

2 July 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held remotely using audio visual link and is open to members of the community via webcast on **Wednesday 8 July 2020** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast  
**General Manager**

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

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## Business

1. **OPENING OF THE MEETING**
  2. **ACKNOWLEDGEMENT OF COUNTRY**
  3. **PRAYER**
  4. **APOLOGIES**
  5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**  
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  7. **MAYORAL MINUTES**
  8. **PUBLIC FORUM**
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9. **VISITOR MATTERS**  
**OPERATIONS, FINANCE AND RISK**  
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**CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**  
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  10. **EN BLOC MOTION**
- 
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**19.1 Code of Conduct Matter**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 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

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## **Council Chambers**

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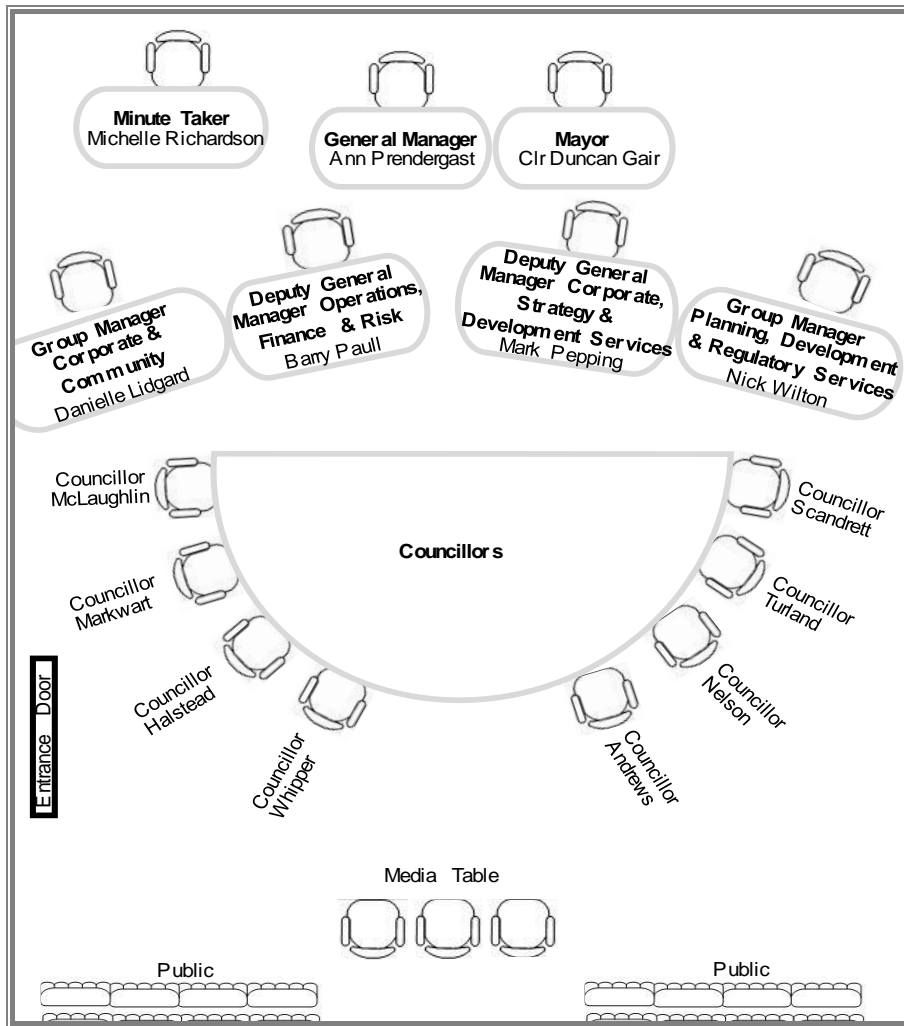
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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 8 July 2020



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## **ACKNOWLEDGEMENT OF COUNTRY**

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

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## **APOLOGIES**

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

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## **DECLARATIONS OF INTEREST**

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101/3, 101/3.1

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

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

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

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

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## 11 OPERATIONS FINANCE AND RISK

### 11.1 Proposed Road Closure - Unnamed Road Off Barrallier Road Goodmans Ford

Reference:	PN 1661200; RD4801
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 consider a request for the closure of an additional segment of road reserve off Barrallier Road, Goodmans Ford adjoining 473 Barrallier Road, Goodmans Ford.

#### RECOMMENDATION

1. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owners of 471 and 473 Barrallier Road, Goodmans Ford) for part of the partially formed road off Barrallier Road, Goodmans Ford adjoining 471 and 473 Barrallier Road, Goodmans Ford **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** a right of carriageway be granted over the existing formed access track located within the applicant's property at 471 Barrallier Road, Goodmans Ford to formalise legal access to Lot 112 DP 757053 Wombeyan Caves Road, Goodmans Ford.
3. **THAT** Council give a minimum 28 days public notice of its intention to close a segment of the Council public road adjoining 471 and 473 Barrallier Road, Goodmans Ford **AND THAT** if any objections are received during the period of public notice, a further report be presented to a future Meeting of Council.
4. **THAT** if there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the *Roads Act 1993*, Council as roads authority formally approve the closure of the portion of Council Public Road Reserve referred to in Resolution 1 above.
5. **THAT** the Mayor and General Manager be delegated authority to execute under the Common Seal of Council the plan required to be lodged with NSW Land Registry Services to enable closure of the portion of Council Public Road Reserve referred to in Resolution 1 above.
6. **THAT** authority be delegated to the Mayor and General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.



7. **THAT** at the expense of the applicant, the newly created allotments be consolidated with the applicant's primary property within twelve (12) months of formalisation of the road closure.

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## **REPORT**

### **BACKGROUND**

Council was approached in late 2018, by the owner of 473 Barrallier Road, Goodmans Ford requesting the closure and purchase of the segment of partially formed road dissecting their property. A report was presented to Council at its meeting on 13 February 2019 at which time it was resolved as follows (*MN10/19*):

1. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owner of 473 Barrallier Road, Goodmans Ford) for the segment of the partially formed road off Barrallier Road, Goodmans Ford adjoining AND THAT it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum 28 days public notice of its intention to close a segment of the Council public road adjoining 473 Barrallier Road, Goodmans Ford.
3. **THAT** following public notice of the proposed closure, a further report be submitted to Council to formally determine the application for closure of the segment of Council public road adjoining 473 Barrallier Road, Goodmans Ford.

The applicant has now made further inquiries of Council regarding closure of an additional portion of road in the vicinity of the original road closure - see **Attachment 1**.

### **REPORT**

The applicant has approached Council to inquire about the possibility of closing an additional area of road reserve adjoining their property at 471 and 473 Barrallier Road, Goodmans Ford.

The area of the original road closure approved at the Council meeting held on 13 February 2019 was approximately 6,100sqm. The area of closure for the additional portion of road is 2,740 sqm (subject to final survey). The applicant's property is zoned E2 - Environmental Conservation and adjoins the Wingecarribee River to the east and Wollondilly Shire to the north.

The additional portion of road that the applicant is applying to close provides legal access to Lot 112 in Deposited Plan 757053, Wombeyan Caves Road, Goodmans Ford. The access track to that property is formed outside of the registered road reserve and the formed road traverses through the applicant's property at 471 Barrallier Road, Goodmans Ford (see **Attachment 1**).

The owner of Lot 112 in Deposited Plan 757053, Wombeyan Caves Road, Goodmans Ford is agreeable to the additional road reserve being closed provided a right of carriageway is registered over the formed access road located within the applicant's property at 471 Barrallier Road, Goodmans Ford.

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



Council officers have no substantive reason to oppose the closure of the two segments of road and the potential future sale to the applicant. The subject roads are partially formed Council public roads which are not maintained by Council.

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

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

As the roads are partially formed, if the road closure is ultimately approved it is expected that the roads will vest in Council and the proceeds from the sale of the partially formed roads will be paid to Council.

If the road segments are approved by Council for closure, it is recommended that Council resolve that the newly created lots (being the segments of closed road) be consolidated with the applicant's property within 12 months of the transfer of the new allotments.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Following the receipt of the formal request for a road closure from the applicant, public notice of the intention to close the partially formed road adjacent to 473 Barrallier Road, Goodmans Ford will be advertised for a minimum twenty eight days. If there are objections received, a further report will be forwarded to a future Council Meeting for consideration.

### **Internal Communication and Consultation**

The relevant branches have been consulted and invited to comment on the proposed closure and sale of a segment of the partially formed road adjoining 471 and 473 Barrallier Road, Goodmans Ford. There was no objection raised to the proposed road closure and sale.

### **External Communication and Consultation**

Adjoining owner (applicant)

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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## **COUNCIL BUDGET IMPLICATIONS**

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

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## **RELATED COUNCIL POLICY**

None identified.

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## **CONCLUSION**

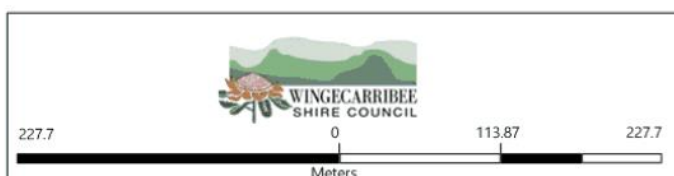
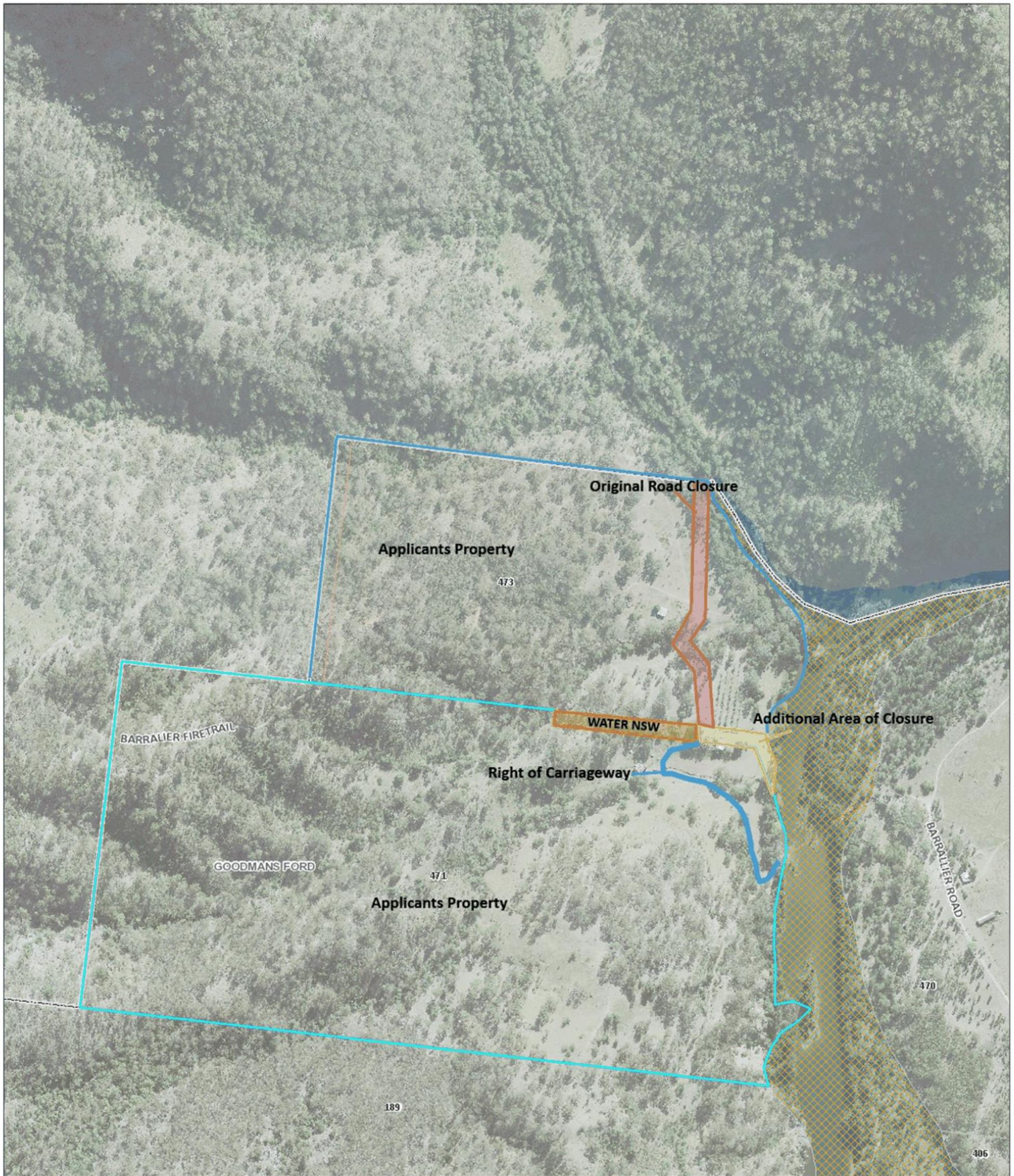
It is recommended that Council support the road closure in principle and that the applicant be invited to submit a formal application for the road closure.

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## **ATTACHMENTS**

1. Aerial Map





Wingecarribee Shire Council

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## 11.2 Proposed Licence Agreement - Community Garden - Part Meryla Street, Robertson

Reference:	PN 1785090
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 place on public exhibition a proposed Licence Agreement for the use of Council property being vacant land at Meryla Street, Robertson for the purpose of establishing a community garden.

The proposed licensee is Robertson Community Garden Incorporated.

### RECOMMENDATION

1. **THAT Council give a minimum twenty eight (28) days public notice of a proposal to enter into a five (5) year Licence Agreement with Robertson Community Garden Incorporated for a community garden on Council owned land Being Lot 5 DP 244671, Meryla Street, Robertson.**
2. **THAT following exhibition, authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement for a community garden at Lot 5 DP 244671, Meryla Street, Robertson to Robertson Community Garden Incorporated.**
3. **THAT if there are no objections received during the period of public notice, the Mayor and General Manager be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of Council AND THAT if any objections are received, a further report be forwarded to a future meeting of Council.**

### REPORT

#### **BACKGROUND**

Robertson Community Garden Incorporated (Robertson Community Garden) is a not-for-profit organisation managed by a group of community members with the support of gardeners, farmers and locals.

Robertson Community Garden has approached Council with a view to establishing a community garden on Community land at Meryla Street, Robertson.

Robertson Community Garden proposes to establish a community garden on the land with the mission of establishing a place for all people to come together to grow and harvest food, foster learning, build connections and to cultivate inclusion and friendship.

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



A Councillor briefing session was held on 10 June 2020 at which time the proposal was supported by Councillors.

#### **REPORT**

Robertson Community Garden proposes to establish a community garden, designed to encompass all members of the community, with a special focus on provisions for people living with intellectual and physical disabilities.

It is envisioned that the community garden will provide a forum for interaction between younger and older residents, facilitating a sharing of knowledge and strengthening community cohesion as well as acknowledging the physical and mental health benefits associated with such a project.

The garden will aim to be a place of learning, mentoring and inclusivity for the community's most vulnerable individuals and families.

Robertson Community Garden has expressed an interest in entering into a Licence Agreement for either Lot 4 (663.9 sqm) or Lot 5 (752.5 sqm) as shown in **Attachment 1 – aerial map**.

Lot 5 is a corner block and does not directly adjoin residential neighbours on Meryla Street. For these reasons, Lot 5 DP 244671 is the preferred lot for establishment of the proposed community garden.

#### **Traffic / Parking Conditions**

A number of recommendations were made by Council's Assets Branch with respect to parking improvements which should be considered as part of the proposed Licence.

To address any unintended traffic concerns and to alleviate any parking issues on site, the Licence Agreement will contain a condition stipulating that patrons of the Community Garden must park at Hampden Park. The Licence Agreement will further permit for items to be dropped off and picked up on site but otherwise no long term parking is to take place on Meryla Street or North Street.

#### **Classification of land**

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

#### **Plan of Management**

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

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

The Council property is covered by the Plan of Management for Sports Ground adopted by Council on 10 December 2014. Leases and licences are authorised by the Plan of Management (to be assessed individually for their compatibility with the Plan of Management and community benefit).

It is recommended that authority to be delegated to the General Manager to negotiate the terms and conditions of the Licence Agreement. Council will then exhibit the draft Licence Agreement for a minimum 28 days for public comment.

If any objections are received, a further report will be forwarded to a future Meeting of Council for consideration.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

As the property is classified as Community Land, Council will place the draft Licence Agreement on public exhibition for a minimum 28 day period.

We will also notify adjoining property owners and the Hampden Park Management Committee in relation to the proposal.

### **Internal Communication and Consultation**

Executive

Managers

### **External Communication and Consultation**

Robertson Community Garden Association

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The establishment of a community garden has the potential to provide opportunities for community social interaction.

- **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.



## **AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 July 2020

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



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#### **COUNCIL BUDGET IMPLICATIONS**

There are no budgetary implications. Costs associated with establishing the community garden will be funded through the Robertson Community Garden.

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#### **RELATED COUNCIL POLICY**

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

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

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#### **CONCLUSION**

This report seeks Council approval to place on public exhibition a draft Licence Agreement for a maximum of five (5) year term to Robertson Community Garden Incorporated for the establishment of a community garden over part Council property at Meryla Street, Robertson.

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#### **ATTACHMENTS**

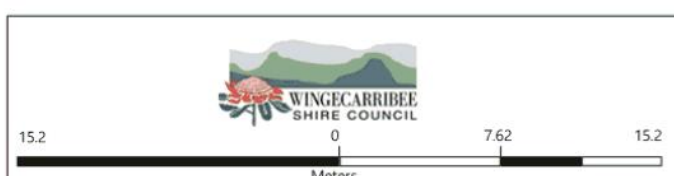
1. Attachment 1 - aerial map

Barry W Paull

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

Thursday 2 July 2020





Attachment 1 - aerial

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## 12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Adoption of the 2020/21 Operational Plan and Budget Including Revenue Policy

Reference:	501
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

#### PURPOSE

At its meeting on 27 May 2020 Council resolved to place on public exhibition the draft 2020/21 Operational Plan and Budget (MN 169/20). The purpose of this report is to advise Council of the outcomes of the public exhibition and to recommend adoption of the following:

- 2020/21 Operational Plan and Budget
- 2020/21 Revenue Policy (including Fees and Charges schedule)

As required under the *Local Government Act 1993*, Council is also required to resolve the following:

- Making and levying the rates and annual charges for 2020/21, and
- Authorisation of expenditure and voting of money for the 2020/21 Budget.

#### RECOMMENDATION

##### THAT

1. Council Adopt the 2020/21 Operational Plan and Budget including the Revenue Policy, Fees and Charges and Unfunded Infrastructure Projects List; incorporating the changes recommended in this report.
2. In adopting the 2020/21 Budget and Revenue Policy that:
  - the funds to cover the 2020/21 Budget be voted.
  - a 2.76% increase in permissible rate income (inclusive of crown land adjustment of 0.16%) be adopted in accordance with the rate peg determined by the Independent Pricing and Regulatory Tribunal (IPART).
  - Council make and levy the following ad valorem and minimum rates for the 2020/21 financial year (the period 1 July 2020 to 30 June 2021)

Category	Sub Category	Ad Valorem	Minimum
Residential	Ordinary	0.0035533	\$1,169.81
Residential	Renwick	0.0039086	\$1,169.81
Residential	Moss Vale South	0.0039086	\$1,169.81
Business	Ordinary	0.0071066	\$1,169.81
Farmland	-	0.0023096	\$1,709.44

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Category	Sub Category	Ad Valorem	Minimum
Mining	Ordinary	0.0117259	\$1,169.81

3. Council make and levy a special rate of 0.000049062 cents in the dollar subject to a base rate in accordance with Section 499 of the *Local Government Act, 1993* of \$26.92 per assessment on all rateable land for all rating categories for the 2020/21 financial year, noting that this special rate is referred to as *Wingecarribee Our Future Environment Special Rate*.
4. Council make and levy the annual charges for domestic waste management services in accordance with Section 496 of the *Local Government Act, 1993* for the 2020/21 financial year as outlined within the Revenue Policy.
5. Council make and levy the annual charges for stormwater management services in accordance with Section 496A (1) of the *Local Government Act, 1993* for the 2020/21 financial year as outlined within the Revenue Policy.
6. Council adopt the water access and user charges for the 2020/21 financial year, as outlined within the Revenue Policy.
7. Council adopt the sewer access charges for the 2020/21 financial year, as outlined within the Revenue Policy.
8. Council adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 7.00% per annum from the 1 April 2021, noting that Council has suspended all interest on overdue rates and charges from the 1 April 2020 to 31 March 2021 due to COVID-19.
9. Authorise loan borrowings of \$8.260 million in the 2020/21 financial year to part fund a number of high priority infrastructure projects.
10. Authorise the creation of an Animal Shelter Reserve to be established with the opening balance of \$5.2 million (subject to the satisfactory settlement of the land sales).
11. Write to the residents who lodged a submission to formally thank them for their comments and feedback on the Draft 2020/21 Operational Plan and Budget.

## REPORT

### BACKGROUND

Council is required to annually review the Operational Plan, Annual Budget, Revenue Policy and Fees and Charges to meet its responsibilities under the *Local Government Act 1993* and *Local Government (General) Regulation 2005*. The Operational Plan is a sub-plan of the 2017-2021 Delivery Program and demonstrates Council's approach to achieving the objectives of the Delivery Program.

The 2020/21 Operational Plan outlines the projects, programs and activities (annual deliverables) that Council will undertake during the 2020/21 financial year. The annual deliverables are aligned to Council's services and four-year actions from the Delivery Program.

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In addition, the Plan demonstrates Council's response and commitment to the delivery of the Community Strategic Plan, Wingecarribee 2031. As such, the Plan is structured around the five themes of Leadership, People, Places, Environment and Economy from Wingecarribee 2031.

Included in the 2020/21 Operational Plan is the annual Budget and Capital Works Program. These documents provide a summary of Council's financial estimates and a program of Capital Works for the 2020/21 financial year.

Council's Revenue Policy and Fees and Charges for 2020/21 are also included in the Operational Plan. These documents outline Council's proposed rating structure and fees and charges for 2020/21 as stipulated by the *Local Government Act 1993*.

As part of the 2017-2021 Delivery Program adopted in June 2017, Council committed to seven strategic priorities to ensure Wingecarribee Shire is a better place to live, work and visit. Council continues its commitment to these priorities which will be delivered over the life of this Delivery Program and are a key driver of decision making during this Council term. Council's seven strategic priorities are:

1. Responsible financial management
2. Improving our community assets
3. Protecting our natural environment
4. Delivery of significant infrastructure projects
5. Better service alignment and delivery
6. Business transformation
7. Community wellbeing

In accordance with the Integrated Planning and Reporting Guidelines, Council undertook a review of its 2017-2021 Delivery Program as part of its preparation of the draft 2020/21 Operational Plan. No changes to the Delivery Program actions are proposed for the 2020/21 financial year.

At its meeting on 27 May 2020 Council endorsed the draft 2020/21 Operational Plan and Budget to go on public exhibition. The documents were placed on public exhibition from 29 May until 26 June 2020 and are now ready for formal adoption.

#### Extension to the Delivery Program 2017-2021 due to the COVID-19 Pandemic

In response to the COVID-19 Pandemic, the NSW Government postponed the local government elections which are now to take place on the 4 September 2021. The NSW Government also decided that the existing Delivery Program for each council will apply for a further 12 months, maintaining the key themes and any activities not yet completed.

Council was also advised on the 17 April 2020 that the NSW State Government had provided a one-month extension for all councils to formally adopt its 2020/21 Operational Plan and Budget (up to the 31 July 2020).

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## **SUBMISSIONS**

A total of 75 submissions on the draft 2020/21 Operational Plan and Budget were received during the exhibition period and one late submission was received by close of business on 30 June 2020.

The submissions received addressed a range of issues and five prominent themes emerged which related to:

- Requests that funding be allocated towards a Multi-Purpose Indoor Sporting Facility adjacent to Lackey Park in Moss Vale, known as the Southern Highlands Indoor Sports Hub (SHISH).
- Feedback on Council's response to climate change and its implementation of the Climate Emergency Declaration made by Council, including a request that specific actions and funding be identified to address climate change.
- Requests that funding be allocated towards the repair and upgrade of the netball facilities at Eridge Park, Bowral.
- Feedback on various matters relating to the Environment Levy, including a request that Council ensures that the Levy is not used for works that form part of Council's core business responsibilities.
- Support for the capital replacement and relocation of the Wingecarribee Animal Shelter.

All issues raised in the submissions have been summarised in **Attachment 1** which includes responses from the relevant Council branches.

## **RECOMMENDED CHANGES DUE TO PUBLIC EXHIBITION**

All submissions received during the public exhibition period have been reviewed and given due consideration. No changes are recommended to the draft 2020/21 Operational Plan and Budget; however, two changes are proposed to the 2020/21 Fees and Charges Schedule as a result of fee changes announced by the Office of Local Government. These amendments are identified further on in this report.

## **2020/21 BUDGET & REVENUE POLICY (INCLUDING FEES & CHARGES)**

Council's Long Term Financial Plan and Budget have been prepared on the basis of maintaining a balanced budget position. This approach underpins Council's financial sustainability both in the short and long term.

### **2020/21 Budget (Including Forward Estimates)**

The 2020/21 Budget provides for a cash expenditure budget of \$158.371 million across the broad functional areas of Leadership, People, Places, Environment and Economy (including all funds).

The 2020/21 Budget for Council's Consolidated Fund is presented as a balanced budget. After removing non-cash expenditure and reserve transfers, Council's cash expenditure budget for 2020/21 is \$158.371 million.

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<b>CASH BUDGET</b>	<b>2020/21</b>
Operating Expenditure	\$157,570,000
Capital Expenditure	\$68,811,000
<b>Gross Expenditure</b>	<b>\$226,381,000</b>
Less:	
Transfer to Reserves	\$38,734,000
Non Cash Depreciation	\$29,276,000
<b>Net Cash Expenditure Budget</b>	<b>\$158,371,000</b>

Adjustments which have been included since the draft Budget was presented to Council on the 27 May 2020 consist of the following:

- The COVID-19 funding measures required to address the expected reduction in operating revenues during the first half of the 2020/21 financial year,
- An additional allocation of \$761,000 which represents the first year of external grant funding for Old South Road Rehabilitation, and
- The inclusion of the 2020/21 Blackspot funding program of \$1,647,000.

#### **2020/21 Budget – Key Issues**

##### Response to COVID19 Pandemic

On the 22 March 2020, the Prime Minister, the Hon Scott Morrison MP announced an extensive range of measures to limit the spread of COVID-19 across communities within Australia.

The measures included the enforced closures of certain businesses such as hotels, clubs, gyms, cinemas and other entertainment venues. Cafes and other hospitality venues have been limited to takeaway and delivery trade.

The measures announced by the Prime Minister on the 22 March 2020 have had a devastating impact on businesses within the Southern Highlands either directly because of the forced closures or indirectly due to reduced customer foot traffic and downscaled retailing options such as restaurants only being able to do a takeaway menu. The measures have also resulted in large-scale uncertainty for many of our residents who are employed in these key sectors.

