

2 September 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 9 September 2020** commencing at **3.30pm**.

Yours faithfully

Barry W Paull  
**Acting 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**  
Extraordinary Meeting of Council held on 24 August 2020  
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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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**19.1 Land Acquisition - Moss Vale**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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**

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

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

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice.

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

The meeting must not be recorded by others without the prior written consent of Council in accordance with Council's Code of Meeting Practice.

Council's webcasting of meetings via Facebook is designed to encourage constructive dialogue. We remind users to be digitally responsible and respect their fellow posters. We ask users to keep comments relevant and not to spam or post personal or commercially sensitive information. This includes content that may be defamatory, derogatory, offensive or discriminatory towards Council employees, Councillors or other persons or organisations. Failure to follow Facebook house rules will result in comments being deleted and if this behaviour persists the user will be blocked.

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

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## **ACKNOWLEDGEMENT OF COUNTRY**

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

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## **APOLOGIES**

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Nil at time of print.

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## **DECLARATIONS OF INTEREST**

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101/3, 101/3.1

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

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

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

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

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## 9 VISITOR MATTERS

### CORPORATE STRATEGY AND DEVELOPMENT SERVICES

#### 9.1 Development Application 20/0747 - Student Accommodation in Association with the Existing Frensham School at 51 Range Road, Mittagong

Reference:	20/0747
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	Winifred West Schools Ltd
Owner:	Winifred West Schools Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

#### PURPOSE

The purpose of this report is to consider Development Application 20/0747 which seeks development consent for proposed student accommodation buildings and multi-purpose hall in bushland in association with the existing Frensham School at Lot 1 DP 1133695, 51 Range Road, Mittagong. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### RECOMMENDATION

**THAT** Development Application 20/0747 which seeks development consent for student accommodation buildings and multi-purpose hall in bushland in association with the existing Frensham School at Lot 1 DP 1133695, 51 Range Road, Mittagong be **APPROVED** subject to conditions as described in Attachment 1 to the report.

#### REPORT

##### *Subject Site and Locality*

The portion of the Frensham School site that the proposed Student Bush Accommodation Buildings and multi-purpose hall are proposed to be located upon is known as Lot 1 DP 1133695, which is the most north easterly of the Frensham properties, located directly east of Range Road and south of Colo Street, Mittagong. Lot 1 DP 1133695 is 18.9 hectares in area and contains the school's Holt Cottage and Bush Pitch Oval, the Nattai River, a portion of the Frensham School Group item of heritage buildings in the western portion of the site, and approximately 10 hectares of vegetated area in the northern portion of the site (**Attachments 2 and 3**). The vegetated area contains Southern Highland Shale Woodland Endangered Ecological Community species, three Koala Feed Tree species, and Radiata Pine trees.

Lot 1 DP 1133695 has a frontage of approximately 450 metres to Range Road to the west, and a frontage of approximately 380 metres to Colo Street to the north. The eastern boundary of the property is shared with the rear western boundary of residential properties in Evans Street. Access to Lot 1 DP 1133695 is from Range Road, to the north of the Range Road / Waverley Parade intersection.

### ***Proposed Development***

Development Application 20/0747 seeks development consent for proposed student bush accommodation buildings and multi-purpose hall as part of a self-development program for students in association with the existing Frensham School at Lot 1 DP 1133695, 51 Range Road, Mittagong. The proposed student accommodation building and multi-purpose hall in bushland development includes:

