50%
Total	100%

NON-COMPLIANT TENDERS

There was one tender submission that was determined to be non-compliant:

Company Name	Reason for Non-Compliance
Play By Design Pty Ltd	Late tender submission

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **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 Investment Report - January 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 January 2020.

RECOMMENDATION

THAT the information on Council's Investments as at 31 January 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 January 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 \$2,268,483.12 for seven (7) months to 31 January 2020.

ATTACHMENTS

1. Investment Report Summary as at 31 January 2020



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2020

List of Investments

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

INVESTMENT PORTFOLIO AS AT 31 January 2020						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
NAB	Term Deposit	4,000,000	1.80%	181	3/02/2020	2.25%
NAB	Term Deposit	5,000,000	2.73%	365	7/02/2020	2.82%
ME	Term Deposit	5,000,000	1.69%	150	17/02/2020	2.82%
Rural	Term Deposit	5,000,000	1.61%	90	18/02/2020	2.82%
NAB	Term Deposit	5,000,000	2.15%	270	24/02/2020	2.82%
NAB	Term Deposit	10,000,000	1.67%	181	24/02/2020	5.63%
NAB	Term Deposit	5,000,000	2.65%	364	28/02/2020	2.82%
NAB	Term Deposit	5,000,000	2.65%	366	4/03/2020	2.82%
MyState	Term Deposit	5,000,000	1.73%	119	6/03/2020	2.82%
NAB	Term Deposit	5,000,000	1.73%	180	10/03/2020	2.82%
IMB	Term Deposit	4,000,000	1.60%	119	27/03/2020	2.25%
CBA	Term Deposit	5,000,000	1.63%	210	30/03/2020	2.82%
NAB	Term Deposit	5,000,000	1.82%	270	20/04/2020	2.82%
New castle	Term Deposit	3,000,000	2.50%	365	29/04/2020	1.69%
AMP	Term Deposit	5,000,000	1.90%	180	13/05/2020	2.82%
BDCU	Term Deposit	5,000,000	2.55%	366	21/05/2020	2.82%
BDCU	Term Deposit	3,000,000	2.50%	366	24/05/2020	1.69%
AMP	Term Deposit	2,500,000	1.90%	181	25/05/2020	1.41%
BDCU	Term Deposit	5,000,000	2.20%	366	28/05/2020	2.82%
AMP	Term Deposit	2,500,000	1.90%	184	28/05/2020	1.41%
MyState	Term Deposit	5,000,000	1.65%	181	15/06/2020	2.82%
Auswide	Term Deposit	5,000,000	2.05%	365	26/06/2020	2.82%
ME	Term Deposit	4,000,000	1.55%	182	3/07/2020	2.25%
MyState	Term Deposit	5,000,000	1.60%	181	20/07/2020	2.82%
Rural	Term Deposit	6,000,000	1.60%	180	22/07/2020	3.38%
MyState	Term Deposit	5,000,000	1.60%	183	29/07/2020	2.82%
NAB	Term Deposit	5,000,000	1.54%	210	7/08/2020	2.82%
NAB	Term Deposit	5,000,000	1.51%	210	28/08/2020	2.82%
WBC	Term Deposit	5,000,000	1.62%	364	4/09/2020	2.82%
ME	Term Deposit	5,000,000	1.63%	364	4/09/2020	2.82%
BDCU	Term Deposit	5,000,000	1.65%	365	24/09/2020	2.82%
BDCU	Term Deposit	5,000,000	1.65%	365	26/09/2020	2.82%
MyState	Term Deposit	5,000,000	1.58%	269	23/10/2020	2.82%
WBC	Term Deposit	5,000,000	1.62%	365	3/11/2020	2.82%
Auswide	Term Deposit	4,000,000	1.70%	364	27/11/2020	2.25%
Auswide	Term Deposit	5,000,000	1.66%	365	11/12/2020	2.82%
NAB	Call Account	3,830,431	0.75%	NA	NA	2.16%
BDCU	Call Account	750,635	0.95%	NA	NA	0.42%
Total Investments		\$177,581,066				100.00%

Institution Legend

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

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

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



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 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%	32.57%	57,830,431	YES	YES
CBA	A1+	40%	2.82%	5,000,000	YES	YES
WBC	A1+	40%	5.63%	10,000,000	YES	YES
AMP	A2	15%	5.63%	10,000,000	YES	YES
BDCU	A2	15%	13.37%	23,750,635	NO	YES
Rural Bank	A2	15%	6.19%	11,000,000	NO	YES
IMB	A2	15%	2.26%	4,000,000	NO	YES
ME	A2	15%	7.88%	14,000,000	NO	YES
MyState	A2	15%	14.08%	25,000,000	NO	YES
Newcastle	A2	15%	1.69%	3,000,000	NO	YES
Auswide	A2	15%	7.88%	14,000,000	NO	YES
Total			100.00%	177,581,066		

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%	41.01%	72,830,431	YES
A1	80%	0.00%	0	YES
A2	60%	58.99%	104,750,635	YES
A3	20%	0.00%	0	YES
Govt	25%	0.00%	0	YES
Total		100.00%	177,581,066	



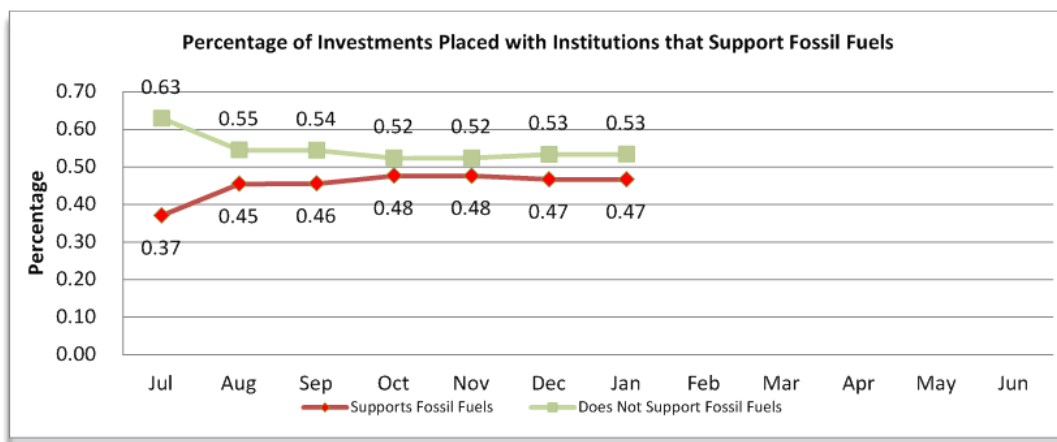
Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2020

Non-Fossil Fuel Investment Preferecing

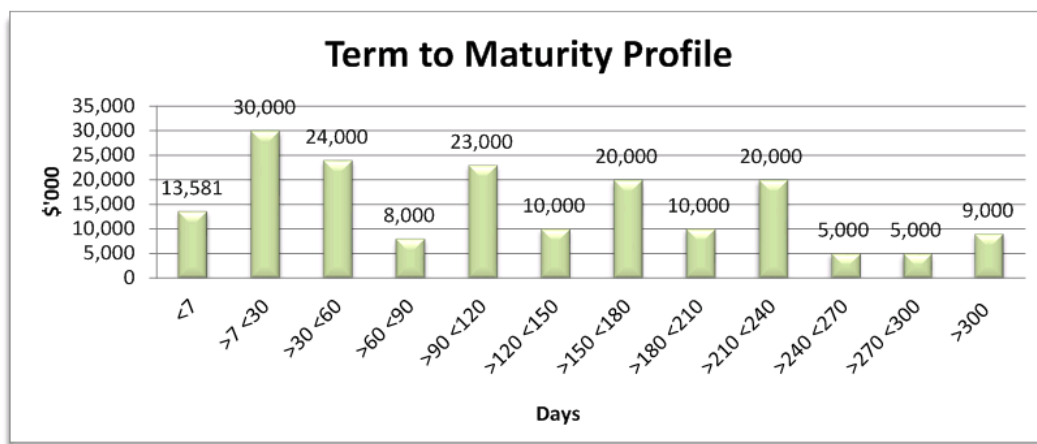
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



Term to Maturity

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



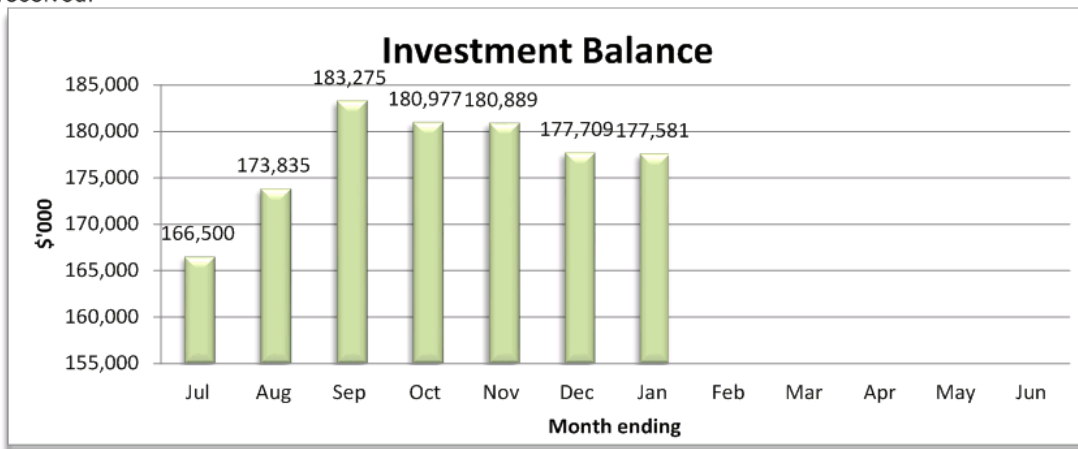


Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2020

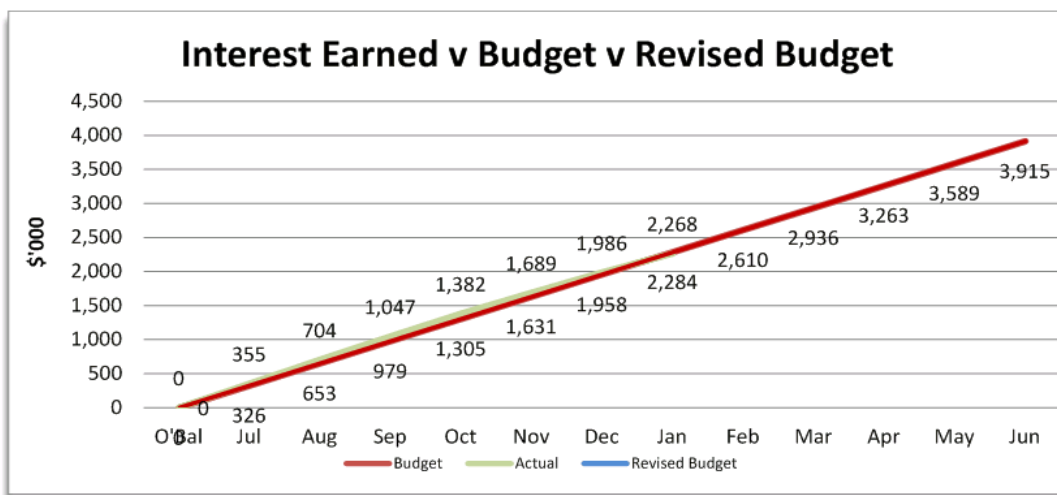
Portfolio Performance

Council's investment balance at the end of January 2020 was \$177.581 million. This has decreased by \$0.128 million since the end of December 2019. There was a small decrease in investments which is a result of operational and capital expenditure payments during January slightly exceeding revenue received.



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.





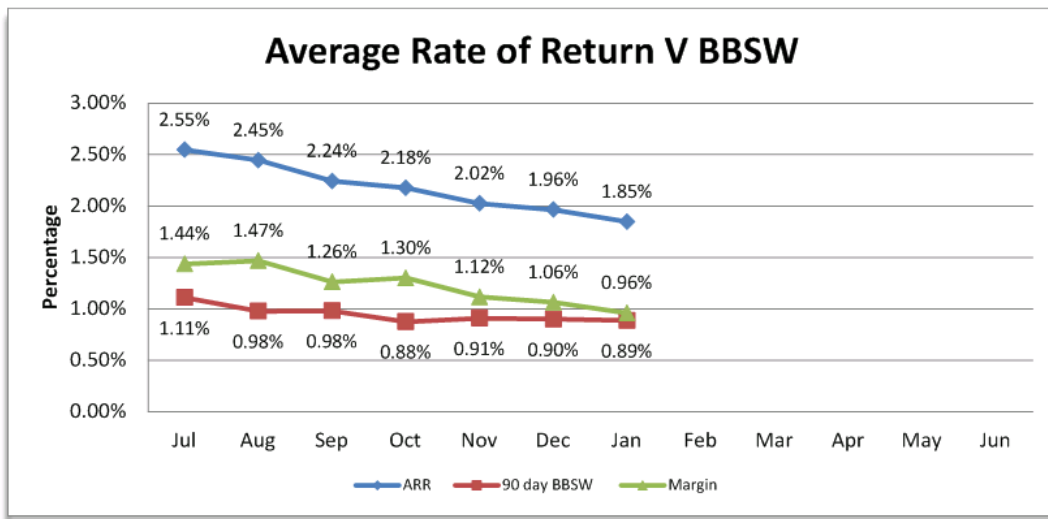
Wingecarribee Shire Council Investment Report Summary For the period ending 31 January 2020

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 January 2020 was 1.85% which is 0.11% lower than December 2019. There was a decrease in the BBSW to 0.89%.

The margin above BBSW decreased by 0.1% in January 2020 as short term interest rates continue to decline.



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

Reference:	RD1419; RD1423
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 make an application to Department of Planning, Industry and Environment – Crown Lands (“the Crown”) to transfer an unformed Crown Road known as part Surrey Street, Berrima to Council.

RECOMMENDATION

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

REPORT

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

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

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

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

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



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

LEGISLATION

Section 152I Roads Act 1993

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

COMMUNICATION AND CONSULTATION

Community Engagement

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

Internal Communication and Consultation

Relevant Managers and Council Officers

External Communication and Consultation

Department of Planning, Industry & Environment- Crown Lands

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

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



RELATED COUNCIL POLICY

None identified.

CONCLUSION

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

ATTACHMENTS

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



Wingecarribee Shire Council

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.



Copyright © Wingecarribee Shire Council, Copyright © Land and Property Information (LPI) 2017



Wingecarribee Shire Council

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.



Copyright © Wingecarribee Shire Council, Copyright © Land and Property Information (LPI) 2017

11.5 Licence Agreement to Faith FM for use of Mt Gibraltar Telecommunications Tower at 232 Oxley Drive, Bowral

Reference:	PN1704893; 7130/2
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to approve the issue of a Licence Agreement for the use of Mt Gibraltar Telecommunications Tower by Faith FM.

RECOMMENDATION

1. **THAT** a Licence Agreement be issued by Council with respect to the use of the Mount Gibraltar Telecommunications Tower at 232 Oxley Drive Bowral to Faith FM for a term of five (5) years.
2. **THAT** it be noted that the licence fee payable in the first year is \$986.48 including GST to be increased annually by 5% or CPI (Sydney All Groups) whichever is greater.
3. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council the Licence Agreement document with respect to the Licence Agreement to Faith FM for the use of the Council property referred to in Resolution 1 above.

REPORT

BACKGROUND

Mount Gibraltar Telecommunications Tower is owned by Council. The reserve is classified as Community Land pursuant to Section 25 of the *Local Government Act 1993*.

Council has a Lease agreement with WIN Television as 'head lessee'; WIN Television is responsible for the structural and ongoing maintenance of the tower and for engineering approvals for licensees. Council officers manage the issue and administration of Licence Agreements for the telecommunications facility.

Council issues Licence Agreements to qualified users, in order for access to the tower and for equipment to be fixed to the tower for transmission or broadcast.

Digijuke Pty Ltd is a current Licensee (holding over on an expired lease) on the Telecommunications tower who has sold their equipment to Faith FM.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

Council has been approached by Faith FM to enter into a Licence Agreement for access to Council's Telecommunications Tower, 232 Oxley Drive, Bowral.

Faith FM is a Christian radio station that has been operating since 2008. Faith FM provides a radio service to approximately 160 communities around Australia.

SiteXcell, Council's appointed site managers of the Tower, have obtained engineering approval from WIN Television (the head lessee of the Telecommunications Tower) on behalf of Faith FM to proceed with the application for a Licence Agreement from Council.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement has been undertaken. This is an administrative matter between Council as property owner and the licensee to access the tower from Council's hut.