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At its meeting held on the 13 May 2020 Council adopted a financial support package which consists of the following measures:

Measure
<b>Remove all interest charges on overdue rates and charges (including water and sewer) for a period of 12 months.</b>
<b>Rates deferral period for business rated properties for a period of 6 months. This will apply where the property owner runs a business from the premise or provides a rent deferral period for business tenants.</b>
<b>Rates deferral period for property owners who have lost employment or been stood down due to the Federal Government's enforced business closures for a period of 6 months.</b>
<b>Provide a rental subsidy for a period 6 months for Council owned properties which are occupied by a small business or organisation impacted by the Federal Government's enforced business closures.</b>
<b>Provide a full fee reduction for all outdoor dining fees, materials on footpaths and environment and health inspections commencing 1 April 2020 for a period of 6 months.</b>
<b>Provide a 6 month deferral period for the repayment of interest free loans which are currently held with community and sporting organisations.</b>

The estimated budget impact of the financial support package is \$700,000.

Council has also undertaken a complete review of its current budget position for both the 2019/20 and 2020/21 financial years. The COVID-19 pandemic has resulted in a significant decline in operating revenues when compared to Budget.

This has primarily occurred in development and building generated revenue and from functions within Council which provide services on a *fee for service* arrangement. The expected budget impact over the next 6-9 month period is a reduction in operating revenue of \$2.550 million.

#### Establishment of Animal Shelter Reserve

It is recommended that Council establish an Animal Shelter Reserve as part of the 2020/21 Budget. It is recommended that Council establish this reserve using the proceeds from recent land sales. Through establishing a specific reserve for the new shelter, this will then allow for further project scoping and design to be completed before a formal estimate is presented to Council.

It is recommended that the reserve be established with an opening balance of \$5.2 million (subject to the satisfactory settlement of the land sales).



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#### Mittagong Memorial Hall Rectification Works

A high level (indicative) scoping of the Mittagong Memorial Hall rectification works have been estimated at \$2.5 million (inclusive of design and preliminaries).

It is recommended that Council continue to undertake further investigation and design works in 2020/21 utilising an allocation of \$500,000 and for the rectification works to be undertaken in the 2021/22 financial year. A high level estimate of \$2.0 million has been included in the 2021/22 draft budget with the works proposed to be funded through additional loan borrowings.

#### Station Street Upgrade and Mittagong Public Parking

The current budget estimate for the Station Street upgrade project is \$16.333 million. As works have been delayed due to finalising the design requirements with the relevant state agencies, Council has to consider escalation cost impacts. It is recommended that \$929,000 be allocated to the project as part of the 2020/21 budget to allow for cost escalation.

A further \$1 million is also recommended for inclusion in the draft 2020/21 Budget for public carparking improvements at Mittagong Train Station. These works form part of the draft agreement with Transport for NSW in relation to the final design approval for the Station Street upgrade project. These works are proposed to be funded from the Land Rental Reserve.

#### NSW State Government - Emergency Services Contribution

Council has recently received formal confirmation of its statutory contribution towards the Emergency Services Levy for the 2020/21 financial year. The statutory contribution Council will be required to pay for the 2020/21 financial year is \$1,188,200.

The net increase when compared to the 2019/20 financial year contribution of \$870,500 is an increase of \$317,700. While the NSW State Government has announced they will cover the cost of this increase for the first year, there have been no announcements made beyond the 2020/21 financial year.

Despite the decision by the State Government to cover the first year increase of the payment, the long term impact of this increase will have a significant impact on Council's Long Term Financial Plan. In reviewing Council's Long Term Financial Plan, the increase in the Emergency Services Levy will result in a \$3.070 million funding shortfall over the next ten years.

To ensure Council maintains a balanced budget position, both in the short and long term, this will no doubt result in Council having to review the breadth and quality of services provided to the Community. This will need to be taken into serious consideration in future reviews of the Annual Budget and Long Term Financial Plan.

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#### **General Rate Income**

In accordance with Section 498 of the *Local Government Act 1993*, Council's ordinary rate levy will be calculated on the basis of an ad valorem rate determined by the amount in the dollar in respect of the relevant rating category and sub category. A minimum rate also applies to each relevant rating category and sub category in accordance with Section 548 of the *Local Government Act 1993*.

The 2020/21 Budget has been prepared on the basis of a 2.60% rate increase which is in accordance with the rate peg determined by the Independent Pricing and Regulatory Tribunal (IPART) announced in September 2019.

Council was recently advised by the IPART that its Crown Land adjustment application had been approved. This relates to parcels of Crown land that have become rateable during the current financial year (Renwick). The effect of this application is that Council is able to increase its permissible income by an additional 0.16% to 2.76%. It is important to note this is the permitted increase in Council's permissible income, not the increase which will be applied to rateable assessments.

#### **Residential Rate Sub Category – Moss Vale South**

As part of the 2020/21 Revenue Policy, Council is proposing to create an additional sub rating category for the Moss Vale South (Chelsea Gardens and Coomungie) development. This is proposed on the basis of the additional costs associated with a higher standard of public amenity, streetscaping and passive open space to be provided within that precinct.

It is proposed that the residential sub category for Moss Vale will be levied at 1.10 (110%) of the ordinary residential rate.

#### **Environment Levy**

In accordance with Section 499 of the *Local Government Act 1993*, Council's Environment Levy will be calculated on the basis of a base amount plus an ad valorem rate determined by the amount in the dollar relevant for this rate. The base amount will be subject to a maximum of 50% of the total revenue raised by the levy in accordance with Section 500 of the *Local Government Act 1993*.

The 2020/21 Budget includes environmental improvement works and projects and programs totalling \$1.425 million. The Environment Levy is used to fund specific environmental projects and programs which aim to address biodiversity conservation, river health, wetland improvements and sustainable living.

#### **Land Valuations**

Rating income for the 2020/21 financial year will be based on the land valuations determined by the Valuer General's Department at a base date of 1 July 2019. Residents within the Wingecarribee Shire Local Government Area were advised of the changes in valuation by the Valuer General's Department in April 2020.

Council uses the land value of properties throughout the shire to determine the level of rates each property owner should pay. In other words, land value determines how Council's total rate income will be collected from each property owner.

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Land Valuations are issued by the Office of the New South Wales Valuer General and are determined under the *Valuation of Land Act 1916*. The valuation process is something Council cannot influence.

#### **Waste Management Charges**

Council has reviewed its domestic waste management budget as part of the 2020/21 Budget. It is recommended that an increase of 2.60% (subject to rounding) be applied to domestic waste management charges for the 2020/21 financial year. Council has maintained the current pricing structure for its domestic waste management operations for four consecutive years.

This increase will see Council's most utilised waste service (80 Litre Garbage – Weekly) increase from \$422.00 per annum to \$433.00 per annum, an increase of \$11.00 per annum.

The increase reflects the current operational costs of Council's waste collection service and ensures the reasonable cost recovery of waste service through the domestic waste charge, which is in line with the Office of Local Government's *Rating and Revenue Raising Guidelines*.

#### **Stormwater Management Service Charge**

Council levies residential properties which receive a stormwater service a maximum of \$25 per annum charge (Stormwater Management Levy).

The 2020/21 Revenue Policy includes the continuation of this charge. Funds raised through the Stormwater Management Levy must only be used on stormwater maintenance and improvements. This is in line with the Office of Local Government's *Stormwater Management Service Charge Guidelines*.

#### **2020/21 Fees and Charges**

In general, Council's fees and charges have been increased by 2.50%, with the exception of those fees which are set by regulation, are prepared on a cost recovery basis or where Council provides the service in a competitive market.

Two changes are proposed to the 2020/21 Fees and Charges Schedule, comprising:

**Change 1** – Annual Permit – Non desexed cats

**Change Description** – \$80 per annum (in addition to registration fee)

**Change 2** – Annual Permit – Declared Dangerous / Restricted Breed Dogs

**Change Description** – \$195 per annum (in addition to registration fee)

These fees were announced by the Office of Local Government on the 9 June 2020 and are aimed at promoting responsible pet ownership and improving animal welfare standards.

Further changes to the fees and charges structure Council can apply to companion animals activities were announced by the Office of Local Government on the 1 July 2020. This incorporated a CPI increase against cat and dog lifetime registrations fees and also included changes to the fee structure by separating fees between cats and dogs. These changes will

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be incorporated into the Adopted Fees and Charges Schedule for the 2020/21 Financial Year.

#### Section 603 Certificates

Council received notification from the Office of Local Government on 26 May 2020 that the approved fee for Section 603 Certificate will remain at \$85.00. The fee is determined in accordance with Section 603(2) of the *Local Government Act 1993*.

#### Interest on Overdue Rates

Pursuant to Section 566(3) of the *Local Government Act 1993*, the rate of interest on overdue rates and charges is fixed by the Minister for Local Government. The Minister has determined that the maximum rate of interest payable on overdue rates and charges for the 2020/21 financial year will remain at 7.00% per annum.

This report recommends that Council adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 7.00% per annum from the 1 April 2021, noting that Council has suspended all interest on overdue rates and charges from the 1 April 2020 to 31 March 2021 due to COVID-19

#### Water Fund Charges

The 2020/21 estimates for the Water Fund have been prepared in accordance with the Fund's 30 year strategic business plan with a forecast balanced budget for the 2020/21 financial year. In reviewing Water Fund operations as part of the 2020/21 Budget, it is recommended that an increase of approximately 2.60% (averaged) be applied to water access and usage charges.

The draft Revenue Policy outlines the following charges for water access and usage:

	2020/21	% Increase
Residential Access Charge	\$162.00	2.53%
Water Usage – Tariff 1 (0-616 Litres Per Day)	\$1.83 per KL	2.80%
Water Usage – Tariff 2 (>616 Litres Per Day)	\$2.74 per KL	2.62%

For a complete list of all water charges for the 2020/21 financial year please refer to the Revenue Policy.

#### Sewer Fund Charges

The 2020/21 estimates for the Sewer Fund have been prepared in accordance with the Fund's 30 year strategic business plan with a forecast balanced budget for the 2020/21 financial year. In reviewing Sewer Fund operations as part of the 2020/21 Budget, it is recommended a 2.64% increase be applied to sewer access charges. This increase is in accordance with the funding strategy for the major upgrades required to the Moss Vale, Bowral and Mittagong Sewer Treatment Plants over the next several years.

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The draft Revenue Policy outlines the following increase in Council's sewer charges:

	2020/21	% Increase
Residential Access Charge	\$893.00	2.64%

For a complete list of all sewer charges for the 2020/21 financial year please refer to the Revenue Policy.

### Loan Borrowings

Council is proposing to borrow \$49.010 million over the next four years (2020/21 – 2023/24). Borrowings will be used to fund, or in some cases, part-fund major infrastructure projects which will have significant and demonstrated benefits to the residents of Wingecarribee Shire over the coming decades.

Council has considered the impact of the proposed borrowings, and subsequent debt servicing as part of reviewing its long-term financial plan. Council has sufficient financial capacity to fund these loan repayments and is within the industry benchmark for debt servicing (known as the debt service ratio).

Council has an adopted Loan Borrowings Policy which can be found at <https://www.wsc.nsw.gov.au/policies>.

The proposed borrowings form part of the funding strategies for the following projects:

DESCRIPTION	2020/21	2021/22	2022/23	2023/24
Moss Vale Sewerage Treatment Plant	-	-	\$14,000,000	-
Mittagong Sewerage Treatment Plant	-	-	-	\$9,000,000
Station Street Upgrade (Stage 1)	\$3,884,000	-	-	-
Civic Centre Rectification Works	\$2,000,000	-	-	-
Moss Vale Cemetery	\$2,376,000	-	-	-
Mittagong Playhouse Rectification Works		\$2,000,000		
Various Water Capital Works	-	-	\$8,700,000	\$7,050,000
<b>Total – Loan Borrowings</b>	<b>\$8,260,000</b>	<b>\$2,000,000</b>	<b>\$22,700,000</b>	<b>\$16,050,000</b>

### UNFUNDED INFRASTRUCTURE PROJECTS LIST

As part of the 2019/20 Operational Plan and Budget, Council adopted an amended Unfunded Infrastructure Projects List. This amendment was to ensure that the Unfunded Projects and Services List continued to play an important role in identifying funding gaps for significant infrastructure projects across the region where a 'whole of government approach' is required to provide a funding solution.

The Unfunded Infrastructure Projects List includes infrastructure projects which have been identified through the Canberra Region Joint Organisation infrastructure working groups and through lobbying of the State and Federal Governments. It also includes the infrastructure priorities identified by Councillors through recent Councillor workshops.

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The Unfunded Infrastructure Projects List is included as Appendix 4 within the 2020/21 Operational Plan.

#### **2020/21 RATING POLICY**

1. Council has the following categories/sub categories for rateable land in the Wingecarribee Shire Local Government Area:
  - Residential – Ordinary
  - Residential – Renwick
  - Residential – Moss Vale South
  - Business – Ordinary
  - Farmland
  - Mining – Ordinary
2. For the 2020/21 financial year, in accordance with Section 498 of the *Local Government Act 1993*, Council's ordinary rate levy will be calculated on the basis of an ad valorem rate determined by the amount in the dollar in respect of the relevant rating category and sub category. A minimum rate also applies to each relevant rating category and sub category in accordance with Section 548 of the *Local Government Act 1993*.
3. For the 2020/21 financial year, in accordance with Section 495 of the *Local Government Act 1993*, Council's Wingecarribee Our Future Environment Special Rate will be calculated on the basis of a base amount plus an ad valorem rate determined by the amount in the dollar relevant for this rate. The base amount will be subject to a maximum of 50% of the total revenue raised by the special rate in accordance with Section 500 of the *Local Government Act 1993*.
4. The following rating structure is to be implemented for the 2020/21 financial year, identifying the various ad valorem rates for each category, along with the approved Special Rates.

Category	Sub Category	Ad Valorem	Minimum Rate	Estimated Yield
Residential	Ordinary	0.0035533	\$1,169.81	\$39,222,700
Residential	Renwick	0.0039086	\$1,169.81	\$942,300
Residential	Moss Vale South	0.0039086	\$1,169.81	-
Business	Ordinary	0.0071066	\$1,169.81	\$6,013,100
Farmland	-	0.0023096	\$1,709.44	\$4,755,900
Mining	Ordinary	0.0117259	\$1,169.81	\$353,200
				<b>\$51,287,200</b>
Approved Special Rate		Ad Valorem	Base Rate	Estimated Yield
Environmental Levy		0.000049062	\$26.92	\$1,333,500
				<b>\$52,620,700</b>





## **LONG TERM FINANCIAL PLAN REVIEW**

Council's Long Term Financial Plan has been updated as part of the 2020/21 Budget. The review has been undertaken to ensure that decisions made as part of the 2020/21 Budget do not create significant financial challenges in the longer term.

The Long Term Financial Plan has been updated to reflect current economic forecasts and parameters. Council also updates its Long Term Financial Model using the same principles which are applied to the Annual Budget. That is; a balanced budget is achieved in the short, medium and long term.

Please note that this Long Term Financial Plan does not include the increase in Council's Emergency Services Contribution described earlier in this report, Council has a standing practice where it maintains a balance budget position, both in the short and long term within the Long Term Financial Plan. This increase in the Emergency Services Levy will be taken into consideration in future reviews of the Annual Budget and Long Term Financial Plan

A copy of the updated Long Term Financial Plan is provided as **Attachment 2**.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

The draft 2020/21 Operational Plan and Budget was publicly exhibited between 29 May and 26 June 2020. Due to Government restrictions imposed as a result of the COVID-19 pandemic, the public exhibition of the draft Operational Plan and Budget 2020/21 was limited to online promotion via Council's project page on [yoursaywingecarribee.com.au](http://yoursaywingecarribee.com.au) and [wsc.nsw.gov.au](http://wsc.nsw.gov.au). Community feedback was sought, with community members encouraged to provide feedback either via email or by completing an online form.

Approximately 2750 registered users were alerted to the opportunity to comment and eNewsletters were distributed to over 1800 subscribers. Over 185 community contacts in addition to 63 contacts for village associations and chambers were notified. Information was also included in Council's electronic Community Update.

Other promotional activities comprised:

- Three radio announcements
- Two newspaper columns in Southern Highlands News
- Two posts on Facebook
- One tweet on Twitter
- One media release.

There were 822 visits to the YourSay page, and 276 downloads of documents took place. A full summary of the submissions received is included at **Attachment 1**.

### **Internal Communication and Consultation**

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All branches of Council were provided with the opportunity to contribute to the development of the draft 2020/21 Operational Plan and Budget, and all staff were advised once the documents were on public exhibition and available for comment.

A number of briefing sessions were undertaken with Councillors to determine the strategic priorities and budget.

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

Nil.

#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

Implementation of Council's Environment Strategy will continue and will target specific environmental improvement programs. The 2020/21 Budget includes environmental improvement works, projects and programs funded through the Environment Levy totalling \$1.425 million. The Environment Levy is used to fund specific environmental projects and programs which aim to address biodiversity conservation, river health, wetland improvements and sustainable living.

- **Social**

This report and the attached documents clearly articulate Council's commitment to working with partner agencies to enhance community wellbeing throughout the Shire.

- **Broader Economic Implications**

Council's activities will continue to support economic activity in the Shire.

- **Culture**

Council continues to fund cultural and indigenous programs.

- **Governance**

The development and public exhibition of the 2020/21 Operational Plan and Budget are aligned with the Integrated Planning and Reporting legislative framework.

#### **COUNCIL BUDGET IMPLICATIONS**

The 2020/21 Budget (including forward estimates) has been presented as a balanced budget.

#### **RELATED COUNCIL POLICY**

Community Engagement Policy.

#### **OPTIONS**

Under the extended timeframes issued by the Office of Local Government; Council is required to adopt its 2020/21 Operational Plan and Budget by 31 July 2020. The legislation which directs Council to adopt these plans is contained in the following sections of the *Local Government Act 1993*:





**405 – Operational Plan**

- (1) A council **must** (emphasis added) have a plan (its operational plan) that is adopted before the beginning of each (financial) year that details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- (2) An operational plan **must** (emphasis added) include a statement of the Council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

**533 – Date by which a rate or charge must be made**

A rate or charge **must** (emphasis added) be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

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**CONCLUSION**

The 2020/21 Operational Plan, Budget, Revenue Policy and Fees and Charges are part of Council's Integrated Planning and Reporting Framework. These documents have been compiled by Council as an annual response to the community's vision as outlined in the Community Strategic Plan, Wingecarribee 2031 and commitments made in the Delivery Program 2017-2021.

Council's budget and long term financial plan continues to be underpinned by sound and prudent financial management, which is shown through its commitment to maintaining a balanced budget position and meeting the key financial and asset management benchmarks set by the NSW State Government.

The 2020/21 Operational Plan and Budget has been placed on public exhibition from 29 May to 26 June 2019. The Plan delivers Council's responsibilities under the Local Government Act 1993 and is now being presented to Council for adoption.

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**ATTACHMENTS**

1. Summary of Submissions - *circulated under separate cover*
2. 2020-2030 Long Term Financial Plan - *circulated under separate cover*

## 12.2 Fees Payable to the Mayor and Councillors for 2020/21

Reference:	101/6
Report Author:	Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### **PURPOSE**

The purpose of this report is to advise Council of the Local Government Remuneration Tribunal's determination under section 241 of the *Local Government Act 1993* ('*LG Act*') in respect of the annual fees payable to the Mayor and Councillors for the 2020/21 financial year.

### **RECOMMENDATION**

**THAT Council determine the fees payable to the Mayor and Councillors for the period 1 July 2020 to 30 June 2021.**

### **REPORT**

#### **BACKGROUND**

The *LG Act* provides that the Local Government Remuneration Tribunal ('Tribunal') is to determine categories for councils, together with the annual fees payable to mayors and councillors in each of those categories.

The Tribunal is normally required to determine by no later than 1 May each year the minimum and maximum fees payable to councillors and mayors for each category; however, in response to the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government (General) Amendment (COVID-19) Regulation 2020* which extended the time for the making of this determination to no later than 1 July 2020. The Tribunal published its determination on 10 June 2020.

Under the *LG Act*, Council may fix the annual fee to be paid to the Mayor and Councillors in accordance with the Tribunal's determination and in so doing must ensure that the fee is the same for each Councillor.

In setting the fee Council may fix a fee that is equal to or greater than the minimum but not greater than the maximum for the appropriate category. When Council declines to fix a fee, it must pay the appropriate minimum fees as determined by the Tribunal.

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#### **REPORT**

Section 239 of the *LG Act* requires the Tribunal to determine the categories of councils at least once every three years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2017. In accordance with the *LG Act*, the Tribunal undertook a review of the categories and the allocation of councils into each of those categories as part of the 2020 review.

In reviewing the categories, the Tribunal examined a range of statistical and demographic data and considered the submissions of councils and Local Government NSW. Having regard to that information, the Tribunal determined to retain a categorisation model which differentiates councils primarily on the basis of their geographic location, and other factors including population, the sphere of the council's economic influence and the degree of regional servicing.

For the Metropolitan group the Tribunal determined to retain the existing categories and has amended the population criteria applicable to Metropolitan Large and Metropolitan Medium.

For the Non-Metropolitan group, the Tribunal determined to: create two new categories (Major Strategic Area and Regional Centre); rename one category (Regional City to Major Regional City); and revise the criteria for some of the existing categories to account for the new categories. The categories are:

<b>Metropolitan</b>	<b>Non-Metropolitan</b>
<ul style="list-style-type: none"><li>• Principal CBD</li><li>• Major CBD</li><li>• Metropolitan Large</li><li>• Metropolitan Medium</li><li>• Metropolitan Small</li></ul>	<ul style="list-style-type: none"><li>• Major Regional City</li><li>• Major Strategic Area</li><li>• Regional Strategic Area</li><li>• Regional Centre</li><li>• Regional Rural</li><li>• Rural</li></ul>

Having previously been allocated to the Regional Rural category, Council has now been allocated into the newly created Regional Centre category together with 23 other councils including the neighbouring councils of Shellharbour City, Shoalhaven City and Wollondilly Shire. Among other considerations, councils allocated to the Regional Centre category will typically have a minimum residential population of 40,000.

The new category of Regional Centre has annual fees between those applicable to the Regional Strategic Area and Regional Rural categories. Pursuant to section 241 of the *LG Act*, the annual fees to be paid to Councillors and the Mayor, effective from 1 July 2020 to 30 June 2021, have been determined as follows:

- Councillor fees are to be within the range of \$13,820 to \$24,320 per annum with the same fee paid for each Councillor.
- The Mayor is to receive an additional fee above that applicable to Councillors within the range of \$28,750 to \$60,080 per annum.

The 2019/20 Councillor fees were set at the maximum amount for the Regional Rural category of \$20,280 per annum for Councillors and an additional \$44,250 per annum for the Mayor. The increase in maximum fees resulting from the allocation of Council to the new Regional Centre category amounts to an annual \$4,040 increase for Councillors and an additional \$15,830 increase for the Mayor.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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



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## COMMUNICATION AND CONSULTATION

### Community Engagement

Not required.

### Internal Communication and Consultation

Not required.

### External Communication and Consultation

This report has been prepared on the basis of the determination made by the Tribunal in accordance with the *LG Act*.

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## SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Under the *LG Act*, Council may fix the annual fee to be paid to the Mayor and Councillors in accordance with the Tribunal's determination of minimum and maximum fees for each category of council and in so doing must ensure that the fee is the same for each Councillor.

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## COUNCIL BUDGET IMPLICATIONS

An increase of 2.50% was factored into the draft 2020/21 budget for Councillor and Mayoral fees. This does not take into account the significant changes to the remuneration structure approved by the Tribunal.

The draft 2020/21 budget provides an amount of \$232,600 for Councillor fees (including the Mayoral allowance). If the maximum fees are approved by Council, fees payable for the 2020/21 financial year would total \$278,960. This would exceed budget by \$46,360 and would require funding at a future quarterly review of the 2020/21 budget.

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## RELATED COUNCIL POLICY

Not applicable.

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



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#### **OPTIONS**

The options available to Council are:

##### **Option 1**

Council determines to pay the Mayor and Councillors the maximum fees as determined by the Local Government Remuneration Tribunal for the period 1 July 2020 to 30 June 2021.

##### **Option 2**

Council determines to pay the Mayor and Councillors another amount of fees between the minimum and maximum range of fees as determined by the Local Government Remuneration Tribunal for the period 1 July 2020 to 30 June 2021.

##### **Option 3**

Council determines not to fix the fees for the Mayor and Councillors in which case the minimum fees as determined by the Local Government Remuneration Tribunal will be paid for the period 1 July 2020 to 30 June 2021.

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#### **CONCLUSION**

The *Local Government Act 1993* provides that the Local Government Remuneration Tribunal is to determine the minimum and maximum fees payable to mayors and councillors each year.

The range of fees for the 2020/21 financial year has been determined by the Tribunal and Council may now fix the level of fees for Councillors and the Mayor within that range for the period 1 July 2020 to 30 June 2021.

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#### **ATTACHMENTS**

1. Local Government Remuneration Tribunal - Annual Report and Determination (10 June 2020) - *circulated under separate cover*

## 12.3 Development Applications Determined from 26 May 2020 to 22 June 2020

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

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

### PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 26 May 2020 to 22 June 2020.

### RECOMMENDATION

**THAT** the information relating to the lists of Development Applications Determined for the period 26 May 2020 to 22 June 2020 be received and noted.