- Six student cabins, each being single storey and approximately 130 square metres in floor area, accommodating a maximum of 72 students;
- Two staff cabins, each being single storey and approximately 160 square metres in floor area;
- The student and staff cabins are elevated above the ground using piers seeking to minimise environmental impacts;
- A multi-purpose hall building containing common room, kitchen, staff office, laundry, drying facilities, amenities storage area and outdoor BBQ area, being single storey and approximately 650 square metres in floor area;
- Central 'fire pit' and communal seating area, with sandstone blocks to create an amphitheatre seating area;
- New vehicular access including bridge over the watercourse;
- Additional on-site parking for 5 cars;
- Establishment of Bushfire Asset Protection Zones, comprising an Inner Protection Area (IPA) extending 50 metres to the north, east, south and south west and 33 metres to the west and an additional Outer Protection Area (OPA) extending a further 17 metres to the north, 10 metres to the east and south, and 20 metres southwest from the inner protection area;
- Retention of approximately 266 trees and removal of a total of 249 trees, being 85 native trees (including 16 Koala Feed Trees) and 164 Radiata Pine trees, and reductions in shrub layer density through the removal of exotic shrub species and the native shrub *Pittosporum undulatum* to accommodate the development and required bushfire asset protection zones, covering an area of 4.2 hectares. Of the 4.2 hectares, 0.63 hectares is direct clearing, and 3.57 hectares is vegetation thinning, and
- Proposed Riparian Corridor revegetation planting using Southern Highlands Shale Woodland species along the Nattai River within vicinity of the proposed Student Bush Accommodation development.



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## STATUTORY PROVISIONS

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

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

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

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

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, subject to conditions of consent including conditions addressing stormwater management and construction activities. **(Attachment 1 - condition 66)**.

#### State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause 35(1) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone, which includes R2 Low Density Residential zoned land.

Clause 35(1) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* states that development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.

Therefore, the permissibility of the proposed development within the R2 Low Density Residential zone is obtained via the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, which overrides the prohibition of Educational Establishments in the R2 Low Density Residential zone under *Wingecarribee Local Environmental Plan 2010*.

#### State Environmental Planning Policy 44 (Koala Habitat Protection)

The site contains three species of the Koala Feed Tree species listed in Schedule 2 of *State Environmental Planning Policy 44 (Koala Habitat Protection)* and proposes the removal of 16 Koala Feed Trees. Therefore, SEPP 44 does apply to the development. *State Environmental Planning Policy (Koala Habitat Protection) 2019* commenced on 1 March 2020, however is not applicable as the development application was made prior to the commencement of the new policy (Cl.15 Savings provision relating to development applications).

A Koala Plan of Management has been submitted and is considered to satisfactorily address the requirements of *State Environmental Planning Policy 44 (Koala Habitat Protection)*.

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

#### Wingecarribee Local Environmental Plan 2010

The site is zoned R2 Low Density Residential and in this zone, Educational Establishments are a prohibited use under *Wingecarribee Local Environmental Plan 2010*.

Therefore, the permissibility of the proposed development within the R2 Low Density Residential zone, is obtained via the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, which overrides the prohibition of Educational Establishments in the R2 Low Density Residential zone under *Wingecarribee Local Environmental Plan 2010*.

### ***Development Control Plans***

#### Mittagong Township Development Control Plan

The Mittagong Township Development Control Plan contains no particular provisions relevant to the proposed development, however the proposed student accommodation building and multi-purpose hall development is considered consistent with the relevant objectives of the Mittagong Township Development Control Plan, subject to conditions of consent which are discussed later within this report.

### ***Section 4.15 Evaluation***

#### *(1) Matters for consideration—general*

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

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

The permissibility of the proposed development within the R2 Low Density Residential zone, is obtained via the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, which overrides the prohibition of Educational Establishments in the R2 Low Density Residential zone under 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 to Development Application 20/0747.

*(iii) any development control plan, and*

The Mittagong Township Development Control Plan contains no particular provisions relevant to the proposed development, however the proposed student accommodation building and multi-purpose hall development is considered consistent with the relevant objectives of the Mittagong Township Development Control Plan Development Control Plan, subject to conditions of consent which are discussed later within this report.

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

Not applicable to Development Application 20/0747.

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

Not applicable to Development Application 20/0747.

- (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 to Development Application 20/0747.