Internal Communication and Consultation

Executive

External Communication and Consultation

Faith FM

SiteXcell – Mount Gibraltar site manager

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications. A licence fee will be charged on an annual basis which has already been taken into consideration in Council's budget.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



RELATED COUNCIL POLICY

None

CONCLUSION

It is recommended that Council issue a Licence Agreement for the use of this facility for a maximum term of five (5) years subject to negotiation of the terms and conditions of the Licence Agreement.

This report also recommends that the Licence Agreement is to be executed under the Common Seal of the Council by the General Manager and Mayor.

ATTACHMENTS

1. Aerial Map - Mt Gibraltar Telecommunications Tower

11.5 Licence Agreement to Faith FM for use of Mt Gibraltar Telecommunications Tower
Tower at 232 Oxley Drive, Bowral

ATTACHMENT 1 Aerial Map - Mt Gibraltar Telecommunications Tower



Wingecarribee Shire Council

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.



Copyright © Wingecarribee Shire Council, Copyright © Land and Property Information (LPI) 2017

11.6 Modification of Easements in favour of Council over "The Hill", Middle Road, Exeter

Reference:	PN 1701275
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 delegate authority to the Mayor and General Manager to execute documentation required to consolidate easements in favour of Council over privately owned land known as "The Hill" 72 Middle Road, Exeter being Lot 2 in DP818087 ("the property").

RECOMMENDATION

1. **THAT** Council consents to the consolidation of existing easements over property "The Hill" 72 Middle Road, Exeter (being Lot 2 in DP 818087) in order for all services to be captured within the one easement to be registered on title to the property.
2. **THAT** the Mayor and General Manager be delegated authority to affix the Common Seal of Council to the plan of consolidation of easements required to be registered at NSW Land Registry Services in respect of the easement referred to in resolution 1.
3. **THAT** authority be delegated to the General Manager to execute on behalf of Council any other documentation associated with consolidation of the easements referred to in resolution 1 which does not require the affixing of the Common Seal of Council.

REPORT

BACKGROUND

Council currently has the following easements registered on title to the property in favour of Council:

- Easement for water supply pipeline 5m wide and variable
- Easement for pipeline

The easements burdening the property are to supply power and water to Council's Reservoir at Middle Road, Exeter (being Lot 1 DP 518584).

The property owner has engaged a surveyor to prepare a plan showing the measurements for the water pipe and power conduits within the easements.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



This plan indicates that Council's water pipe is laid approximately 0.45m outside of the registered easement. The plan also shows that the power cable has been laid outside of the area of the easement.

An aerial view of the easement location is provided in **Attachment 1**.

REPORT

The owner of the property has lodged a subdivision application for 9 lots. As part of the development the owner of the property has arranged for the relocation of the power from overhead to underground.

It is necessary for all services to be captured within the registered easements.

As the surveyor plan shows services located outside of the easement area, the property owner was given two options in relation to re-alignment of the easements:

Option 1: The eastern side of the easement be realigned by Council to capture Council's water pipe within the area of the easement.

Option 2: The existing easements are extinguished and re-established by the owner as a combined easement capturing all services. This would infer a benefit on the property owner in that there would be a significant reduction in the area required for easement thereby making available to the owner additional useable land gained through consolidation of the easements.

The owner of the land has advised that option 2 above is the owners preferred option.

This report is submitted to Council in order that Council may delegate authority to execute any plans and dealings required to enable consolidation of the easements.

COMMUNICATION AND CONSULTATION

Community Engagement

This is a matter between the property owner and Council.

Internal Communication and Consultation

Water & Sewer

Planning Development and Regulatory Services

External Communication and Consultation

Property Owner

Department of Planning, Industry and Environment

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications arising from the consolidation of the easements by the property owner.

RELATED COUNCIL POLICY

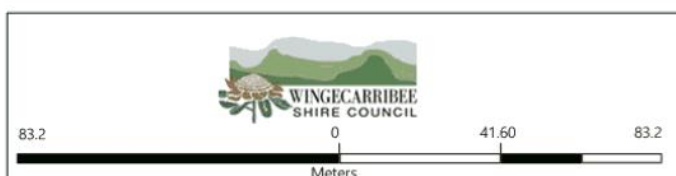
None identified.

CONCLUSION

It is recommended that Council endorse the consolidation of the easements over the property known as "The Hill" 72 Middle Road, Exeter.

ATTACHMENTS

1. Attachment 1 - Aerial Map



The Hill 72 Middle Road Exeter

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.



Copyright © Wingecarribee Shire Council, Copyright © Land and Property Information (LPI) 2017

11.7 Proposed Acquisition - Land in Bowral

Reference:	PN 1346400
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 advise Council of a request made by a property owner in Bowral for Council to proceed with the acquisition of part of their property.

RECOMMENDATION

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

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

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

ATTACHMENTS

There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance and Risk

Friday 21 February 2020

12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 ANZAC Day 2020

Reference: 1671/1
 Report Author: PA for Mayor
 Authoriser: Group Manager Corporate and Community
 Link to Corporate Plan: Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

Reporting on the Wreath Laying Ceremonies for ANZAC Day 2020.

RECOMMENDATION

1. **THAT** subject to Councillor availability, Council be represented at the following services:

	SERVICE	2020 ATTENDANCE	
BERRIMA	Dawn Service 5.45am		
	Main Service 10.30am		
BOWRAL	Dawn Service – March 5.45am Service 6.00am		
	Main Service – March 10.35am Service 11.00am		
	BUNDANOON	Dawn Service 6am	
		March 10.30am – Service 11.00am	
ROBERTSON/ KANGALOO	Wreath Laying 10.15 am		
BURRAWANG	Wreath Laying and Service- 11.00am		
COLO VALE	Service – 8.00am		
EXETER	Service - 9.00am		
HILLTOP	Dawn Service 6.00am		
MITTAGONG	Dawn Service – March 5.15am Service 5.30am		
	Main Service – March 10.30am Service 10.45am		
	MOSS VALE	March 10.30am - Service 11.00am	
	SUTTON FOREST	March 7.50am – Service 8.00am	

2. **THAT** the respective Sub-BrancheS and community groups be advised of Council representation as detailed in 1 above.
3. **THAT** Council purchase appropriate books for the Bowral, Bundanoon, Moss Vale and Berrima Memorial Services **AND THAT** wreaths be purchased for the remaining locations.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



REPORT

BACKGROUND

Council has in the past been represented at ceremonies conducted on ANZAC Day which this year falls on Saturday, 25 April 2020. These services are traditionally held in Berrima, Bowral, Bundanoon, Burrawang, Colo Vale, Exeter, Hill Top, Mittagong, Moss Vale, Robertson/Kangaloon and Sutton Forest

REPORT

Council is requested to determine who will be its representatives at the various ceremonies so that the appropriate RSL Sub-Branch can be notified.

The following 2020 ANZAC Day Services have requested Councillor attendance (*with the attendances for 2019 beside each service*):

SERVICE		2019 ATTENDANCE
BERRIMA	<i>Dawn Service 5.30 am</i>	Clr I M Scandrett
	<i>Main Service 10.30 am</i>	Clr G McLaughlin
BOWRAL	<i>Dawn Service – March 5.45 am Service 6.00 am</i>	Clr K J Halstead and Clr G McLaughlin
	<i>Main Service – March 10.35 am Service 11.00 am</i>	Deputy Mayor, Clr G M Turland
BUNDANOON	<i>Dawn Service – Service 6.00 am</i>	Clr G J Andrews
	<i>Main Service – March 10.35 am Service 11.00 am</i>	Clr I M Scandrett
ROBERTSON/ KANGALOO	<i>Wreath Laying and Service 11 am</i>	Clr L A C Whipper
BURRAWANG	<i>Wreath Laying 10.15 am</i>	Clr L A C Whipper
COLO VALE	<i>Service 8.00am</i>	Clr I M Scandrett
EXETER	<i>Service 9.00 am</i>	Clr I M Scandrett
HILLTOP	<i>Dawn Service 6.00 am</i>	Clr P Nelson
MITTAGONG	<i>Dawn Service – March 5.15 am Service 5.30 am</i>	Deputy Mayor, Clr G M Turland
	<i>Main Service – March 10.30 am Service 10.45 am</i>	Clr GJ Andrews and Clr K Halstead
MOSS VALE	<i>March 10.30 am - Service 11.00 am</i>	Mayor, Clr T D Gair
SUTTON FOREST	<i>March 7.50 am – Service 8.00 am</i>	Mayor, Clr T D Gair

LAYING A WREATH OR PLACING A BOOK

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The Bundanoon and Moss Vale RSL Sub-Branches and the Berrima Residents' Association have previously requested that books to be presented in lieu of the traditional wreaths during their ANZAC Day services. The Bowral RSL Sub-Branch has requested a book in lieu of a wreath for their second service only. In each case, the books are intended to be presented to local schools or the Shire libraries. The wreaths and books will be **delivered to Councillors on Friday, 24 April 2020.**

TRAFFIC MANAGEMENT

Council's Assets and Project Delivery, Traffic Engineer has engaged the services of All Areas Traffic Services to manage the traffic for the ANZAC Day Parades.

CONSULTATION

Community Engagement

Details of road closures for the ANZAC Day Ceremonies will be advertised in the local press.

Internal Consultation

A report will be referred to the Traffic Committee Meeting for final approval prior to 25 April 2020.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

ANZAC Day is of great historical significance and an important event attended each year by thousands of Australians.

- **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**

Coordination has been undertaken with each association in regard to risk management procedures for ANZAC Day.

COUNCIL BUDGET IMPLICATIONS

Funding for the required traffic control will be sourced from the March Quarterly Review of the 2019/20 Budget.

RELATED COUNCIL POLICY

There are no policy implications.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

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



ATTACHMENTS

There are no attachments to this report.

12.2 Bi-Annual Delivery Program 2017-2021 Progress Report, 1 July - 31 December 2019

Reference:	501/2013
Report Author:	Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report presents the Bi-Annual Delivery Program Progress Report for the period 01 July to 31 December 2019, which records Council's progress towards achieving the four year actions of the Delivery Program 2017-2021.

RECOMMENDATION

THAT Council receive and note the Bi-Annual Delivery Program Progress Report for the period 01 July to 31 December 2019.

REPORT

BACKGROUND

Under the *Local Government Act 1993* and the Integrated Planning and Reporting (IP&R) Framework, Council must have a Delivery Program detailing its principal activities. The Delivery Program 2017-2021 outlines where Council will take ownership of the goals and strategies of the Community Strategic Plan, *Wingecarribee 2031* within its area of responsibility and its available resources.

The Bi-Annual Delivery Program 2017-2021 Progress Report – 1 July to 31 December 2019 (**Attachment 1**) outlines Council's performance towards achieving the objectives of the Delivery Program 2017-2021. The Delivery Program 2017-2021 is supported by Council's Operational Plan 2019/20, which outlines the 205 projects, programs and activities (referred to as annual deliverables) that Council undertakes during the financial year in order to address the objectives of the Delivery Program. This bi-annual review of the Delivery Program 2017-2021 informs Council's Annual Report 2019/20 which is due to be presented to the NSW Government on 30 November 2020.

At its meeting on 14 June 2017 and in accordance with the *Local Government Act 1993*, Council moved to adopt the Delivery Program 2017-2021. This is the fifth report on Council's current Delivery Program.

REPORT

The Bi-Annual Delivery Program 2017-2021 Progress Report – 1 July to 31 December 2019 provides an overview of the progress made towards achieving the objectives set out in the Delivery Program 2017-2021. They are reported under the themes of Leadership, People, Places, Environment and Economy as set out in the Community Strategic Plan, *Wingecarribee 2031*.

This report shows that at the end of December 2019, 100 of the 100 objectives set out in the Delivery Program were 'on-track'. No objectives were classified as 'delayed', 'needs attention', 'on hold' or 'critical'.

Full details of the progress and highlights from this reporting period are outlined at **Attachment 1**.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil.

Internal Communication and Consultation

All branches within Council were consulted in preparing the bi-annual review of the Delivery Program 2017-2021.

External Communication and Consultation

Nil.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The *Local Government Act 1993* and the IP&R Framework require Council to report on its progress towards achieving its Delivery Program every six months. This report fulfils that requirement.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

Nil.

OPTIONS

The only option available to Council is:

THAT Council receive and note the Bi-Annual Delivery Program Progress Report 2017-2021 for the period 1 July 2019 to 31 December 2019.

CONCLUSION

This report provides an overview of Council's progress towards achieving its Delivery Program 2017-2021 and suggests that Council is generally progressing well towards achieving the four-year actions set out therein. The report has been prepared following input and assistance from all branches within Council.

ATTACHMENTS

1. Delivery Program Progress Report 2017-2021 - 1 July to 31 December 2019



Bi-Annual Delivery Program 2017-2021 Progress Report

1 July 2019 to 31 December 2019



Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. **t. (02) 4868 0888** f. (02) 4869 1203
e. mail@wsc.nsw.gov.au ABN 49 546 344 354

www.wsc.nsw.gov.au



Contents






Introduction	3
Integrated Planning and Reporting.....	3
Leadership.....	4
People.....	12
Places.....	18
Environment	26
Economy	33



Introduction

This Bi-Annual Delivery Program Progress Report is for the period 1 July 2019 to 31 December 2019. It reports Wingecarribee Shire Council's progress towards achieving the 100 objectives of the Delivery Program 2017-2021.

At the end of December 2019, of the 100 objectives 100 were 'on track', none were 'delayed', none were classified as 'needs attention', none were 'on hold', none were considered 'critical'. Each objective has been assigned a traffic light to signify overall progress.

-  On track (green)
-  Needs attention (amber)
-  Critical (red)
-  On hold (grey)
-  Delayed (purple)

Integrated Planning and Reporting

Under section 404(5) of the *Local Government Act 1993* and the NSW Integrated Planning and Reporting Framework, Council requires a report on progress towards achieving its Delivery Program every six months. The **Delivery Program 2017-2021** outlines the activities Council will undertake to achieve the objectives established in the Community Strategic Plan, *Wingecarribee 2031* within the resources available under the Resourcing Strategy. The diagram below provides an overview of Council's Integrated Planning and Reporting Framework.





Leadership

Wingecarribee 2031 outlines the following **Leadership** Community Goals:

- 1.1 Our Council has the trust of the community and well informed decisions are made to ensure long term sustainability of our Shire
- 1.2 Council communicates and engages with the community in a diverse, open and inclusive way
- 1.3 Developing community leadership, strong networks and shared responsibility for the Shire promotes and enhances community capacity

The **Delivery Program 2017-2021** includes 23 four year actions to assist in the achievement of the **Leadership** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

DP01 Develop and implement an elected-member professional development program ●

Council staff are continuing to plan for the development and delivery of induction training and professional development for Councillors following the 2020 local government elections.

During the reporting period, surveys were designed and undertaken to seek information from potential candidates and former councillors in the lead-up to the election which will guide the preparation of induction programs for the remainder of 2019/20.

DP02 Strengthen Council's Integrated Planning and Reporting and Governance Frameworks ●

Council continues to deliver on the Integrated Planning and Reporting and Governance outcomes.

Work has commenced on the annual review of Council's Delivery Program and the development of the Operational Plan and Budget for 2020/21. Reporting on the 2018/19 Operational Plan was completed with the Annual Report being published in November.

The NSW Electoral Commission was contracted to administer Council's local government election in 2020 in accordance with a Council resolution from the ordinary meeting of 25 September 2019.

Two internal audits from the approved audit program for 2019/20 were undertaken in the reporting period, in procurement and development assessment. These audits reviewed the adequacy and effectiveness of Council's policies, guidelines, systems, processes and practices relating to these functions. Internal controls were also reviewed to assess their effectiveness in reducing the potential for error or fraud and corruption.

Council continues to deal with requests from the public to access Council information, with 12 formal access applications received during the reporting period and 16 finalised within statutory time frames. In addition, a total of 427 applications for access to information were handled under either the mandatory proactive release or informal access provisions of the *Government Information (Public Access) Act 2009*.



DP03 Improve community understanding and awareness of Council decisions

Council and Finance Committee meetings continue to be webcast in accordance with Council's Code of Meeting Practice. During the reporting period, Council also commenced uploading recordings of the meetings to Council's YouTube channel in order to further enhance accessibility to meetings for the community.

Council produced and distributed the September and December 2019 issues of Wingecarribee Today to more than 27,500 properties across the Shire. Regular electronic newsletters were also issued to interested community members and groups regarding Council's Arts and Culture, Community Engagement and Environment and Sustainability initiatives.

DP04 Develop and maintain an engaged and safe workforce

Work health and safety procedures continue to be reviewed. Resources have been allocated to ensure that this occurs in a timely manner.

DP05 Manage Council's WHS risk management profile to ensure risks are mitigated

Council continues to monitor work health and safety (WHS), providing advice to staff and management on Safe Systems of Work requirements and undertaking and supporting investigations of incidents when they occur while identifying changes to Safe Systems of Work and Safe Work Method Statements where required.

Training of staff in WHS related matters remains a high priority.