### REPORT

#### APPROVED APPLICATIONS BY DATE RANGE Date Range: 26 May 2020 to 22 June 2020

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	20/0136.05**	7 Truro Place Balmoral NSW 2571 Lot 204 DP 1240094	GA Tilley, KA Tilley	Section 4.55 Modification (Delete Detached Garage)	25/05/2020	0	17	17	11/06/2020
2	20/1386**	5 Railway Parade Balmoral NSW 2571 Lot 2 DP 2764	S Harrison, JM King	Residential Alterations and Additions (Studio)	05/06/2020	0	12	12	18/06/2020
3	20/1430**	372 Seabrook Road Balmoral NSW 2571 Lot 5 DP 245214	Chalouhi Farming Pty Ltd	Residential Alterations and Additions (Shed)	15/06/2020	0	3	3	18/06/2020
4	20/0516	192 Birchalls Lane Berrima NSW 2577 Lot 5 DP 736655	R Adamson, D Vortouni	Secondary Dwelling	29/10/2019	190	29	219	04/06/2020

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



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	16/1124.05	6 Oxley Drive Bowral NSW 2576 Lot 4 DP 606988	E Di Francesco, C Di Francesco	Section 4.55 Modification (Additional Windows & Internal Alterations)	25/05/2020	0	15	15	09/06/2020
6	17/1822.05	2-18 Centennial Road Bowral NSW 2576 Lots 1 & 2 DP 1101892 Lot 4-11 DP 1109214	Waterbrook Bowral Pty Ltd	Section 4.55 Modification – Seniors Housing (Alter Main Facilities Building)	16/09/2019	227	27	254	Approved by Council 27/05/2020
7	19/1718.05	110 Mittagong Road Bowral NSW 2576 Lot 410 DP 733694	U Wypych	Section 4.55 Modification (Extensions, Shed, Carport and Removal of 3 Trees)	14/05/2020	0	18	18	01/06/2020
8	20/0980	82 Bendooley Street Bowral NSW 2576 Lot 171 DP 520153	JC Elliott, E Elliott	Residential Alterations and Additions (Extensions and Internal Alterations)	28/02/2020	0	94	94	01/06/2020
9	20/1004	20 Jonathon Street Bowral NSW 2576 Lot 74 DP 1003828	LCV Merritt, ADE Merritt	Residential Alterations and Additions (Shed)	05/03/2020	17	75	92	05/06/2020
10	20/1297	6 Mansfield Road Bowral NSW 2576 Lot 4 DP 882934	Loris H Hassall Pty Limited	Residential Alterations and Additions (Extension and Deck)	19/05/2020	0	16	16	04/06/2020
11	20/1347	62 Sir James Fairfax Circuit Bowral NSW 2576 Lot 326 DP 1234848	AC Bertie, K Bertie	Dwelling House	28/05/2020	0	21	21	18/06/2020
12	18/0171.03	68-72 Old Hume Highway Braemar NSW 2575 Lot 22 DP 789172	Zug Pty.Ltd	Section 4.55 Modification (7 Lot Subdivision to occur in Two (2) Stages)	20/03/2020	46	30	76	05/06/2020
13	20/0715	16 Drapers Road Braemar NSW 2575 Lot 8 DP 10008	SMT Business Ventures Pty Limited	Subdivision (3 Lots)	13/12/2019	107	67	174	04/06/2020
14	20/0393	88-90 Penrose Road Bundanoon NSW 2578 Lot 1 DP 1150584	C Beazley, M Fleming	Subdivision (3 Lots)	01/10/2019	195	48	243	01/06/2020
15	20/1089	22 Ebury Street Bundanoon NSW 2578 Lot 11 Sec 1 DP 1510	S Ferran-Lucas, E Willis-Smith	Residential Alterations and Additions (Internal Alterations)	25/03/2020	49	14	63	28/05/2020
16	20/1286**	21 Yuille Avenue Bundanoon NSW 2578 Lot 3 DP 872507	A Thornton, K Talty	Dwelling House, Spa & Associated Works	15/05/2020	0	20	20	04/06/2020



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17	20/1055	52a Yean Street Burradoo NSW 2576 Lot 310 DP 1251604	RDJ Donald, M Donald	Dwelling House	17/03/2020	20	68	88	15/06/2020
18	20/1257	77 Sunninghill Avenue Burradoo NSW 2576 Lot 9 DP 227660	W Turczynski, B Turczynski	Residential Alterations and Additions (Shed)	11/05/2020	0	37	37	17/06/2020
19	20/1382	42 Ranelagh Road Burradoo NSW 2576 Lot 104 DP 635738	M Parkinson, M Batt	Residential Alterations and Additions (Extensions)	05/06/2020	0	12	12	17/06/2020
20	19/1717	97 Colo Road Colo Vale NSW 2575 Lots 20-21 Sec 21 DP2944 & Lot 231 DP1226490 & Lot 234 DP122 9317	Paloma Pastoral Pty Ltd	Subdivision (4 Lots)	04/06/2019	363	9	372	11/06/2020
21	20/0902	7 Acacia Street Colo Vale NSW 2575 Lot 2 DP 1230986	C Smith, S Smith, P Smith, LT Smith	Dwelling House, Secondary Dwelling	12/02/2020	0	106	106	29/05/2020
22	20/0926	51-53 Church Avenue Colo Vale NSW 2575 Lot 1 DP 518496	MH Cosyn, BHF Cosyn	Residential Alterations and Additions (Extensions)	19/02/2020	0	102	102	31/05/2020
23	20/0994	10 Railway Avenue Colo Vale NSW 2575 Lot 11 Sec 16 DP 2944	R Stewart	Residential Alterations and Additions (Extensions, Awning, Shed & Carport)	02/03/2020	48	51	99	10/06/2020
24	20/1147	10 Stringybark Close Colo Vale NSW 2575 Lot 226 DP 1245987	BM Foster, G Foster	Dwelling House & Shed	20/04/2020	0	39	39	29/05/2020
25	20/1295	14 Geebung Close Colo Vale NSW 2575 Lot 208 DP 1245987	PG Badger, EB Badger	Dwelling House	19/05/2020	0	17	17	05/06/2020
26	19/0763.03	31 Middle Road Exeter NSW 2579 Lot 5 Sec 6 DP 3373	RC DeJonge, GM DeJonge	Section 4.55 Modification (Extensions)	17/03/2020	0	79	79	04/06/2020
27	20/1350 **	394 Stonequarry Creek Road Exeter NSW 2579 Lot 11 DP 751281	SA Haslinger, G Haslinger	Dwelling House, Swimming Pool, Shed & Carport	28/05/2020	0	24	24	22/06/2020



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
28	20/1239	161 Redhills Road Fitzroy Falls NSW 2577 Lot 10 DP 1031686	KI Manka	Residential Alterations and Additions (Extensions)	05/05/2020	5	37	42	17/06/2020
29	20/1061	361 Sproules Lane Glenquarry NSW 2576 Lot 21 DP 809188	QVB 125 York Street Pty Ltd	Secondary Dwelling	19/03/2020	10	68	78	05/06/2020
30	17/1106.05	1200 Kangaloon Road Kangaloon NSW 2576 Lot 103 DP 1241090	G Richardson, R Richardson	Section 4.55 Modification (Retaining Walls & Fire Pit)	07/05/2020	0	28	28	04/06/2020
31	16/0009.06	Clear Hills 230 Medway Road Medway NSW 2577 Lot 12 DP 1245786	TKMMG Pty Limited	Section 4.55 Modification (Alterations to Function Room)	23/03/2020	0	85	85	17/06/2020
32	19/0999.04	7 Bracken Street Mittagong NSW 2575 Lot 1 DP 869824	MR Fox, KA Fox	Section 4.55 Modification (Alter Boundary Line and Size of 2 Lots.)	26/03/2020	0	84	84	18/06/2020
33	20/0383	Highlands Golf Course Old Hume Highway Mittagong NSW 2575 Lots 1 & 2 DP 101415 Lot 1 DP 981285, Lot 2242 DP 1189595, Lots 1 & 2 DP 183294, Lot 161 DP 1129913 and Lot 1 DP 724437	Wingecarribee Shire Council	Subdivision (Boundary Adjustment)	27/09/2019	223	38	261	15/06/2020
34	20/0911	45-47 Mary Street Mittagong NSW 2575 Lot 2 Sec 1 DP 1847 Lot 3 Sec 1 DP 1847 Lot 11 Sec 1 DP 1847	DM Gruesser	Residential Alterations and Additions (Studio)	14/02/2020	70	34	104	29/05/2020
35	20/0976	5 Acacia Street Mittagong NSW 2575 Lot 18 DP 15496	AR Greenough	Dwelling House & Retaining Walls	28/02/2020	22	67	89	28/05/2020
36	20/1036	220 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 516905	Towies Property Pty Limited	Change of Use (Vehicle Holding Yard & Office)	12/03/2020	13	63	76	29/05/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
37	20/1241	Sedalia Farm 350 Diamond Fields Road Mittagong NSW 2575 Lot 11 DP 872275	SH Mellor, DF Hadley	Farm Building	06/05/2020	14	5	19	26/05/2020
38	11/0767.01	Kamilaroi 61 Old Hume Highway Mittagong NSW 2575 Part Lot 1 DP 1232714	Development Implementation Pty Ltd	Section 4.55 Modification – 131 Lot Subdivision (Remove Deferred Commencement Conditions pertaining to Landscaping Plan, Vegetation Management Plan, Sewer Modeling & Permanent Access for Adjoining Land)	15/01/2020	0	132	132	Determined by Council 27/05/2020
39	20/0288.02	60a Argyle Street Moss Vale NSW 2577 Lot 3 DP 1031966	J Anderson, JA Anderson	Section 4.55 Modification (Remove Secondary Dwelling from Approved DA Consent)	16/04/2020	0	39	39	26/05/2020
40	20/0463	73 Lytton Road Moss Vale NSW 2577 Lot 1 DP 746930	M.V.I.S.C Pty Ltd	Industrial - Warehousing, Wholesaler, Display Camper and Camper Conversion	15/10/2019	6	227	233	05/06/2020
41	20/0806	1 McCourt Road Moss Vale NSW 2577 Lot 3 DP 441781	STKJ Holdings Pty Ltd	Demolish Existing Shed. Construct New Industrial Shed.	15/01/2020	132	15	147	12/06/2020
42	20/0838	587a Argyle Street Moss Vale NSW 2577 Lot 1 DP 209719	SM Du-Mughn, J Parker	Demolition of existing fire damaged semi- detached Dwelling House & construction of new semi-detached Dwelling House	24/01/2020	0	138	138	Determined by Council 10/06/2020
43	20/0989	18 Woodville Road Moss Vale NSW 2577 Lot 8 DP 221733	RP Brunsdon, SW Dunstan	Residential Alterations and Additions - Dwelling Extension & Carport (attached)	02/03/2020	0	105	105	15/06/2020
44	20/1076	16 Peppermint Drive Moss Vale NSW 2577 Lot 17 DP 1252867	P Bettar	Secondary Dwelling	23/03/2020	0	87	87	18/06/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
45	20/1137	7 Baker Street Moss Vale NSW 2577 Lot 39 DP 1071783	MI Yorston	Residential Alterations and Additions (Extensions)	17/04/2020	36	11	47	04/06/2020
46	20/1220	33 Simon Place Moss Vale NSW 2577 Lot 32 DP 800631 (Aka 133 Argyle Street)	A Deakin, K Deakin	Residential Alterations and Additions (Swimming Pool)	04/05/2020	0	21	21	26/05/2020
47	20/1351	65c Church Road Moss Vale NSW 2577 Lot 3 DP 1072420	PN McDade, G Barilla	Dwelling House	29/05/2020	0	19	19	17/06/2020
48	20/1435	9 Dengate Crescent Moss Vale NSW 2577 Lot 38 DP 252203	G North, M North	Single Garage and Attached Annex	16/06/2020	0	6	6	22/06/2020
49	20/1132	15 Green Street Renwick NSW 2575 Lot 74 DP 1221206	S Murphy, E Murphy	Dwelling House	15/04/2020	40	8	48	03/06/2020
50	20/1222	28 Guthawah Way Renwick NSW 2575 Lot 702 DP 1234984	MS Wilkins, KM Wilkins	Dwelling House	04/05/2020	0	24	24	28/05/2020
51	20/1237	50 Challoner Rise Renwick NSW 2575 Lot 1259 DP 1221207	JR Downie, G Downie	Residential Alterations and Additions (Shed)	05/05/2020	22	19	41	16/06/2020
52	20/1262	35 Roty Avenue Renwick NSW 2575 Lot 1232 DP 1221207	D Lombardo, G Lombardo	Dwelling House	12/05/2020	0	15	15	27/05/2020
53	20/1265	46 Challoner Rise Renwick NSW 2575 Lot 1261 DP 1221207	R Van Grootel, A Van Grootel	Residential Alterations and Additions (Shed)	12/05/2020	4	12	16	29/05/2020
54	20/1271	6 Guthawah Way Renwick NSW 2575 Lot 713 DP 1234984	D Lombardo, G Lombardo	Dwelling House	13/05/2020	0	18	18	01/06/2020
55	20/1289	78 Bong Bong Road Renwick NSW 2575 Lot 1 DP 1252836	PW Fowler, T Fowler	Residential Alterations and Additions (Shed)	18/05/2020	0	15	15	02/06/2020
56	20/1301	3 Solomon Street Renwick NSW 2575 Lot 1313 DP 1234992	RM Rundle	Residential Alterations and Additions (Shed)	19/05/2020	0	14	14	02/06/2020
57	20/1348	45 Green Street Renwick NSW 2575 Lot 1362 DP 1234992	MB Cassar, RD Endries	Dwelling House	28/05/2020	0	6	6	04/06/2020

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



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
58	20/1367	48 Challoner Rise Renwick NSW 2575 Lot 1260 DP 1221207	CEF Clark, KV Clark	Residential Alterations and Additions (Retaining Wall, Shed, Awning and Pergolas)	02/06/2020	0	16	16	19/06/2020
59	20/1394	10 Guthawah Way Renwick NSW 2575 Lot 711 DP 1234984	TD Pryce, CM Mladin	Residential Alterations and Additions (Shed)	09/06/2020	0	10	10	19/06/2020
60	20/1010	65 North Street Robertson NSW 2577 Lot 1 Sec 22 DP 758882	CA Vizcarra, JA Vizcarra	Residential Alterations and Additions (Extension, Internal Alterations & Studio)	06/03/2020	11	93	104	18/06/2020
61	20/1167	4 Cattle Valley Close Robertson NSW 2577 Lot 4 DP 1253189	NA Versace, A Versace	Dwelling House	22/04/2020	23	19	42	03/06/2020
62	20/1339	4491 Illawarra Highway Robertson NSW 2577 Lot 8 DP 877138	PF McDonell	Residential Alterations and Additions (Retaining Wall)	26/05/2020	0	21	21	17/06/2020
63	20/1276	28 Joadja Street Welby NSW 2575 Lot 71 DP 1245853	B Bayldon	Dwelling House	14/05/2020	0	33	33	17/06/2020
64	20/0590	49 Bumballa Road Wingello NSW 2579 Lot 2 DP 1243618	Lute Street Developments Pty Ltd	Subdivision (9 Lots)	15/11/2019	109	104	213	16/06/2020
65	20/1204**	133 Forest Road Wingello NSW 2579 Lot 2 DP 777027	MD Kirchhoff, CM Gibson	Dwelling House, Ancillary Shed and Water Tanks	29/04/2020	0	29	29	29/05/2020
66	20/1411	19-27 Park Street Wingello NSW 2579 Lot 200 DP 751298	D Eason	Residential Alterations and Additions (Shed)	11/06/2020	0	5	5	16/06/2020
67	16/0885.05	380 Woodlands Road Woodlands NSW 2575 Lot 2 DP 263756	RS Ali	Section 4.55 Modification (Internal and External Alterations)	04/05/2020	0	27	27	31/05/2020
68	09/0408.02	2466 Old Hume Highway Woodlands NSW 2575 Lot 3 DP 555362	DA Penn, NM McCudden- Penn	Section 4.55 Modification (Extensions and Carport)	14/05/2020	0	17	17	31/05/2020
69	19/1149.04	7 Kent Street Yerrinbool NSW 2575 Lot 2 DP 1234983	LH Smith, LE Woods	Section 4.55 Modification (Amend septic absorption pits/trenches)	04/05/2020	0	20	20	25/05/2020

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



#### Refused Applications

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
70	19/1305.01	2179 Kangaloon Road East Kangaloon NSW 2576 Lot 2 DP 1077400 & Ep 43445	Wildwood Hill Holdings Pty Ltd	Section 8.2A Review Temporary Use of Land (Utilise existing farm building for up to thirty (30) functions per year)	28/02/2020	0	102	102	Determined by Council 10/06/2020

#### Reasons for Refusal

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

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

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

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

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

3. The requested amended Building Code of Australia Audit / Assessment Report prepared by an A1 Accredited Certifier to include the proposed change of use of the ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted. Therefore, insufficient information has been submitted addressing the following matters:
  - a) *Identification of all existing non-compliances with the 'Deemed-to-Satisfy' (DTS) provisions of NCC 2019 for the proposed use of the building as a secondary dwelling to the first floor and for a function / dining room to the ground floor,*
  - b) *Proposed upgrade strategy to bring the building into compliance with either the DTS provisions or Performance Requirements of NCC 2019 (in relation to NCC Parts C, **D**, E and F including the provision of access for people with a disability and the provision of sanitary facilities).*
  - c) *Due to the change in classification and increase in occupant population, the existing building will be required to be upgraded to comply with the current BCA/NCC and afforded with the appropriate measures to ensure compliance for the intended occupant population.*

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



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4. The requested amended Fire Engineering Report to include the change of use and classification of the ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted, therefore insufficient information has been submitted addressing this matter.

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

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

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
71	18/0584.06	25 Railway Crescent Mittagong NSW 2575 Lot 2 DP 1232354	Hilltop Property Investments Pty Ltd, Dickinson Property Group Pty Ltd,	Section 4.55 Modification Demolition of works, erection of buildings, carrying out of works, and Strata Title subdivision of land to create six lots and common property, for the purpose of seniors housing.	24/03/2020	0	65	65	28/05/2020

#### Reason for Refusal

1. The footpath required by conditions 14 and 65 of Development Consent 18/0584.01 is a direct result of the proposed Seniors Housing development, and is necessary so as to comply with Clause 26 of SEPP (Housing for Seniors or People with a Disability) 2004 requirements, as referred to in Section 8 Seniors Housing of the Mittagong Township Development Control Plan.

As this footpath requirement is a direct result of the proposed Seniors Housing development, Council considers the provision of the footpath is not over and above what is required for the development. Council considers that the cost of the footpath not be offset against the contributions required by condition 15 by way of a Voluntary Planning Agreement, and therefore considers s.4.55 modification 18/0584.06 not be supported.

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

#### ATTACHMENTS

There are no attachments to this report.

## 12.4 Development Applications Received from 26 May 2020 to 22 June 2020

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

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

### PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 26 May 2020 to 22 June 2020.

### RECOMMENDATION

**THAT** the information relating to Development Applications Received from 26 May 2020 to 22 June 2020 be received and noted.

### REPORT

#### RECEIVED APPLICATIONS BY DATE RANGE

Date range: 26 May 2020 to 22 June 2020

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	20/1365	878 Old Hume Highway Alpine NSW 2575 Lot 4 DP 717730	A Targa, KN Targa	Residential Alterations and Additions (Awnings)	02/06/2020		#PENDING		
2	20/1439	1091 Sheepwash Road Avoca NSW 2577 Lot 1 DP 1245627	SP Grant	Business Premises (Extend Stable Building)	16/06/2020		#PENDING		
3	20/1417	8 Renwick Drive Balaclava NSW 2575 Lot 40 Sec 4 DP 841	DA Malavey, TD Baxter	Residential Alterations and Additions (Extensions and Garage)	12/06/2020		#PENDING		
4	20/0136.05	7 Truro Place Balmoral NSW 2571 Lot 204 DP 1240094	GA Tilley, KA Tilley	Section 4.55 Modification (Delete Detached Garage)	25/05/2020		#APPROVED	11/06/2020	

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



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	20/1386**	5 Railway Parade Balmoral NSW 2571 Lot 2 DP 2764	S Harrison, JM King	Residential Alterations and Additions (Studio)	05/06/2020		#APPROVED	18/06/2020	
6	20/1408**	233 Railway Parade Balmoral NSW 2571 Lot 1 DP 808623	Life Eternal Properties Pty Ltd	Farm Building	11/06/2020		#PENDING		
7	20/1430**	372 Seabrook Road Balmoral NSW 2571 Lot 5 DP 245214	Chalouhi Farming Pty Ltd	Shed	15/06/2020		#APPROVED	18/06/2020	
8	20/1445	493 Belanglo Road Belanglo NSW 2577 Lot 5 DP 711048	MJ Everett, Reunion Investments Pty Limited	Mixed Use (Farmstay & Dwelling House)	17/06/2020		#PENDING		
9	20/1383	36 Oldbury Street Berrima NSW 2577 Lot 6 DP 1213372	K Berkelouw	Residential Alterations and Additions (Swimming Pool)	05/06/2020		#PENDING		
10	20/1472	Bendooley Estate 214 Greenhills Road Berrima NSW 2577 Lot 2 DP 584423	Bong Bong Pty Limited	Temporary Structure (Annex to existing Wine Cellar)	22/06/2020		#PENDING		
11	16/1124.05	6 Oxley Drive Bowral NSW 2576 Lot 4 DP 606988	E Di Francesco C Di Francesco	Section 4.55 Modification (Additional Windows & Internal Alterations)	25/05/2020		#APPROVED	09/06/2020	
12	17/1822.06	2-18 Centennial Road Bowral NSW 2576 Lots 1 & 2 DP 1101892 Lot 4-11 DP 1109214	Waterbrook Bowral Pty Limited	Section 4.55 Modification (Reduce Stage 2A by 3 dwellings. Increase Stage 2B by 3 dwellings. Reconfigure location of dwellings within Stage 2A to improve building separation and solar access)	16/06/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
13	18/0434.05	19 Funston Street Bowral NSW 2576 Lot 2 DP 1140855	Tootcan Superannuation Services Pty Ltd	Section 4.55 Modification (Change of use from Boarding House to Serviced Apartments for period of 5 years)	19/06/2020		#PENDING		
14	20/1347	62 Sir James Fairfax Circuit Bowral NSW 2576 Lot 326 DP 1234848	AC Bertie, K Bertie	Dwelling House	28/05/2020		#APPROVED	18/06/2020	
15	20/1368	10 Martha Street Bowral NSW 2576 Lot 4 DP 1246673	LA De Broize	Dwelling House	03/06/2020		#PENDING		
16	20/1395	4 Hammock Hill Rise Bowral NSW 2576 Lot 3 DP 866971	A Bassett, S Bassett	Residential Alterations and Additions (Shed)	09/06/2020		#PENDING		
17	20/1404	2 Mansfield Road Bowral NSW 2576 Lot 4 DP 740799 (Aka 2 Kimberley Drive)	L Wu, W Wu	Residential Alterations and Additions (Deck, Extensions and Swimming Pool)	11/06/2020		#PENDING		
18	20/1426	190 Bowral Street Bowral NSW 2576 Lots 13 & 22 Sec D DP 192732 & Lot 131 DP 524470	Boardman Developments Pty Ltd	Subdivision (13 Lots)	15/06/2020		#PENDING		✓
19	20/1438	7 Tynedale Crescent Bowral NSW 2576 Lot 2 DP 708744	P Bartlett, ACM Furrer	Residential Alterations and Additions (Extensions, Studio and Carport)	16/06/2020		#PENDING		
20	11/1041.04	8 Kiama Street Bowral NSW 2576 Lot 13 DP 1022146 Lot 14 DP 1022146	Bowral Landfill Pty Ltd	Section 4.55 Modification (Temporarily permit Bowral Waste Centre to receive increase in waste for bushfire recovery)	28/05/2020		#PENDING		✓
21	20/1340	Lot 6 Greasons Road Bundanoon NSW 2578 Lot 6 DP 9134	Hammober Pty Ltd	Dwelling House	26/05/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
22	20/1381	11 Idolwood Ridge Bundanoon NSW 2578 Lot 6 DP 1219744	M Lichtenberg M Lichtenberg	Residential Alterations and Additions (Shed)	04/06/2020		#PENDING		
23	20/1399	38 Brigadoon Drive Bundanoon NSW 2578 Lot 40 DP 1048841	CD Heathcote	Dwelling House	10/06/2020		#PENDING		
24	20/1442	80 Old Wingello Road Bundanoon NSW 2578 Lot 5 DP 578321	Ombak Pty Ltd	Dwelling House	16/06/2020		#PENDING		
25	20/1453	89a Penrose Road Bundanoon NSW 2578 Lot 3 DP 1244654	BM Ambler	Dwelling House	18/06/2020		#PENDING		
26	20/1469	2 Forwood Crescent Bundanoon NSW 2578 Lot 12 DP 831816	JM Tindale	Residential Alterations and Additions (Extensions)	22/06/2020		#PENDING		
27	20/1474	5 Reg Grundy Drive Bundanoon NSW 2578 Lot 12 DP 1219744	L Philpott	Dwelling House	22/06/2020		#PENDING		
28	20/1356	66 Burradoo Road Burradoo NSW 2576 Lot 1 DP 778422	RE Arrieula	Residential Alterations and Additions (Shed)	29/05/2020		#PENDING		
29	20/1382	42 Ranelagh Road Burradoo NSW 2576 Lot 104 DP 635738	M Parkinson, MR Batt	Residential Alterations and Additions (Extensions)	05/06/2020		#APPROVED	17/06/2020	
30	20/1456	59 Sunninghill Avenue Burradoo NSW 2576 Lot 13 DP 525306	J Green	Demolition of Existing Dwelling and Shed	19/06/2020		#PENDING		
31	20/1473	45-47 Toongoon Road Burradoo NSW 2576 Lot 3 DP 533856	P Boggs, S Boggs	Dual Occupancy (Detached)	22/06/2020		#PENDING		
32	20/1325	38 Hoddle Street Burrawang NSW 2577 Lot 1 DP 1239510	B Paton	Dwelling House	25/05/2020		#PENDING		