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

The impacts of the proposed development, including biodiversity / flora and fauna impacts, are discussed in the Discussions of Key issues section of this report.

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

The site is considered suitable for the proposed student accommodation building and multi-purpose hall, subject to conditions as discussed throughout this report and in the Discussions of Key issues section of this report.

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

Refer to the Consultation section of this report.

- (e) the public interest.

The proposed student accommodation building and multi-purpose hall is not contrary to the public interest, subject to conditions as discussed throughout this report and in the Discussions of Key issues section of this report.

## CONSULTATION

### External Referrals

Referrals	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed development, subject to conditions of consent addressing stormwater management and construction activities ( <b>condition 66</b> ).
Rural Fire Service	Rural Fire Service raises no objection to the proposed development, subject to conditions of consent addressing Asset Protection Zones, construction standards, access, water and utility services, landscaping, and emergency and evacuation ( <b>condition 65</b> ).
Natural Resources Access Regulator (NRAR)	Natural Resources Access Regulator (NRAR) raises no objection to the proposed development, subject to conditions addressing the design of works and structures, and erosion and sediment controls ( <b>condition 64</b> ).

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#### *Internal Referrals*

<b>Referrals</b>	<b>Advice/Response/Conditions</b>
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed development and has provided conditions of consent.
Development Engineer	Council's Development Engineer raises no objection to the proposed development and has provided conditions of consent, including conditions addressing the bridge over the watercourse driveway access and parking ( <b>conditions 14, 18, 19, 20</b> ).
Heritage Adviser	Council's Heritage Adviser considers the proposed development is acceptable from a heritage perspective.
Council's Flora and Fauna Consultant	Council's Flora and Fauna Consultant has considered the Biodiversity Assessment Report submitted with the application. Requests for additional information have resulted in a revised Biodiversity Development Assessment Report being submitted in support of the application. Council's Flora and Fauna Consultant now considers the revised Biodiversity Assessment Report provides an adequate assessment of the impacts of the proposed development on biodiversity values and details of how such impacts are being mitigated and managed, along with an accurate calculation of offsets for residual impacts. Council's Flora and Fauna Consultant considers the construction footprint which includes buildings, gravel paths, car park and fire pit has been situated so the majority of impacts will be to this zone, with minimal impact to the "intact" Southern Highlands Shale Woodland zone, and that the minimal impacts can be offset by credit requirements in order to achieve the "no net loss standard" as established by the Biodiversity Assessment Method (BAM).

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

The development application has been neighbour notified and advertised in accordance with Council's Notification of Development Proposals Policy. 40 submissions have been received.

The issues raised from all 40 submissions regarding the proposed student accommodation development have been summarised and are considered below:

<b>Issues</b>	<b>Response</b>
This area serves as a corridor to native animals such as platypus, echidnas, wombats / wombat burrows, kangaroos, swamp wallabies, reptiles, snakes, tree creepers, pink breasted robin, banjo frog, basa hawk, and hundreds of other species (from insects, microbes, microbats, bees, small mammals, gliders) and birds including the Gang Gang, Bower Bird and Tawny Frogmouth. Removal of trees with nesting hollows unacceptable. Close proximity to housing diminishes the likelihood of platypus sightings. Vital network of wombat burrows will be destroyed, and vegetation, not only trees but native grasses essential for wombat survival, would be severely compromised.	The revised Biodiversity Development Assessment Report (BDAR) submitted identifies 26 native birds, one amphibian, one reptile and one mammal seen and / or heard on site, and observation of Common Wombat ( <i>Vombatus ursinus</i> ) scat on site. The Common Wombat is not an endangered species,