DP06 Develop and Maintain Council's Organisational Development Programs

Council has completed the introduction and use of the Cornerstone Recruitment module. This system was developed to meet and support Council's ongoing recruitment processes in an electronic environment replacing the previous paper based system.

Planning has also commenced for the development of the Cornerstone Performance Management module. The performance management system includes the development of specific position-based key performance indicators aligned to Council's Operational Plan and Branch Business Plans. The system also includes the development and implementation of competency-based skill elements which will influence training calendars and map overall staff performance.

Recruitment remains a priority. Whilst turnover has reduced there is a nationwide shortage of qualified Planning, Accredited Certifier, Engineering, Accounting and Human Resources staff with the skills and knowledge of local government required by Council. To meet the skills gap Council has engaged cadet engineers, trainee accredited certifiers, apprentices and trainees. In addition, to meet short term business needs a pool of casual on call business support officers, plant operators and labourers has been established to provide staff at short notice.

Skills based training continues to be provided for staff to maintain accreditation in work related activities such as planning and certification, confined spaces, first aid and working at heights along with other job related refresher courses.

In the reporting period all staff have received mental health awareness training with a number of staff



completing an in-depth two day course to qualify as mental health first aiders.

Senior staff of Council have undertaken a review of Council's Risk Profiles which has been presented to the Audit, Risk and Improvement Advisory Committee.

Business Continuity mock exercises have been held to test the adopted Business Continuity Plan (BCP). The BCP has also been the subject of an ongoing review to assess the effectiveness of the sub plans within the BCP.

DP07 Implement actions from Council's Fit for The Future Improvement Program

Council's Fit for the Future Improvement Plan included 15 key strategies to strengthen Council operations and improve efficiency. Six strategies have been completed and work is ongoing on the other nine strategies.

The adopted Long Term Financial Plan outlines projections for Council achieving the benchmarks set by the State Government. Council remains on target to meet these financial and asset management benchmarks.

DP08 Ensure Council's financial systems, procedures and practices are in line with industry best practice and compliant with applicable legislation.

The 2018/19 Financial Statements and Auditors Reports were presented to Council on 13 November 2019. Council's auditor, the NSW Audit Office, issued an unmodified audit opinion on Council's accounts, stating that Council's financial records were fairly and appropriately presented. All other statutory financial reports were completed and submitted within required timeframes.

The September review of the 2019/20 Budget was presented to the Finance Committee on 20 November 2019. The result presented was a projected surplus of \$22,071 which was transferred to the Capital Projects Reserve for consideration as part of the 2020/21 Budget.

Preparation of the 2020/21 Annual Budget and Long Term Financial Plan has commenced and will be presented to Council in accordance with agreed timeframes and in line with legislative requirements.

Council continues to support its local farming community through a rate deferral scheme for farmland rated properties which are affected by current drought conditions. This scheme has resulted in \$195,200 in rate deferrals and interest waived of \$11,800 since its approval in August 2018.

Residents across the Shire continue to take advantage of receiving their rates and water notices electronically. There are currently 1,031 customers registered to receive their rate notices through BPAY View and 1,117 customers registered for eBilling.

DP09 Manage Council's Fleet to ensure all plant and equipment is appropriately utilised, fit for purpose and cost effective

Council continues to complete maintenance schedules in line with manufacturer specifications, ensuring the safety and reliability of Council's plant and fleet.

In line with Council's National Heavy Vehicle Legislation responsibilities, Council has installed



weighing scales into all trucks over 8t GVM (22 trucks) during the second quarter of the 2019/20 financial year. This will eliminate potential load breaches in relation to the transportation of material in Council trucks.

Council's Plant Replacement Program is on track to be delivered within budget and agreed timeframes and in line with operational specifications.

DP10 Council's property activities and dealings are undertaken within the community's best interests and within legislative requirements 

Council's property portfolio continues to be managed appropriately and in compliance with legislative requirements.

The management of Council's property portfolio also includes the timely reporting to Council on property matters for formal approval. During the first half of the 2019/20 financial year this included the formal approval of the lease of the Aboriginal Community Cultural Centre to the Illawarra Aboriginal Land Council and amendments to the lease to the Southern Highlands Botanical Gardens. Council also received formal notification from the Office of Local Government that the proposed leases to the Southern Highlands Golf Club and Southern Highlands Bridge Club were approved by the Minister for Local Government.

Council continues to work towards compliance with the *Crown Land Management Act 2016*. Council received formal confirmation from the Office of Local Government in November 2019 that its initial categorisation of Crown Land had been approved in full. Council will now commence the development of Plans of Management for those reserves determined high priority and where funding is available.

With respect to Council's land disposal program, the tender results for the sale of 10 Frankland Street were presented to Council in November 2019. Council formally resolved to accept the tender submission from Willow Properties and Paloma Blanca for Lots 2 and 3 Frankland Street with contracts exchanged in December 2019.

Council has also sold one of the five subdivided lots at Anembo Street Moss Vale which settled in December 2019.

DP11 Procurement activities are undertaken to achieve best value while underpinned by a robust ethical framework which enables local supplier participation 

Council continues to manage its procurement activities to ensure compliance with the *Local Government Act 1993*, Regulations and Office of Local Government Tendering Guidelines. Tenders are reported to Council in a timely manner and the recent introduction of Council's revised Procurement Policy and Guidelines continues to see improvement in procurement practices.

During the first half of the 2019/20 financial year, Council's procurement practices were audited in line with the internal audit schedule approved by the Audit, Risk and Improvement Advisory Committee. The outcome of the audit was overall positive, with a number of areas identified as best practice. There were nine findings from the audit with the majority ranked low or medium risk. A number of these findings were addressed immediately.



DP12 Develop and implement enhanced asset management practices

Council's asset management practices were reviewed during the reporting period as part of the annual financial reporting audit. Auditors assessed how assets are accounted for and what systems and processes are in place. The provision of Asset Management Plans was also reviewed as part of the audit. Council's asset management practices were considered consistent with best practice.

A condition and asset data collection survey of Council's road network was completed and the data is being validated.

Asset data has been updated in the Asset Management System (Conquest) and was used to inform numerous Asset Management Practices including capital works planning, maintenance planning, geographic mapping and financial reporting.

An Asset Management Maturity Assessment commenced during the reporting period.

DP13 Develop and implement Business Transformation Program

Following an open tender process, Council has resolved to undertake direct negotiations in relation to the implementation of an updated Electronic Document Record Management System and Customer Relationship Management and Workflow Management System. These systems will be introduced in 2020.

Staff have undertaken a comprehensive review of all Development Engineering Design Specifications which has resulted in updating the content and drawings to current standards. As part of the update process, Council invited local engineering operators to review the documents.

In relation to development application determinations, Council has moved on to further categories of developments to ensure delays in determinations are minimised. This has followed on from the successful program of dealing with residential dwelling house applications in new release areas which has seen determination times drop to an average of 12 days. The priority area now is economic development-based applications for new development and change of use in existing premises.

DP14 Enhance customer interaction with Council

Continued development of automated processes in the Contact Centre, Front Counter, Cashier and Corporate areas is enhancing how customers interact with Council. The complete review of the Corporate Website and revision of scripting in the Contact Centre ensures that Council remains on track with how customers interact with Council.

DP15 Deliver an Information and Communication Technology service that meets Council's business delivery requirements

Council has now completed a number of technology projects over the reporting period. These projects include the following:

- Implementation of new, high availability firewall configuration with upgraded internet connectivity. This will improve the services offered internally and externally by Council.
- Commissioned and installed new Data Centre infrastructure. This will see an increase of



speed and reliability. In addition to this, it has reduced the amount of power consumption needed to operate.

- Roll out of a new, cloud-based phone and collaboration system to the organisation. This system has improved Council's internal communication and offers a fully cloud-based system to the organisation.
- A new contact system, also cloud based, was released to the organisation. This system allows for greater reporting and visibility of Council's customer service channels. In addition the system will improve disaster recovery options for Council.

Over the next six months Council will continue to implement its five year Information and Communication Technology Strategic Plan. In addition Council will continue to upgrade all equipment in line with its life cycle management policy and look for innovative ways to improve the technology offering to Council and the community.

DP16 Deliver Corporate Systems that meet Council's business delivery requirements

Council continues to investigate and implement new processes to ensure a faster delivery of service to the community.

Council is currently in the final stages of a procurement process which will see the introduction of a new Customer Relationship Management System, Electronic Document Records Management System and a new customer focused website. It is expected that the procurement process will be completed by March 2020.

Council will continue to review and look for ways to improve its applications to better serve the community and Council.

DP17 Ensure council services are delivered efficiently and effectively

The service delivery review program remains ongoing and enables Council to identify service delivery improvements. During the reporting period, Council considered the service delivery review of Children's Services and resolved to continue in direct service delivery for both Family Day Care and Wingecarribee Out of School Hours Care for a period of three years, with a further service delivery review to be conducted after two years.

The service delivery review of Waste Management was also concluded with the recommendations of the review to be considered in the development of Council's Waste Strategy. The service delivery review of Community Wellbeing is still in progress while the review for Aquatics Services is on hold pending the capture of additional data.

The 2019 Community Satisfaction Survey was undertaken and the results published on Council's website during the reporting period.

DP18 Identify opportunities for regional collaboration

Council continues to participate in Canberra Region Joint Organisation meetings including the Board Meeting, General Manager Advisory Committee Meetings and various Professional Working Groups.



DP19 Provide quality, timely and accessible information to the community

Council continues to provide quality, timely and accessible information to the community. News items continue to be proactively sought from throughout the organisation and via a range of mediums. These items are promptly issued via a range of communications channels including media releases, quarterly publications of Wingecarribee Today, radio and television interviews, staff newsletters, Council's online digital Media Centre and Council's Facebook and Twitter social media sites. These sites are continually monitored by staff with feedback provided as soon as possible.

During the reporting period, 88 media releases were issued and 218 posts issued on Facebook with an average reach of 2,233. This led to 3,344 link clicks on Facebook and 1,744 'shares' and resulted in 445 new followers. For the same period 88 tweets were issued resulting in 36 new Twitter followers.

DP20 Implement an effective Community Engagement Framework

Consultation activities have mainly focussed on targeted communication with stakeholders and the public exhibition of policies, leases, licence agreements, designs or plans.

Council's Community Engagement Strategy was reviewed and updated in the second half of 2019. The publicly exhibited version included a Community Participation Plan for land use planning matters as required by a recent amendment to the *Environmental Planning and Assessment Act 1979*. Submissions received during public exhibition of the document guided additional improvements which further clarified Council's approach. The Community Engagement Strategy was adopted by Council on 11 December 2019.

Of particular interest to the community was the first stage of consultation associated with the preparation of local character statements. This commenced with a photo competition focussed on capturing the unique people, places, landscape and buildings in the Shire. Entrants added markers, comments and photos to an online mapping tool.

Local government elections are scheduled for September 2020. Community and councillor surveys were conducted in October to obtain information about the perception or experience of councillor roles, the barriers candidates face and ways Council could respond to these. Responses will be used to guide how pre-selection sessions are organised and information is managed.

With a significant increase in construction projects occurring in 2020, there has been a focus on ensuring local stakeholders are notified and kept informed about works which may impact on their daily activities.

DP21 Support Council committees and working groups

Council staff continue to administer advisory committees, community reference groups and sunset working groups in accordance with Council's Committee Manual 2016-2020.

A casual vacancy for a community representative on the Community Development Advisory Committee was filled during the reporting period, while Council also resolved to increase the number of community representatives on the Heritage Advisory Committee from three to four and appointed two new community members to that Committee.



DP22 Actively build capacity for community participation in leadership including mentoring and support 

Council has become a supporter of the establishment of the Southern Highlands Key Stakeholders Group with the goal of identifying and building on key projects around jobs growth through education and training. Monthly meetings have occurred in this reporting period.

DP23 Develop partnerships and networking with community, government and business 

Council staff continue working with community, government and business sectors to evaluate new opportunities and support existing initiatives.

Council recently entered into a contract with Service NSW for the 'Easy to do Business' program. The program provides the opportunity for participating councils to implement programs that support small business, sharing resources and information and promoting the local business community. It also provides a 'Concierge' service for businesses to cut through the red tape for retail start-ups.

Council's initial actions in response to the impacts of the Green Wattle Creek fire included the establishment of a Mayoral Relief Fund to which Council made an initial contribution of \$50,000; organising buses for directly impacted residents to inspect fire-affected Balmoral and Buxton; the distribution by staff on 24 and 27 December 2019 at the Balmoral Village Rural Fire Service shed of cash cards to fire-affected residents; and supporting the work of the Emergency Operations Centre.





People

Wingecarribee 2031 outlines the following **People** Community Goals

- 2.1 Our people have the opportunity for a happy and healthy lifestyle
- 2.2 We are an inclusive community which actively reduces barriers for participation in community life
- 2.3 Wingecarribee values and nurtures a diverse, creative and vibrant community

The **Delivery Program 2017-2021** includes 19 four year actions to assist in the achievement of the **People** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

DP24 Advocate for improved health services in the Shire ●

Wingecarribee Local Health Council has commenced meeting with a broad cross section of local health providers and community members supported by the South West Primary Health Network. Council is represented on the Local Health Council by the Coordinator Community Development. The Local Health Council guides, informs and participates in the activities that contribute to improved health and service outcomes for the Wingecarribee Shire community.

DP25 Partner with community based organisations in provision of services ●

Council has partnered with the Heart Foundation and Volunteering Wingecarribee (VolWing) to commence walking groups in the local area. The activity is reliant on VolWing finding suitable volunteers to lead the groups in their local area.

Council, Red Cross and Oz Harvest have partnered to provide the Dhungung (Food) Share program at the Aboriginal Community Cultural Centre for this period. The program is well supported by other community organisations who attend on a regular basis to improve access to information and support services. The year ended with a Christmas celebration where all community members and services were in attendance.

DP26 Partner with State and community organisations to provide a broad range of health and wellness programs to target specific needs of the community ●

A Mental Health Symposium held at Warwick Farm highlighted the available services being provided by South West Sydney Primary Health Network. Council has contributed to co-design processes that have informed the funded models of service delivery in the local area. Organisations are able to tender for funding through this model. A number of targeted programs are being delivered in the Wingecarribee Shire Local Government Area.

A new service with Wingecarribee Shire and Wollondilly Shire Councils as partners along with Tharawal in an Aboriginal Youth Suicide and After Care Project has commenced. The project aims to improve the skills of local Elders and community leaders to support individuals and families impacted by suicide. This 12 month project will implement sustainable measures for the recommended model.



DP27 Provide access to sport, recreation and leisure services 

The 2019/20 Swimming Season commenced on Saturday 12 October 2019 with the opening of Mittagong Swimming Centre. Unfortunately, the Centre had to close on 22 October due to plant failure; however, it was reopened again on Saturday 14 December 2019. Bowral Swimming Centre opened earlier than originally scheduled on 31 October 2019 due to the closure of Mittagong Swimming Centre. Bundanoon Swimming Centre opened for the season on Saturday 16 November 2019.

Moss Vale War Memorial Aquatic Centre received 42,525 visits in the second quarter to 10 December 2019, compared to 43,602 the previous year to 10 December 2018.

All sports fields and open space areas have continued to be maintained to agreed service standards, though mowing in high fire danger areas was delayed due to fire danger periods. Drought conditions and water restrictions have proved challenging with watering ovals and gardens.

During the reporting period capital renewal works included upgrades to Leighton Gardens and Winifred West amenities buildings, upgrades to Burrawang sports ground club house and amenities and the installation of LED lighting at Mittagong Oval.

DP28 Partner with Police, business and community representatives to implement the Community Safety Plan 

The Wingecarribee Community Safety Committee met in November with the August meeting being cancelled due to the absence of key members. The Committee discussed topics raised by members and covered in the Community Strategic Plan as well as focusing on local crime statistics provided by Local Area Command.

DP29 Partner with agencies to ensure emergency management processes and procedures are in place 

The Local Emergency Management Committee has continued to work on reviewing Consequence Management Guides, the Emergency Risk Management Plan for the Shire and the Wingecarribee Emergency Management Plan (EMPLAN).

The review of the EMPLAN scheduled for 2019 resulted in the addition of a Snow Plan but remained otherwise unchanged. It will be submitted to the Regional Emergency Management Committee meeting to be held in February 2020 for endorsement.

Substantial work was completed on an update to the Emergency Risk Management Plan, with an added focus on those Council assets that are identified as being critical to response efforts during an emergency event. There is a significant review planned for 2020 in collaboration with Council asset owners to update emergency procedures and look at mitigation strategies for potential emergency events in the future.

DP30 Implement public health and safety regulatory programs 

Council has continued to implement public health and safety regulatory programs throughout the reporting period. Council has conducted in excess of 160 inspections relating to food premises



throughout the Shire and staff continue to educate the community on food safety awareness including the Food Authority's 'Scores on Doors' program. Proactive food safety promotional material was recently circulated to all registered food premises throughout the Shire to aid efforts in increasing public awareness.