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
33	20/1444	13 Crown Street Burrawang NSW 2577 Lot 18 Sec 3 DP 2660	J Pridham	Residential Alterations and Additions (Extensions)	17/06/2020		#PENDING		
34	18/0789.07	Walsh Bridgewater 2622 Canyonleigh Road Canyonleigh NSW 2577 Lot 1 DP 1053805	Filetron Pty Limited	Section 4.55 Modification (Reconfigure Easements)	02/06/2020		#PENDING		
35	20/1049.05	10 Waratah Place Colo Vale NSW 2575 Lot 4 DP 786789	L Tinson, A Tinson	Section 4.55 Modification (Install Shower in Shed)	27/05/2020		#PENDING		
36	20/1452	17 Church Avenue Colo Vale NSW 2575 Lot 71 DP 776281	KI Gibbeson	Secondary Dwelling	18/06/2020		#PENDING		
37	20/1350**	394 Stonequarry Creek Road Exeter NSW 2579 Lot 11 DP 751281	SA Haslinger, G Haslinger	Dwelling House, Swimming Pool, Shed & Carport	28/05/2020		#APPROVED	22/06/2020	
38	20/1462	27 Middle Road Exeter NSW 2579 Lot 6 Sec 6 DP 3373	T Hayter	Residential Alterations and Additions (Garage)	19/06/2020		#PENDING		
39	20/1455	81 Sproules Lane Glenquarry NSW 2576 Lot 3 DP562283	L Hanrahan, K Hanrahan	Residential Alterations and Additions (Internal Alterations & Extensions to Dwelling. Convert Existing Studio to Secondary Dwelling)	18/06/2020		#PENDING		
40	20/1465	7 Vera Street Hill Top NSW 2575 Lots 27-32 Section 24 DP1262	S Dixon, IPAM Jacquety	Residential Alterations and Additions (Extensions and Shed)	19/06/2020		#PENDING		
41	20/1468	9 Sackville Street Hill Top NSW 2575 Lots 1-7 Sec 51 DP 1384	TD Van Eck, B Van Eck	Residential Alterations and Additions (Shed)	22/06/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
42	20/1327	121 Hawthorne Lane Kangaloon NSW 2576 Lot 1 DP 1127157	Smedley Investments (NSW) Pty Limited	Residential Alterations and Additions (Extensions)	25/05/2020		#PENDING		
43	20/1362	80 Trig Station Lane Kangaloon NSW 2576 Lot 2 DP 1259250	JA Bamford, SE Bamford	Farm Building	01/06/2020		#PENDING		
44	20/1374	480 Medway Road Medway NSW 2577 Lot 12 Sec 10 DP 758665	Ma Stephenson, A Whalan	Residential Alterations and Additions (Shed)	03/06/2020		#PENDING		
45	17/1377.07	46 Oxley Drive Mittagong NSW 2575 Lot 21 DP 838000	FG Holmwood	Section 4.55 Modification (Extension & Internal & External Alterations)	09/06/2020		#PENDING		
46	20/0743.01	12-20 Nero Street Mittagong NSW 2575 Lots 1-5 Sec 5 DP 2133	A Pikkat, RC Pikkat	Section 4.55 Modification (Staging of Development)	04/06/2020		#PENDING		
47	20/0911.03	45-47 Mary Street Mittagong NSW 2575 Lot 2 Sec 1 DP 1847 Lot 3 Sec 1 DP 1847 Lot 11 Sec 1 DP 1847	DM Gruesser	Section 4.55 Modification (outbuilding - Studio)	19/06/2020		#PENDING		
48	20/1345	18 Pioneer Street Mittagong NSW 2575 Lot 2 DP 413358	M Shamim-Ur-Rahman, S Afroz	Residential Alterations and Additions (Extensions)	27/05/2020		#PENDING		
49	20/1400	The Maltings 2 Colo Street Mittagong NSW 2575 Lot 21 DP 1029384	Halcyon Hotels Pty Ltd	'The Maltings' Concept Development Application	10/06/2020	JRPP	#PENDING		✓
50	20/1437	38 Duke Street Mittagong NSW 2575 Lot 670 DP 571916	DP Robjent	Residential Alterations and Additions (Extensions, Garage)	16/06/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
51	20/1464	12 Duke Street Mittagong NSW 2575 Lot 2 DP 806612	PD Prentice	Residential Alterations and Additions (Demolish Existing Garage & Carport. Dwelling Extension including New Four Car Garage)	19/06/2020		#PENDING		
52	20/1471	21 Spencer Street Mittagong NSW 2575 Lot 3 DP 264058	VA Odewahn	Residential Alterations and Additions (Workshop and Garage)	22/06/2020		#PENDING		
53	16/0379.05	39-45 Beaconsfield Road Moss Vale NSW 2577 Lot 6 DP 749390	Joer Pty Limited	Section 4.55 Modification (Redesign Stormwater System and Remove Tree on Proposed Lot 21)	27/05/2020		#PENDING		
54	19/1586.05	38 Browley Street Moss Vale NSW 2577 Lot 6 DP 14457	KM Davies, B Davies	Section 4.55 Modification (Reduce floor area. Relocate Deck to Eastern Side of Dwelling)	17/06/2020		#PENDING		
55	20/1326	Mali Brae 562 Nowra Road Moss Vale NSW 2577 Lot 277 DP 751303 Lot 220 DP 651063 Lot 5 DP 114684	GW Dark, S N Dark	Change of Use (Proposed Use of Existing Function Centre as a food and drinks premises for a temporary 2 year period).	25/05/2020		#PENDING		✓
56	20/1351	65c Church Road Moss Vale NSW 2577 Lot 3 DP 1072420	PN McDade, GN Barilla	Dwelling House	29/05/2020		#APPROVED	17/06/2020	
57	20/1377	77 Suttor Road Moss Vale NSW 2577 Lot 4 DP 710556	SC Henry, JE Henry	Residential Alterations and Additions (Extensions)	03/06/2020		#PENDING		
58	20/1392	25 Woodside Drive Moss Vale NSW 2577 Lot 169 DP 1095417	Y Saner, T Saner	Residential Alterations and Additions (Shed, Studio and Swimming Pool)	09/06/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
59	20/1396	103a Suttor Road Moss Vale NSW 2577 Lot 2 DP 1239557	J Kidd, VA Kidd	Dwelling House	10/06/2020		#PENDING		
60	20/1406	4 Snowy Gum Rise Moss Vale NSW 2577 Lot 8 DP 1252867	RG Jefferies, JM Jefferies	Dwelling House	11/06/2020		#PENDING		
61	20/1413	Cemetery 75 Berrima Road Moss Vale NSW 2577 Lot 2 DP 748714 Lot 1 DP 665909	Wingecarribee Shire Council	Moss Vale Cemetery Upgrade	11/06/2020		#PENDING		
62	20/1419	Glendalough 598 Argyle Street Moss Vale NSW 2577 Lot 13 DP 593630	M Ullrich	Residential Alterations and Additions (Shed)	12/06/2020		#PENDING		
63	20/1421	54a Beaconsfield Road Moss Vale NSW 2577 Lot 4 DP 1043453	AT Jeffery, V Jeffery	Residential Alterations and Additions (Shed)	12/06/2020		#PENDING		
64	20/1429	5 Snowy Gum Rise Moss Vale NSW 2577 Lot 38 DP 1252867	B Ramos, A Ramos	Dwelling House	15/06/2020		#PENDING		
65	20/1432	3 Browley Street Moss Vale NSW 2577 Lot 190 DP 612544	EM McManus, E O'Sullivan	Dual Occupancy (Attached)	16/06/2020		#PENDING		
66	20/1435	9 Dengate Crescent Moss Vale NSW 2577 Lot 38 DP 252203	GA North, M North	Single Garage and Attached Annex	16/06/2020		#APPROVED	22/06/2020	
67	20/1441	140 Nowra Road Moss Vale NSW 2577 Lot 7 DP 632169	CW Harvey, S Harvey, S Harvey, C Harvey	Function Centre	16/06/2020		#PENDING		✓
68	20/1447	19 Joyce Street Moss Vale NSW 2577 Lot 4051 DP 1242576	Broughton Street Moss Vale Pty Limited	Dwelling House	17/06/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
69	20/1448	42-48 Watson Road Moss Vale NSW 2577 Lot 35 Sec 2 DP 975386	GA Kull, LI Rough	Subdivision (6 Lots)	17/06/2020		#PENDING		✓
70	20/1460	24 Beaconsfield Road Moss Vale NSW 2577 Lot 11 DP 22327	Duck Molloy's Pty Limited	Residential Alterations and Additions (Extensions, New Shed)	19/06/2020		#PENDING		
71	20/1348	45 Green Street Renwick NSW 2575 Lot 1362 DP 1234992	MB Cassar, RD Endries	Dwelling House	28/05/2020		#APPROVED	04/06/2020	
72	20/1363	20 Maxted Street Renwick NSW 2575 Lot 502 DP 1253116	SI Macdonald, Tj Macdonald	Dwelling House	02/06/2020		#PENDING		
73	20/1367	48 Challoner Rise Renwick NSW 2575 Lot 1260 DP 1221207	CEF Clark, KY Clark	Residential Alterations and Additions (Retaining Wall, Shed, Awning and Pergolas)	02/06/2020		#APPROVED	19/06/2020	
74	20/1378	8 Guthawah Way Renwick NSW 2575 Lot 712 DP 1234984	AE Wills, S O'Reilly	Dwelling House	04/06/2020		#PENDING		
75	20/1385	13 Sherwin Crescent Renwick NSW 2575 Lot 3038 DP 1260441	J Bills, MG Bills	Dwelling House, Detached Garage and Retaining Wall	05/06/2020		#PENDING		
76	20/1394	10 Guthawah Way Renwick NSW 2575 Lot 711 DP 1234984	TD Pryce, C Mladin	Residential Alterations and Additions (Shed)	09/06/2020		#APPROVED	19/06/2020	
77	20/1424	34 Green Street Renwick NSW 2575 Lot 1332 DP 1234992	SK Castelli, SMS Castelli	Dwelling House	15/06/2020		#PENDING		
78	20/1443	6 Guthawah Way Renwick NSW 2575 Lot 713 DP 1234984	D Lombardo, G Lombardo	Residential Alterations and Additions (Shed)	17/06/2020		#PENDING		



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
79	20/1470	20 Guthawah Way Renwick NSW 2575 Lot 706 DP 1234984	BM Whitton, D Whitton	Residential Alterations and Additions (Shed)	22/06/2020		#PENDING		
80	19/1620.04	74-76 Illawarra Highway Robertson NSW 2577 Lot 8 Sec 19 DP 758882	SR Chowdhury N Karim	Section 4.55 Modification (Remove Condition 23.2 pertaining to installation of CCTV)	19/06/2020		#PENDING		
81	20/1339	4491 Illawarra Highway Robertson NSW 2577 Lot 8 DP 877138	Pf McDonell	Residential Alterations and Additions (Retaining Wall)	26/05/2020		#APPROVED	17/06/2020	
82	20/1349	76-78 Burrawang Street Robertson NSW 2577 Lot 6 Sec 22 DP 758882	JEL Schonken	Residential Alterations and Additions (Shed)	28/05/2020		#PENDING		
83	20/1422	Wallaby Hill 99 Wallaby Hill Road Robertson NSW 2577 Lot 3 DP 609690	HC Folbigg, C Folbigg	Demolition of Existing Dwelling	12/06/2020		#PENDING		
84	20/1425	37-41 Mackeys Lane Robertson NSW 2577 Lots 44-46 DP 12365	G Langton, B Langton	Residential Alterations & Additions (Deck and Carport)	15/06/2020		#PENDING		
85	20/1433	26 North Street Robertson NSW 2577 Lot 123 DP 15216	L Connery, R Connery	Residential Alterations and Additions (Shed)	16/06/2020		#PENDING		
86	20/1476	3 Alcorn Lane Robertson NSW 2577 Lot 7 DP 654641	SW Gardner, BA Gardner	Residential Alterations and Additions (Shed)	22/06/2020		#PENDING		
87	20/1423	Crown Land Reverse 252 44 Meranie Street Welby NSW 2575 Lot 7009 DP 1055630 Lot 1 Sec 22 DP 759070	The State Of NSW	Recreation Facility – Two (2) Shelters/Sheds	15/06/2020		#PENDING		
88	20/1458	77 Bowral Street Welby NSW 2575 Lot 9 DP 613621	DP Fenner	Residential Alterations and Additions (Shed)	19/06/2020		#PENDING		

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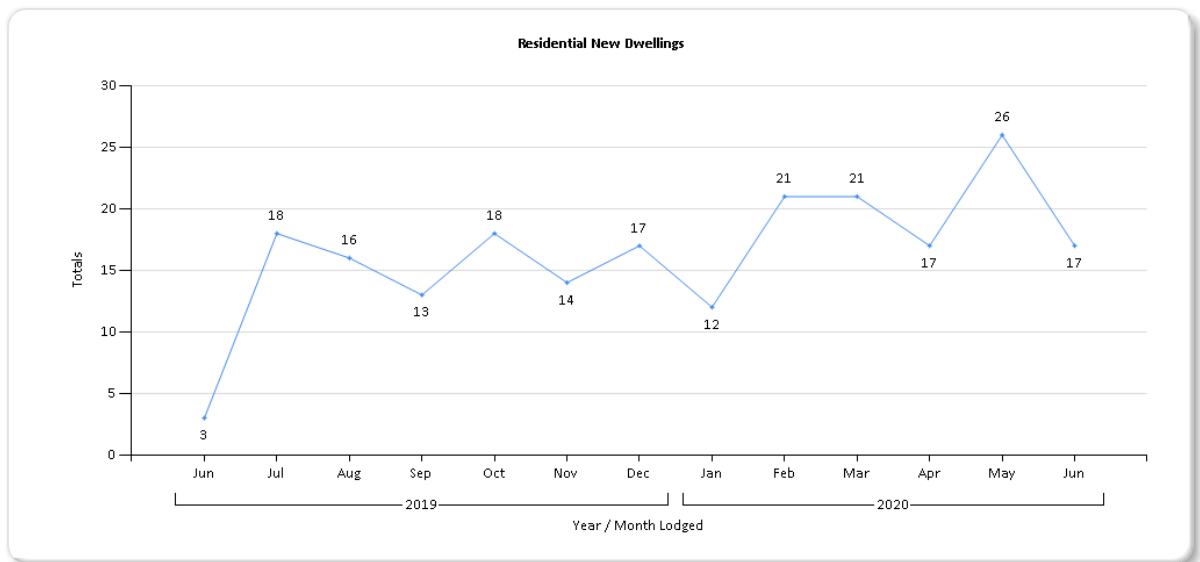
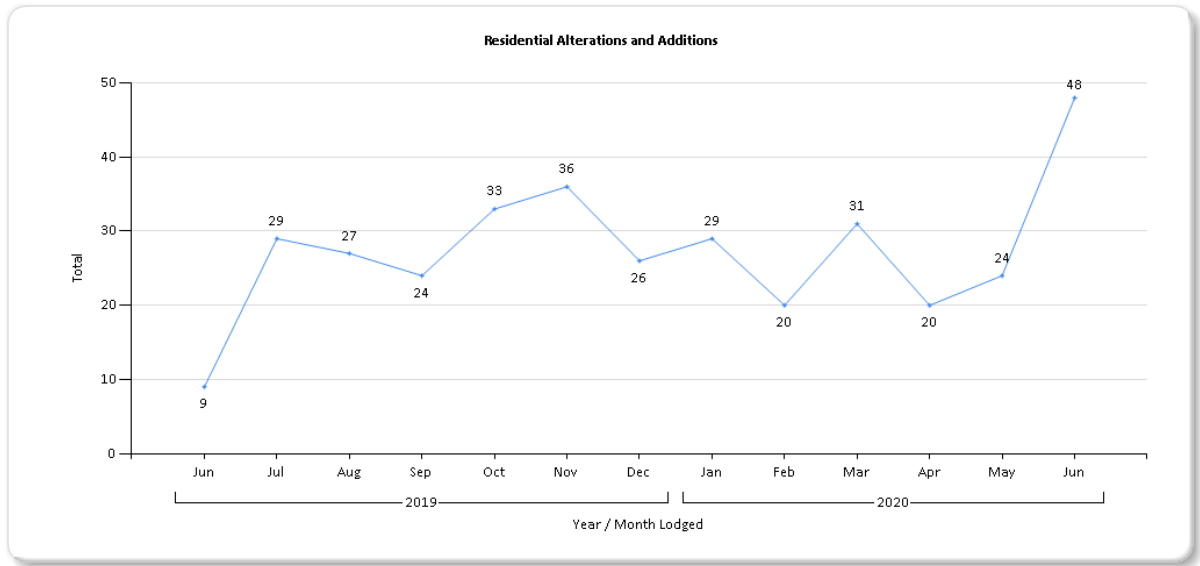


	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
89	20/1375	Kirkfield 299 Greenhills Road Werai NSW 2577 Lot 1 DP 873880	DM Backley, DA Backley	Residential Alterations and Additions (Shed)	03/06/2020		#PENDING		
90	19/1362.04	Rotherwood 101 Rotherwood Road Wildes Meadow NSW 2577 Lot 2 DP 553705 & Lots 76/250/261 DP 751262	CE Donovan, B Donovan, P Cleary, LM Cleary	Section 4.55 Modification (Delete Condition 12 pertaining to Right of Carriageway / Easements)	18/06/2020		#PENDING		
91	20/0098.05	Windermere 89 Wildes Meadow Road Wildes Meadow NSW 2577 Lot 2 DP 771726	GD Evenden, SA Evenden	Section 4.55 Modification (Extensions, Internal Alterations)	15/06/2020		#PENDING		
92	20/1342**	Lot 264 & Lot 265 Wombat Lane Wingello NSW 2579 Lot 264 DP 751298 Lot 265 DP 751298	JD Menzies	Dwelling House	27/05/2020		#PENDING		
93	20/1346	401 Nandi Road Wingello NSW 2579 Lot 4 DP1198257	RS BOAG	Farm Building	28/05/2020		#PENDING		
94	20/1376	820 Kareela Road Wingello NSW 2579 Lot 61 DP 1159822	K Turner, S Turner	Residential Alterations and Additions (Shed)	03/06/2020		#PENDING		
95	20/1405	34A Bumballa Road Wingello NSW 2579 Lot 7 DP 1261769	RM Parmenter CM Parmenter	Dwelling House	11/06/2020		#PENDING		
96	20/1411**	19-27 Park Street Wingello NSW 2579 Lot 200 DP 751298	D Eason	New Shed	11/06/2020		#APPROVED	16/06/2020	

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



**ATTACHMENTS**

There are no attachments to this report.

## 12.5 Development Application 20/1283 for Alterations and Additions - Extensions, 16A Hopewood Road Bowral

Reference:	20/1283 PN1714550
Report Author:	Development Officer Planning
Authoriser:	Senior Accredited Certifier
Applicant:	Kathy Barnsley Architects
Owner:	Erin & Liam Adams
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

### PURPOSE

The purpose of this report is to consider Development Application 20/1283, which seeks consent for alterations and additions – extensions to the existing dwelling at 16A Hopewood Road, Bowral. The subject application has been called up by two Councillors for determination, consequently this report is prepared and recommends **APPROVAL**.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

**THAT development application 20/1283 for the proposed alterations and additions – extensions at Lot 8 DP 1015455 No 16A Hopewood Road, Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.**

### REPORT

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

The subject site is identified as Lot 8 DP1015455 and known as 16A Hopewood Road, Bowral (**Figures 1 and 2**). The site is zoned R5 Large Lot Residential and is serviced by Council's reticulated water and sewer.

The site is located between Hopewood and Centennial Roads and is accessed from Hopewood Road via a right of carriageway over Lot 9 DP1015455.



Figure 1 Site Location





Figure 2 – Aerial Image

### ***Background***

Given the scale of the proposed development, the application was not required to be neighbour notified in accordance with Council's Community Participation Plan.

A weekly circular was prepared for the proposed development due to one owner of the allotment being a Council employee. Subsequently the application was called to Council for determination by two councillors.

The allotment has an existing dwelling house approved under LUA2000/1541 and contains 2 significant easements to drain water.

### ***Proposed Development***

The subject development application was lodged on 15 May 2020 and seeks consent for an extension consisting of a bedroom addition with ensuite and alterations to the front verandah.

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## STATUTORY PROVISIONS

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

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

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

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

The site is within the Warragamba Catchment and therefore the Catchment SEPP is applicable to the assessment of the application. The application is a Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality.

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

A satisfactory BASIX Certificate was submitted with the application (A376962). The BASIX Certificate satisfies the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

### ***Local Environmental Plans***

#### Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

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

The site is zoned R5 Large Lot Residential and in this zone, alterations to a dwelling house are permissible with development consent. The objectives of the R5 Large Lot Residential 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 7.5 Natural resources sensitivity—water**

The proposed development site is identified on Council’s mapping system as having a Category 3 Riparian Corridor within proximity to the subject development as identified in Figure 4.

On review of the Deposited Plan and site inspection it is concluded that previous development and earthworks have diverted the natural water course to an alternate location as a drainage easement is located on the property to drain water as identified in the deposited plan below (Figure 3).

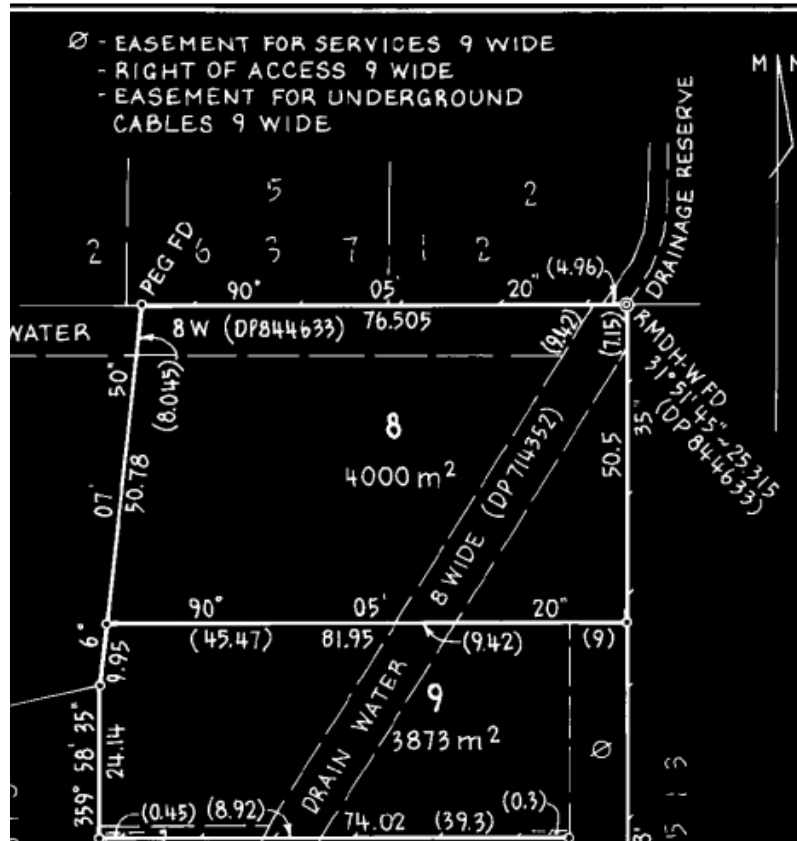
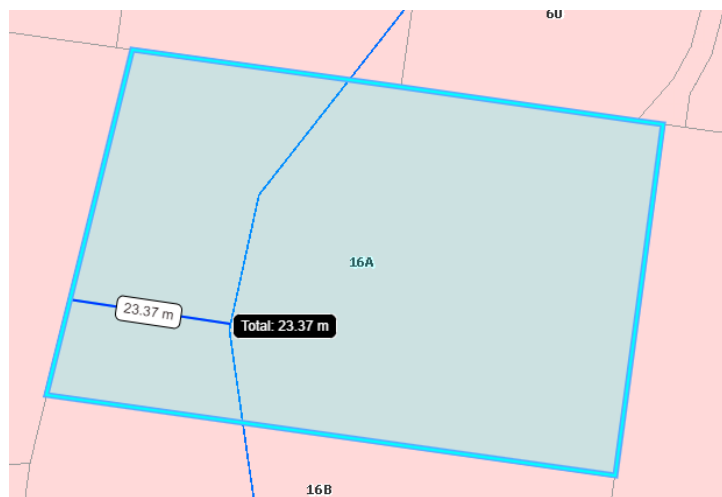


Figure 3 Deposited Plan Extract



**Figure 4 – Riparian Corridor**

Subdivision Certificate 3251/00 created the easements on the property to convey and dispose of stormwater from the site.

Surface water no longer flows as depicted in Figure 4 as it is conveyed to the large drainage easement (swales) previously constructed as part of the subdivision works abovementioned.

The area surrounding the drainage easement is well managed and the addition has adequate separation from this overland water flow being approximately 11 meters from the edge of the swale (drainage easement) which runs diagonally across the site.

Given the above analysis it is considered that no detrimental implications regarding water courses or riparian corridors will result from the proposed extension.

***Development Control Plans***

Bowral Township Development Control Plan

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

DCP Control	Assessment
<u><i>Part A – All Land</i></u>	
<i>Section 2 – General Objectives</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 3 – Biodiversity</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 4 – Water Management</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 5 – Flood Liable Land</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 6 – Vegetation Management and Landscaping</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 7 – Subdivision, Demolition, Siting and Design</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<b><i>Part C – Residential Zoned Land – Section 1 Introduction</i></b>	
<i>Section 1 – Building Materials</i>	The proposal's external finishes consist primarily of face brick with a tiled roof. The materials chosen for the addition are consistent with the existing dwelling and are considered to be compatible with the existing dwelling house.



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<b>DCP Control</b>	<b>Assessment</b>
<i>Dual Occupancy and Secondary Dwellings</i>	N/A – no Dual Occupancy or Secondary Dwelling is proposed as part of the subject development application.
<i>Development Density and Scale</i>	The proposed addition is in keeping with the form, pitches and fenestration of the existing structure. Given the additions proposed scale and separation from adjoining dwellings, it is not envisaged that the proposed modifications will result in any negative implications to the residential amenity of adjoining properties.
<i>Dwelling Orientation</i>	The proposal complies with the 75% open space requirement for allotments greater than 4000m <sup>2</sup> . The proposed additions will result in the dwelling's orientation being substantially the same as the existing arrangement.
<i>Front Setback</i>	The front setback is unaffected by the proposed additions.
<i>Side Setbacks</i>	The additions proposed side setback of 6.2 meters complies with the 2.5 metre requirement.
<i>Rear Setbacks</i>	The proposed additions do not result in an alteration to the existing rear setback.
<i>Building Height</i>	The extension's proposed height is below the ridgeline of the existing dwelling. All roofs on the property are consistent with the established pattern of development surrounding the subject property. Given the single storey nature and separation of the property, significant implications to privacy, overshadowing or views are not expected to result from the proposed additions.
<i>Roof Forms</i>	The addition's pitch is 22 degrees. It is noted that Part C2.10 generally requires roof pitches of 27.5 to 33 degrees. However, it is considered that matching the roof pitch of the addition to the existing pitch (22 degrees) of the dwelling is the correct approach in terms of design in this instance.
<i>Dwellings On Corner Allotments</i>	N/A – The subject site is not a corner allotment.
<i>Garaging and Driveways</i>	N/A – no changes are proposed to the existing parking or driveway arrangement.
<i>Landscaped Open Space</i>	The proposal complies with the 75% open space requirement for allotments greater than 4000m <sup>2</sup> . The gardens at the property are well managed and significant perimeter plantings are in place to provide privacy to the dwelling and its neighbors. Given the existence of significant landscaping and screen plantings a landscape plan has not been requested in this instance.
<i>Fencing, Gates and Letterboxes</i>	No changes to the existing fencing, gate or letterbox arrangement are proposed.



**Section 4.15 Evaluation**

(1) *Matters for consideration—general*

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

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

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

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

Not applicable.

(iii) *any development control plan, and*

It has been demonstrated the development satisfactorily complies with the relevant controls of the Bowral Township DCP

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

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

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

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

The site is considered 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.*

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Given the overall compliance with the development controls and nature of the proposed development, the proposed residential development is considered to not be contrary in the public interest.

#### CONSULTATION

##### *External Referrals*

Referrals	Advice/Response/Conditions
No external referrals were required to assess the proposed development.	

##### *Internal Referrals*

Referrals	Advice/Response/Conditions
No internal referrals were required to assess the proposed development	

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

Schedule 1 of Council's Community Participation Plan identifies that residential alterations and additions only require notification if there is a change in ground level greater than 600mm and/or the proposal has identifiable impacts on adjoining or adjacent properties.

Given the absence of impacts to adjoining and adjacent properties resulting from the single storey addition on ground level, the application was not required to be notified.

#### SUSTAINABILITY ASSESSMENT

- **Environment**

The environmental impacts have been discussed within this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

#### COUNCIL BUDGET IMPLICATIONS

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

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

#### RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, *State Environmental Planning Policy No 55 – Remediation of Land*, *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and the Bowral Township Development Control Plan.

#### OPTIONS

The options available to Council are:

##### Option 1

**THAT** development application 20/1283 for the proposed alterations and additions at Lot 8 DP 1015455, No 16A Hopewood Road, Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

##### Option 2

**THAT** development application 20/1283 for the proposed alterations and additions at Lot 8 DP 1015455, No 16A Hopewood Road, Bowral be REFUSED, in which case Council would need to provide reasons for refusal.

**Option 1 is the recommended option to this report.**

#### CONCLUSION

The subject development application has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and it is recommended the application be determined by way of approval, subject to the conditions nominated in **Attachment 1**.

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**ATTACHMENTS**

1. Attachment 1 Recommended Conditions
2. Attachment 2 Site Plan and Elevations

## ADMINISTRATION CONDITIONS

### 1. 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	Drawing numbers 20-761/NN 20-761/01B 20-761/02B	Kathy Barnsley	March 2020
Statement Of Environmental Effects	Unreferenced	Kathy Barnsley	May 2020
Waste Management Report	Unreferenced	Kathy Barnsley	Undated
BASIX Certificate	A376962	Kathy Barnsley	14 May 2020

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

### 2. 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).*

### 3. 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.*

### 4. 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



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#### ATTACHMENT 1 Recommended Conditions

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- (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.*

#### 5. 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.*

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

#### 6. Developer to provide photos of damage to Council property

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

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

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

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

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

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

**7. 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.*

**8. 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.*

**9. Erosion and Sediment Control Plan**

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#### ATTACHMENT 1 Recommended Conditions



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

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

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

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

##### 10. Building Materials & Colour Scheme

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

New external building materials and colours shall be recessive in the surrounding landscape.