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Issues	Response
<p>Wombats face risk of being buried alive. Basa hawks live in the ancient pines which provide a myriad of biodiversity within the bark and upon the branches. The Radiata Pine, identified as a pest, have also become the protein food source, over many decades, for many migrating cockatoo species, including Yellow-tailed Black Cockatoos and Gang Gang Cockatoos. Many parrot species (e.g. King Parrots, Crimson and Eastern Rosellas and Galahs) frequent this area.</p>	<p>unlike the southern hairy-nosed wombat (<i>Lasiorhinus latifrons</i>) which is listed as endangered.</p> <p>Biodiversity / Flora and Fauna impacts are discussed within the Discussion of Key Issues section of this report.</p>
<p>The site is of significance for birdlife in the Southern Highlands due to the site's natural features and proximity to remnant vegetation. 26 diurnal bird species are identified in the BDAR. Surveys of birds have not been done in a reliable manner, including the Gang Gang Cockatoo. A flora and fauna report assessment must be prepared to determine the impact of the proposal on any threatened species.</p>	<p>Council's Flora and Fauna Consultant advises that the Biodiversity Development Assessment Report (BDAR) "is a more comprehensive biodiversity assessment and surpasses the requirements of a flora and fauna report. The focus is on threatened species and communities and avoiding, minimising and offsetting impacts to these. Many bird species identified as potentially occurring within the subject land are ecosystem credit species, and therefore assumed present based on the vegetation community present. Therefore, birdlife surveys were not required to be undertaken for any species apart from Gang Gang Cockatoo". The original BDAR submitted made reference to Glossy-Black cockatoos which was an error. Glossy-Black cockatoos were not surveyed for, as they were removed from the candidate species list based on the lack of suitable breeding habitat. The revised BDAR stated "No breeding Gang-gang cockatoos were observed within the subject land".</p>
<p>Proposed development, including excessive clearing, will adversely impact flora and fauna habitat on site. All native trees should be retained. The applicant cannot build new</p>	<p>Biodiversity / Flora and Fauna impacts are discussed within the Discussion of Key Issues</p>



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Issues	Response
<p>structures and then retrospectively claim native vegetation needs to be cleared for fire protection. Development will impact on the critically endangered Southern Highlands Shale Woodland that has been identified within the subject land. Nowhere in the DA documentation is there a clear statement that the development will not – either during construction or after completion and in use – adversely impact on Southern Highlands Shale Woodland.</p> <p>Necessary infrastructure: plumbing, sewerage, water, roads, fire trails and electricity would lead to decimation of bushland and native habitat. By the time carparks, roads are put in place in addition to the accommodation, this bushland will not exist. No way that this development and the native wildlife and forest can sit together, without there being suffering to the wildlife and forest in the short or long term. It would never recover from the heavy machinery and construction work required for such a build. We need to preserve it. Storm water measures would destroy local platypus habitat and impact on the headwaters of the Nattai River. This proposal comes at a time when we have just lost so much native bushland to the fires. Proposal states that all buildings would be constructed so that they would totally blend with the environment but the only environment which would remain would be a few trees. Great idea. Wrong location. Should be undertaken elsewhere and this stretch of bushland left in peace. Other sites within the campus should be considered as Frensham is fortunate to have many acres of land.</p>	section of this report.
<p>Native trees should be retained regardless of condition, the ageing trees providing MORE use for wildlife homes and refuges than those that are of visual “amenity” to people, their appearance taking secondary importance to that of the wildlife habitat they provide. Also, if structurally necessary pruning can be done in such a way as to preserve existing hollows and possibly create more hollows to form rather than removing the tree. In fact, there are some arborists that specialise in this. The retention of such trees is suggested in the management plan, but it is open ended and there are no direct commitments.</p>	Biodiversity / Flora and Fauna impacts are discussed within the Discussion of Key Issues section of this report.
<p>With 72 girls inhabiting this area for such a long period, any native vegetation, if it were to survive the bulldozing, would be trampled on and destroyed. The undergrowth would be cleared because of the threat of snakes, the grass would be mown and there would be nothing left for wildlife to eat.</p>	Biodiversity / Flora and Fauna impacts are discussed within the Discussion of Key Issues section of this report.
<p>Proposal will adversely impact local wildlife and would not be a good example of responsible environmental care to their students, robbing the area of its natural rich assets in the name of financial gains. To severely compromise an area of bushland – an ecosystem in its own right - in the</p>	Biodiversity / Flora and Fauna impacts are discussed within the Discussion of Key Issues section of this report.