DP31 Assess the changing profile of the Shire and prioritise services accordingly 

The Australian Early Development Census data was released during this period. This information is provided every three years. The data assesses every kindergarten student across five domains - Social, Physical, Emotional, Language and Communication. The results indicate if a child is on track, vulnerable or at risk. This information is broken down for each town and village area which enables it to be mapped over the different periods. The data informs both Council and local service providers about priority areas for the delivery of targeted intervention strategies for children aged 0-5.

Recent data has also been provided by the NSW Local Health District for South West Sydney and by Regional Development Australia - Southern Inland. This enables Council to advocate to funding bodies around the health needs identified through the data.

DP32 Provide children services to support family life 

At its meeting on 27 November, Council resolved to maintain the current Child Care Services (Family Day Care and Wingecarribee Out of School Hours Care) provided to the community for three years, demonstrating a commitment to working families and those raising children in the Shire.

DP33 Support agencies to implement community programs and initiatives 

Council worked with a group of agencies to implement a Sleep Out for Homelessness Week in August, however the event was cancelled. The group involved merged with the Emergency Services Network and are now involved in developing a Homelessness Information Resource with the funds provided.

During the reporting period, Wingecarribee Club Grants provided over \$50,000 to community organisations to support local initiatives, with these funds distributed in August. In addition, the Wingecarribee Community Assistance Scheme funded a record number of community organisations and sporting groups as part of the 2019/20 funding program.

DP34 Provide companion animal services 

Council has continued to provide companion animal services to the residents of the Shire through the successful operation of the Animal Shelter and the provision of ranger services.

The Animal Shelter receives excellent community support for its work, reflecting the dedication of Council staff to providing a high quality of care to the lost, stray and unwanted animals of the Shire. Council staff continue to work alongside the volunteer organisation Friends of Wingecarribee Animal Shelter on fundraising and community engagement.

Council continues to respond to community concerns about off leash dogs by increasing ranger patrols of hotspot areas. Council also investigates dog attacks and issues fines and control orders where appropriate.

As part of Council's commitment to minimise euthanasia of impounded animals, Council adopted the



Wingecarribee Animal Shelter - Alternatives to Euthanasia Policy on 11 December 2019.

DP35 Support initiatives which enhance opportunities for learning and skill development

Council staff recently joined key business sector representatives from the region along with staff from TAFE NSW and the University of Wollongong to discuss issues and opportunities for both campuses. The newly formed Southern Highlands Key Stakeholders Group has established an Education and Training Sector Group to develop initiatives around fulfilling demand for courses and skill shortages.

DP36 Provide a range of services and programs through Council Library service

The number of library loans remained constant over the reporting period when compared to previous reports. The use of e-resources continues to grow with the library allocating more resources to these popular platforms. It is expected that loans will be affected by the temporary closure of both Mittagong and Moss Vale Library branches for renovation projects in the 2019-2020 reporting period.

Attendance at children’s programs has slightly reduced but has performed above expectations due to the impact of temporary Branch Library closures for upgrades. Attendance at the many children’s programs and events including Higher School Certificate study sessions, the Children’s Christmas Program, Bookweek and October School Holiday program remains strong with positive community feedback. Local studies visits and enquiries continue to grow and is a result of increased interest in the collection and successful networking and promotion by the Library.

The planned Mittagong Branch roof upgrade was completed in five weeks over September and October 2019. Work included the removal and replacement of the roof, completion of interior painting and replacement of the weathered front door. The Moss Vale Library has temporarily closed for approximately 12 months for the Moss Vale Civic Centre Repair and Refurbishment Project. While the majority of the Moss Vale collection is in storage many of the materials are still available to customers from the Bowral Library Stack. The Mobile Library will continue to visit Leighton Gardens every Friday between 10am and 4pm while the upgrade is being completed.

DP37 Implement sector plans that address key barriers to participation in community life

Council delivered Accessible Documents Training to key staff involved in the publication and provision of information to the community. This training provided strategies and tools to ensure that all Council information is presented in a way that is accessible to all members of our community.

Council assisted in the organisation of a consultation on the provision of After Hours General Practice services in the Wingecarribee Shire. NSW Health is encouraging community members to access afterhours general practitioner services rather than presenting at emergency departments as an improved recovery framework based on a cost efficiency model.

Funding received by Council from NSW State Government - Youth Opportunities will see opportunities for young people to be involved in designing a series of skill-building workshops and engaging in youth music performances that will build up to a music festival to celebrate the youth in our community. The project is designed to be led by young people for young people.





DP38 Develop and implement initiatives that support new residents participating in community life

A Highlands Child Directory is being developed with funds provided through Wingecarribee Club Grants. The Directory is an initiative of the Highlands Child, Youth and Family Network which is facilitated by Council.

The Wingecarribee Seniors Directory is being updated and will be ready for distribution during the Seniors Festival in February 2020.

DP39 Support intergenerational programs and projects

A National Grandparents Day event took place on 24 October and was designed as an intergenerational event where both the very young and the older members of the community could come together and participate in activities together. Supported by funds from the State Government and in partnership with different Council departments and the Country Women's Association Moss Vale Evening Branch, the event attracted a large attendance of all ages.

DP40 Support and co-ordinate a diverse range of community festivals and celebrations

Mental Health Month, Community Services Expo, Grandparents Day, NAIDOC Week, the Art Trail, International Day of People with Disability and Local Government Week were all held during the reporting period.

DP41 Promote and deliver initiatives which enhance community understanding of Aboriginal cultural heritage

In July 2019, NAIDOC week was celebrated locally in a special way by bringing together Indigenous language poetry and threatened species conservation. First Nations students' poems were published on a grand scale on bus backs as part of the community's NAIDOC celebrations. The 2019 NAIDOC theme of 'Voice. Treaty. Truth. Let's Work Together for a Shared Future' highlighted collaboration, creativity and respect for the environment.

The NSW Government's Saving our Species (SoS) program, with Wingecarribee Shire Council and Red Room Poetry, presented the poetic and environmental learning project for young First Nations students on Gundungurra Country earlier in this Year of Indigenous Languages. The week also provided an 'On Country' experience where the community could come and explore, listen and learn about Gundungurra Country and Aboriginal cultural traditions.

Gundungurra Elder Aunty Sharyn Halls welcomed all to the traditional lands of the Gundungurra people along with a smoking ceremony lead by traditional Lore men. Activities included a history walk of the Berrima river, storytelling, bush tucker and medicine, identifying artefacts and grinding grooves, Aboriginal cultural burning and the Glossies in the Mist conservation workshop.

DP42 Facilitate the promotion of community arts, emerging artists and cultural awareness and activities

During this period the 2019 Art Trail was designed, implemented and evaluated with over 70 artists participating across 50 studios. A new Southern Highlands ARTS FILE website was launched at the Art Trail, giving an opportunity for communication, partnerships, and easy access to events.



Council staff attended a Planning Workshop at Southern Tablelands Arts to plan for better collaboration and delivery of arts and culture across the region in 2020.

Plans are underway to support the redevelopment of the Civic Centre by creating portraits in spaces that will provide life to dead spaces.



Places

Wingecarribee 2031 outlines the following Places Community Goals

- 3.1 We have an integrated and efficient network of public transport and shared pathways
- 3.2 Wingecarribee has maintained a distinct character and separation of towns and villages
- 3.3 Our built environment creates vibrant and inviting public spaces
- 3.4 We have safe, maintained and effective assets and infrastructure

The Delivery Program 2017-2021 includes 23 four year actions to assist in the achievement of the Places strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

DP43 Undertake advocacy activities to further the development of an integrated public transport network ●

Council has developed and submitted a regional transport project list, together with comprehensive information, to the Joint Organisation Infrastructure Working Group in Canberra where a joint submission to the NSW Government was prepared which included Council's major regional transport priorities. The regional priorities and major transport projects were presented to Ministers within the NSW Government for review. The South East Tablelands - Future Transport Regional Transport Plan is currently being developed by Transport for NSW.

Council staff have commenced drafting an Integrated Transport Strategy and Road Safety Plan for the Shire. These documents, once completed, will be utilised to improve transport services within the Shire.

DP44 Provide infrastructure linkages between public transport hubs ●

Council has undertaken traffic and parking surveys to obtain more current data to inform transport utilisation rates. This data, coupled with the Traffic Modelling, allows Council to plan for the required infrastructure linkages between public transport hubs. Currently, staff are planning improvements to infrastructure linking and surrounding transport hubs, such as train stations, within the Shire.

The development of the Recreational Trails strategy will also help inform active transport links between hubs. Appropriate resources have been tasked to complete the strategy.

DP45 Promote public transport options and linkages across the Shire ●

Council actively supports improvements and utilisation of available public transport options through the provision of infrastructure services near or around public transport hubs, promotion through transport safety programs and education programs, via the Traffic Committee and through advertising and public awareness campaigns.

Council pursues opportunities during planning and infrastructure delivery phases to link transport networks including cycle ways, pedestrian footpaths, roads, railway services, and bus and taxi services. Council works closely with other government departments to align to developing trends and advancements in transport technology and infrastructure.



DP46 Expand our network of footpaths and cycle ways to improve connectivity of the Shire ●

The Bicycle Strategy Stage 3 is being developed and will provide a plan for improved connectivity for bicycle and recreational walking facilities throughout the shire.

Council staff continue to seek grant funding opportunities to fast track the expansion of the footpath and cycle way network. Generally, grants only offer 50 per cent funding and Council will need to source the matching funds if grants are successful.

DP47 Partner with agencies to advocate for improved transport services ●

Council staff work closely with other levels of government, including Roads and Maritime Services, Sydney Trains, Transport for NSW, Department of Primary Industries, the Environmental Protection Authority and Infrastructure NSW, to plan and provide necessary infrastructure for current and future needs.

Numerous grants have been applied for through the following schemes: Fixing Country Roads, Fixing Local Roads and Black Spot Program. Council staff have engaged with key agencies to ensure that applications are robust and provide the best opportunity for success.

DP48 Provide a rigorous planning assessment framework which reflects State legislation and Council's adopted land use strategy to ensure appropriate development outcomes ●

Rigorous assessment of development applications has continued with reporting improvements an ongoing feature of team development.

DP49 Review and prepare planning strategies, policies and studies that retain the character of the Shire's towns and villages ●

Council commenced work on a Local Character Study, with the launch of a photo competition aimed at capturing the character of the Southern Highlands. The consultation will result in Local Character Statements for each of the towns and villages, and supporting development controls aimed at protecting the character of the Wingecarribee Local Government Area.

The Local Character Statements will also be incorporated into the Local Strategic Planning Statement which will guide how the Shire will grow over the next 20 years.

DP50 Implement initiatives that promote and protect cultural heritage ●

The 2019/20 heritage assistance grants scheme received four applications that were successful, with all works anticipated to be completed by the end of the financial year.

Council staff are also working on a heritage education package, which aims to provide advice and assistance to owners of heritage items, developers and consultants, the broader community and Council assessment staff.



Council staff are also working on a review of Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) as well as considering a number of new heritage items to be incorporated into the WLEP.

DP51 Implement a program of towns and village centre improvements ●

Council has engaged a consultant to develop the Bowral Central Business District (CBD) Master Plan. The consultant has developed a community consultation process which Council staff are currently reviewing. Consultation is planned to commence early in 2020.

Council is currently undertaking a range of works to maintain existing town CBDs and village precincts to manage risks within budget limitations. Works undertaken during the reporting period include Christmas tree placements in Bowral and Mittagong and the completion of street defect repairs in Bowral, Mittagong and Berrima streets.

DP52 Deliver the Urban Street Tree Implementation Plan ●

Council has completed the following street tree planting in line with the outcomes and objectives detailed in the Street Tree Implementation Plan and Street Tree Master Plan for the 2019-20 growing season:

- Etheridge Street, Mittagong was planted with Saw Tooth Oak Trees
- The street tree planting project for Berrima Road was completed with Pin Oaks and Silver Banksia
- Pin Oaks were planted in Braemar
- Brush Box were planted in Monterey Avenue and Albany Street, Moss Vale

The following street tree planning projects remain ongoing:

- Victor Crescent, Moss Vale was scoped and programmed for planting in March 2020 with Tulip Trees
- Planting was scoped and programmed for Roche Close, Moss Vale in March 2020 with Chinese Elms
- Narellan Road, Moss Vale was planted with various trees in between October and November 2019, with the planting project to be completed in March 2020

DP53 Provide and maintain high quality community facilities across the Shire ●

Council staff are continuing to develop strategies and collect data for community and public facilities across the Shire. Information and data are fed into Council's Conquest Asset System which provides information for prioritisation and verification for services delivered and the necessary work required to ensure ongoing quality service is provided for the community.

Council continues to manage community facilities in partnership with licensees and community groups.

Masterplans for the Bong Bong Common and Berrima Marketplace have been completed.




DP54 Undertake the redevelopment of Bowral Memorial Hall 

Council has completed an application for funding for the Bowral Memorial Hall Redevelopment project in the Commonwealth Government's Building Better Regions Fund - Infrastructure Projects Stream - Round 4 - Drought Support. Applications closed on 19 December 2019 and results are expected to be announced in May 2020.

DP55 Effectively plan for and deliver on the diverse needs of people with a disability 

The Disability Inclusion Action Plan is currently being reviewed as part of Council's planning and reporting requirements.

The Access Community Reference Group continues to support the work of Council in planning for the diverse needs of people with a disability.

DP56 Ensure planning controls allow for diversity of housing choice 

A draft Local Housing Strategy was reported to Council for public exhibition in December 2019. The draft Strategy sought to increase the diversity of housing types within the Shire to ensure that our housing stock was reflective of the needs of our community. The draft Strategy was deferred by Council and will be reported back to Council in early 2020 for public exhibition.

Council is currently working on detailed character and design controls to ensure that medium density development is appropriately located and is reflective of community expectations.

DP57 Partner with agencies to plan and deliver a program of road upgrades, renewals and maintenance 

Council is undertaking programmed and reactive maintenance on its road networks.

Council is partnering with the Roads and Maritime Services, other State Government authorities and community groups and is actively involved in the Canberra Region Joint Organisation and its Infrastructure Working Group to ensure the delivery of road upgrades, renewals and maintenance.

Council staff continue to seek grant funding opportunities to provide improved service delivery for the community.

Works undertaken include:

- Shire-wide preparation works and commencement of the Road Resealing Program;
- Old Hume Highway, Berrima reconstruction;
- Gravel resheeting at Richard Lane, Joadja and Belanglo Road, Belanglo;
- Kirkham Road, Bowral utility adjustments;
- Road and drainage improvements at Queen Street and Banksia Street intersection; and
- Meryla Road, Meryla bridge sidetrack works.

Ongoing design work conducted in-house and through consultancy services continues to deliver improved road quality and consistency throughout the Shire. Council is also working with agencies to develop and implement road safety initiatives in conjunction with Roads and Maritime Services.



DP58 Implement a long term solution for the use and disposal of roadside spoil

Council has identified a site at Drapers Road which is proposed for processing Excavated Public Road material.

Progress on this facility is as follows:

- Concept plan completed
- Development Application lodgement to proceed facilitating the site being used as a processing site for table drain clearing material, subject to Council gaining an environmental processing licence
- A depot concept plan and cost estimate has been developed for consideration in the forward budget estimates.

A second site has been identified at an abandoned quarry. A remediation plan exists for the quarry. Council officers are in discussion with NSW Crown Lands on amendments to the remediation design. If and when approved this will provide an ideal site to deposit roadside reuse material.

DP59 Review and implement Water Master Plan

Council has completed the review of the Water Master Plan. The plan identifies capital and operational projects to improve the efficiency of the water supply network. Priority projects have been included in the forward capital works program.

Water quality modelling has commenced using the updated and bulk calibrated water supply model. Modelling will determine water age within the network, which has a correlation to water quality. Operational and capital works projects will be investigated to overcome any water age issues.

The Wingecarribee and Bundanoon Water Treatment Plant process improvement options assessment is progressing and will review the robustness of each treatment facility. Options for mitigating any process risks will be determined and costed.

A Drought Management Plan is currently being reviewed by Council staff and will be modified to become a Water and Sewerage Emergency Response Plan which will consider additional issues such as fire and flood.

The Medway Package Water Treatment Plant feasibility study has commenced and aims to assess the ability for a package treatment facility to be obtained to improve climate change resilience.

DP60 Review and implement Sewage Treatment Plant Upgrade Strategy

Council's Integrated Water Cycle Management Strategy identified the requirement to upgrade Moss Vale, Bowral and Mittagong Sewage Treatment Plants (STPs).

Concept designs have been completed for Moss Vale, Bowral and Mittagong STP upgrades. Council's upgrade strategy includes innovation through automation, energy efficiency, improved reliability, service delivery and integration between the STPs and the distribution network.