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

##### 11. Approved hours of Construction

Construction activities shall be limited to the following hours:

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

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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.*

#### 12. Ground Levels

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

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

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

#### 13. Building Operations

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

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

#### 14. 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*

#### 15. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one

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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.*

#### 16. 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.*

#### 17. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

#### 18. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery

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

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

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN 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 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 and Section 68 (Local Government Act) approval are completed and inspected by Council.*

### 20. BASIX Commitments

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

In this condition:

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

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

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

**21. 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.*

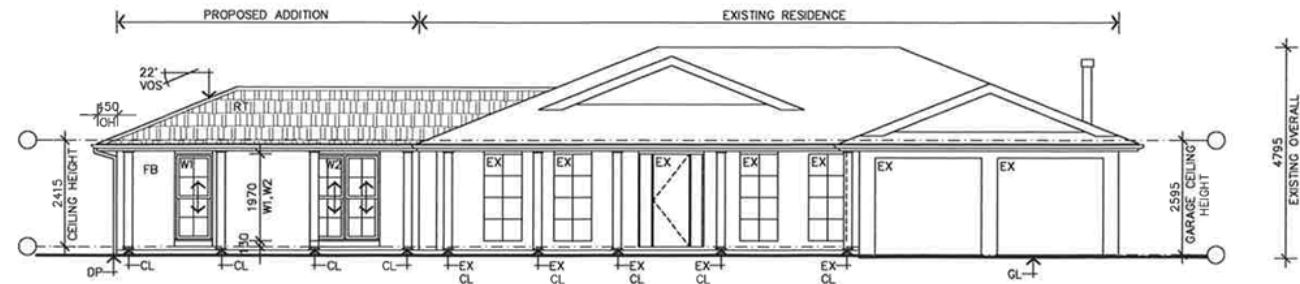
**22. Stormwater Drainage**

Prior to the issue of the Occupation Certificate:

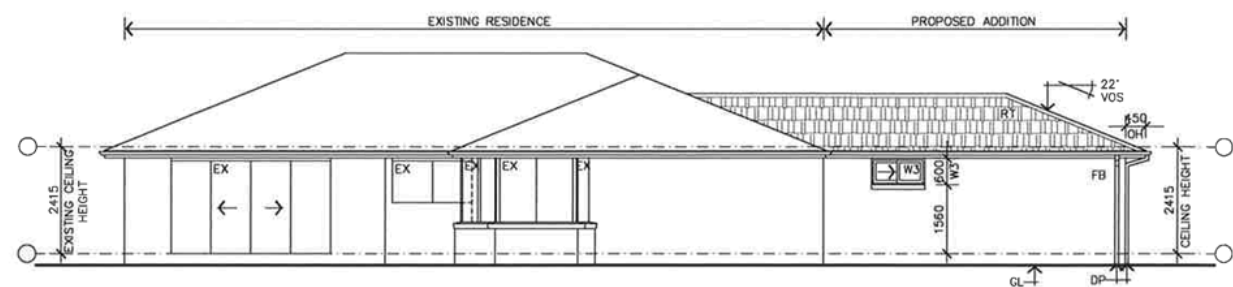
- (a) Existing and new drainage lines shall be located 600 mm clear of the building.
- (b) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.
- (c) Roofwater & Stormwater shall be piped to the existing stormwater arrangement.

**Reason:** *To comply with legislation.*

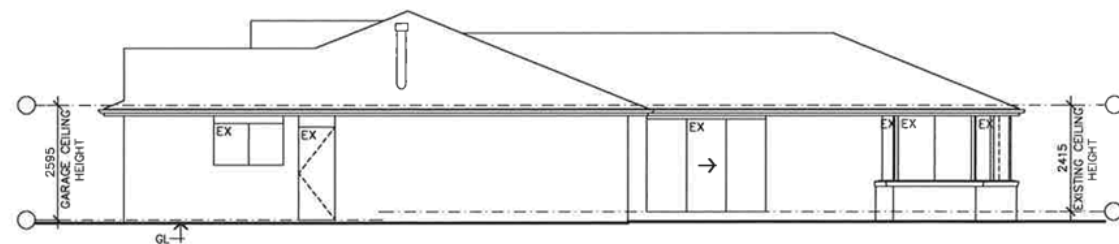
**END OF CONDITIONS**



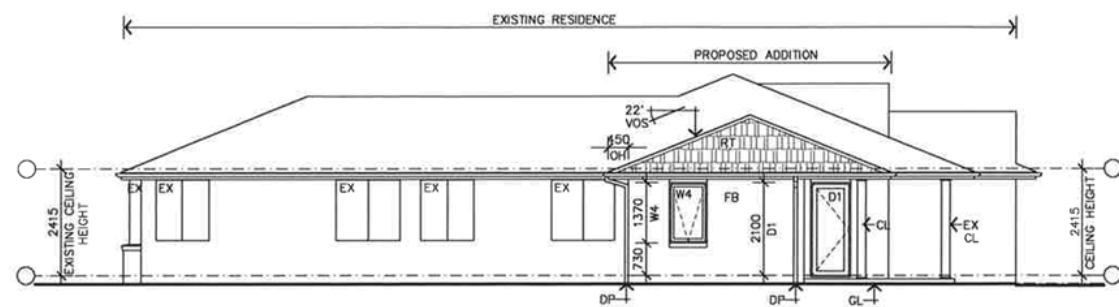
**SOUTHEAST ELEVATION**  
NOT TO SCALE



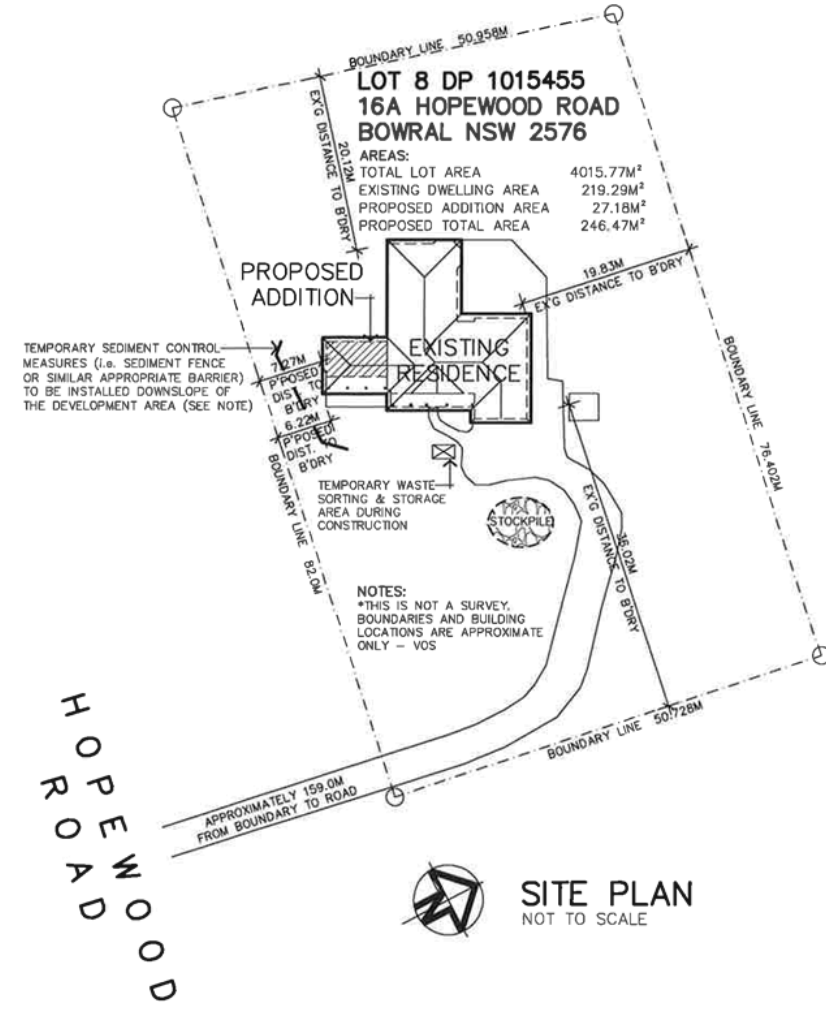
**NORTHWEST ELEVATION**  
NOT TO SCALE



**NORTHEAST ELEVATION**  
NOT TO SCALE  
TO REMAIN UNCHANGED



**SOUTHWEST ELEVATION**  
NOT TO SCALE



**SITE PLAN**  
NOT TO SCALE

**LEGEND:**

- NEW TIMBER STUD WALL
- BRICK WALL
- EXISTING WALL
- ==== EXISTING WALL TO BE REMOVED
- C CARPET FINISH AS SELECTED
- CL COLUMN TO MATCH EXISTING
- CT TILE FINISH AS SELECTED
- D1 DOOR NUMBER
- DP DOWNPIPE AS SELECTED
- EX EXISTING TO REMAIN
- FB FACE BRICK TO MATCH EX'G
- FW FLOOR WASTE
- GL FINISHED GROUND LINE
- OH EAVES OVERHANG
- PT PAVING TILES AS SELECTED
- REF REFRIGERATOR
- RT ROOF TILES TO MATCH EXISTING
- SA SMOKE ALARM
- WI WINDOW NUMBER

**NOTES:**

**DIMENSIONING:**  
 \*ALL EXISTING DIMENSIONS AND LEVELS ARE APPROXIMATE ONLY. MEASUREMENTS ARE TO BE TAKEN ON SITE BY INSTALLERS AND CONTRACTORS PRIOR TO COMMENCEMENT OF ANY WORKS OR ORDERING OF ANY ITEMS.

**STORMWATER:**  
 \*NEW GUTTERS AND DOWNPIPES TO CONNECT TO THE EXISTING STORMWATER SYSTEM.  
 \*NEW DOWNPIPE LOCATIONS ARE INDICATIVE ONLY. THE SPECIFICATION AND LOCATION OF DOWNPIPES IS TO BE DETERMINED BY THE INSTALLING PLUMBER.

**SMOKE ALARMS:**  
 \*SMOKE ALARMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE BCA.

NN 14.05.2020 NEIGHBOUR NOTIFICATION	
No.	Date Amendments
Check all dimensions on site. If in doubt, clarify with architect. Written dimensions take precedence over drawn. This drawing is subject to copyright.	
<b>KATHY BARNESLEY</b> ARCHITECT	
358 Argyle Street Potts Vale NSW 2577 (02) 4869 3555 (02) 4869 3566 kba@kba.net.au	Ph: (02) 4869 3555 Fax: (02) 4869 3566 Email: kba@kba.net.au
Project Proposed Alterations & Additions to Existing Dwelling at Lot 8, DP 1015455 16A Hopewood Road BOWRAL for R. Ivey	
Title NEIGHBOUR NOTIFICATION	
Drawn JM/KJB	Scale NTS
Date MAR 2020	No 20-761/NN

## 12.6 Amendments to Council's Notification of Development Proposals Policy and Associated Community Participation Plan

Reference:	110/20
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

### PURPOSE

The purpose of this report is to consider minor administrative amendments to Council's current Notification of Development Proposals Policy 2018 and associated Community Participation Plan (CPP) following legislation changes made to the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* by the New South Wales Department of Planning, Industry and Environment.

### RECOMMENDATION

1. **THAT** Council endorse the draft administrative amendments to the Notification of Development Proposals Policy and associated Community Participation Plan (CPP) and;
2. **THAT** Council place the draft policy on public exhibition for a period of not less than 28 days in accordance with the *Local Government Act 1993*.

### REPORT

#### BACKGROUND

Council's current Notification of Development Proposals Policy was adopted in November 2018 and has been in place for a period of approximately 18 months. The policy set out to achieve a number of aims including:

- Balancing community consultation and public participation with responsive development outcomes;
- Providing certainty of position with respect to community engagement in development processes.
- Scaling notification requirements to the type of development being considered;
- Removing redundant clauses from the existing policy position
- Re-naming the policy in order to better reflect the purpose of the policy;
- Modernising the existing policy to reflect corporate policy requirements; and
- Incorporating legislative changes introduced in 2018 within the *Environmental Planning and Assessment Act 1979*.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 July 2020

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



Council requires a notification policy as part of its community participation plan to comply with schedule 1 of the *Environmental Planning and Assessment Act 1979*. The policy is used to provide guidance to both Council and the community on when and how the community will be consulted on development applications.

#### **REPORT**

On 17 April 2020, the New South Wales Department of Planning, Industry and Environment made changes to the Environmental Planning and Assessment Regulation 2000 through the Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2000. The changes were made in response to the closure of some local newspapers following the Covid-19 pandemic and also concerns raised by local government authorities that they were unable to comply with the requirements of the Act or their local policies as there was no local newspapers available to make such advertisements. Council to date in order to comply with the requirements of the current policy has had to make advertisements in the Sydney Morning Herald as the Southern Highlands News was not offering a print advertisement service. These advertisements have come at a significant cost to the Council and is questionable in terms of whether it achieves the aims of the policy to enable community awareness and engagement in local and regional development. Further, whilst local print papers are again in circulation, Council has no guarantee of their short, medium or long term publication.

The amendments to the act enable councils to now publish advertised development on an approved website such as the New South Wales Planning Portal or its own corporate website. Amendments to Council's existing policy have been made in draft to remove the requirement to publish notices in a local newspaper and instead advertise the development by means of an approved website. These changes would then enable the policy to be consistent with the requirements of the *Environmental Planning and Assessment Act 1979 and Regulation 2000*.

Accordingly, to give effect to these changes, the wording has been altered in clause 9 of the attached draft policy on Page 4, to replace the words '*through a local newspaper advertisement*' with the wording '*and through advertisement on an approved website being either the 'NSW Planning Portal or Council's website*'. Similarly, in the notes section of the footer of page 13 of the policy shall be altered to read '*Advertised development includes an advertisement on an approved website (NSW Planning Portal or Council's website) and also a sign on the development site in a prominent location*'

With changes to schedule 1 of the *Environmental Planning and Assessment Act 1979*, amendments are also required to the wording in the policy in clause 5 '*Public inspection of Plans and Documentation and making of submissions*'. Due to mandatory exclusion periods for the Christmas period, the Act now requires that any notification days between 20 December and the 10<sup>th</sup> January inclusive are to be excluded when calculating any notification days associated with notifiable or advertised development. Council's current policy excludes days between the 20<sup>th</sup> December and the 2<sup>nd</sup> January inclusive and accordingly shall be amended to be consistent with the current exclusion periods provided under the provisions of the Act.





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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

If adopted, the draft policy amendments will be exhibited for a period of 28 days to invite community comment in accordance with the provisions of the *Local Government Act 1993*.

### **Internal Communication and Consultation**

Internal consultation was made with Council's Development Assessment and Certification and Compliance Business Units.

### **External Communication and Consultation**

Nil.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The policy amendments will enable the Notification of Development Proposals Policy to be consistent with recent changes to the *New South Wales Environmental Planning and Assessment Act 1979* and also the *Environmental Planning and Assessment Regulation 2000*.

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## **COUNCIL BUDGET IMPLICATIONS**

There is no expected budgetary implications associated with this report.

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## **RELATED COUNCIL POLICY**

- Communications Strategy
- Community Engagement Strategy
- Community Participation Plan

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 July 2020

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



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#### OPTIONS

The options available to Council are:

##### Option 1

THAT Council endorse the draft administrative amendments to the Notification of Development Proposals Policy and associated Community Participation Plan and;

THAT Council place the draft policy on public exhibition for a period of not less than 28 days in accordance with the *Local Government Act 1993*.

##### Option 2

THAT Council not adopt the proposed administrative amendments to the Notification of Development Proposals Policy and provide an alternate policy position.

Option No 1 is the recommended option to this report.

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#### CONCLUSION

The proposed amendments to the Notification of Development Proposals Policy and associated Community Participation Plan is required to ensure that Council policy is consistent with recent amendments to the *Environmental Planning and Assessment Act 1979* and associated *Regulation 2000*

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#### ATTACHMENTS

1. Draft Notification of Development Proposals Policy 2020
2. Draft Community Engagement Strategy Including Community Participation Plan



# Notification of Development Proposals Policy

## Leadership

### 1.2 Council communicates and engages with the community in a diverse, open and inclusive way

Document Type	Council Policy
Document Reference No.	[Governance to insert]
Version No.	v2.0
Council File Reference	5404/6
Adoption Date	[Governance to insert]
Resolution Number [if applicable]	[Governance to insert]
Document Owner	Group Manager Planning Development and Regulatory Services
Responsible Branch	Planning Development and Regulatory Services
Responsible Business Unit	Development Assessment
Review Schedule	2 years
Review Date	July 2022



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## Objectives

The objectives of this Policy are:

- To provide the opportunity for public participation in the development assessment decision making process that is appropriate to the type and form of the development proposed.
- Ensure a consistent, transparent and effective development assessment process.
- Identify circumstances when notification of development is not required.

## Policy Statement

### POLICY OVERVIEW

Council considers it appropriate and in some instances is required to specify, pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act), and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), where and when public notifications of a proposed development will be carried out. Further to this process, pursuant to section 4.15 of the EP&A Act, Council must consider and assess any submissions made in respect of a proposed development.

There are also prescribed processes for public notification and participation for *advertised and designated* development and these are specified in the EP&A Act and EP & A Regulation. Council also stipulates within this policy additional uses that are to be managed in a similar way as Advertised Development under the EP&A Act.

### POLICY GUIDELINES

**1. Matters that Council considers when forming an opinion that enjoyment of land may be detrimentally affected or have uncontrollable impacts associated with a development application.**

With all new development applications received, along with proposed amendments, modifications and reviews, Council will consider:

- i) Views to and from the land
- ii) Overshadowing and solar access
- iii) Privacy
- iv) Traffic and Access
- v) Ground Levels
- vi) Amenity impacts (such as potential noise, odour, light or other impacts)
- vii) Visual aspects of the building in relation to streetscape including heritage considerations.
- viii) Other localised issues such as natural hazards and stormwater / drainage.

Council will generally determine whether there is a detrimental effect or unmanageable impact in terms of the above criteria using relevant standards and Council's adopted Development Control Plans (DCP) and any other adopted Policy or Guideline.

Council may broaden the above criteria and subsequent extent of notification depending on the type and scale of development and following an inspection of the proposed development site. Some applications will be notified in accordance with this policy; see Section 2 below.





**2. Circumstances in which Council will engage with property owners and occupants.**

Once an assessment is completed of the proposed development, in accordance with Section 1 above, Council may *notify* the development proposal. The table in Error! Reference source not found.t 1 outlines when and how Council will engage with property owners and occupants for a variety of development types. A notice of proposed development letter may be accompanied by a plan of the proposed development. This will be a plan that indicates the siting of the proposal on the subject allotment and also the external configuration of the building in relation to the lot boundaries but will not include floor plans.

Notification will generally occur for a minimum of fourteen (14) days, or a greater period if deemed necessary by the assessing officer. With development proposals that incorporate the following, Council may undertake notification of the proposed development:

1. Any new single storey residential dwelling or additions or alterations to an existing residential building or ancillary building, not in a defined urban release area where the proposed floor levels are greater than 600mm above existing ground level on the property AND is deemed by the assessing officer to be a detrimental or unmanageable impact on surrounding properties.
2. Two storey residential buildings, or ancillary residential two storey buildings, in all residential zonings, unless the subject site is located within an identified urban release area. The assessing officer at their discretion may notify the development in identified urban release areas where it is considered that there is a detrimental or unmanageable impact on surrounding properties.
3. In circumstances where it is proposed to be more than one dwelling on the site (for clarity - including Secondary Dwellings and Dual Occupancies).
4. New Commercial and Industrial premises where it is considered by the assessing officer to have a potential impact on adjoining land or where the proposed development is either adjoining or adjacent to a Residential Zoning.
5. Proposed subdivision of land (excluding boundary adjustments and strata title subdivision).
6. Applications where a variation to Council’s policies are being proposed (which is greater than 10%), e.g. building lines, setbacks and height, excluding controls relating to cut and fill.

Note: With regard to mapped Urban Release Areas in the opinion of Council Assessing Officers there is a detrimental or uncontrollable impact on adjoining land as a result of the departure from Council’s Policies, Council may notify the application to adjoining property owners.

7. All new development in Heritage Conservation Areas or upon the site of a Heritage Item, where the proposed works are visible from a public street (excluding mapped urban release areas).
8. Any Temporary Use of Land under Clause 2.8 of the Local Environmental Plan.
9. A Tower for the purposes of a Telecommunication facility as provided for under *State Environmental Planning Policy (Infrastructure) 2007*.



The following specific types of new development are classified as 'Advertised' development pursuant to this Policy and are advertised in the same manner as advertised development under the EP&A Act and EP&A Regulation:

- i) Pubs and Hotels
- ii) Educational Establishments
- iii) Hospitals
- iv) Places of Public Worship, and
- v) Residential accommodation (as defined in *Wingecarribee Local Environmental Plan 2010 (WLEP)*) that incorporates an additional three or more dwellings.

Where the development involves an addition(s) or alteration(s) to an existing above mentioned development type (i-v), notification rather than advertising will occur if an assessment under Section 1 determines a potential for impact to occur.

The advertising of development occurs to adjoining and adjacent local residents and ~~through a local newspaper advertisement~~ and through advertisement on an approved website including the 'NSW Planning Portal or Council's website' for a period of not less than thirty (30) days, unless it is of a type referenced in the Act. A sign in an approved form is also placed on the site where the proposed development is to occur.

#### **Applications that will not result in notification.**

Any application where an assessment under Part 1 of this Policy indicates in the opinion of a Council Assessment Officer that there is no detrimental or uncontrollable impact upon adjoining property will not be notified.

### **3. Parties to which will be notified.**

When an application is to be notified or advertised, Council will notify:

- Owners (and occupiers in the case of tenanted properties) of land adjoining and adjacent to the site upon which the development is proposed as per figure 1 below.

At the discretion of the assessing officer Council may also notify:

- Owners (and occupiers in the case of tenanted properties) of land in close proximity to the site, upon which development is proposed, who may be potentially affected. This will be dependent upon the scale of the proposal.
- Other more remote property owners (and occupiers in the case of tenanted properties) that are potentially affected through impacts such as noise or increased traffic movements where the development is of significant scale.

Where the adjoining property to be notified is a body corporate, the Manager or Secretary of the Body Corporate, or an association (under Community Land Development Act 1989) may be forwarded the notice of proposed development correspondence only.

Council will determine who is to be notified by referencing the registered owner's name and their respective nominated registered address as indicated in Council's Property Information System as at the date the notification correspondence is prepared by Council. Where premises are unoccupied or tenanted, Council may only-notify the registered owner and occupier of the property.

Notification of a change of ownership from the Land and Property Information Service to Council can take approximately 6-8 weeks. All letters sent under this policy position will be directed by normal Australia Post mail service to property owners at the address registered upon Council's Property Information System at the time the notification correspondence is prepared. It is the responsibility of the vendor to advise any future purchasers of the notification where there is likely to be a change in ownership.



Figure 1 – Adjoining and adjacent properties to be notified of the proposed development.

#### 4. Notification of amendments to Plans and Documentation (cl.55), Modifications (s.4.55) to Development Consent and Requests for Review (s8.2).

The plans for a proposed development may be amended by the applicant prior to its determination under clause 55 of the *Environmental Planning and Assessment Regulation 2000* or modified in the case where an application is determined by way of approval. Amended plans can also be considered by Council following a request for review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*.

##### a) Amendments:

The applicant may submit amended plans in order to address concerns raised by Council or to address concerns raised by an objector in a submission in response to the notification process. In these circumstances it is not expected that Council will renotify the development proposal. Where issues have not been addressed through the submission of amended plans and supporting documentation, or where there is a significant change in the proposed application which will create detrimental or unmanageable impacts, Council's assessing officers may at their discretion re-notify the proposal.



**b) Modifications following determining an application by way of consent**

For applications that have been determined by way of approval, a section 4.55 modification application may be submitted to Council for consideration. These applications can be of a minor nature (s4.55(1) and s4.55(1A) of the *Environmental Planning and Assessment Act 1979* involving minimal environmental impact or addressing an error or mis-description in an application. More significant modifications will be considered under (s4.55(2)). Council will generally not notify applications made under section 4.55(1) and s4.55(1A), however in the case of a s4.55(2) or a s4.55(AA) modification, if the original development application was previously notified or advertised, any future modification involving environmental impact will be notified or advertised in the same manner.

**c) Review of determination**

In the case of where an application has been determined by way of refusal or in the case of an approval where a condition(s) of consent have been imposed, a proponent may request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*. Where a request is made under this section, Council shall notify the section 8.2 application in the same manner as the original development application was notified or advertised.

**5. Public inspection of Plans and Documentation and making of submissions.**

- **Time periods for notification and advertisement**

Any notification made under this policy provides for fourteen (14) days for written submissions to be received by Council from the date of the notice of proposed development. In the case of advertised development, the advertisement period is thirty (30) days. .

Council will ~~provide an additional two (2) three (3) weeks to the standard~~ exclude the notification period where Council notifies or advertises a development proposal between the 20th December and the 10th January **inclusive** in any calendar year.

Requests for additional time to prepare a submission may be made in writing addressed to the Group Manager Planning, Development and Regulatory Services and must be received prior to the expiry of the notification or advertisement period. Council may consider at its discretion the circumstances surrounding the request and may grant in writing additional time to provide a submission. Any additional time granted shall not exceed 2 weeks from the date of the request.

- **Viewing of Plans and details**

Plans and documentation relating to notified or advertised development applications are available on Council’s online Development Application Tracker and also are available for public inspection at the Customer Services Centre during normal business hours.





- **Making Submissions**

Submissions made in response to notification or advertisement of a development application must:

1. Be made in writing;
2. Be addressed to the General Manager;
3. Provide the Application Number and Property Address of the development application.
4. Clearly indicate the Name, Address and Phone Number of the party making the submission;
5. Provide an email address on the submission;
6. Clearly state the reasons or grounds for the Support of or Objection to the proposal.

Objections should not be focussed on civil disputes and should be based on planning grounds generally related to the items listed in Section 1 of this policy.

In consulting with the community in accordance with this policy, Council is seeking input on the proposal and this can include support for a development or activity. Well founded, balanced and factual submissions can inform and influence the development assessment process and Council can obtain valuable information on localised issues that may apply to the development being considered. Making a submission is not mandatory.

Council will acknowledge receipt of any submissions received at the conclusion of the assessment process and advise that the submission has been taken into account during the assessment of the proposal. Council may also provide basic information on the development assessment outcome.

- **Applicant may be provided with copies of submissions**

The applicant will be advised of submission content if Council believes details raised in the submission warrant further information or need to be addressed by the applicant. If an application is made for release of information under the Government Information (Public Access) Act 2009 (GIPA) Council may release information that it holds in relation to the submission in accordance with the provisions of that Act. Personal details may be withheld in accordance with a request made under the Personal Information Protection Act 1998 where permitted by law or where the GIPA Act prevents its release.

**6. Council Procedures with Submissions**

All submissions received during the notification period in accordance with the requirements of this policy will be considered during the assessment of the development application under section 4.15 or in the case of a modification application under section 4.55, or a review of determination under section 8.2. Submissions are considered objectively by Council’s assessment officers and will inform the development assessment process.

Council may consult with the applicant where issues raised in the notification or advertising period are considered to have merit and are pertinent to the development assessment process. The applicant may be requested by Council to amend their proposal in order to address detrimental or unmanageable impacts associated with the development or in the case where the proposal is supportable, Council may impose conditions of development consent, or amended conditions in the case of a modification, to ensure that impacts are managed appropriately.

Applications that receive wide community interest may be considered by Council as ‘public interest matters’. Where such circumstances arise the matter may be referred to full Council for determination rather than being





considered under delegated authority. The Group Manager Planning Development and Regulatory Services in accordance with his / her delegations, generally will determine whether an application will be considered as a 'public interest matter' where a business paper report will be prepared and referred to full Council for determination. Council shall include all issues raised within the notification period within the business paper report for consideration, along with an appropriate response by Council's assessing officer.

In the instance where an application is referred to full Council for determination, Council will provide courtesy advice of the application being referred to Council and the proposed date and time in which the matter will be heard. Such notification is anticipated to be provided to submitters 3 days prior to the ordinary meeting of the Council by email. Where an email address has not been provided in the submission Council will provide the courtesy notice by mail.

In accordance with Council's Code of Meeting Practice, submitters and also the applicant may be provided with the opportunity to address the full Council when the proposal is reported as a business paper agenda item. Any person seeking to address Council on an item must register with Council to speak at the meeting.

#### 7. Funding of Notification Processes

Costs incurred by the Council for notifying and or advertising development proposals is cost recovered through the levying of a fee at the time of lodgement of the application. The fee is adopted annually in Council's Revenue Policy, in the Operational Plan.

#### MORE INFORMATION

Council Contacts:

In Person: Duty Planner / Certifier  
Civic Centre, 68 Elizabeth Street, Moss Vale  
By Telephone: (02) 4868 0888  
By Mail: PO Box 141, Moss Vale NSW 2577  
By Email: [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au)

View plans using Development Application reference number using DA Tracking on Council's website:  
[www.wsc.nsw.gov.au/DAtacker](http://www.wsc.nsw.gov.au/DAtacker)

#### Scope

This policy applies to:

- All land within the Wingecarribee Shire Council Local Government Area.
- All development requiring development consent under the Wingecarribee Local Environmental Plan 2010.



## Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

### Councillors

Councillors shall:

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

### Executive

The Executive shall:

- communicate, implement and comply with this policy.

### Group Manager Planning Development and Regulatory Services

The Group Manager Planning Development and Regulatory Services shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- conduct investigations of alleged breaches of this Policy

### Council staff

Council staff shall:

- comply with this policy
- ensure development proposals are notified and/or advertised in accordance with the guidelines set out in this policy.

## Performance Measures

The success of this Policy will be measured by zero or limited incidents of non-compliance with this policy.

## Definitions

Define any specific terms relating to the policy that may not be obvious to a member of the public or other external stakeholder. Include any acronyms and their meanings. The following table should be used:

<b>Development Control Plan (DCP)</b>	A DCP provides specific, comprehensive guidelines for certain types of development, or area specific requirements for localities. The DCP is an important planning tool because it provides a flexible means of identifying additional (to the WLE) development controls and standard for addressing development issues at a local level.
<b>EP &amp; A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP &amp; A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>



**Wingecarribee Local Environmental Plan 2010** A Local Environmental Plan (LEP) is an instrument that is prepared in accordance with the Environmental Planning and Assessment Act 1979, and Environmental Planning and Assessment Regulation 2000, and is approved by the Minister for Planning and Environment.

A LEP is a legal instrument that zones land, imposes standard to control development or implements a state or local policy outcome. It is a means to implement strategies, giving legal effect to where and under what circumstances places should be developed or particular environmental controls imposed.

**WLEP** Wingecarribee Local Environmental Plan

## Related Material

### Related Legislation

The following legislation is related to this policy:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2002*
- *Local Government Act 1993*

### Related Policies, Procedures and General Manager Practice Notes

The following documentation is related to this Policy:

- Community Engagement Strategy
- Community Participation Plan
- Land Use Applications relating to Council as Land Owner

## Breaches of this Policy

Failure to comply with this policy may constitute a breach of employment terms and, depending on the circumstances, a breach of the Wingecarribee Shire Council Code of Conduct. Breaches of the policy may invite third party appeals to the New South Wales Land and Environment Court on procedural matters.



**Document Control [Governance to insert]**

**Version Control**

Version	Adoption Date	Notes
V2.0	[insert date on which version was adopted]	Minor administrative amendments following legislation changes made to the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 by the New South Wales Department of Planning, Industry and Environment.
V1.0	14 Nov 2018	New policy replacing Community Engagement and Notification of Development and Planning Proposals Policy to effect currency and targeted communication decisions.

**Superseded Documents**

The following documents are superseded by this Policy:

Document Title	Adoption Date	Notes
Community Engagement and Notification of Development and Planning Proposals Policy 2.4	2014	New policy replacing Community Engagement and Notification of Development and Planning Proposals Policy to effect currency and targeted communication decisions.

**Attachments**

- 1. Schedule 1

Approved by:

WINGECARRIBEE SHIRE COUNCIL

[Governance to insert adoption date]



## Attachment 1

Development Type	Type of Notification	Neighbour Notification	Advertised Development *	No requirements
<b>Residential</b>				
New Residential Single Storey Dwellings.				✓
New Residential Single Storey Dwelling (and Residential alterations and additions) with change in ground level >600mm and not in an urban release area and has identifiable impacts on adjoining or adjacent properties in the opinion of a Council assessing officer.	✓			
New Residential Two Storey Dwellings or ancillary two storey buildings in all residential zones (and two storey residential alterations and additions) unless the subject site is located within a mapped urban release area.	✓			
Outbuildings that are ancillary to a residential usage of the land (eg sheds, pools, garage and carports).				✓
Residential accommodation where there is up to two additional dwellings being proposed.	✓			
Residential accommodation where there is three or more additional dwellings being proposed (Including Boarding Houses, Multi Dwelling Housing and Residential Flat Buildings)	✓	✓		
Demolition (unless in a heritage conservation area or an item of heritage)				✓
<b>Commercial</b>				
New Commercial Premises	✓			
New Commercial and Industrial premises where it is considered by the assessing officer to have a potential impact on adjoining land or where the proposed development is either adjoining or adjacent to Residential Zoning.	✓	✓		
Additions and Alterations to a Commercial Premises	✓			
Change of Use	✓			
First Occupancy of a new premises	✓			
Signage	✓			



Development Type	Type of Notification	Neighbour Notification	Advertised Development *	No requirements
<b>Subdivision</b>				
Subdivision of land into two or more lots		✓		
Boundary Adjustments				✓
<b>Tourist and Visitor Accommodation</b>				
New Facilities or alterations and additions to existing facilities or a change of use		✓	✓	
<b>Rural Industries</b>				
Rural Industries		✓		
<b>Industries / Storage</b>				
New Industry / Factory Buildings		✓		
Alterations and Additions to Buildings		✓		
Change of use		✓		
Tower used to site telecommunication facilities		✓	✓	
<b>Extractive Industries</b>				
Extractive Industries - Not designated		✓	✓	
Extractive Industries - Designated Development		✓	✓	
<b>Hospital / Religious / Education Establishments</b>				
New		✓	✓	
Alterations and Additions		✓	✓	
<b>Temporary use of Land</b>				
Uses under Clause 2.8 of the Wingecarribee Local Environmental Plan		✓	✓	
<b>Other Development not listed within this policy</b>				
Subject to assessment of impacts by Council's assessing officer. Where it is found to have uncontrolled or unmanageable impacts on surrounding properties the assessing officer shall determine the level of notification required.				✓

\* Advertised development includes an advertisement in the Newspaper circulating the Local Government Area and also a sign on the development site in a prominent location.





*\* 'Advertised development includes an advertisement on an approved website (NSW Planning Portal or Council's website) and also a sign on the development site in a prominent location'*



# Wingecarribee Shire Council

# Community Engagement Strategy

(incorporating Community Participation Plan)





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# Contents

This Community Engagement Strategy has been prepared by Wingecarribee Shire Council to meet the requirements of the Local Government Act 1993 and concurrently serve as a Community Participation Plan for the purposes of s2.23(4) of the Environmental Planning and Assessment Act 1979.

It has been written in conjunction with the Communications Strategy. Both of these documents can be accessed at [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)

For further information contact the Community Engagement Coordinator via email to [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au) or by writing to Wingecarribee Shire Council, PO Box 141, Moss Vale NSW 2527.

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# 01/ INTRODUCTION

Community engagement is an umbrella term that covers information sharing, consultation and active participation between government and communities. It seeks to ensure people have an opportunity to participate in decisions that affect them.

In a local government context community engagement can take many forms, ranging from receiving a letter about a neighbour's development application or responding to a "have your say" advertisement, to attending a facilitated workshop on a major project.

Community engagement helps Council:

- provide opportunities for the community to voice an opinion on proposals, plans, services and activities;
- work more closely with the community to shape policy options and priorities.

Community engagement does not necessarily mean achieving consensus. However, community input into Council's decision-making process provides the potential for a better, more informed decision for everyone. This results in:

- Improving the relationship between the community and Council;
- Enhancing community ownership of decisions;
- Adding value to Council's decision-making processes by drawing on the skills and wisdom of people and groups in the community;
- Maximising the possible positive impacts of Council decision and minimising the possible negative impacts.







## 02/ OUR ENGAGEMENT

Wingecarribee Shire Council has an active program of community engagement, ranging from informal community feedback to structured consultation events.

Council's Community Engagement Coordinator works with all branches of Council to ensure the community is consulted at an appropriate level on key projects, decisions, events and activities. While community engagement is the responsibility of everyone in Council, the Community Engagement Coordinator manages the implementation of this Strategy and is not directly responsible for every specific consultation.



## 03/ CONTEXT

The Community Engagement Strategy reflects the vision and principles of the Community Strategic Plan, Wingecarribee 2031. It is strongly aligned with Council's Communication Strategy as many engagement activities link closely with broader communication. Engagement activities will reflect Council's key messages as set out in the Communication Strategy.

The Community Engagement Policy outlines the principles and commitments that will guide the planning, design, implementation and evaluation of community engagement practices at Council.

## 04/ ROLES

### Elected councillors

A Councillor's role in community engagement is to participate as an elected member, listen to the views of the community and consider those views when making decisions.

### Council staff

A Council staff member's role in community engagement is to organise and facilitate the discussion, record, provide feedback, evaluate the engagement and consider the community's views when making unbiased recommendations to Council.



## 05/ INCLUDING EVERYONE

When undertaking community engagement, Council will make every effort to:

- Attract and reach a cross section of the community by using a wide range of communication methods;
- Invite specific community interest and user groups as identified in particular projects;
- Accommodate participants' cultural, language and other specific needs;
- Involve community groups and individuals who may otherwise be difficult to reach.





## 06/ OUR APPROACH

Planning for public participation in decision-making is broadly guided by practices advocated by the NSW Government and International Association for Public Participation (IAP2).

Community engagement is mainly planned for decisions and major projects which may have a significant impact on stakeholders. Smaller projects of a lesser impact and fewer resources benefit from a similar but less formal approach.

### When we will engage

Council often seeks public participation during the planning stages of projects or initiatives; when a change in service, activity or infrastructure is considered; or when more information and evidence is required.

In the engagement planning process, consideration is given to the complexity of the decision and the optimal time needed for people to respond. Whilst legislation sets out minimum requirements for some specific consultations, each engagement process is considered on its individual basis and merit.

### Decision making

The decision process can be complex. Feedback from the community will be considered in the final decision made by Council.

At times the community will have limited opportunity to have a say but when this happens, Council will clearly explain why.

Reasons that may limit the ability to inform a decision include safety, legislative requirements or other factors Council cannot influence. For example, sometimes Council will collect comments on behalf of the State Government. When this happens we can only forward your comments on.

In other cases, Council is given a target – such as a housing development target over five years – which we cannot change. When this happens we can only consider comments about how to meet the target, but not about whether the target itself is right.





## Planning for engagement

Project managers are responsible for following key steps in preparing Community Engagement Plans:

1. **Define and scope the project** – review Council resolution or Executive requirements. Confirm the purpose and objectives, consider the context, review risk, consider resource constraints and identify the negotiables and non-negotiables. Determine the levels of participation required at various stages of the project.
2. **Identify key stakeholders** – consider individuals and organisations who could be affected by a decision on the issue. Consider decision making processes, regulations and levels of authority. Gather contact details and prepare to record interactions.
3. **Plan consultation approach** – offer a range of ways for stakeholders to learn about the topic and share their thoughts and ideas. Anticipate the details they will require to participate in an informed way. Tailor the approach - consider creative tools and interactive methodologies.
4. **Seek approval of the plan** - plans for community engagement are usually authorised by management and then endorsed by Councillors as part of Ordinary Meetings of Council. Council reports are required to outline planned consultation as well as record subsequent results.
5. **Implement the plan** – conduct communication and engagement with stakeholders as described in the plan. Adhere to timeframes and budget. Develop relationships and record interactions or outcomes. Monitor process and adjust if required.
6. **Consider response** – collate, analyse and identify how engagement outcomes will be utilised in decision making.
7. **Close the loop** – provide feedback, articulate to participants how their input has been or will be utilised in decision making.
8. **Review and report** – evaluate success of the engagement plan. Consider degree of stakeholder interaction and achievement of objectives.

**Council will employ tools and techniques to hear from those who can be difficult to reach and ensure that all viewpoints are considered.**

## IAP2 SPECTRUM

Council's community engagement activities are linked to the International Association of Public Participation (IAP2) spectrum.

Council acknowledges that engagement may fall within five broad levels of participation and different approaches are required for each:

**Inform** - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions, e.g fact sheet or letter.

**Consult** - To obtain public feedback on analysis, alternatives and/or decisions. This level is selected when Council asks and listens to the community about ideas to improve a particular proposal, understand what would happen if Council made a certain decision, or when a number of options are provided for community preferencing, e.g. providing feedback on a draft plan to upgrade a nearby park.

**Involve** - To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. This level is selected when Council wants to include the community early in the planning process to ensure concerns and aspirations are both heard and understood, e.g. the community are engaged to help identify aspirations and solutions to create a CBD Strategy. Initial input and local knowledge is used to inform the development of the Strategy, which is then presented for further feedback before being finalised.

**Collaborate** - To partner with the public in the each aspect of the decision including the development of alternatives and the identification of the preferred solution. This level is selected where issues and solutions are unclear and Council works with equal power and partnership to find solutions that lead to an agreed outcome, e.g. Council works closely with a demographically representative group of people to review the Community Strategic Plan and ensure it still reflects the values and aspirations of the community.

**Empower** - To place final decision making in the hands of the public. This level is selected when the community and stakeholders are provided with the skills, information, authority and resources in order to make the final decision.





### How we will engage

To ensure a successful consultation, careful consideration is given to the appropriate tools and timing for the project or decision.

Attention is given to aspects of community and stakeholder interest, political sensitivity, opportunities for partnerships, the level of social, economic and environmental impact, legislative requirements, accessibility, time, resources and monetary constraints.

A range of tailored approaches are then considered.

Some of the options available include:

- Interviews and one-to-one meetings
- Surveys and polls - online, intercept and phone
- Storytelling and submissions
- Mapping and drawing
- Briefings and presentations
- Displays and information sessions
- Listening posts and drop-in events
- Focus groups, field trips and walking tours
- Brainstorming idea generation
- Moderated online forums
- Committees and working groups
- Workshops and forums
- Appreciative Inquiry
- Dotmocracy and World Cafe
- Community group meeting attendance
- Committees and working groups
- Online consultation hub  
[www.yoursaywingecarribee.com.au](http://www.yoursaywingecarribee.com.au)



### Who we will engage with

Our stakeholders include but are not limited to those groups broadly described in the table below.

COMMUNITY	SERVICE PROVIDERS	GROUPS	GOVERNMENT	COUNCIL
PROPERTY OWNERS	TRANSPORT	VILLAGE & TOWN ASSOCIATIONS	OTHER COUNCILS AND JOINT ORGANISATIONS	COUNCILLORS
RESIDENTS	NBN/COMMS	SPORTING CLUBS	STATE/FEDERAL: PLANNING	COMMITTEES
BUSINESSES	EDUCATION	COMMUNITY GROUPS	HEALTH	WORKING GROUPS
VISITORS	ENERGY	BUSINESS CHAMBERS	TRANSPORT	EMPLOYEES
WORKERS	COMMUNITY SUPPORT AGENCIES	INDUSTRY	ROADS	VOLUNTEERS
STUDENTS			RECREATION	
			INFRASTRUCTURE	
			REGIONAL DEVELOPMENT	
			SOCIAL SERVICES	



## 07/ OBJECTIVES

While Council clearly has a strong program of communication and engagement activities, there are opportunities to build on relationships with key audiences and improve the consistency of communication across the organisation. To do this, it is proposed that Council pursues four objectives and associated actions over the life of this strategy. Each action will require more specific tasks and a timeframe for achievement.

### 01. Manage a proactive program of community engagement, ensuring all sectors of the community are included

- 1.1 - Face to face engagement** - Conduct information sessions, drop in kiosks or shopfronts to promote and engage with the community
- 1.2 - Technology** - Use technological advancements to reach further into the community and ensure feedback gathered is integrated into Council projects and decisions.
- 1.3 - Inclusive and accessible** - Ensure a broad mix of engagement channels are used including events, newspaper advertising, media releases, radio, website, public meetings, surveys and individual consultations in order to make public participation in decision making convenient.
- 1.4 - Stakeholder Database** - Maintain a database of community contacts for representative groups, venues and communication opportunities.

### 02. Ensure engagement at an appropriate level is built into all key projects and decisions

- 2.1 - Project planning** - Implement a process to determine the level of engagement appropriate for each project and the techniques to be used.
- 2.2 - Community engagement coordinator services** - Implement a formal internal process for requesting the services of Council's Community Engagement Coordinator, to ensure community engagement work can be prioritised and appropriately resourced.
- 2.3 - Councillor and Committee briefings** - Provide information about the tools and techniques used to undertake community engagement so recommendations and/or resolutions are appropriate.

### 03. Ensure Council staff have the tools they need for effective communication

- 3.1 - Staff training** - Ensure Council staff are appropriately trained in community engagement techniques and are informed about community engagement policies and guidelines.
- 3.2 - Council reports** - Ensure the 'community engagement' section in the Council Business Paper template is completed for each key decision and project.
- 3.3 - Report on the outcome**; Ensure the outcome of each community engagement activity is reported to participants in an appropriate way. This may include individual letters/emails or broad media releases or social media posts as required.

### 04. Strengthen Council's partnership with the community through effective engagement

- 4.1 - Community engagement database** - Create and maintain a database of community engagement activities to ensure valuable information about community engagement projects is collected for future reference.
- 4.2 - Surveys on engagement and communication** - Regularly seek feedback from the community on appropriate channels for engagement and communication, and refine activities accordingly.







# 08/ COMMUNITY PARTICIPATION PLAN

Council has a responsibility to deliver the objectives of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* which stipulates mandatory and minimum requirements for community participation in decision making.

Community participation is an overarching term covering how Council engages with the community under the EP&A Act, including strategy development, plan making and making decisions on proposed development.

The level and extent of community participation will vary depending on the location, scope of the proposal under consideration and potential impact of the decision.

**Council's discretion over types and levels of engagement is limited to some extent.**

Schedule 1 of the EP&A Act identifies minimum requirements for the public exhibition of strategic planning and policy documents, as well as applications submitted to Council for determination. These minimum requirements are set out in **Table 1**.

Local Environmental Plans (ie: rezoning and alternative use) Development Control Plans and Development Contributions Plans must be advertised for a minimum of 28 days and submissions considered. But where relevant, Council will seek to extend this timeframe and also use additional forms of engagement in accordance with this Strategy.

Some Development Applications (DAs) are classified as 'Exempt' or 'Complying' Development, and may be assessed by private Certifiers rather than Council staff. In these cases there can be little or no consultation.

Consultation on other DAs is carried out in accordance with Table 2 Notification Requirements and varies according to the scale and expected impacts of each proposal. Typically, these DAs are neighbour notified for at least 14 days or advertised for 30 days, with submissions then considered before decisions are made – usually by a senior member of staff acting under delegated authority. However, for a small percentage of applications Councillors may require further public consultation and/or call up the matter to a Council meeting in order to make the decision itself.

Proposals for very large and/or costly developments are determined by the Joint Regional Planning Panel or by the State government. Consultation on these proposals is normally guided by the minimum statutory requirements.

Division 2.6, Section 2.23 of the EP&A Act lists community participation principles which complement the intent of this strategy.

- The community has a right to be informed about planning matters that affect it.
- Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.



## Submission process

Well founded, balanced and factual submissions can inform and influence assessment processes and Council can obtain valuable information on localised issues that may apply to the matter being considered.

Making a submission is not mandatory however it is helpful to receive supportive as well as critical feedback.

Submissions made in response to notification or advertisement of a development application, strategic plan or policy document must:

- Be made in writing
- Identify the Application Number and Property Address of the development application
- Clearly indicate the name, address, email and phone number of the party making the submission
- Clearly state the reasons or grounds for support of or objection to the proposal.



12.6 Amendments to Council's Notification of Development Proposals Policy and Associated Community Participation Plan

ATTACHMENT 2 Draft Community Engagement Strategy Including Community Participation Plan



Objections should not be focussed on civil disputes and should be based on planning grounds generally related to detrimental effects or unmanageable impacts such as:

- Ground levels or views to and from the land
- Privacy, overshadowing and solar access
- Amenity impacts (such as potential noise, traffic, access, odour, light or other impacts)
- Visual aspects of the building in relation to streetscape including heritage considerations
- Other localised issues such as natural hazards and stormwater / drainage

Council will acknowledge receipt of any submissions received at the conclusion of the assessment process and advise that the submission has been taken into account. Basic information on the outcome may also be provided.

**Reporting outcomes**

In relation to applications for development consent, and applications for the modification of a development consent which was publicly exhibited, Council will publish details of:

- the land parcel and a description of the proposed development
- the decision and date on which it was made
- the reasons for the decision (having regard to any statutory requirements applying to the decision)
- how community views were taken into account in making the decision.

**TABLE 1 - MINIMUM EXHIBITION TIMEFRAMES**

PLAN MAKING MANDATORY REQUIREMENTS	(Schedule 1, Part 1, Division 1 (1) of the EP&A Act, 1979)
Draft community participation plans	28 days public exhibition
Draft local strategic planning statements	28 days public exhibition
Planning proposals for local environmental plans subject to a gateway determination	28 days public exhibition or: a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days public exhibition
Draft contribution plans	28 days public exhibition
DEVELOPMENT ASSESSMENT MANDATORY REQUIREMENTS	(Schedule 1, Part 1, Division 2 (2) of the EP&A Act, 1979)
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days public exhibition or: a) if a different period of public exhibition is specified for the application in Table 2 —the period so specified, or b) if Table 2 specifies that no public exhibition is required for the application—no public exhibition.
Application for development consent for designated development	28 days public exhibition
Application for modification of development consent that is required to be publicly exhibited by the regulations	14 days or the period (if any) determined in Table 2.
Environmental impact statement obtained under Division 5.1	28 days public exhibition

Notes:

1. Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.
2. Division 3 (18) states a public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.
3. Public exhibition involves a) giving notice to individual landowners, b) setting an appropriate exhibition timeframe, c) advertising the exhibition and how submissions can be made, and d) making documents publicly available.
4. The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
5. Submissions relating to applications and other exhibited documents must be made in writing and be lodged with the Council within the period specified in the notice (the exhibition period).

12.6 Amendments to Council's Notification of Development Proposals Policy and Associated Community Participation Plan

ATTACHMENT 2 Draft Community Engagement Strategy Including Community Participation Plan



**TABLE 2 - NOTIFICATION REQUIREMENTS**

DEVELOPMENT TYPE	Neighbour Notification (14 days)	Advertised * Development (30 days)	No notification or exhibition requirements
<b>DEVELOPMENT TYPE</b>			
New Residential Single Storey Dwellings.			●
New Residential Single Storey Dwelling (and Residential alterations and additions) with change in ground level >600mm and not in an urban release area and has identifiable impacts on adjoining or adjacent properties in the opinion of a Council assessing officer.	●		
New Residential Two Storey Dwellings or ancillary two storey buildings in all residential zones (and two storey residential alterations and additions) unless the subject site is located within a mapped urban release area.	●		
Outbuildings that are ancillary to a residential usage of the land (eg sheds, pools, garage and carports).			●
Residential accommodation where there is two or more dwellings being proposed on any one site (includes secondary dwellings and dual occupancies)	●		
Residential accommodation where there is three or more additional dwellings being proposed (Including Boarding Houses, Multi Dwelling Housing and Residential Flat Buildings)	●	●	
Demolition (unless in a heritage conservation area or an item of heritage)			●
<b>COMMERCIAL</b>			
New Commercial Premises	●		
New Commercial and Industrial premises where it is considered by the assessing officer to have a potential impact on adjoining land or where the proposed development is either adjoining or adjacent to a Residential Zoning.	●	●	
Additions and Alterations to a Commercial Premises	●		
Change of Use	●		
First Occupancy of a new premises	●		
Signage	●		
<b>SUBDIVISION</b>			
Subdivision of land into two or more lots	●		
Boundary Adjustments			●
Strata Subdivision			●
<b>TOURIST AND VISITOR ACCOMMODATION</b>			
New Facilities or alterations and additions to existing facilities or a change of use	●	●	
<b>RURAL INDUSTRIES</b>			
Rural Industries	●		

12.6 Amendments to Council's Notification of Development Proposals Policy and Associated Community Participation Plan

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**TABLE 2 - NOTIFICATION REQUIREMENTS (cont.)**

	Neighbour Notification (14 days)	Advertised * Development (30 days)	No notification or exhibition requirements
<b>INDUSTRIES / STORAGE</b>			
New Industry / Factory Buildings	●		
Alterations and Additions to Buildings	●		
Change of use	●		
Tower used to site telecommunication facilities	●	●	
<b>EXTRACTIVE INDUSTRIES</b>			
Extractive Industries - Not designated	●	●	
Extractive Industries - Designated Development	●	●	
<b>HOSPITAL / RELIGIOUS / EDUCATION ESTABLISHMENTS</b>			
New	●	●	
Alterations and Additions	●	●	
<b>TEMPORARY USE OF LAND</b>			
Uses under Clause 2.8 of the Wingecarribee Local Environmental Plan	●	●	
<b>OTHER DEVELOPMENT TYPES</b>			
Applications where a variation to Council's policies are being proposed (which is greater than 10%), e.g. building lines, setbacks and height, excluding controls relating to cut and fill.	●		
All new development in Heritage Conservation Areas or upon the site of a Heritage Item, where the proposed works are visible from a public street (excluding mapped urban release areas).	●		

**OTHER DEVELOPMENT NOT LISTED** - All other development types that are not required by legislation to be notified will not be notified. However subject to assessment of impacts by Council's assessing officer, where it is found to have uncontrolled or unmanageable impacts on surrounding properties the assessing officer shall determine the level of notification required.

\* Advertised development includes a sign on the development site in a prominent location and an advertisement on an approved website being either the 'NSW Planning Portal or Council's website.

**Notes:**

Any notification provides for fourteen (14) days for written submissions to be received by Council from the date of the notice of proposed development. In the case of advertised development, the advertisement period is 30 days.

Council will exclude any days where Council notifies or advertises a development proposal between 20 December and 10 January.

**Notification of amendments to Plans and Documentation (cl.55), Modifications (s.4.55) to Development Consent and Requests for Review (s8.2).**

The plans for a proposed development may be amended by the applicant prior to its determination under clause 55 of the Environmental Planning and Assessment Regulation 2000 or modified in the case where an application is determined by way of approval. Amended plans can also be considered by Council following a request for review of determination under section 8.2 of the Environmental Planning and Assessment Act 1979.

**a) Amendments** - The applicant may submit amended plans in order to address concerns raised by Council or to address concerns raised by an objector in a submission in response to the notification process. In these circumstances it is not

expected that Council will renotify the development proposal. Where issues have not been addressed through the submission of amended plans and supporting documentation, or where there is a significant change in the proposed application which will create detrimental or unmanageable impacts, Council's assessing officers may at their discretion re-notify the proposal.