Council lodged funding applications through the Safe and Secure Water Program for funding from the State Government for the detailed design and construction of the plants. Unfortunately, Council was unsuccessful with the grant application for Moss Vale STP; however, it was successful in obtaining \$6.6M towards the upgrade of Bowral STP.



Quotations for the detailed design of the Bowral STP are being sought. The detailed design phase of the Bowral STP is expected to take approximately nine months.

Quotations for the detailed design for the Mittagong STP and Moss Vale STP will be sought subsequent to the award of the Bowral STP detailed design engagement.

Council continues to address network risk, improved service delivery and lowering lifecycle costs and operational costs. Council is also planning and delivering an entirely new Wide Area Network telecommunications system which will provide enhanced speed, real time data and allow automation to be implemented at a level never before possible for critical water and sewer infrastructure.

DP61 Improve stormwater management across the Shire

Council staff are regularly reviewing and implementing floodplain management strategies, which guide and inform Council's floodplain management projects.

Council is delivering two floodplain management projects this financial year:

- Review of Whites Creek Floodplain Risk Management Study and Plan
- Nattai Ponds Floodplain Risk Management Study and Plan.

Council was successful in obtaining a \$130,000 grant for the review of the Wingecarribee River Flood Study.

Strategies also drive Council's stormwater management plans, including the stormwater drainage works undertaken in accordance with the design and capital works program.

Council is undertaking programmed and reactive maintenance on stormwater drainage networks.

DP62 Undertake drinking water quality management

As per previous reporting periods, Council continues to work in line with its commitments under the adopted Drinking Water Management System and the Australian Drinking Water Guidelines (ADWG) in close consultation with NSW Health.

Council continues to monitor systems and implement process controls for key Critical Control Parameters (for example, Turbidity, pH, fluoride and chlorine residuals) in our water supplies as a requirement of ongoing Drinking Water Management Systems and operational plans to meet ADWG.

Water availability, customer demand and correct water use have remained a key focus due to long periods of drought being experienced in NSW. New management protocols and increased communication (for example, about water restrictions) have been implemented to minimise both water quality and quantity impacts within the community.

DP63 Ensure the integrity of water and sewer infrastructure

Council continues to deliver both planned and reactive maintenance of its water and sewer infrastructure. The ongoing capital and operational investment to provide the required resources, appropriate skill base and best practice systems of work will optimise efficiency and maintain customer service standards.

Key programs of note that occurred in this period are as follows:

- Calibration of water flow meters for both Sewage Treatment and Water Treatment Plants;



- Preventive planned maintenance specification on electrical assets was completed;
- Bush fire inspection of electrical assets conducted before summer risks and demand;
- The backflow and trade waste management processes that were implemented on Council's Property and Rating system in the last period have continued to be success and have improved both customer management and business efficiency. There are currently approximately 360 approved trade waste businesses on Councils Property and Rating system;
- The scoping of the new water distribution systems is now underway to replace the current filling station set up, with the project for eight stations due to be completed in 2020;
- Council's standard operational practices and network security has been impacted significantly in the last couple of months due to fire fighting water demand in the north and south of the Shire;
- The Clear Scada Telemetry Project upgrade is currently in progress by Safegroup. The Asset Electrical Panel Design Program has been completed and an electrical panel commissioning tender is being advertised early in next reporting period;
- Both Wingecarribee and Bundanoon Water Treatment Plants are currently being operated to a standard that exceeds the minimum criteria defined in Council's Drinking Water Management System and the Australian Drinking Water Guidelines. Raw water levels in the Wingecarribee Dam still continue to reduce due to low rainfall and drought conditions; however, regular communication of demand is in place between the relevant stakeholders to ensure availability for operational treatment;
- Dam safety inspections have been conducted by qualified operators following adopted protocols. No known structure risks at both Bundanoon and Medway have been highlighted within this period. Moss Vale, Mittagong and Bowral Sewage Treatment Plants (STPs) are currently meeting licence; however, they may exceed the annual licence due to the extended dry period which is effecting the treatment capability of the STPs;
- Algal blooms within this period at Berrima STP may also affect the annual licence pH of the final effluent.

DP64 Ensure regulatory compliance of sewerage infrastructure

The Robertson sewage treatment scheme compliance annual return was completed and submitted to the Environmental Protection Authority (EPA) between September and October 2019.

The Moss Vale, Mittagong and Bowral treatment schemes are currently meeting licence requirements; however, they have all been impacted by the extended dry periods. This is affecting the treatment capability which may impact final annual return results at the end of the fourth quarter.

The dry period and algal blooms at Berrima treatment scheme may also impact the pH licence requirement of the final effluent leading to an impact on the annual return results.

On 26 November 2019 the Pollution Incident Response Management Plan was activated due to an unexpected major breakdown of the operational process decant weir at Mittagong Sewage Treatment Plant (STP). Excellent work practices and the commitment of staff along with good communication with the EPA minimised the risk of regulatory non-compliance. The process returned to full operation on 4 December 2019.

Positive communication between Council and the EPA has continued with both minor operational and capital investment in place to minimise long-term environmental impacts.

Key capital programs continue to be delivered as part of Council's Delivery Program with the designs for essential upgrades (due to regulatory catchment demand and capacity) to the Bowral, Moss Vale and Mittagong STPs remaining in progress by NSW Public Works Advisory. All are expected to be



delivered within a five year program with construction at the Bowral STP due to be started in 2020/21.

Key operational and maintenance programs have also continued to ensure regulatory compliance and minimise risk; for example, enhanced remote monitoring of treatment assets, manhole inspections, jetting and flushing programs.

DP65 Facilitate and advocate for enhanced access to telecommunication networks



Improved telecommunications infrastructure across the Shire will factor in the soon to be developed 'Destination Plan' (Tourism and Economic Development Strategic Plan) which was initiated by Council in late November 2019.





Environment

Wingecarribee 2031 outlines the following **Environment** Community Goals

- 4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced
- 4.2 Sustainable living practices are actively encouraged
- 4.3 Wingecarribee achieves continuous reduction in waste generation and disposal to landfill
- 4.4 Wingecarribee addresses, adapts, and builds resilience to climate change

The **Delivery Program 2017-2021** includes 23 four year actions to assist in the achievement of the **Environment** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

DP66 Manage public natural assets ●

Environmental management activities continue to be successfully implemented by the Environment Levy-funded Bushcare program and contractors across 59 different reserves and management sites.

Ten revegetation projects progressed during this period at Cosgrove Park, Moss Vale, George Street Wetland, Burrawang, Glow Worm Glen, Garland Street Reserve, Bundanoon Oval and Jordans Crossing, Bundanoon, Caalong Creek, Robertson, and Boronia Park, Hill Top.

The Community Nursery continues to operate with volunteer support, with over 2,018 plants produced in the reporting period which are being preparing for use when the drought breaks.

Council continues to implement a number of significant joint projects with the NSW Government including:

- Southern Highlands Glossy Black Cockatoo Conservation Threatened Species Project;
- Eucalyptus macarthurii Threatened Species Project; and
- Persoonia glaucescens Threatened Species Project.

The Southern Highlands Koala Conservation Project remains ongoing and is co-funded by Council and the NSW Government *Saving our Species* program.

Council continues to support the NSW Biodiversity Conservation Trust (BCT) to launch the Southern Highlands Koala Habitat Tender, a multi-million dollar State Government investment in private land conservation in the Wingecarribee Shire. A record number of applications were submitted by private landholders. BCT tender agreements are funded in-perpetuity conservation agreements.

The koala feed tree seed collection contract commenced. The first batch of seeds is being propagated at Wariapendi Nursery for distribution to target private lands requiring koala habitat restoration or connectivity plantings.

Council staff deliver update reports at every Wollondilly-Wingecarribee Bushfire Management Committee meeting and contributed to and reviewed the University of Melbourne's report on 'Fire risk modelling to support fire management and conservation of koalas Phascolarctos cinereus in the Wingecarribee Local Government Area'.

Current koala road kill reduction strategies involved the Roads and Maritime Services using their motorway variable message signs to warn motorists of koalas during breeding season. Council facilitates messaging through Facebook to warn of koalas on roads.



The koala sightings database is maintained and regularly uploaded to Bionet. 20 sightings were recorded between October and December 2019, with the total number of sightings now at 315.

Council staff scoped the bushfire preparedness of carers for this season, meeting with local carers from the NSW Wildlife Information, Rescue and Education Service (WIRES) and Wildlife Rescue South Coast. Potential Council processes for four bushfire response phases (preparation, alert and standby, search and rescue, recovery and release) were drafted. Also initiated were talks about workshops to assist local carers in relation to eucalyptus identification and burns first aid. Council has assisted in the capture of koalas in care.

DP67 Maintain and build high value environmental lands and corridors

The NSW Office of Environment and Heritage is continuing to develop the Green Web Corridors project. This uses the draft vegetation structural layer in conjunction with koala satellite tracking data and predictive distribution of koala habitat.

Council's Private Land Biodiversity Conservation Strategic Plan continues to be implemented. Council encourages and recruits conservation on private land through a three tiered program to support different types of landholders and conservation values.

The Land For Wildlife (LFW) program celebrated its 10th anniversary of operation in the Shire. A celebratory event was held for LFW property owners and attended by 48 people. The current area of active LFW properties in Shire is 4859 hectares with 3200 hectares under conservation. Six LFW property agreements totalling 94 hectares were finalised during the reporting period, while six new LFW Property Expressions of Interest were received making a total of fifteen property assessments currently underway.

Nine new Habitat for Wildlife agreements were received in this period bringing the total to 217.

DP68 Ensure the impacts of development on biodiversity are assessed, monitored and mitigated

The rigorous assessment of applications in accordance with environmental legislation has continued and biodiversity values protected under the assessment requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979*.

DP69 Build community partnerships and education programs to reduce pollution

Council continues to operate an investigation and enforcement program for pollution and illegal dumping matters. During the reporting period a number of investigations have resulted in enforcement notices being issued for various matters. Land pollution (including asbestos) is an increasing issue in the Shire. These matters are being investigated and actioned in accordance with appropriate legislative provisions. Council launched a significant community awareness program called Dob in a Dirtbag targeting this issue.

Council is preparing for the Household Chemical Clean Out event and Clean Up Australia Day in March 2020.



DP70 Reduce the impact from Council infrastructure and operations 

Council undertakes environmental assessments of the potential impact from Council works, utilising Council's adopted procedure and assessment tool for this function. These tools have been reviewed to reflect changes in legislation. Controls to minimise and mitigate environmental impacts are identified through this process. In-house training has been delivered to key project management staff.

The Roadside Management Plan for the management of roadside vegetation was completed with grant funding from Local Government NSW. This Plan won a Local Government NSW Excellence in the Environment Award in December 2019.

DP71 Develop and implement policies that support health, environment and sustainability outcomes within Council and across the Shire 

Council maintains a number of policies that deliver positive outcomes for health, sustainability and the environment and these are periodically reviewed for consistency with legislation. No major updates were scheduled or completed during this period.

DP72 Implement planning controls that protect the Shire's natural resources 

Council's Local Environmental Plan and Development Control Plans are regularly monitored and reviewed to ensure that the planning framework is consistent with community expectations in relation to protecting the Shire's natural resources. Staff are currently reviewing Council's stormwater development controls and engineering specifications to ensure that future development does not impact on water quality within the Shire.

All Planning Proposals received by Council which are included in the Local Planning Strategy have either received a Gateway Determination or have been finalised.

DP73 Advocate to State and Federal government to ensure planning controls, plans and proposals reflect community priorities 

Staff continue to stay up to date with proposed legislative changes to ensure planning controls reflect community priorities and to advocate to the NSW Government on behalf of the Wingecarribee Shire community. Council staff have been involved in working groups with the NSW Department of Planning, Industry and Environment on Short Term Rental Accommodation, the template Development Control Plan and the Low Rise Medium Density Housing Code.

Council continues to work with State and Federal Government stakeholders to advocate and respond to emerging issues that impact on the Shire's environment and sustainability. Council is currently working with the Office of Environment and Heritage on a number of key projects including detailed vegetation mapping and a number of koala mapping and protection projects.



DP74 Develop partnerships with community and agencies to identify, update and maintain awareness of key natural resources 

Council's webpages relating to environmental information are regularly reviewed with amendments made to ensure the currency and reliability of information.

Council maintains a number of Geographic Information Systems environmental datasets for development assessment, planning considerations and environmental assessments of Council projects. Processes are in place to ensure the currency of this information. Key datasets include fire management units, weed management units, roadside management plan vegetation model, koala habitat and environmental assessment layers.

Waterwatch Program monitoring activities were undertaken at Mittagong Creek, Whites Creek, Lake Alexandra, Medway Rivulet and Caalong Creek. The monitoring program is providing data on catchment health. The aim of the monitoring is to collect data on the trends in water quality and stream condition, with the results published on Council's website. Council also undertakes stream macroinvertebrate sampling. This monitoring program is providing data on catchment health and the results are also entered into the NSW Atlas of Living Australia. The latest results are showing a growing impact in water levels and water quality from the ongoing intense drought.

The December 2019 edition of the Wingecarribee Web e-newsletter was published and distributed to over 1,000 subscribers.

NatureMapr has been launched in the Shire as Council's main community engagement and citizen science data collection platform. A presentation on the platform has been delivered to Birdlife Southern Highlands.

DP75 Implement community awareness programs that promote sustainable living 

The Schools Environment Day event was successfully delivered on 22 October 2019. Approximately 600 students attended and participated in 25 different activities. Council also participated in the 2019 Regeneration Weekend event in Bowral. Planning has commenced for the 2020 Earth Hour event as well as activities for Seniors Week in February 2020.

Council has a number of school based activities in the area of energy and water. One school workshop was delivered during this period.

DP76 Develop partnerships and networks to leverage off existing programs 

Planning and collaboration with the Southern Highlands Botanic Garden team has commenced and is on track for the 28 March 2020 Earth Hour event. Council participated in the 2019 Regeneration Weekend community-led event in Bowral.

The Community Assistance Scheme awarded \$10,000 worth of grants to eight community groups for environmental and sustainability projects with funding supplied from the Environment Levy.

DP77 Implement State Government regulations 

Council has continued to implement State Government regulations within the reporting period.



Council has considered in excess of 1611 development applications to 31 December 2019.

With a raft of reforms being progressively introduced by the State Government, Council has continued to alter its policy positions to reflect these changes. This includes altering Council's Notification of Development Proposals Policy to reflect the requirements of the Public Participation Plans initiative under the *Environmental Planning and Assessment Regulation 2000*.

As part of the State Government policy to provide for greater jobs and housing including broader policy positions of responsive outcomes for residential dwellings, Council has renewed its commitment to responsive assessment outcomes in residential housing through the establishment of a responsive outcomes unit which deals specifically with residential applications in new release areas. This initiative has seen a reduction in the average determination time of prescribed applications to 12 days (average) to December 2019. This initiative delivers on State Government policy to ensure that average determination times on housing approvals are reduced.

DP78 Advocate and educate for improved development outcomes 

Continuous improvements to Council's knowledge and systems with respect to both staff and Council's website for educative purposes have been undertaken.

DP79 Support the establishment and expansion of businesses that produce goods locally 

Council continues to support the Moss Vale and Rural Chamber of Commerce's 'Food Cluster' development program. During the reporting period the eighth Cluster was launched which saw the Mittagong region Cluster established, showcasing 20 local businesses promoting locally made products and services.

Council has also proactively supported the Southern Highlands Food and Wine Association in the development of local products and experiences. This was evident during the 2019 Pie Time and Food and Wine Expo events with new products, experiences and events being available to consumers.

DP80 Promote and encourage waste minimisation and recycling 

The Resource Recovery Centre continues its commitment to ongoing waste minimisation and recycling to be promoted at every possible opportunity.

Council staff have met all targets for the training of students and community groups. Council also received a Highly Commended award in Division B of Local Government NSW's Excellence in the Environment Awards for Behaviour Change in Waste in December 2019.

DP81 Implement strategies to reduce illegal dumping 

Council has reviewed gate fees for asbestos disposal at the Resource Recovery Centre to ensure that the charges match the cost of disposal, to encourage residents to dispose of the material legally.

In addition, Council staff will participate in 'Operation Rumble' which was approved last quarter. The campaign seeks to target illegal dumping of contaminated fill waste in the Shire. Council recently dealt with an incident of illegal dumping of asbestos and subsequently issued a media release to seek community assistance to identify the person or persons responsible.



DP82 Manage the Resource Recovery Centre in accordance with Environmental Protection Authority licence and ensure efficient and cost effective operations

The Resource Recovery Centre (RRC) has been compliant with Environmental Protection Authority licence conditions. However, the current drought and extended periods of very hot conditions will require a change to the RRC's operational procedures to manage the elevated risk of fire.