**b) Modifications following determining an application by way of consent** - For applications that have been determined by way of approval, a section 4.55 modification application may be submitted to Council for consideration. These applications can be of a minor nature (s4.55(1) and s4.55(1A) of the Environmental Planning and Assessment Act 1979 involving minimal environmental impact or addressing an error or mis-description in an application. More significant modifications will be considered under (s4.55(2)). Council will generally not notify applications made under section 4.55(1) and s4.55(1A), however in the case of a s4.55(2) or a s4.55(AA) modification, if the original development application was previously notified or advertised, any future modification involving environmental impact will be notified or advertised in the same manner.

**c) Review of determination** - In the case of where an application has been determined by way of refusal or in the case of an approval where a condition(s) of consent have been imposed, a proponent may request a review of determination under section 8.2 of the Environmental Planning and Assessment Act 1979. Where a request is made under this section, Council shall notify the section 8.2 application in the same manner as the original development application was notified or advertised.



## 09/ REVIEW AND REPORT

Along with the Communication Strategy, it is proposed this Strategy is reviewed annually and formally assessed three years after its adoption.

Biannual and annual reporting records community engagement activity. Reports can be found at [www.wsc.nsw.gov.au/council/council-reports](http://www.wsc.nsw.gov.au/council/council-reports)

## 10/ REFERENCES

- Social Justice Principles
- IAP2 Framework
- Wingecarribee Communications Strategy
- Community Strategic Plan
- Community Satisfaction Survey 2017
- Wingecarribee Disability Inclusion Action Plan
- Privacy and Personal Information Protection Act 1998
- NSW Information Commissioner's Charter for Public Participation
- *Crown Land Management Act 2016*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*

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# Your Say Wingecarribee

Wingecarribee Shire Council's community engagement hub

Your Say Wingecarribee is a place for you to join in, share your thoughts and help shape key projects and services in the Wingecarribee Shire. The hub is regularly updated with project information and about ways to have your say on issues that affect you! Register your details and you'll be the first to hear about the latest opportunities to take part in Council's decision-making processes.

**Exhibition of Property Matters**

**Becoming a Councillor survey**

### Frequently Asked Questions

I can't find my confirmation instructions. Can you resend these?

I've forgotten my password. What do I do?

How do I update my details?

How are online forums moderated?

Does Council have a Community Engagement Policy or Strategy?

### Who's Listening

**Community Engagement Coordinator**  
 Supports project managers with consultation activities.  
 Manages this site.  
 engagement@wsc.nsw.gov.au  
 02 4868 0861

**Customer Service Team**  
 Wingecarribee Shire Council service enquiries or action requests -  
[www.wsc.nsw.gov.au/contact](http://www.wsc.nsw.gov.au/contact)  
 mail@wsc.nsw.gov.au  
 02 4868 0888

**How do I get involved and have my say?**

YourSayWingecarribee is one method Wingecarribee Shire Council is using to connect with our community, providing a direct link to Council's decision-making processes. We hope you will find this an easy and convenient way to contribute your ideas, feelings and opinions about key projects and

[Read More](#)

*I had my say... you can too!*

**JOIN IN - SHARE YOUR THOUGHTS**



12.6 Amendments to Council's Notification of Development Proposals Policy and Associated Community Participation Plan

ATTACHMENT 2 Draft Community Engagement Strategy Including Community Participation Plan



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

Revised and updated Community Engagement Strategy  
(incorporating Community Participation Plan)  
adopted by Wingecarribee Shire Council  
11 December 2019







## 12.7 Wingecarribee Community Assistance Scheme Recommendations for Funding

Reference:	1870/2020
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

### PURPOSE

The purpose of this report is to seek Council's approval of the final recommendations from the Community Assistance Scheme Advisory Committee for financial assistance under the 2020/2021 Wingecarribee Community Assistance Scheme.

### RECOMMENDATION

1. **THAT** Council adopt the recommendations of the Community Assistance Scheme Advisory Committee as detailed in Attachment 1 to the report **circulated under separate cover - confidential.**
2. **THAT** successful applicants be advised and invited to attend a formal presentation to receive Certificates of Entitlement.
3. **THAT** this presentation ceremony be held during Local Government Week from 3 to 9 August 2020, subject to COVID-19 restrictions.
4. **THAT** correspondence is forwarded to the unsuccessful applicants advising them of the outcome of their application.
5. **THAT** \$4,975.80 of funds remaining from the Community Assistance Scheme be allocated to Grants Writing Workshops to be held in early 2021.

### REPORT

#### **BACKGROUND**

The Wingecarribee Community Assistance Scheme allows Council to provide funding to local organisations for the purpose of implementing and improving community based projects within the Shire. The scheme opens during February each year and closes at the end of March. A presentation to successful applicants is made during Local Government week in August.

The scheme funds projects that fall under the broad categories of community development, arts and culture, sport and recreation and community infrastructure from Council's Community Assistance Scheme budget allocation of \$120,000. Environmental projects are funded from an allocation of \$10,000 from the Environment Levy.

Applicants can apply for a donation of up to \$600 or a grant of up to \$7,000 and up to \$2,000 for environmental projects.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 July 2020

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



#### **REPORT**

The Community Assistance Scheme opened on 17 February 2020 and was due to close on 27 March 2020 but was extended due to COVID-19 and closed on 30 April 2020.

The scheme was promoted through a media release, advertisements in the Council section of local newspapers, radio and via Council newsletters and website and promotion through local networks and interagencies.

All applications received under the scheme undergo rigorous assessment. Applications are first reviewed by Council staff and assessed against eligibility criteria. In previous years, eligible applications were assessed by the relevant advisory committees and recommendations for funding were made to the Community Assistance Scheme Advisory Committee. However, this year due to the COVID-19 pandemic these advisory committees did not meet between April and June 2020. Instead, eligible applications were considered by Council's Community Assistance Scheme Advisory Committee who assessed applications and made final recommendations.

This year the Community Assistance Scheme Advisory Committee has recommended that grants and donations to the value of \$115,024.80 be approved for distribution to local community groups and organisations and that from the Environment Levy \$3,988 be approved for distribution to groups.

It is proposed the remaining funds of \$4,975.20 from the Community Assistance Scheme be put towards professional Grant Writing Workshops to be run at the start of the funding application period in 2021 to assist community organisations apply for grants.

#### **APPLICATIONS RECEIVED**

This year, 59 applications were submitted seeking a total of \$174,970.80 in funding which includes \$13,438 seeking Environment Levy funds. Further details are outlined in the table below.

CATEGORY	TOTAL NUMBER OF APPLICATIONS RECEIVED	AMOUNT RECOMMENDED
ARTS & CULTURE	14 applications (6 donations, 8 grants)	\$ 39,900.80 \$ 3,496.80 (6) donations, \$ 36,404 (7) grants
COMMUNITY DEVELOPMENT	16 applications (11 donations, 8 grants)	\$ 32,612 \$ 5,400 (9) donations, \$ 27,212 (8) grants
SPORT & RECREATION	8 applications (5 donations, 3 grants)	\$ 16,800 \$ 3,000 (5) donations, \$ 13,800 (3) grants
ENVIRONMENT	4 applications (4 grants)	\$ 3,988 (2) grants
MISCELLANEOUS (INCLUDING	13 applications (13 grants)	\$ 25,712 (10) grants

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



CATEGORY	TOTAL NUMBER OF APPLICATIONS RECEIVED	AMOUNT RECOMMENDED
COMMUNITY INFRASTRUCTURE)		
<b>TOTAL</b>	<b>59 applications (22 donations, 37 grants)</b>	<b>\$ 119,012.80 \$ 11,896.80 donations, \$ 107,116 grants</b>

## COMMUNICATION AND CONSULTATION

### Community Engagement

Nil

### Internal Communication and Consultation

Applications were referred to relevant staff members for feedback and further consultation as required.

### External Communication and Consultation

The scheme was promoted through a media release, advertisements in the Council section of local newspapers, radio and via Council newsletters and website and promotion through local networks and interagencies.

## SUSTAINABILITY ASSESSMENT

- **Environment**

The Community Assistance Scheme supports environmental and sustainable projects that meet with requirements of the Council's Environment Levy

- **Social**

The Wingecarribee Community Assistance Scheme assists local not for profit organisations to establish, support, enhance resources, services and facilities and access for local residents.

- **Broader Economic Implications**

The scheme allows for community organisations to provide local projects and carry out works that benefit the local community, often sourcing local businesses and supplies.

- **Culture**

A number of the applications recommended for funding will support cultural activities in the community.

- **Governance**

This year applications did not go through the assessment process of previous years because Council Committees meetings were postponed. Applications were forwarded to

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Council staff for feedback and this was presented to the members of the Community Development Advisory Committee.

#### COUNCIL BUDGET IMPLICATIONS

The budget allocated for the Wingecarribee Community Assistance Scheme in the 2020/2021 budget is \$120,000, with an additional \$10,000 from the Environment Levy. The total budget allocation is \$130,000.

#### RELATED COUNCIL POLICY

N/A

#### OPTIONS

The options available to Council are:

##### **Option 1**

Council adopt the recommendations of the Community Assistance Scheme Advisory Committee and award the donations and grants as included in the confidential attachment circulated under confidential separate cover. (**Attachment 1**)

##### **Option 2**

Council amend or reject the recommendations.

Option 1 is the recommended option to this report.

#### CONCLUSION

The applications for the Community Assistance Scheme 2020/2021 have been assessed by the Community Development Advisory Committee and final recommendations for Council have been prepared.

#### ATTACHMENTS

1. 2020/2021 Community Assistance Scheme Recommendations - *confidential*

## 12.8 Draft Southern Highlands Destination Plan 2020-2030

Reference:	1600/23
Report Author:	Coordinator Economic Development
Authoriser:	Group Manager Tourism & Events
Link to Community Strategic Plan:	Promote business and industry development opportunities suited to our distinct region

### PURPOSE

To seek Council endorsement of the draft *Southern Highlands Destination Plan 2020-2030* and *Background Report* for public exhibition.

### RECOMMENDATION

1. **THAT** the draft *Southern Highlands Destination Plan 2020-2030* in Attachment 1 and the *Background Report* in Attachment 2 be endorsed for public exhibition.
2. **THAT** the draft *Southern Highlands Destination Plan 2020-2030* and *Background Report* be publicly exhibited for a minimum period of six (6) weeks commencing in July 2020, and
3. **THAT** the staff hold community engagement sessions throughout the Shire during the exhibition period having due consideration to limitations imposed by COVID-19

### REPORT

#### **BACKGROUND**

Council previously adopted an *Economic Development Plan 2008-2016* and a *Tourism Strategy 2012-2016*. Given Tourism, like other industry sectors, contributes to the economy, it is a rational step to combine strategies for tourism and economic development into a single *Southern Highlands Destination Plan 2020-2030*. The Destination Plan has been developed to provide the blueprint to achieve the 2031 vision for the Wingecarribee economy over the next 10 years.

In December 2019, Council issued a Request for Quote (RFQ) for suitably qualified consultants to prepare a Background Report and Destination Plan.

#### **REPORT**

The draft Southern Highlands Destination Plan 2020-2030 articulates the role of Council in economic development and establishes four pillars – People, Place, Prosperity and Partnership - on which to base clear goals and actions to achieve the community's desired vision for 2031. The Shire has numerous competitive advantages in its strategic location, pristine natural environment, local lifestyle and amenity. There are significant opportunities in some traditional industries as well as some new and emerging sectors, including:

- Agribusiness
- Tourism and attractions
- Equine
- Professional Business Services



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



- Creative Industries
- Healthcare
- Advanced Manufacturing
- Education

Through these combined opportunities, our region can create new jobs, which will attract young families to the area and help to rebalance our demographics into the future, contributing to a more diverse economy and enabling local agriculture, equine and tourism industries to flourish and new industries to emerge. The Shire will grow, protecting the unique character of our special place.

Direct, intentional and meaningful actions are required of Council and industry in partnership. On the strong foundation of our four pillars, the priority actions can effect change and we will achieve our desired future.

A copy of the Draft Southern Highlands Destination Plan 2020-2030 is provided as **Attachment 1** and the Background Report as **Attachment 2** (under separate cover).

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## COMMUNICATION AND CONSULTATION

### Community Engagement

The draft Destination Plan will be publicly exhibited for a minimum period of six (6) weeks commencing in July 2020. A diverse range of engagement initiatives have been designed to support extensive and broad-based consultation, having due consideration to COVID-19 constraints.

### Internal Communication and Consultation

The Plan has been developed during the exhibition period for Council's *Housing Strategy* and *Local Strategic Planning Statement* resulting in collegiate peer review and alignment of strategic principles.

Firstly, an information session was held with Councillors, Group Managers and other staff in 2019 to confirm a direction to combine tourism and economic development strategies. Secondly, in 2020 a number of sessions were held with Councillors and key staff to review the Background Report findings; identify strengths, challenges, opportunities and competitiveness; and affirm key themes and a content framework as the Plan was developed. Thirdly, Councillors and key staff were briefed on the Draft Plan to confirm the direction prior to endorsement for being placed on exhibition.

### External Communication and Consultation

A series of five two-hour forums were conducted in February 2020 with approximately 70 representatives from key industry sectors and peak body organisations. The Background Report was presented to ground-truth the findings; by workshopping strengths, challenges, opportunities and competitiveness, in small interactive groups. In mid-June an online presentation of the key themes and Plan framework was delivered to 40 attendees from the February forum cohort. A shorter presentation was given to the Southern Highlands Chamber of Commerce and Industry at their invitation, for the benefit of their members.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The draft Destination Plan seeks to manage growth in a way that protects our natural areas and rural landscapes, acknowledging the value of clean industries and Council's declaration of climate change emergency.

- **Social**

The draft Destination Plan supports the Community Strategic Plan – Wingecarribee 2031, seeking to balance the economic, environmental and social needs over the 10 year life of the Plan; ensuring the needs of our community continue to be met into the future.

- **Broader Economic Implications**

Council has a significant role to play by providing an environment and facilitating processes that are conducive to future economic growth. This environment and processes must provide certainty to industry and investors as they deliver on key catalytic projects and provide employment and services to the community.

- **Culture**

The draft Plan includes goals and actions that acknowledge Aboriginal Cultural Heritage, built heritage and history; and arts and culture as a significant sector of the economy.

- **Governance**

The draft Plan articulates goals and actions that deliver on the Strategies supported by the community in the Community Strategic Plan – Wingecarribee 2031.

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## **COUNCIL BUDGET IMPLICATIONS**

Funding was allocated to develop the *Southern Highlands Destination Plan 2020-2030* as part of the 2019- 2020 operational budget. The development of the Destination Plan has no financial impact on Council's adopted budget or forward estimates.

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## **RELATED COUNCIL POLICY**

Not applicable in the context of this report

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## **OPTIONS**

The options available to Council are:

### **Option 1**

1. **THAT** the draft Southern Highlands Destination Plan 2020-2030 in Attachment 1 and the Background Report in Attachment 2 be endorsed for public exhibition
2. **THAT** the draft Southern Highlands Destination Plan 2020-2030 and Background Report be publicly exhibited for a minimum period of six (6) weeks commencing in July 2020, and
3. **THAT** staff hold community engagement sessions throughout the Shire during the consultation period having due consideration to limitation imposed by COVID-19.

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This will allow staff to begin consulting with the broader community on this important strategy for the future of the Shire.

#### **Option 2**

THAT Council endorse the draft *Southern Highlands Destination Plan 2020-2030* and *Background Report* for public exhibition subject to changes to be determined by Council.

Depending on the scale of these changes, this may delay the exhibition of the draft Destination Plan.

#### **Option 3**

THAT Council not endorse the draft *Southern Highlands Destination Plan 2020-2030* and *Background Report* for public exhibition, and a revised Destination Plan be reconsidered at a later meeting.

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

#### **CONCLUSION**

The draft Southern Highlands Destination Plan 2020-2030 provides a blueprint to achieve the 2031 vision for the Wingecarribee economy over the next 10 years. Successful implementation in a whole of Council, whole of destination approach and empowered industry partnership has the potential to create certainty for investors, support sustainable local industry, strengthen our towns and villages while preserving the green between and valued heritage and deliver on the promise that the Southern Highlands is a great place to live, work, learn and play.

#### **ATTACHMENTS**

1. Draft Southern Highlands Destination Plan 2020-2030 - Exhibition Draft - *circulated under separate cover*
2. Draft Southern Highlands Destination Plan 2020-2030 Background Report - Exhibition Draft - *circulated under separate cover*

## 12.9 Code of Conduct Matter

Reference:	880/2
Report Author:	Group Manager Corporate and Community
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 report deals with a final investigation report into an alleged breach of the Wingecarribee Shire Council Code of Conduct by a Councillor.

### RECOMMENDATION

**THAT** the report concerning the final investigation report into an alleged breach of the Wingecarribee Shire Council Code of Conduct by a Councillor 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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440.

### ATTACHMENTS

There are no attachments to this report.

Mark Pepping  
Deputy General Manager Corporate, Strategy and Development Services

Thursday 2 July 2020



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## 16 COMMITTEE REPORTS

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### 16.1 Management and Advisory Committee Reports

Reference: 107/1  
Report Author: Committee Coordinator

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#### **PURPOSE**

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

1. Hill Top Community Centre Committee held on 12 December 2019
2. Moss Vale Senior Citizens and Community Centre Hall Committee held on 16 December 2019
3. East Bowral Community Centre Management Committee 26 November 2019

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#### **RECOMMENDATION**

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

1. Hill Top Community Centre Committee held on 12 December 2019
2. Moss Vale Senior Citizens and Community Centre Hall Committee held on 16 December 2019
3. East Bowral Community Centre Management Committee 26 November 2019

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#### **ATTACHMENTS**

There are no attachments to this report.



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## **16.2 Minutes of the Traffic Committee held on Thursday 18 June 2020**

**Reference:** 107/6  
**Report Author:** Administration Officer

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### **PURPOSE**

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 18 June 2020.

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### **SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLOR'S ATTENTION AND ADOPTION**

#### Item 5.1 Road Safety Officer Report

TC27/20

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:

Current TfNSW Funded Projects confirmed 2019/20;

1. Pedestrians/Infringements- School Zone Safety
2. Look Out Before You Step Out
3. Motorcycles
4. Graduating Licencing Scheme GLS: Compulsory TfNSW funded project
5. Learner Log Book Run LBR
6. Speed Busters- Speed Display Signs
7. Heavy Vehicles- Joint project with Goulburn and Wollondilly Council
8. 65+ Seniors Festival

#### Item 5.2 Police Report on recent road crashes in the Shire

TC28/20

THAT the information be received and noted.

#### Item 5.3 Traffic Management Arrangements for 2020 Bowral Classic

TC29/20

THAT there is no objection to the traffic arrangements proposed for 2020 Bowral Classic on Sunday 18 October 2020 subject to approval by the Police Service and completion of the approval process for Class 2 Race Events as per the NSW Guidelines for Bicycle Road Races and the Guide to Traffic and Transport Management for Special Events.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 July 2020

### COMMITTEE REPORTS



#### Item 5.4 Proposed parking and traffic alterations on Regent Lane, Mittagong

TC30/20

THAT Regent Lane from Bessemer Street to Princes Street be converted to one-way with No Parking signage installed on both sides of the Lane and the direction of flow shall be from Bessemer Street to Princes Street.

#### Item 5.5 Parking and traffic alterations on Burrawang Lane, Robertson

TC31/20

THAT Burrawang Lane from Meryla Street to Main Street be converted to one-way with No Parking signage installed on the both sides of the Lane. The direction of flow shall be from Main Street to Meryla Street.

#### Item 5.6 Proposed additional accessible parking facilities at Bradman Centre, St Jude Street, Bowral

TC32/20

THAT

1. The addition of one accessible sealed parking space on St Jude Street, Bowral be implemented at the first parking space next to the two (2) Bradman Centre owned parking spaces in front of the Bradman Museum.
2. The first two (2) parking spaces next to the two (2) Bradman Centre owned parking spaces be sealed and a continuous, accessible path of travel between the accessible parking space and the Bradman Museum be constructed.
3. The works be added to the Roads and Drainage Capital works list and funding for the works be considered with all other competing priorities when determining the future annual Capital Works program with a high priority.
4. Council enter into discussions with the Bradman Centre to encourage use of spaces allocated to the Centre to be used as the accessible space due to it being adjacent to existing pathways and being close to the Centre's entrance.

#### Item 5.7 Proposed pedestrian refuges and a roundabout on Kirkham Road, Bowral

TC33/20

THAT there is no objection to the construction drawings No.RF-3100-RF3103 for the 'Kirkham Road (South), Bowral' project to implement the following traffic facilities:

1. Formalised car parking arrangements on both sides of Kirkham Road from Oxley Hill Road to Sherwood Avenue.
2. Two (2) pedestrian refuges on Kirkham Road close to Wingecarribee Street and Willow Road respectively.
3. One roundabout at the intersection of Kirkham Road and Sherwood Avenue, Bowral.
4. Changes to parking restrictions and 'kiss and ride' bays included in the drawings.

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### COMMITTEE REPORTS



#### Item 5.8 Traffic and Speeding on Purcell Street and Derby Street, Bowral

TC34/20

THAT

1. Twenty (20) metres double barrier lines be installed on Purcell Street and Derby Street from the intersection of Derby Street and Purcell Street.
2. Dividing lines be installed on Purcell Street from Park Road to Thompson Street and on Derby Street from Purcell Street to Old South Road.
3. Give Way signage and line marking be installed at the T intersection of Purcell Street and Derby Street with Derby Street identified as the side road.
4. Retro-reflective raised pavement markers (RRPMs) be installed on double barrier lines and dividing lines on Purcell Street and Derby Street.
5. The Southern Highlands Highway Patrol be supplied with the speed and traffic data and requested to continue enforcement activities regarding speeding, drink driving and drug driving as and when resources permit.

#### Item 5.9 Formalisation of the existing parking spaces on Glebe Street and Boolwey Street, Bowral

TC35/20

THAT there is no objection to the proposed plan No. 2341-07 for the formalisation of the exiting parking spaces and installation of 'No Stopping' and '90 DEGREE PARKING, FRONT TO KERB, VEHICLES UNDER 6M ONLY' signs on Glebe Street and Boolwey Street, Bowral.

#### Item 5.10 Review of usage of the Taxi rank in Bong Bong Street, Bowral

TC36/20

THAT the current amount of taxi rank in Bong Bong Street, Bowral is justified and should be retained.

#### Item 5.11 Traffic Committee Action Sheet

TC37/20

THAT the information be received and noted.

#### Item 5.12 The revised construction design for the roundabout at the intersection of Bundaroo Street and Bendooley Street and the proposed Drop-off and Pick-up zone on Victoria Street, Bowral

TC38/20

1. THAT the layout plan as submitted is supported.
2. THAT the proposed raised concrete kerb blister on north east side of Bundaroo Street be replaced with painted kerb blister.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### COMMITTEE REPORTS



3. THAT a 50m timed Drop-off and Pick-up Zone be installed on the southern side of Victoria Street.
4. THAT the behaviour of St Thomas Aquinas Catholic Parish Primary School pick up and drop off be reviewed and if vehicles queue through the intersection whilst waiting to pick up and drop off which causes traffic issues, the drop-off and pick-up zone on Bundaroo Street be removed.
5. THAT the concerns about driveway sight distance and three point turning movements on Bundaroo Street be investigated.
6. THAT the south western corner property boundary be modified to incorporate a 4 metre x 4 metre splay to improve sight distance for pedestrians subject to negotiation with the property owner.

#### Item 5.13 Bowral Hospital Precinct Parking & Traffic Management changes

TC39/20

1. THAT Community Engagement be undertaken with residents and commercial premises on Mona Road to discuss proposed alterations to traffic management aimed to increase on-street parking supply.
2. THAT the outcome of the community engagement be reported back to the Traffic Committee for further determination.
3. THAT the previously endorsed proposal to convert Ascot Road to one-way traffic between Sheffield Road and Mona Road be implemented as a staged project limited to line marking modifications and changes to regulatory signage to create an additional 15 parking spaces, as per the plan presented at the meeting. The previously endorsed proposal to undertake civil works which would increase parking supply further be still the long term objective.
4. THAT parking in Loseby Street be kept under review to assess possible adverse traffic behaviour resulting from overflow parking demand from the displacement of Bowral Hospital on-site parking due to the hospital construction.

#### **RECOMMENDATION**

**THAT recommendation Nos TC27/20 to TC39/20 as detailed in the Minutes of the Traffic Committee Meeting held on Thursday, 18 June 2020 be adopted, save for any items which have budgetary implications AND THAT action on any item with budgetary implications be delayed, pending consideration by the Finance Committee.**

#### **ATTACHMENTS**

1. Minutes of the Traffic Committee Meeting held on 18 June 2020.



# MINUTES

## of the Traffic Committee Meeting

Held remotely using audio visual link on

**Thursday 18 June 2020**

The meeting commenced at 9:30am

*File No. 107/6*



# AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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## QUESTIONS WITH NOTICE



### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. DECLARATIONS OF INTEREST
5. **AGENDA REPORTS** ..... 3
  - 5.1 Road Safety Officer Progress Report..... 3
  - 5.2 Police report on recent road crashes in the Shire..... 4
  - 5.3 Traffic Management Arrangements for 2020 Bowral Classic..... 5
  - 5.4 Proposed parking and traffic alterations on Regent Lane, Mittagong .... 6
  - 5.5 Parking and traffic alterations on Burrawang Lane, Robertson..... 7
  - 5.6 Proposed additional accessible parking facilities at Bradman Centre, St Jude Street, Bowral ..... 8
  - 5.7 Proposed pedestrian refuges and a roundabout on Kirkham Road, Bowral ..... 9
  - 5.8 Traffic and Speeding on Purcell Street and Derby Street, Bowral .....10
  - 5.9 Formalisation of the existing parking spaces on Glebe Street and Boolwey Street, Bowral.....11
  - 5.10 Review of usage of the Taxi rank in Bong Bong Street, Bowral.....12
  - 5.11 Traffic Committee Action Sheet .....13
  - 5.12 The revised construction design for the roundabout at the intersection of Bundaroo Street and Bendooley Street and the proposed Drop-off and Pick-up zone on Victoria Street, Bowral.....14
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6. **DATE OF NEXT MEETING** .....16
7. **MEETING CLOSURE** .....16

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK ON THURSDAY 18 JUNE 2020 COMMENCING AT 9:30AM.

<b>Present:</b>	Clr Ken Halstead OAM Mrs Jayd Marsh Sergeant Matthew Meagher Mrs Katherine Wood	Chair Roads and Maritime Services NSW Police Representing the Member for Goulburn
<b>In Attendance:</b>	Mr Chris Moule Mr Laurie Stewart	Berrima Buslines Southern Highlands Taxis, Hire Cars & Coaches)
<b>Council Staff:</b>	Mr Stace Lewer Ms Daria Chen Mr Frank Iacono Mr Naif Ahmed	Manager Assets Acting Traffic Engineer Transportation Planning Engineer Coordinator Assets Roads & Traffic
<b>Absent:</b>	Mr Ian Armstrong Mr Adam Lawrence	Representing the Member for Wollondilly Road Safety Officer
<b>Minutes:</b>	Mrs Liz de Graaf	Administration Assistant

### 1. WELCOME AND APOLOGIES

It was noted that apologies were received from Sergeant Matthew Hoffman.