Proactive steps have been taken, including a 40 per cent reduction in green waste organics stockpiled on site with over 4,000 tonnes of shredded, unprocessed green waste organics transported to an external processing site.

DP83 Develop and implement a Council Waste Strategy and Policy

A draft Waste Strategy has been developed and will be further reviewed to consider recommendations from the recently completed Waste Services Review before it is presented to Council for endorsement in the first quarter of 2020.

DP84 Implement strategies to improve energy management

Planning has been undertaken for the next solar project to be installed on Council's Civic Centre in Moss Vale. A system of between 70-100kw is being planned, funded by Council's revolving energy fund and installed during the repair and renovation of the building's roof.

DP85 Undertake initiatives that increase awareness and encourage water, energy and waste reduction

Three activities have been prepared for Seniors Week in February 2020. The Speed Date a Sustainability Expert event will allow community access to local experts providing free advice on sustainable buildings, gardening and lifestyle matters. Workshops are also being prepared for saving energy and resilience in extreme weather events. Development has commenced on a Cool Spot campaign in response to increased heatwave events.

Council participated in the Community Climate Forum in November 2019 which presented climate action and climate adaptation programs.

DP86 Implement strategies to address the impacts of climate change

Council adopted its updated Climate Change Adaptation Plan during this reporting period. Planning for a number of the projects has started for commencement in the second half of this financial year.

DP87 Improve resource and energy efficiency at Council facilities and monitor carbon emission

The annual calculation of greenhouse gas emissions has been completed and the results published on Council's website. For the period 2018/19 the emissions total was 14,642 tCO₂-e (tonnes of carbon dioxide equivalent). Electricity, fuels and street lighting were the highest sources of greenhouse gas emissions. Emission levels have been reduced by 12 per cent over the last five years despite the population increase. Emissions attributed to providing water and sewer account for



57 per cent of the total emissions.

DP88 Encourage carbon reduction across the Shire



Council continues to participate in the Cities Power Partnership (CPP) and the associated South East Buddies Group. Reporting to the CPP on progress against pledges was completed and confirmed that Council is on track with its pledges.

Council participated at the Community Climate Forum in November 2019 and presented on Council and community greenhouse gas emissions data, abatement actions being undertaken and the issues ahead.





Economy

Wingecarribee 2031 outlines the following **Economy** Community Goals

- 5.1 Our Shire attracts people to work, live and visit
- 5.2 Sustainable business and industry work in harmony with local community and environment
- 5.3 We support the productive use of our agricultural land and promote our diverse and thriving local agriculture industry and its right to farm
- 5.4 Local business is supported through a connected community

The **Delivery Program 2017-2021** includes 12 four year actions to assist in the achievement of the **Economy** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

DP89 Support regional activities and partnerships to broaden and promote the range business and industry investment ●

Council has engaged with a number of potential investors seeking to relocate or expand businesses in the region during the reporting period.

Council and the NSW Government also worked together to produce the Wingecarribee Regional Economic Development Strategy 2018-2022. The Strategy is aimed at delivering infrastructure to the region which will enhance the liveability of the region, facilitate development of agriculture as a key strength and specialisation and grow the visitor economy based on food, wine and events, grow education, health and aged care sectors, and strengthen the manufacturing base. This State Government strategy has now been followed up with the development of the Canberra Region Joint Organisation Economic Development Strategy.

The development of a 10 year Wingecarribee Shire 'Destination Plan' has commenced and will be delivered to Council for approval in June 2020. The Plan will identify key strategies in business development and business growth opportunities that align with the region's key attributes of Agribusiness, Tourism and Hospitality, Tertiary and Education, Health and Residential Care, Freight and Logistics along with Advanced Manufacturing.

DP90 Build on partnerships that increase and broaden local employment opportunities ●

Council continues to liaise with tertiary education institutions, local schools and the business sector to identify skill gaps in the local workforce. This has recently been supported with the establishment of the Southern Highlands Key Stakeholders Group to work in partnership with Council in an effort to develop local business and employment opportunities. Council is also working with State Government agencies and non-government agencies in providing data on local employment and business generation. A recent visit to the region by the NSW Minister for Education and Early Childhood Education provided a valuable opportunity to present our region's education opportunities.



DP91 Ensure tourism development assessment is based on quadruple bottom line principles (i.e. considers environmental, economic, social and governance factors) 

Tourism applications have been assessed against quadruple bottom line principles as required under section 4.15 of the *Environmental Planning and Assessment Act 1979* with outcomes increased over the last quarter.

DP92 Promote the Southern Highlands a world class tourist destination 

Council undertook a proactive marketing program of integrated activities for the period July to December 2019 which recorded increased visitation and expenditure to the Shire. These Shire wide increases were also realised with above budgeted visitation and sales at the Southern Highlands Welcome Centre.

Destination Southern Highlands worked closely with its industry partners to generate record levels of exposure for the Southern Highlands and positioned it as a key regional tourism destination. Increased awareness and exposure of the region was in part generated by major events such as Tulip Time, the Bowral Classic, the Food and Wine Festival, the Arts Studio Trail and the Bong Bong Picnic Races among others.

Destination Southern Highlands continued to undertake digital advertising during the reporting period to position the region as a must visit destination.

The launch of the region's new website visitsouthernhighlands.com.au in November 2019 also assisted in promoting the Southern Highlands as a world class destination with multi-lingual assets and the addition of Chinese apps Weibo and Weichat to target this growing market. The new websites also well-positioned the region through professional imagery, experiences, events and bookable products.

The development of the 2020 Southern Highlands Destination Planner by the Destination Southern Highlands team as the region's official publication was completed and this will be a major marketing tool to promote the region's key experiences, products and people.

Council continues to work closely with Destination NSW, visitCanberra and Tourism Australia to promote the Southern Highlands via their marketing channels and resources. A number of trade and media films were conducted to introduce the region into possible international and domestic wholesale travel programs. As a result, the region received coverage by leading journalists.

DP93 Develop and implement marketing and promotional activities to promote the Southern Highlands 

Highlights during the reporting period of marketing activities assisting in the promotion of the region included:

- Implementation of an innovative Theme Marketing Months Program for the region which was supported by local industry via events and marketing messages.
- Development of the 2020 Southern Highlands Destination Planner and Map containing new experiences and a new look and branding.
- Awarded Gold in the 'Destination Marketing' category at the Canberra Region Tourism Awards held in Canberra in November 2019 for the region's 2019 Pie Time campaign.



- Commencement of the development of a new Destination Management Plan to include Tourism and Economic Development Strategies.
- Development of new Products and Experiences - Heritage Festival Scoping Study, Tulip Time Festival Relocation Feasibility Study and Pie Time 2020 Campaign.
- Launch of the region's new \$100,000 website visitsouthernhighlands.com.au.
- A Proactive Visiting Journalists Program and associated media exposure with key industry partners of Destination NSW and Tourism Australia.
- The production and distribution of regular Monthly 'What's On in the Highlands' videos.
- Active social media marketing activities with high reach and exposure.

DP94 Explore options to progress Moss Vale Enterprise Zone 

Recommendations in relation to the promotion of the Moss Vale Enterprise Corridor are to be included in the development of the 10 year 'Destination Plan' which commenced in November 2019 and will be finalised in mid-2020.

DP95 Support the establishment and expansion of clean industries 

Recommendations in relation to the establishment and expansion of clean industries are to be included in the development of the Shire's 10 year 'Destination Plan' which commenced in November 2019 and will be finalised in mid-2020.

DP96 Manage the operation of the Southern Region Livestock Exchange 

The Southern Regional Livestock Exchange continues to comply with relevant legislation and Environmental Protection Authority licence requirements. The major refurbishment works are progressing after considerable consultation with key stakeholders. Tenders for the various components of the capital works will go out to the market in 2020.

DP97 Ensure development does not impact on viable primary production and food security 

Rural lands have been considered as required under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

DP98 Facilitate programs and networks that support and strengthen business development 

Council has provided ongoing support for the Southern Region Business Enterprise Centre and Regional Development Australia Southern Inland.

Council has recently supported small business with the signing of a Memorandum of Understanding with Service NSW for their 'Easy to do Business' Program. The establishment of the new Southern Highlands Key Stakeholders Group will also facilitate the development of new business programs and job growth.

DP99 Support initiatives that provide opportunities for business mentoring and connection 



Council continues to offer business development and mentoring services via its Partnership Program, which accounts for over 300 local businesses receiving the benefits of its 'Concierge' Service Program.

Council also supports the Southern Highlands Key Stakeholders Group Program which is looking to develop business mentoring in its cluster group initiatives.

DP100 Support regional economic development initiatives



Council is an active member of the Canberra Region Joint Organisation. Staff will work with surrounding councils on common economic development opportunities. This is further supported with the development of the Southern Highlands Key Stakeholders Group. In addition, a close working relationship with Southern Inland and Destination Sydney Surrounds South regional business groups is a priority for Council.

12.3 Change Of Use - Studio to Secondary Dwelling

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

PURPOSE

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter

RECOMMENDATION

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

REPORT

Subject Site and Locality

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

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



Figure 1 – Site Location



Figure 2 – Aerial Image



Background

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

The subject development application was lodged on 18 June 2019 and seeks consent to convert the existing Studio to a Secondary Dwelling. The applicant is seeking to vary the maximum allowable floor area of 60m² for a Secondary Dwelling, under Clause 4.6 of the *Wingecarribee Local Environmental Plan 2010*.

Attachment 3 provides architectural plans of the proposed development.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

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

Clause 22 (3) then states:

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

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

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

Subclause (b) is relevant to the subject development proposal as it restricts the maximum allowable floor area to 60m² given the maximum permitted size of a secondary dwelling under WLEP 2010 is 60 m². The proposed development does not comply with this development standard, as a floor area of 74.55m² is proposed.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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

A satisfactory BASIX Certificate has been provided.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

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

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

Clause 4.6 Exceptions to development standards

The applicant has requested to vary the maximum allowable floor area of 60m² for a Secondary Dwelling, specified in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The proposal requests a 24% departure from this development standard, with a 74.55m² floor area proposed for the conversion of the existing Studio to a Secondary Dwelling.

Council has consistently applied the 60m² limitation for Secondary Dwellings approved in the R5 Zone, in accordance with development standard outlined in Clause 22(3b) of the aforementioned SEPP. As such, varying this development standard is not considered to be in the public interest, or consistent with the objectives of the R5 Zone as outlined in the *Wingecarribee LEP 2010*.

Development Control Plans

Bowral Town Development Control Plan

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

DCP Control	Assessment
-------------	------------

Part A – All Land

Section 2 –	The proposal is generally in accordance with the nominated objectives
-------------	---

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



DCP Control	Assessment
<i>General Objectives</i>	of this section.
<i>Section 3 – Biodiversity</i>	The proposal is generally in accordance with the nominated objectives of this section.
<i>Section 4 – Water Management</i>	The proposal is generally in accordance with the nominated objectives of this section.
<i>Section 5 – Flood Liable Land</i>	The subject site is not identified as flood liable land.
<i>Section 6 – Vegetation Management & Landscaping</i>	Council’s Vegetation Map indicates the site does not comprise any endangered ecological communities and no vegetation removal is proposed.
<i>Section 7 – Subdivision, Demolition, Siting & Design</i>	The proposal is generally in accordance with the nominated objectives of this section.

Part C – Residential Zoned Land – Section 1 Introduction

<i>Building Materials</i>	No changes are proposed to the existing external materials. The deck material is specified as hardwood or steel, either of which are compliant.
---------------------------	---

Part C – Residential Zoned Land – Section 2 Low Density Housing

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



DCP Control	Assessment
<i>Dwellings on Corner Allotments</i>	The subject site is not a corner allotment.
<i>Garaging and Driveways</i>	No changes proposed to existing garages on the site.
<i>Landscaped Open Space</i>	No change proposed to the existing landscaped open space.
<i>Fencing, gates, letterboxes</i>	No fencing or gates proposed as part of the subject development application.

Section 4.15 Evaluation

(1) *Matters for consideration—general*

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

(a) the provisions of:

(i) any environmental planning instrument, and

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

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

Not applicable.

(iii) any development control plan, and

It has been demonstrated the development does not comply with the relevant controls for Secondary Dwellings.

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

Not applicable.

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

Not applicable.

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

Not applicable.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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

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

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

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

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

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

CONSULTATION

Pre-lodgement Meeting

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

External Referrals

Referrals	Advice/Response/Conditions
None	N/A

Internal Referrals

Referrals	Advice/Response/Conditions
None	N/A

Neighbour Notification (or Advertising)/Public Participation

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

SUSTAINABILITY ASSESSMENT

- ***Environment***

The environmental impacts have been discussed within the report.

- ***Social***

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, SEPP (Affordable Rental Housing) 2009 section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the Bowral Town Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Option 2

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

Option 1 is the recommended option to this report.

CONCLUSION

The development application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, as outlined in the assessment.

Council does not support the variation request pursuant to Clause 4.6 of the *Wingecarribee Local Environmental Plan 2010* concerning the development standard which restricts the maximum floor area to 60m², as outlined in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. It is therefore recommended that the subject development application be refused.

ATTACHMENTS

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

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 21 February 2020



REASONS FOR REFUSAL

1. The floor area of the Secondary Dwelling does not comply with the development standard specified in Clause 20 (3b) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

(Section 4.15 (1)(a)(i) of the Environmental Planning & Assessment Act 1979)
2. Council does not support the Clause 4.6 variation request to the abovementioned development standard, and has consistently applied the 60m² limitation to the approval of Secondary Dwellings on R5 Zone land.

(Clause 4.6 of the Wingecarribee Local Environmental Plan 2010)
3. The departure to the 60m² development standard specified in *State Environmental Planning Policy (Affordable Rental Housing) 2009* is not in the public interest.

(Section 4.15 (1)(e) of the Environmental Planning & Assessment Act 1979)
4. To ensure precedence is not set for floor area departures relating to developments approved under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* in the R5 Zone.

(Section 4.15 (1)(a)(i) of the Environmental Planning & Assessment Act 1979)
5. The floor area of the Secondary Dwelling does not comply with the development control specified in Part C2.3.4 (c) of the Bowral Town Development Control Plan.

(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)



DRAFT CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

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

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

2. Development in Accordance with Plans and Documents

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

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

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

3. Inconsistency Between Documents

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



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

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

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

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

5. Erection of Signs

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

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

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

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

6. Notification of Home Building Act 1989 Requirements

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



written notice of the updated information.

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

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

7. Developer to advise of damage to Council property

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

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

Reason: *Public safety.*

8. Boundary Adjustment

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

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

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

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

9. Section 7.11 Contributions (formerly Section 94)

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

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

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



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

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

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

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

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

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

10. Water Management Act - Certificate of Compliance

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

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

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

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

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

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

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



www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.

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

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

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

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

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

In the case of other forms of development, the Construction Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

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



CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

11. Construction Certificate

No work shall commence until a:

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

Reason: Statutory Requirement.

12. Appointment of Principal Certifying Authority

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

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

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



CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

13. Erosion and Sediment Control

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

- (a) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (b) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (c) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (d) Sediment control devices shall be installed prior to any site works being carried out and prior to construction work commencing and remain in position until the disturbed soils are turfed, 70% vegetated or otherwise stabilised.

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

14. Ground Levels

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

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

15. Approved Hours of Construction

Construction activities shall be limited to the following hours:

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

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

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



16. Building Materials & Colour Scheme

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

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

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

17. Storage of Building Materials, Plant and Equipment

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

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

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

18. Waste Management

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

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

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

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

19. Occupation Certificate

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

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

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

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



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

20. BASIX Commitments

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

In this condition:

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

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

21. Bush Fire Safeguards

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

Design and Construction

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

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

Landscaping

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

Reason: *Bushfire safety.*



22. Council Property

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

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

END OF CONDITIONS

13 GENERAL MANAGER

13.1 Councillor Planning Day - November 2019

Reference:	501
Report Author:	Chief Financial Officer
Authoriser:	General Manager
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide an overview of the presentations delivered at the annual Councillor planning day which was held on the 6 November 2019.

RECOMMENDATION

THAT Council notes the summary provided of the annual Councillor planning day held on the 6 November 2019.

REPORT

BACKGROUND

At its meeting 11 December 2019, Council resolved the following (MN 597/19):

1. *THAT Council prepares a report to be presented to council on the information provided to councillors at the staff presentation on that day 6.11.19.*
2. *THAT this report is not to include any confidential information.*

Council undertakes a review of its Operational Plan and Budget on annual basis. This process commences with an annual planning day with Councillors and senior staff in attendance. This has been an established practice for many years.

The planning day provides Councillors with an opportunity to discuss key strategic priorities for the community, which in the past has included policy review and development, significant capital works and major industry changes affecting Council.

The day also provides senior staff with the opportunity to update Councillors on significant internal improvement processes such as the Business Transformation Program.

This report provides an overview of the annual planning day held on 6 November 2019 at Peppers Craigieburn Bowral.

REPORT

The agenda for the Councillor planning day was as follows:

1. Introduction and overview
2. Update on infrastructure matters

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT GENERAL MANAGER



- a. Mittagong Playhouse
- b. Mittagong Pool
- c. Station Street
3. Delivery Program achievements for Council term
4. Climate change
5. Business transformation update
6. Councillor priorities for the remainder of the Council term

An overview of each session is provided below.

Update of Infrastructure Matters

1. Mittagong Pool Repairs

Councillors were provided with an update on the repairs required to the balance tank at the Mittagong Pool. A presentation was given by Council's Open Space Recreation and Buildings Infrastructure Manager. The presentation also detailed the pre-season checks and inspections which are completed each year before the pool is re-opened. The balance tank was subsequently repaired, and the pool reopened on 14 December 2019.

2. Mittagong Playhouse

Councillors received a briefing from a qualified structural engineer regarding the complexities and challenges of the structural work required at the Mittagong Playhouse. Councillors were also advised that additional investigation work would be required to ascertain the full extent of the structural damage and associated repairs. Funding has been allocated as part of the December Quarterly Review (Finance Committee – 19 February 2020) to stabilise the exterior wall and conduct the additional investigations required.

3. Station Street Update

The Deputy General Manager Operations, Finance & Risk provided Councillors with an update on the status of the Station Street upgrade project. The discussions included an update on the design of the roundabout at the northern end of Station Street, the progress on entering into a Memorandum of Understanding with Transport NSW and the timeframes to commence work at the southern end of Station Street.

Delivery Program Achievements

The Deputy General Managers outlined the achievements of the current Council since its election in September 2016. The achievements were presented under the five strategic themes identified within Council's Community Strategic Plan, *Wingecarribee 2031*. This information will be used to form the basis of the End of Term Report which will be presented to the final Council meeting for this term which will be held on the 26 August 2020.

Climate Change

Councillors received a presentation on the climate change action framework which has been developed by Council's Environment and Sustainability Branch. The presentation outlined Council's achievements in reducing its carbon emissions and other key areas such as community education and engagement.

The presentation included an overview of the Climate Change Adaptation Plan which includes 91 actions to be achieved over the short to long term horizon.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT GENERAL MANAGER



Business Transformation

Council staff provided an update on the work currently being undertaken as part of Council's Business Transformation Program. This includes the four key areas:

- Customer first culture
- Development application determination times
- Asset quality control
- Maintenance works management

Councillor Priorities

There was a broad discussion between Councillors regarding the priorities for the remainder of this Council term with a strong focus on delivering key infrastructure projects that have already been funded within Council's Budget and Long Term Financial Plan.

Next Steps

Comments and feedback from Councillors will be taken into account when preparing the first draft of the Operational Plan and Budget. A further workshop will be held with Council in mid-late March providing a detailed analysis of the draft 2020/21 Budget and Capital Works Program.

The draft 2020/21 Operational Plan and Budget will be formally presented to Council in April 2019, before being placed on public exhibition for a period of 28 days for public comment.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement will take place once the 2020/21 Operational Plan and Budget has been endorsed by Council for public comment.

Internal Communication and Consultation

Executive

Group Manager Corporate & Community

Chief Financial Officer

External Communication and Consultation

Not required.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT GENERAL MANAGER



- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications in relation to this report.

RELATED COUNCIL POLICY

None.

CONCLUSION

The report provides an overview of the presentations delivered at the Annual Councillor Planning Day which was held on 6 November 2019.

ATTACHMENTS

There are no attachments to this report.

13.2 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 27 November 2019.

RECOMMENDATION

1. **THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.**
2. **THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 19.3.**

***Note:** The Council, or a committee of the Council, may allow member of the public to make representations to or at a meeting should be closed (15.9 – Code of Meeting Practice).*

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

REPORT

BACKGROUND

This report updates the current status and costs paid during November 2019, December 2019 and January 2020, for legal proceedings involving Council in the Land and Environment Court, including those matters completed since the last report to Council.

Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is report in a closed report.

REPORT

On 17 April 2013, Council resolved:

THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT GENERAL MANAGER



The report on the status of legal affairs involving Council contains information and advice that is privileged on the grounds of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the Local Government Act 1993.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. **If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.**

Consultants' Fees

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land and Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Costs report to Council.

There were consultants' fees for legal proceedings paid in the months of November 2019, December 2019 and January 2020 – refer **Attachment 1**.

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

REPORT GENERAL MANAGER



- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There is a strong community expectation in relation to enforcement and compliance actions by Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal Costs - November, December 2019 and January 2020



Legal Costs – November, December 2019 and January 2020

Attachment 1

Legal Matter	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Total Expenditure
	Nov-19	Nov-19	Dec-19	Dec-19	Jan-20	Jan-20	Year to Date (YTD)	Year to Date (YTD)	Life to Date (LTD)
Catholic Health Care Pty Ltd Aitken Road, Bowral	\$ 4,760	\$ 3,630	-	\$ 19,262	\$ 5,899	-	\$ 49,839	\$ 32,792	\$ 84,330
K.N.D Nominees Pty Ltd Walker Street, Bowral	-	-	\$ 3,837	-	-	-	\$ 7,108	-	\$ 7,108
Reulie Land Co Pty Ltd Myra Vale Road, Wildes Meadow	-	-	\$ 1,039	-	\$ 2,615	-	\$ 3,892	-	\$ 22,792
Lend Lease Retirement Living Holdings Aitken Road, Bowral	\$ 1,233	-	\$ 1,211	-	\$ 432	-	\$ 4,612	-	\$ 12,920
ERF Hospice Pty Ltd Edward Street, Bowral	\$ 7,155	-	\$ 6,126	-	-	-	\$ 18,408	-	\$ 28,098
Michael Brown Planning Loftus Street, Bowral	\$ 15,015	-	\$ 9,846	-	\$ 7,273	-	\$ 58,998	-	\$ 283,161
Turland Mittagong Road Bowral	-	-	\$ 3,602	-	\$ 2,301	-	\$ 5,902	-	\$ 207,837
Bowral Garage Development Pty Ltd Bong Bong Street, Bowral	-	-	\$ 2,866	-	-	-	\$ 2,866	-	\$ 2,866
Phoebe Hodgson Gordon Road, Bowral	\$ 4,182	-	\$ 1,671	-	\$ 1,890	-	\$ 7,743	-	\$ 7,743
Woodbine Park Nominees Wombeyan Caves Road, High Range	-	-	-	-	-	-	-	-	-
Lasovase Pty Ltd 421 Myra Vale Road, Wildes Meadow	-	-	-	-	\$ 700	-	\$ 700	-	\$ 700
Morris Brigadoon Drive, Bundanoon	-	-	\$ 1,720	-	-	-	\$ 1,720	-	\$ 11,226
Paloma Blanca Pastoral Pty Ltd Colo Road, Colo Vale	\$ 2,822	-	\$ 1,686	-	-	-	\$ 12,430	\$ 3,240	\$ 151,173
Strathleigh Investments Pty Ltd Alice Street, Mittagong	-	-	-	-	-	-	\$ 10,572	-	\$ 54,181
Shelley Boyce Tyndall Street Mittagong	\$ 1,022	-	\$ 1,878	-	-	-	\$ 6,547	-	\$ 34,715
Sett Homes P/L Willow Street, Willow Vale	\$ 2,098	-	-	-	-	-	\$ 4,052	-	\$ 8,975
Fenwick v Woodside Properties Wingello Road, Bundanoon	\$ 22,506	-	-	-	-	-	\$ 31,255	-	\$ 72,669
Total Expenditure	\$ 60,793	\$ 3,630	\$ 35,482	\$ 19,262	\$ 21,110	-	\$ 226,644	\$ 36,032	\$ 990,494

Note: This report includes proceedings where legal and/or consultancy costs have been incurred in the 2019/20 Financial Year. It is important to note that the figure reported to the Finance Committee on a quarterly basis is projected expenditure for the entire financial year. The figure reported to the Finance Committee also includes non-development related legal expenditure.

Fees Recovered – November, December 2019 and January 2020

Legal Matter	Fees Recovered	Fees Recovered	Fees Recovered	Fees Recovered	Fees Recovered
	Nov-19	Dec-19	Jan-20	YTD	LTD
O'Shanassy	\$250	\$750	\$500	\$3,750	\$17,728
Total Recovery	\$250	\$750	\$500	\$3,750	\$17,728

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.

13.3 Exclusion of Notice of Motion and Question with Notice from Business Paper on 6 February 2020

Reference:	503/60
Report Author:	Administration Officer (Meetings)
Authoriser:	General Manager
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To advise Council of the exclusions of two items from the Extraordinary Meeting of Council dated 6 February 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required the General Manager advises that one submitted Notice of Motion and one submitted Question with Notice were excluded in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded because it was submitted to the Extraordinary Meeting as per the Code of Meeting Practice, the provision for a Notice of Motion relates to ordinary meetings of Council only.
2. This item was excluded because it alleged a breach of Council’s Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make *“allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.”*

RECOMMENDATION

THAT the report be noted.

ATTACHMENTS

There are no attachments to this report.

Ann Prendergast
General Manager

Friday 21 February 2020



15 PETITIONS

15.1 Petition 2/2020 Planning Proposal to Amend Wingecarribee Local Environmental Plan - Aitken Road Bowral

Reference: 100
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present Council with a petition relating to Planning Proposal to Amend Wingecarribee Local Environmental Plan - Aitken Road Bowral.

The petition contains over 50 signatures.

A copy of the Petition has been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

RECOMMENDATION

THAT Petition 2/2020 relating to Planning Proposal to Amend Wingecarribee Local Environmental Plan - Aitken Road Bowral be received and noted by Council.

ATTACHMENTS

There are no attachments to this report.

16 COMMITTEE REPORTS

16.1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

Reference:	107/6
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

This report provides the Minutes of the Traffic Committee Meeting electronically held on Wednesday 8 January 2020.

SUMMARY OF THE RECOMMENDATION AND ACTION FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Traffic Management Arrangements for 2020 Moss Vale Music Tribute Festival

TC 1/20

THAT there is no objection to the traffic and parking arrangements proposed for the 2020 Moss Vale Tribute Festival on 14 March 2020 subject to the completion of all the requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

RECOMMENDATION

THAT recommendation No TC1/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 8 January 2020 be adopted.

ATTACHMENTS

1. Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



MINUTES

of the
Traffic Committee Meeting
held Electronically on

Wednesday 8 January 2020

File No. 107/6

16.1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



1. AGENDA REPORTS	2
1.1 Traffic Management Arrangements for 2020 Moss Vale Music Tribute Festival	2
1.2 Changes to timed Bus Zone at Moss Vale Court House on Argyle Street, Moss Vale	3
1.3 Traffic Arrangements for Movie In The Gardens	4

16.1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN HELD ELECTRONICALLY, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 8 JANUARY 2020 COMMENCING AT .

Present:	Clr Ken Halstead	Chair
	Mrs Jayd Marsh	Roads and Maritime Services
	Mr Matthew White	Roads and Maritime Services
	Senior Constable Scott Ferguson	NSW Police
	Mr Ian Armstrong	Representing Member for Wollondilly
	Mrs Katherine Wood	Representing Member for Goulburn

Council Staff:	Mr Stace Lewer	Manager Assets
	Ms Daria Chen	Acting Traffic Engineer
	Mr Naif Ahmed	Coordinator Assets Roads & Traffic

16.1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



1. AGENDA REPORTS

1.1 Traffic Management Arrangements for 2020 Moss Vale Music Tribute Festival

Reference: 7420/3
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic managements for the 2020 Moss Vale Music Tribute Festival.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the 2020 Moss Vale Tribute Festival on 14 March 2020 subject to the completion of all the requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC1/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



1.2 Changes to timed Bus Zone at Moss Vale Court House on Argyle Street, Moss Vale

Reference: 7453
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider alteration to the bus zone at Moss Vale Court House, Moss Vale.

RECOMMENDATION

THAT the bus zone on Argyle Street to the front of Moss Vale Court House be amended to reflect the hours of operations from 7.00 am to 7.00 pm, Monday-Saturday and 1.00 pm to 2.00 pm, Sunday.

TC2/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



1.3 Traffic Arrangements for Movie In The Gardens

Reference: 7420/3
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic arrangements for Movie In The Gardens in 2020.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the Movie in the Gardens on Saturday 15 February 2020 subject to the completion of all the requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC3/20

Unanimous support

16.2 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

Reference:	107/6
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

This report provides the Minutes of the Traffic Committee Meeting electronically held on Monday 10 February 2020.

SUMMARY OF THE RECOMMENDATION AND ACTION FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1: Traffic Management Arrangements for 2020 Trucks Across The Highlands

TC 6/20

THAT there is no objection to the traffic arrangements proposed for the Trucks Across The Highlands event to be held on Saturday 29 February 2020 subject to the satisfactory completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

RECOMMENDATION

THAT recommendation No TC6/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 10 February 2020 be adopted.

ATTACHMENTS

1. Minutes of the Traffic Committee Meeting held electronically on 10 February 2020



MINUTES

of the
Traffic Committee Meeting
held Electronically on

Monday 10 February 2020

File No. 107/6

16.2 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Monday 10 February 2020



1. AGENDA REPORTS	2
1.1 Traffic Management Arrangements for 2020 Trucks Across The Highlands	2

16.2 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Monday 10 February 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD ELECTRONICALLY ON THURSDAY 16 JANUARY 2020.

Present:	Clr Ken Halstead Mr Matthew White Sergeant Danny Bridge Mr Ian Armstrong Mrs Katherine Wood	Chair Roads and Maritime Services NSW Police Representing Member for Wollondilly Representing Member for Goulburn
-----------------	---	---

Council Staff:	Mr Stace Lewer Ms Daria Chen Mr Naif Ahmed	Manager Assets Acting Traffic Engineer Coordinator Assets Roads & Traffic
-----------------------	--	---



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Monday 10 February 2020



1. AGENDA REPORTS

1.1 Traffic Management Arrangements for 2020 Trucks Across The Highlands

Reference: 7420/3
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on traffic arrangements for the 2020 Trucks Across The Highlands event.

RECOMMENDATION

THAT there is no objection to the traffic arrangements proposed for the Trucks Across The Highlands event to be held on Saturday 29 February 2020 subject to the satisfactory completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC6/20

Unanimous support

16.3 Minutes of the Finance Committee Meeting held on 19 February 2020

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

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on 19 February 2020.

RECOMMENDATION

THAT the report be noted.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 4 Adoption of Minutes of Previous Meeting

FC 1/20

THAT the minutes of the Finance Committee Meeting held on Wednesday 20 November 2019 MN 34/19 to MN 38/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Agenda Reports – Establishment of Mayoral Relief Fund (Public Appeals)

FC 2/20

1. *THAT Council note the establishment of the Mayoral Relief Fund (Public Appeals).*
2. *THAT Council notes the approval by the Australian Taxation Office of the Mayoral Relief Fund as a public fund for persons in necessitous circumstances (Deductible Gift Recipient Endorsement).*

Item 6.2 Water Polo NSW Country Championships – Donation of Fees and Charges

FC 3/20

1. *THAT Council approve the donation of \$3,663.70 towards the cost of hiring Mittagong Pool for the Water Polo NSW Country Championship held over the 2020 Australia Day long weekend.*
2. *THAT the donation be funded from the Councillor Contingency Fund.*

Item 6.3 Implementation of Purchase Card System

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

COMMITTEE REPORTS



FC 4/20

1. *THAT Council note the expansion of the Purchase Card expense management system.*
2. *THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of Council all documents which are required to increase Council's credit facility to \$300,000.*

Item 6.4 Budget Review to 31 December 2019

FC 5/20

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

Item 6.5 Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019

FC 6/20

THAT the Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019 be noted.

ATTACHMENTS

1. Minutes of Finance Committee Meeting held on 19 February 2020



MINUTES

of the
Finance Committee Meeting
held in
Council Chambers
Civic Centre, Elizabeth Street, Moss Vale
on

Wednesday 19 February 2020

The meeting commenced at 9.00am

File No.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. APOLOGIES	
Nil	
4. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Finance Committee Meeting held on 20 November 2019	
5. DECLARATIONS OF INTEREST	2
6. AGENDA REPORTS	3
6.1 Establishment of Mayoral Relief Fund (Public Appeals)	3
6.2 Water Polo NSW Country Championships - Donation of Fees and Charges	4
6.3 Implementation of Purchase Card System	5
6.4 Budget Review to 31 December 2019	6
6.5 Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019	7
7. CLOSED COMMITTEE	8
Nil	
8. DATE OF NEXT MEETING	8
9. MEETING CLOSURE	8

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL THEATRETTE, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 19 FEBRUARY 2020 COMMENCING AT 9.00AM

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

In Attendance:	General Manager	Ms Ann Prendergast
	Deputy General Manager Operations, Finance and Risk	Mr Barry Paul
	Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
	Chief Financial Officer	Mr Richard Mooney
	Group Manager Corporate and Community	Ms Danielle Lidgard
	Group Manager Project Delivery	Mr Ned Tripkovic (in part)
	Deputy Chief Financial Officer	Mr Damien Jenkins
	Chief Information Officer	Mr John Crawford
	Management Accountant	Mr Peter Dunn
	Manager Assets	Mr Stace Lewer (in part)
	Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair acknowledged country:

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

3. APOLOGIES

There were no apologies at this Meeting.