#### RECOMMENDATION

***THAT the apology of Matthew Hoffman be accepted and leave of absence granted.***

### 2. 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.

### 3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 13 FEBRUARY 2020

#### RECOMMENDATION

***THAT the minutes of the Traffic Committee Meeting held on Thursday 13 February 2020 TC 7/20 to TC 20/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.***

*PASSED*

Unanimous support

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

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**QUESTIONS WITH NOTICE**

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**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 18 June 2020

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**4. DECLARATIONS OF INTEREST**

Nil

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



## 5. AGENDA REPORTS

### 5.1 Road Safety Officer Progress Report

**Reference:** 7410  
**Report Author:** Road Safety Officer  
**Authoriser:** Traffic Engineer (Contractor)  
**Link to Community**  
**Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

Reporting on promotions and activities of the Road Safety Officer (RSO)

#### RECOMMENDATION

*THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:*

*Current TfNSW Funded Projects confirmed 2019/20;*

- 1. Pedestrians/Infringements- School Zone Safety*
- 2. Look Out Before You Step Out*
- 3. Motorcycles*
- 4. Graduating Licencing Scheme GLS: Compulsory TfNSW funded project*
- 5. Learner Log Book Run LBR*
- 6. Speed Busters- Speed Display Signs*
- 7. Heavy Vehicles- Joint project with Goulburn and Wollondilly Council*
- 8. 65+ Senior Festival*

TC27/20

Unanimous support

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.2 Police report on recent road crashes in the Shire

**Reference:** 7410  
**Report Author:** Traffic Engineer (Contractor)  
**Authoriser:** Manager Assets  
**Link to Community Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

Reporting on recent road crashes in the Shire recorded by Police.

#### RECOMMENDATION

*THAT the information be received and noted.*

TC28/20

Unanimous support



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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.3 Traffic Management Arrangements for 2020 Bowral Classic

**Reference:** 7420/3  
**Report Author:** Traffic Engineer (Contractor)  
**Authoriser:** Manager Assets  
**Link to Community**  
**Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

Reporting on the traffic arrangements for the 2020 Bowral Classic event.

#### RECOMMENDATION

*THAT there is no objection to the traffic arrangements proposed for 2020 Bowral Classic on Sunday 18 October 2020 subject to approval by the Police Service and completion of the approval process for Class 2 Race Events as per the NSW Guidelines for Bicycle Road Races and the Guide to Traffic and Transport Management for Special Events.*

TC29/20

Unanimous support

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.4 Proposed parking and traffic alterations on Regent Lane, Mittagong

Reference:	7460/25
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

#### PURPOSE

To consider the most appropriate traffic management on Regent Lane, Mittagong.

#### RECOMMENDATION

***THAT Regent Lane from Bessemer Street to Princes Street be converted to one-way with No Parking signage installed on both sides of the Lane and the direction of flow shall be from Bessemer Street to Princes Street.***

TC30/20

Unanimous support

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.5 Parking and traffic alterations on Burrawang Lane, Robertson

Reference:	7453
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

#### PURPOSE

To consider the most appropriate parking restrictions on Burrawang Lane, Robertson and to determine whether the implementation of one-way traffic flow between Meryla Street and Main Street is supported.

#### RECOMMENDATION

***THAT Burrawang Lane from Meryla Street to Main Street be converted to one-way with No Parking signage installed on the both sides of the Lane. The direction of flow shall be from Main Street to Meryla Street.***

TC31/20

Unanimous support

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.6 Proposed additional accessible parking facilities at Bradman Centre, St Jude Street, Bowral

Reference:	7455
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 additional accessible parking facilities adjacent to the Bradman Centre, St Jude Street, Bowral.

#### RECOMMENDATION

##### THAT

- 1. The addition of one accessible sealed parking space on St Jude Street, Bowral be implemented at the first parking space next to the two (2) Bradman Centre owned parking spaces in front of the Bradman Museum.*
- 2. The first two (2) parking spaces next to the two (2) Bradman Centre owned parking spaces be sealed and a continuous, accessible path of travel between the accessible parking space and the Bradman Museum be constructed.*
- 3. The works be added to the Roads and Drainage Capital works list and funding for the works be considered with all other competing priorities when determining the future annual Capital Works program with a high priority.*
- 4. Council enter into discussions with the Bradman Centre to encourage use of spaces allocated to the Centre to be used as the accessible space due to it being adjacent to existing pathways and being close to the Centre's entrance.*

TC32/20

Unanimous support

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 July 2020

### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.7 Proposed pedestrian refuges and a roundabout on Kirkham Road, Bowral

Reference:	7400
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

#### PURPOSE

Reporting on the pedestrian refuges and the roundabout proposed on Kirkham Road, Bowral

#### RECOMMENDATION

***THAT there is no objection to the construction drawings No.RF-3100-RF3103 for the 'Kirkham Road (South), Bowral' project to implement the following traffic facilities:***

- 1. Formalised car parking arrangements on both sides of Kirkham Road from Oxley Hill Road to Sherwood Avenue.***
- 2. Two (2) pedestrian refuges on Kirkham Road close to Wingecarribee Street and Willow Road respectively.***
- 3. One roundabout at the intersection of Kirkham Road and Sherwood Avenue, Bowral.***
- 4. Changes to parking restrictions and 'kiss and ride' bays included in the drawings.***

TC33/20

Unanimous support



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 18 June 2020



### 5.8 Traffic and Speeding on Purcell Street and Derby Street, Bowral

**Reference:** 7460/8  
**Report Author:** Traffic Engineer (Contractor)  
**Authoriser:** Manager Assets  
**Link to Community Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

To consider measures to manage traffic and speeding on Purcell Street and Derby Street, Bowral

#### RECOMMENDATION

##### THAT

1. *Twenty (20) metres double barrier lines be installed on Purcell Street and Derby Street from the intersection of Derby Street and Purcell Street.*
2. *Dividing lines be installed on Purcell Street from Park Road to Thompson Street and on Derby Street from Purcell Street to Old South Road.*
3. *Give Way signage and line marking be installed at the T intersection of Purcell Street and Derby Street with Derby Street identified as the side road.*
4. *Retro-reflective raised pavement markers (RRPMs) be installed on double barrier lines and dividing lines on Purcell Street and Derby Street.*
5. *The Southern Highlands Highway Patrol be supplied with the speed and traffic data and requested to continue enforcement activities regarding speeding, drink driving and drug driving as and when resources permit.*

TC34/20

Unanimous support

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

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### 5.9 Formalisation of the existing parking spaces on Glebe Street and Boolwey Street, Bowral

Reference: 7460/8  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

#### PURPOSE

To review the design for formalising the existing parking spaces on Glebe Street and Boolwey Street, Bowral.

#### RECOMMENDATION

***THAT there is no objection to the proposed plan No. 2341-07 for the formalisation of the exiting parking spaces and installation of 'No Stopping' and '90 DEGREE PARKING, FRONT TO KERB, VEHICLES UNDER 6M ONLY' signs on Glebe Street and Boolwey Street, Bowral.***

TC35/20

Unanimous support

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

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#### 5.10 Review of usage of the Taxi rank in Bong Bong Street, Bowral

**Reference:** 7458  
**Report Author:** Traffic Engineer (Contractor)  
**Authoriser:** Manager Assets  
**Link to Community**  
**Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

To review usage of the Taxi rank in Bong Bong Street, Bowral and to determine its justification for the current amount of spaces.

#### RECOMMENDATION

***THAT the current amount of taxi rank in Bong Bong Street, Bowral is justified and should be retained.***

TC36/20

Unanimous support

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

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### 5.11 Traffic Committee Action Sheet

**Reference:** 107/6  
**Report Author:** Traffic Engineer (Contractor)  
**Authoriser:** Manager Assets  
**Link to Community**  
**Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

Reporting on the Traffic Committee Action Sheet.

#### RECOMMENDATION

*THAT the information be received and noted.*

TC37/20

Unanimous support

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

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### Additional / Late Items

#### 5.12 The revised construction design for the roundabout at the intersection of Bundaroo Street and Bendooley Street and the proposed Drop-off and Pick-up zone on Victoria Street, Bowral

Reference:	7451
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

#### PURPOSE

Discussion report regarding the revised construction design for the roundabout at the intersection of Bundaroo Street and Bendooley Street and the proposed Drop-off and Pick-up zone on Victoria Street, Bowral.

#### RECOMMENDATION

1. ***THAT the layout plan as submitted is supported.***
2. ***THAT the proposed raised concrete kerb blister on north east side of Bundaroo Street be replaced with painted kerb blister.***
3. ***THAT a 50m timed Drop-off and Pick-up Zone be installed on the southern side of Victoria Street.***
4. ***THAT the behaviour of St Thomas Aquinas Catholic Parish Primary School pick up and drop off be reviewed and if vehicles queue through the intersection whilst waiting to pick up and drop off which causes traffic issues, the drop-off and pick-up zone on Bundaroo Street be removed.***
5. ***THAT the concerns about driveway sight distance and three point turning movements on Bundaroo Street be investigated.***
6. ***THAT the south western corner property boundary be modified to incorporate a 4 metre x 4 metre splay to improve sight distance for pedestrians subject to negotiation with the property owner.***

TC38/20

Unanimous support



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### QUESTIONS WITH NOTICE



#### MINUTES OF THE TRAFFIC COMMITTEE MEETING

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### 5.13 Bowral Hospital Precinct Parking & Traffic Management Changes

**Reference:** 7460/8  
**Report Author:** Transportation Planning Engineer  
**Authoriser:** Manager Assets  
**Link to Community**  
**Strategic Plan:** Work in partnership to ensure a safe road network

#### PURPOSE

Reporting on additional on-street parking supply in the Bowral Hospital Precinct.

#### RECOMMENDATION

1. ***THAT Community Engagement be undertaken with residents and commercial premises on Mona Road to discuss proposed alterations to traffic management aimed to increase on-street parking supply.***
2. ***THAT the outcome of the community engagement be reported back to the Traffic Committee for further determination.***
3. ***THAT the previously endorsed proposal to convert Ascot Road to one-way traffic between Sheffield Road and Mona Road be implemented as a staged project limited to line marking modifications and changes to regulatory signage to create an additional 15 parking spaces, as per the plan presented at the meeting. The previously endorsed proposal to undertake civil works which would increase parking supply further be still the long term objective.***
4. ***THAT parking in Loseby Street be kept under review to assess possible adverse traffic behaviour resulting from overflow parking demand from the displacement of Bowral Hospital on-site parking due to the hospital construction.***

TC39/20

Unanimous support

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

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**QUESTIONS WITH NOTICE**

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**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 18 June 2020

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**6. DATE OF NEXT MEETING**

To be advised

**7. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12:15 PM

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## 17 QUESTIONS WITH NOTICE

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### 17.1 Question with Notice 22/2020 - Pin Oaks at the Northern Entrance to Bowral

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

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**To:** General Manager

**From:** Clr Turland

**Received:** 29.6.20

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**Subject:** Pin Oaks at the Northern Entrance to Bowral

**Question:**

1. Has these trees been listed by the National Trust as an item of heritage?
2. Has Council listed these trees as an item of heritage in the LEP Tree Register?

**Response:**

1. Response to Question one (1) is Yes
2. Response to Question two (2) is No.

Note: Please refer to previous response to QWN 10/2020 13 May 2020

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### RECOMMENDATION

**THAT the information in relation to Question with Notice 22/2020 – Pin Oaks at the Northern Entrance to Bowral - be noted.**

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## 17.2 Question with Notice 23/2020 Venture Playground Park at David Woods Fields

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

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**To:** General Manager

**From:** Clr Turland

**Received:** 29.6.20

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**Subject:** Venture Playground Park at David Wood Fields

### Question:

When will the Venture Playground Park at David Woods Field be completed as per the Voluntary Planning Agreement (VPA) with the Fairfax Estate and WSC

### Response:

Under the Voluntary Planning Agreement (VPA) adopted by Council on 12 August 2015 following public consultation, a \$200,000.00 monetary contribution for the David Woods Playing Fields towards the embellishment of David Woods Playing Fields, playground improvement and extension of the carpark was included.

Council is currently undertaking public consultation on the Draft Playspace Strategy. Following the completion of the exhibition period and adoption of the Strategy by Council, planning for the utilisation of the VPA contribution can be undertaken.

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### RECOMMENDATION

**THAT the information in relation to Question with Notice 23/2020 - Venture Playground Park at David Woods Field - be noted.**

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### 17.3 Question with Notice 24/2020 Key Management Personnel Remuneration

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

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**To:** General Manager  
**From:** Clr Scandrett  
**Received:** 29.6.20

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**Subject:** Key Management Personnel Remuneration

**Question:**

Could the GM please detail for the budget meeting 8/7/2020 the current packages for the key management personnel remuneration, as per the related parties disclosures standard which was due 29/6/2020 [as per the email below 21/6/20] Council's Related Party Disclosures Policy ('the policy') ensures that Council meets its obligations under Australian Accounting Standard AASB 124. This requires Council to disclose, as part of its annual financial statements, key management personnel remuneration, related party relationships, transactions and outstanding balances, including commitments. This information is audited as part of the annual external audit undertaken by the NSW Audit Office.

Council's key management personnel have been identified as follows:

- Councillors (including the Mayor and Deputy Mayor)
- General Manager
- Deputy General Managers
- Group Managers
- Chief Information Officer
- Chief Financial Officer.

This request is made in accordance with the community interest and Our Mission, Our Vision, Our Values.

**Response:**

In accordance with its obligations under Australian Accounting Standard AASB 124, the aggregated remuneration of Key Management Personnel is included on page 71 of the 2018/19 Audit Financial Statements which can be found at <https://www.wsc.nsw.gov.au/uploads/2508/annual-financial-statements-2018-19.pdf>

Pursuant to Clause 217 of the Local Government (General) Regulation 2005, Council's Annual Report includes a statement of total remuneration for the General Manager and a total remuneration for all other senior staff (i.e. Deputy General Managers). The 2018/19



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Annual Report can be found at <https://www.wsc.nsw.gov.au/uploads/2508/lr-annual-report-1819-final.pdf>

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 24/2020 Key Management Personnel Remuneration - be noted.**

## 17.4 Question with Notice 25/2020 Transport for NSW Unclassified Roads Claim

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

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**To:** General Manager

**From:** Clr Scandrett

**Received:** 29.6.20

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**Subject:** Transport for NSW Unclassified Roads Claim

**Question:**

1. Has Council made a submission to Transport for NSW regarding its current initiative to reclaim 15,000kms of unclassified roads in order to ease Council's burden to manage them?
2. What WSC roads were considered for inclusion in Council's submission?
3. Will you please attach the submission for the information of Councillors and the community? If not, please explain why.

**Response:**

**Council staff are confirmed to attend an information session regarding the NSW Road Classification Review & Transfer Project on 10<sup>th</sup> July 2020. The information session will provide staff more information on the project and how submissions should be framed and how they will be assessed.**

Council staff will subsequently assess candidate roads to be either reclassified (e.g. from a Local Road to a Regional Road) or transferred to TfNSW following the information session. A submission will be made thereafter with submissions required to be received by the end of August 2020.

The following advice has been provided to council's on behalf of the Project Panel:

*"In coming weeks, the Independent Panel will provide further information about making a submission for reclassification or transfer. Detailed submissions will be requested with plenty of guidance on what should be provided.*

*The Panel will also give a brief summary of the type of information they will be looking for as an introduction to all consultation sessions. We encourage you to sign up for a session and put your questions directly to the Panel."*

*Kind regards,*

*TfNSW support team*

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 25/2020 Transport for NSW Unclassified Roads Claim - be noted.**

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## 17.5 Question with Notice 26/2020 Royal Commission into Natural Disaster Arrangements

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

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**To:** General Manager

**From:** Clr Turland

**Received:** 29.6.20

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**Subject:** Royal Commission into Natural Disaster Arrangements

**Question:**

1. Can Councillors have a copy of WSC's submission to the Royal Commission into Natural Disaster Arrangements.

**Response:**

A copy of Council's Submission to the Royal Commission into Natural Disaster Arrangements has been provided to Councillors.

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**RECOMMENDATION**

**THAT** the information in relation to Question with Notice 26/2020 Royal Commission into Natural Disaster Arrangements - be noted.

## 17.6 Question with Notice 27/2020 Local Strategic Planning Statements and the Wingecarribee Local Housing Statement

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

**To:** General Manager

**From:** Clr Whipper

**Received:** 28.6.20

**Subject:** Local Strategic Planning Statements and the Wingecarribee Local Housing Statement

### Question:

On Wednesday 24 June Council resolved to proceed with the Local Strategic Planning Statements and the Wingecarribee Local Housing Statement before 1 July. I was told when I spoke to staff (around 3pm on Thursday 25 June) about submitting a rescission motion, that both the LSPS and LHS had already been uploaded onto the Department's website.

1. What time were these documents uploaded and why was procedural fairness not afforded to those Councillors who proposed to submit a rescission motion in relation to Item 12.1 of the Council meeting on 24 June 2020?

### Response:

In accordance with Clause 20.12 of the Code of Meeting Practice, the General Manager is to implement, without undue delay, lawful decisions of the Council. Further, as this Planning matter was not related to a development application the provisions of Clause 18.10 of the Code of Meeting Practice which prevent staff from acting on a resolution of Council until 4:30pm the following business day do not apply.

Staff undertook minor changes to the Local Strategic Planning Statement document on the morning of 25 June 2020 following the adoption by Council and commenced the uploading of the Local Strategic Planning Statement to the Department of Planning Industry and Environment website early afternoon on 25 June 2020 which was prior to any indication from any Councillor that a Rescission Motion was being contemplated.

### RECOMMENDATION

**THAT the information in relation to Question with Notice 27/2020 Local Strategic Planning Statements and the Wingecarribee Local Housing Statement - be noted.**



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## 17.7 Question with Notice 28/2020 Parking at Mittagong to Replace 70 Bowral Station Contingency Spaces

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

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**To:** General Manager

**From:** Clr Scandrett

**Received:** 28.6.20

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**Subject:** Parking at Mittagong to Replace 70 Bowral Station Contingency Spaces

### Question:

In relation to the land proposed to be used for car parking at Mittagong Station (Refer: Last Council meeting, minute item 17.3), will the General Manager please advise:

1. Is the land to be purchased included in the Bowral Station Street Upgrade Memorandum of Understanding or a separate MOU as referred to by the Deputy General Manager at the last meeting?
2. Has the relative MOU been completed and signed by any party?
3. If any MOU has been signed, what parties other than Council has (or have) signed it?
4. Are the environmental effects of this carpark land included in the Bowral Station Street Upgrade Review of Environmental Factors (REF), or is there / will there be a separate REF?
5. What is the purchase price of the land, including legal and all other transfer costs?
6. Will all the services alterations and new provisions for drainage and lighting be included in the proposed construction contract?
7. The meeting minute 17.3 of 24 June 2020 states that the land at Mittagong to replace the 70 commuter carparks to be lost at Bowral will be transferred to Council (purchased not leased), and that a contractor has been appointed for the contamination and soil testing investigations so has a contractor has been appointed for the contamination and soil testing investigations of the Mittagong land?
9. Please detail what assessment has been done by Council to arrive at the construction estimate figure of \$1m? What contingency is Council allowing in that \$1m?

### Response:

There is no proposal to purchase any land for the proposed Mittagong Car Park. The MoU in relation to Station Street, has not been finalised. Council staff provided details of the assessment of the proposed site in response to Question with Notice (QWN) – Item 17.3 of 24 June 2020 Business Paper. The Budget is based on preliminary construction estimate with a 30% contingency included.

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**QUESTIONS WITH NOTICE**



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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 28/2020 Parking at Mittagong to Replace 70 Bowral Station Contingency Spaces- be noted.**

## 18 NOTICES OF MOTION

### 18.1 Notice of Rescission Motion 9/2020 - Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral

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

#### PURPOSE

Councillors McLaughlin, Scandrett and Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

THAT the motion passed by Council on 24 June 2020, being item number 9.1 Development Application 20/0720.01: Section 8.2 of the Environmental Planning and Assessment Act 1979 Review of Determination of Refused Development Application 20/0720 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two (2) Lots Lot 210 DP 1213900, 40 Sir James Fairfax Circuit, Bowral minute number MN 1/20

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

#### RECOMMENDATION

##### Submitted for determination.

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

THAT the matter be refused for the reasons detailed in the Motion 24.6.20 McLaughlin and Scandrett that is:

1. Bulk and scale of the development;
2. Out of character with the surrounding development;
3. Not in the public interest;

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### NOTICES OF MOTION

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4. Inconsistent with the aims and objectives of the design review panel and original developer of the subdivision;
5. Increased traffic flow which is inconsistent with the amenity of the area;
6. Setting a precedent with all corner blocks in the estate; and
7. Inconsistent with the aims of original subdivision and contract for purchasing of land.
8. The loss of amenity to all other owners of land within the Estate.
9. The applicant has agreed to the design guidelines.

## 18.2 Notice of Motion 22/2020 - Playhouse Renovation

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

### PURPOSE

#### **THIS ITEM WAS DEFERRED FROM 24 JUNE 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020 08 July 2020:

1. THAT Council staff prepare a design and construct tender document as a matter of urgency;
2. THAT Council staff report back to Council by Council meeting 22 July 2020 on the tender documents (OC) and to be funded by the first settlement from the sale of Frankland Street property.

### RECOMMENDATION

**Submitted for determination.**

#### **COMMENT FROM STAFF**

The Draft 2020/2021 Capital Works program currently on exhibition in Council's Draft Operational Plan and Budget includes \$67.5 million of capital works. With the recent announcement regarding Council's success in obtaining \$2.8 million under the Federal Government's "Building Better Regions Fund", for the Bowral Memorial Hall, that project will now also be included for commencement in early 2021, thus further expanding the proposed Capital Works Programme.

The Project Delivery resources of Council will therefore have a very challenging program of capital works to deliver which is now in the vicinity of \$70 million.

If it is Council's direction to now fast track the repairs and refurbishment of the Mittagong Memorial Hall, it will require a review of priorities of the Capital Works program and other projects may need to be deferred. Alternatively, the project management of this work could be outsourced to an appropriate consultant, that will involve significant additional costs, in the order of 10% of the total project costs or approximately \$200k to \$250K.

It is also highlighted that a "design and construct" delivery model for this type of project is a much higher risk approach with an increased likelihood of project variations due to unforeseen issues in design and delivery of the project which will inevitably occur. If this model of delivery is imposed by Council, the contingency component of the project budget will need to be significantly increased to manage the increased risk and the delivery timeline will need to be flexible as the investigation and design process confirms the details of the project.

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In conclusion the proposal to fast track a “design and construct” Project Delivery Model is not favoured by staff and does not align with the Project Delivery Framework currently being implemented across Council. The endorsed project delivery model requires “high risk” projects to be delivered in two stages. Stage 1 involves detailed investigation and design with a focus on identifying all risk factors from the project and ensuring that action is taken to manage those risks prior to commencement of delivery, with a “shovel ready” project then taken to market with an appropriate budget and project delivery plan. A fast tracked “design and construct” approach will also preclude Council the opportunity to pursue grant funding for this project.

It is highlighted also that the commitment to create a reserve for the proposed new Animal Shelter in the 2020/21 Draft Operational Plan & Budget of \$5.2 million is partly funded by the sale of Lot 3 of the Frankland St. property mentioned in the proposed recommendation 2.



## 18.3 Notice of Motion 24/2020 - Shire Bike Strategy

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

### PURPOSE

#### **THIS ITEM WAS DEFERRED FROM 24 JUNE 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020:

1. THAT Councillors and staff undertake a site visit with the proponent;
2. THAT Councillors and staff hold a briefing session with the proponent;
3. THAT Council coordinate a workshop with stakeholders and interested parties, including the Member for Goulburn and the Member for Wollondilly as a matter of urgency..

### RECOMMENDATION

#### **Submitted for determination.**

#### **COMMENT FROM STAFF**

From the information supplied in the Notice of Motion, it is unclear as to who the proponent is and what site would be visited and how that relates to the Shire Bicycle Strategy.

Notwithstanding the above, it is noted that Council has an adopted Bicycle Strategy which dates back to 2008. In Stage 1, the Bicycle Strategy identified existing and proposed key bicycle routes for Moss Vale, Bowral and Mittagong and established priorities for the implementation of upgrades and construction of new bicycle routes.

In 2016, Council adopted Stage 2 of the Bicycle Strategy which identified a proposed network of bicycle routes that will promote the connectivity between Wingecarribee's Main town to the rural towns and villages including from Mittagong to the northern villages of Willow Vale, Colo Vale, Hill Top, Balmoral and Yerrinbool, from Bowral and Moss Vale to the eastern villages of Robertson and Burrawang and the western villages of Berrima and New Berrima and from Moss Vale to the southern villages of Sutton Forest, Exeter and Bundanoon.

Council staff have secured in the past and continue to source potential government grants to continue with the short, medium and long term implementation of the Shire's Bicycle Strategy. Council's Section 94 (now S7.11) Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2012-2036 also identifies cycleways across the Shire for funding from Developer Contributions

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## 18.4 Notice of Motion 25/2020 Fire at Resource Recovery Centre on 4 January 2020

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

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### PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

THAT Council prepare a report on the fire at the RRC on 4.1.20.

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### RECOMMENDATION

Submitted for determination.

## **18.5 Notice of Motion 26/2020 Environment and Sustainability Committee Minutes**

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

### **PURPOSE**

Councillor Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

1. THAT: Additional to the endorsed Minutes of the Environment and Sustainability Committee of 19 February, ES 23/20, that Council amend the minute to acknowledge that it will be WinZero that makes a presentation to council in place of Extinction Rebellion.
2. THAT: with reference to ES 23/20, Council nominate a date to schedule the WinZero presentation to Council (noting that due to COVID, the two-month period proposed has now expired).
3. THAT following on from the Council Resolution MN 135/20, Council prepare a report for the next Finance Committee scheduled for the 19th of August to consider funding implications of the Climate Emergency Declaration and to identify potential funding sources
4. THAT: Expressions of Interest be called for the establishment of the proposed Climate Change Advisory Panel. (MN 135/20 2.)
5. THAT: this Climate Change Advisory group be established as a working group of the E& S Committee for the remainder of this current Council term and become operational in September 2020.
6. THAT: This recommendation, be referred to the E& S Committee for information and comment.

### **RECOMMENDATION**

**Submitted for determination.**

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## **18.6 Notice of Motion 27/2020 Settlement of Lot 3 Frankland Street, Mittagong**

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

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### **PURPOSE**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

1. THAT Staff provide a report on the settlement of Lot 3 Frankland Street, Mittagong and address the concerns from the purchaser.
2. THAT staff provide a report from the email from Willow Properties 12.6.20 to Staff General Manager, Deputy General Manager, Mayor Gair and Deputy Mayor Garry Turland.

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### **RECOMMENDATION**

**Submitted for determination.**

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## 18.7 Notice of Motion 28/2020 Station Street Upgrade Project

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

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### PURPOSE

Councillor Halstead has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

THAT the General Manager bring forward a report on the Station Street Upgrade Project, outlining the administrative procedures proposed to be followed to ensure absolute compliance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

The report is to outline what action is to be undertaken to place the Review of Environmental Factors (REF) on public exhibition.

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### RECOMMENDATION

**Submitted for determination.**

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## 18.8 Notice of Motion 29/2020 Road Closure Part Argyle Street Mittagong

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

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### PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

THAT Council staff bring back a response on this road closure as it was approved at a council meeting 26 July 2017.

THAT Council respond to include all valuations and correspondence.

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### 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.

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**RECOMMENDATION**

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:**

**19.1 Code of Conduct Matter**

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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

This report deals with a final investigation report into an alleged breach of *the Wingecarribee Shire Council Code of Conduct* by a Councillor.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Ann Prendergast  
**General Manager**

Thursday 2 July 2020