PERS

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



4. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 20 NOVEMBER 2019

FC 1/20

MOTION moved by Cllr P W Nelson and seconded by Cllr G J Andrews

THAT the minutes of the Finance Committee Meeting held on Wednesday 20 November 2019 MN 34/19 to MN 38/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

5. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

There were no declarations of interest at this meeting.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



6. AGENDA REPORTS

6.1 Establishment of Mayoral Relief Fund (Public Appeals)

Reference:	102/8
Report Author:	Financial Accountant
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to formally advise Council of the establishment of the Mayoral Relief Fund (Public Appeals) and to also inform Council on the status of its application to the Australian Taxation Office (ATO) for endorsement of Council's Mayoral Relief Fund as a Deductible Gift Recipient.

The Chief Financial Officer addressed the Committee on this item.

FC 2/20

MOTION moved by Cllr P W Nelson and seconded by Cllr G Markwart

1. **THAT** Council note the establishment of the Mayoral Relief Fund (Public Appeals).
2. **THAT** Council notes the approval by the Australian Taxation Office of the Mayoral Relief Fund as a public fund for persons in necessitous circumstances (Deductible Gift Recipient Endorsement).

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



6.2 Water Polo NSW Country Championships - Donation of Fees and Charges

Reference:	6700
Report Author:	Manager Open Space, Recreation and Building Maintenance
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to formalise the donation of the fees and charges associated with the Water Polo NSW Country Championship held at the Mittagong Pool in January 2020.

FC 3/20

MOTION moved by Cllr I M Scandrett and seconded by Deputy Mayor G M Turland

1. **THAT** Council approve the donation of \$3,663.70 towards the cost of hiring Mittagong Pool for the Water Polo NSW Country Championship held over the 2020 Australia Day long weekend.
2. **THAT** the donation be funded from the Councillor Contingency Fund.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



6.3 Implementation of Purchase Card System

Reference:	2103
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of the intended expansion of its Purchase Card expense management system and to seek approval to increase the current credit facility to \$300,000.

The Chief Financial Officer addressed the Committee on this item.

FC 4/20

MOTION moved by Cllr P W Nelson and seconded by Cllr I M Scandrett

1. **THAT** Council note the expansion of the Purchase Card expense management system.
2. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council all documents which are required to increase Council's credit facility to \$300,000.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



6.4 Budget Review to 31 December 2019

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

PURPOSE

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

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

The Chief Financial Officer addressed the Committee on this item.

The Deputy General Manager Operations Finance and Risk addressed the Committee on this item.

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

FC 5/20

MOTION moved by Cllr L A C Whipper and seconded by Cllr G Markwart

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

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



6.5 Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019

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

PURPOSE

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

The Group Manager Corporate and Community addressed the Committee on this item

The Deputy General Manager Operations Finance and Risk addressed the Committee on this item.

FC 6/20

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

THAT the Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019 be noted.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



7. CLOSED COMMITTEE

Nil

8. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 20 May 2020 in Council Theatrette Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00am.

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 1028 AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 19 February 2020 numbered M/N 1/20 to M/N 6/20 were signed by me hereunder at the Council Meeting held on Wednesday 20 May 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 20 MAY 2020

CHAIRMAN

PUBLIC OFFICER

17 QUESTIONS WITH NOTICE

17.1 Question with Notice 4/2020 - Report on Station Street

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Clr K Halstead

Received: 17.2.20

Subject: Station Street

Question:

Could the General Manager indicate when a comprehensive up to date report will be submitted on this proposed project. As an elected councillor and representative of the residents and ratepayers I have a right to be kept informed.

It is apparent that this project is not as yet ready to commence construction work. If not, why?

Response:

A comprehensive report is being prepared by staff in anticipation of the finalisation of the Heads of Agreement document. The details of the report will be governed to some extent by the details provided within the Heads of Agreement. It is proposed that an updated report and resolution for project requirements will be provided at the Council Meeting for the project to proceed to tender. That report will provide a status update on the project and the plan to move it forward.

RECOMMENDATION

THAT the information in relation to Question with Notice 4 /2020 – Report on Station Street - be noted.

17.2 Question with Notice 5/2020 - Bong Bong Street Taxi Rank

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Clr Scandrett

Received: 17.2.20

Subject: Bong Bong Street Taxi Rank

Question:

1. When did Council last review usage of the Taxi rank in Bong Bong St Bowral adjoining Corbett Plaza so as to determine its usage and justification for the current amount of spaces which are mostly empty and come at the expense of shopper & visitor parking?
2. Could the last review be attached?
3. Could Council reconduct a review of the current situation and seek submission from Taxi operators; commercial and retail premises and the public?

Response:

The matter was an agenda item at the 24 Nov 2016 Traffic Committee meeting where there was a request for ADDITIONAL taxi zones in Bong Bong Street, Bowral from an aged resident.

The Southern highlands Taxis and Coaches advised:

On the subject of additional Taxi drop off/pick up zones in Bong Bong St, Bowral, we do not believe that this is an issue as it has not been brought to the attention of management of this company by any of our passengers & we do appreciate the difficulty with limited parking in the town area.

We regularly make arrangements for aged passengers for their collection from the rear of the Empire Theatre or rear of Springetts Arcade, Coles & Woolworths plus there is a "No Stopping, Taxis Excepted" bay outside BDCU in Bong Bong Street. The majority of passengers do use the main Plaza Taxi Rank where a free taxi call phone is installed & a bench seat is available should there be even the shortest delay.

It was recommended:

THAT the information be received and noted and that the matter be kept under review

Specific complaints would constitute a need to revisit an item. There have not been any complaints about the current taxi rank recorded since the Traffic Committee report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

QUESTIONS WITH NOTICE



Discussion with Southern Highlands Taxi confirmed that the rank operates on demand. There can be periods when there may be no taxis and other times where the rank is occupied. The spokesman confirmed they would not like to see a shortening of the rank and could understand that a casual observer might think that the rank was underutilised.

The assumption that all shoppers arrive by personal car transport is considered a problematic view. A car parked for an hour may only have one shopper, but a taxi rank that can potentially drop off many people can provide a larger number of shoppers. It is a matter of balance and equity. Not all persons have access to private transport and this is where public transport, taxis etc. help provide an equitable system.

Council may wish to seek submissions from commercial and retail premises however due to the lack of complaints this is not recommended.

RECOMMENDATION

THAT the information in relation to Question with Notice 5/2020 – Bong Bong Street Taxi Rank - be noted.

17.3 Question with Notice 6/2020 - Walkways along Bong Bong Street Bowral

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Clr Scandrett

Received: 17.2.20

Subject: Walkways Along Bong Bong Street, Bowral

Question:

1. Has council received any complaints or feedback re seating and tables in, or obstructing, walkways at 302 – 306 Bong Bong Street Bowral?
2. what action has been taken by staff?
3. has public risk & safety been considered, if so, how?
4. what approved areas exist for seating & tables here and are they being complied with?

Response:

1. Council has received one (1) complaint in relation to seating, tables allegedly obstructing internal walkways within the building.
2. Council staff have undertaken an inspection of the premises following the complaint to understand the substance of the complaint and also assess compliance against relevant consents, codes and standards. Council staff have also contacted the owners of the premises and the complainant as part of an investigation.
3. Council staff have considered public risk and safety through assessing compliance against the current development approval for the premises and further compliance against the Building Code of Australia including fire safety and the Premises Standards for disabled access.
4. The seating and tables present onsite are within an internal area of the building and compliance has been achieved.

RECOMMENDATION

THAT the information in relation to Question with Notice 6/2020 – Walkways Along Bong Bong Street, Bowral - be noted.

17.4 Question with Notice 9/2020 - MOU Station Street Upgrade

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Clr Scandrett

Received: 17.2.20

Subject: MOU Station Street Upgrade

Questions:

1. Could the General Manager provide a detailed update on the status of the MOU that was to be signed during December – January with various government departments regarding Station Street upgrade?
2. What government departments were approached to sign this MOU?
3. Which government departments did not sign the MOU?
4. If this has been signed please provide a copy.

Response:

An MoU has not yet been signed. Discussions continue with the various parties who would be counter parties to any Heads of Agreement document.

RECOMMENDATION

THAT the information in relation to Question with Notice 9/2020 – MOU Station Street Upgrade - be noted.

18 NOTICES OF MOTION

18.1 Notice of Motion 3/2020 - Town Water Planning

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

PURPOSE

THIS ITEM WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING

Councillor Scandrett has have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

1. THAT Council commence planning for town water in Balmoral
2. THAT Council recommence planning for Town Water in Penrose & Wingello
3. THAT the cost of such planning be funded from reserves.
4. THAT utilising the information we have from previous years that a report on the above be brought to Council within 1 month, as this matter is of great public interest.
5. THAT staff explore Federal & State infrastructure and bushfire rebuilding programs as part of this report, in consultation with our MP's.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

Council completed community consultation in 2015 with residents of Balmoral, and in 2014 with residents of Wingello and Penrose, regarding the possible provision of a reticulated water supply. The consensus at that time was there was limited support to proceed further with design and costing for these projects. Council was however planning to resurvey the community after five years (2019) to determine if the community's views had changed.

The most current cost "estimates" for these potential augmentation works has seen the costs increased considerably

- 1) Balmoral \$14.8M – For a local reservoir (1ML), reticulation mains and trunk mains (this includes the requirement to duplicate the main between Colo Vale and Hill Top to get enough water to north with the additional demand).
- 2) Penrose/Wingello \$20.5M - For a local reservoir (1ML), reticulation mains and trunk mains.

Detailed financial modelling is required before further consideration of these projects as the typical residential bill for new and existing ratepayers with water connections would be

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

NOTICES OF MOTION



significantly impacted as they would be required to heavily subsidise the cost of these projects.

It is highlighted that the Long-Term Financial Plan does NOT provide funding for these potential augmentation projects and funding would likely be 100% via loan borrowing.

The recommended process if we were to proceed with further consideration of these projects (assuming councillor and community support) would be firstly to complete an options assessment, develop concept designs, develop a revised cost estimate, conduct detailed financial modelling and affordability review, and undertake approvals assessment review. Then subject to support of the project based on these factors that further consultation be undertaken with the relevant communities.

Risks include: The misconception that a potable water supply is designed for fighting bushfires (as articulated within the IWCM, the water supply is designed to meet our level of service to water users and not to fight bushfires), environmental constraints, affordability, resources to deliver the large-scale project, the potential that connection take up in the villages is low.

18.2 Notice of Motion 4/2020 Resource Recovery Centre Operating Hours

Reference: 100/4
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community

Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

THIS ITEM WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

THAT Council restore the operating hours of our RRC [Resource Recovery Centre] to those announced by the General Manager, Ms Ann Prendergast on December 19, 2015 where the GM advised the public “that the facility had this week begun trading from 7.30am until 4.30pm seven days a week and that the longer hours are the result of a survey undertaken in which customers told us they’d prefer to see the facility open later in the afternoon”.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

The decision on operating hours for the RRC is a matter for Council, however Council considered the level of utilisation via traffic counts prior to making the decision to reduce opening hours at the RRC. That data indicated that utilisation rates were low during the hours that have been removed. Council would also need to consider how the reinstatement of opening hours would be funded as part of any decision to change opening hours.

18.3 Notice of Motion 5/2020 - Poll for 2024 Mayor

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

PURPOSE

THIS ITEM WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

1. THAT a poll for introducing popularly elected Mayor in the 2024 election be held at the next Council election.
2. THAT the cost of such poll be financed along with the election.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

Under section 16 of the *Local Government Act 1993* (the Act), a council must obtain the approval of its electors at a constitutional referendum to do any of the following:

- divide a council area into wards or abolish wards
- change the method of electing the mayor
- change the number of councillors
- change the method of election for councillors where the council's area is divided into wards.

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum that the mayor be elected by the electors.

The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.

If electors at a constitutional referendum undertaken in conjunction with the 2020 ordinary elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2024.

In contrast, under section 14 of the Act, a poll of electors may be taken by a council for its information and guidance. A Council poll will not allow for the method by which the mayor

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

NOTICES OF MOTION



attains office to be changed. Voting in a poll is not compulsory and the result is not binding on the council.

The NSW Electoral Commission has advised that for planning purposes it needs to be notified “as soon as possible” if Council intends to conduct a constitutional referendum or poll. A final due date for this notification has yet to be confirmed; however, Council staff have been advised verbally that notice given anytime in February 2020 would be acceptable. This means that if Council intends to resolve to conduct a constitutional referendum or poll it should do so either at this meeting or at the Ordinary meeting of Council scheduled for 26 February 2020.

**18.4 Notice of Rescission Motion 1/2020 - DA 20/0546
Development Application 20/0546 -Erection of Buildings
and Carrying out of Works for the Purpose of Seniors
Housing Lot 2 DP1241233 2 Orchid Street, Colo Vale**

Reference: 100/5
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and
Development Services

**Link to Community
Strategic Plan:**

**An enhanced culture of positive leadership, accountability
and ethical governance that guides well informed decisions
to advance agreed community priorities**

PURPOSE

Councillors Scandrett, Whipper and Halstead have given notice that it is their intention to move the following rescission motion at the Ordinary Meeting of Council on 26 February 2020 that the following resolution from the Ordinary Meeting of Council held on 12 February 2020 be rescinded:

MN 12/20

THAT development application 20/0546 for erection of building and carrying out of works for the purpose of seniors housing at Lot 2 DP 1241233, No 2 Orchid Street, Colo Vale be APPROVED subject to conditions as described in Attachment 1 to the report.

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

THAT DA 20/0546 be refused for the following reasons:

1. Two storeys is a visual blight on the bush environment;
2. Development is medium density in its current form;
3. The lifestyle of local families will be adversely affected due to the density and increased traffic movements;
4. The amenity of the traditionally low density area will be compromised
5. This looks like a block of flats and will be the biggest building in Colo Vale; and is not sympathetic to local amenity;
6. Bulk and scale are inappropriate
7. Amenity loss to residents
8. Traffic issues
9. Character statements not completed yet
10. Bushfire issues and concerns
11. Public transport is insufficient
12. Totally out of character with existing low density neighbourhood

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

NOTICES OF MOTION



RECOMMENDATION

Submitted for determination.

**18.5 Notice of Rescission Motion 2/2020 - DA 19/0922
Development Application 19/0922 - Thirty One (31) Lots
Subdivision - 30 Residential Lots and 1 Drainage
Easement Allotment - 21 Ferguson Crescent Mittagong**

Reference: 100/5
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and
Development Services

**Link to Community
Strategic Plan:**

An enhanced culture of positive leadership, accountability
and ethical governance that guides well informed decisions
to advance agreed community priorities

PURPOSE

Councillors Scandrett, Whipper and Halstead have given notice that it is their intention to move the following rescission motion at the Ordinary Meeting of Council on 26 February 2020 that the following resolution from the Ordinary Meeting of Council held on 12 February 2020 be rescinded:

MN 11/20

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

RECOMMENDATION

Submitted for determination.



18.6 Notice of Motion 8/2020 Balmoral Village Association Presentation

Reference: 100
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 26 February 2020:

1. THAT a representative of the Balmoral Village Association Inc be approved to present to Council their information and request to full council;
2. THAT five minutes be allocated for this presentation be allowed.

RECOMMENDATION

Submitted for determination.

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 Post Tender Negotiations for Vandenberg Road Renewal and Table Drain Works, Robertson

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the outcome from the Post Tender negotiations for Vandenberg Road Renewal and Table Drain Works.

19.2 Tender for Berrima Marketplace Playground All Abilities 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 Berrima Marketplace – Playground Upgrade.

19.3 Proposed Acquisition - Land in Bowral

Relevant Legal Provisions

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 February 2020

CLOSED COUNCIL



Brief description

The purpose of this report is to advise Council of the request by the owner of 3 Soma Avenue, Bowral ('the property') for Council to proceed with the acquisition of the part of that property identified for acquisition under the Wingecarribee Local Environment Plan 2010.

If the direction of Council is to support this request, this report provides the necessary resolutions to proceed with the compulsory acquisition of the land.

19.4 Legal Report - Closed Council

Relevant Legal Provisions

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

Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 November 2019.

- 2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Ann Prendergast
General Manager

Friday 21 February 2020