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Issues	Response
<p>heart of Mittagong would be foolish, short sighted and irrevocable, and contrary to Winifred West’s philosophy about the importance of being nurtured in nature. There is a global concern about the environment, extinction of species and conservation overall.</p>	
<p>The BDAR notes that <i>‘Matters of National Environmental Significance’ (MNES) may be affected. Under the Act [the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)] any action which “has, will have, or is likely to have a significant impact on a matter of national environmental significance” is defined as a “controlled action”, and requires approval from the Commonwealth Department of the Environment ... which is responsible for administering the EPBC Act.</i>  <i>Two MNES have been identified within the subject land, namely SHSW and ...’.</i> )</p> <p>This has serious implications for the proposal. Council should reject it. It would be reckless for Council to approve the Application without first referring it to the Federal Department of Environment under the EPBC Act.</p> <p>This is especially so since the Statement of Environment Effects explicitly recommends that that Department should be consulted <i>‘to ascertain the need for any formal referral and approval from the agency’</i> and <i>‘that documentation (sic) evidence of this process is to be included in the DA’.</i></p> <p>Council’s approval of the DA would clearly constitute proposed action to which the EPBC Act would apply. That Act includes severe criminal penalties for its breach.</p> <p>Thus, at the very least, Council should defer the Application until the impact of the proposal (both in the development phase and subsequent use) on the identified SHSW vegetation included in the subject land has been clearly ascertained and the proposed action referred to the Federal Department of Environment.</p>	<p>Council’s Flora and Fauna Consultant advises that referral to the Federal Department of Environment under the EPBC Act “is only required if it is determined that an action will have, or is likely to have, a significant impact on a Matter of National Environmental Significance (MNES)” and that only two MNES entities (being Southern Highlands Shale Woodlands and Koalas) were identified as potentially occurring on the subject land. No bird species that are listed as MNES were identified as occurring. Council’s Flora and Fauna Consultant further advises that assessments conclude that the proposed impacts would not constitute a significant impact and therefore no referral to the Federal Department of Environment is required.</p>
<p>Lighting costs and impacts: Girls would need to walk at night from Technology Centre near Clubbe Hall down to cabins in Lower Holt. The amount of outside lighting required from one side of Range Road to the Lower Holt would be considerable. Night lights could well become a source of contention with Evans Street neighbours in the future.</p>	<p>A condition of consent can be imposed requiring external lighting to be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots (<b>condition 59</b>).</p>
<p>72 students cooped up in small cabins: How long would students enjoy such confined living? Who would want to</p>	<p>This is a private matter for consideration by the</p>

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Issues	Response
<p>pay exorbitant Frensham fees to have their daughter living in a small cabin with 11 other girls?</p>	<p>applicant, not a matter for consideration under s.4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p>Safety of students questionable. This development will allow young female students from Frensham school to live in a bushland setting away from the main school for periods up to a term. It is close to town and the potential for unauthorised harassment of, and danger to, the students is serious. The proposed area, remote from the main school but easily accessible by the general public, could attract people of dubious character, unlikely in the safe and secure accommodation of the boarding houses. Proposed area is far from other school buildings on Waverley Parade, including the Dining Room, making access difficult at night and in bad weather. After-school accommodation for study and homework sited close to the Range Road/Tyndall Street intersection would be a far more sensible location for this envisaged outdoor education complex. Staff supervision: staff would need to patrol regularly either on foot or in their cars - in the middle of winter?</p>	<p>The proposed development site is deliberately isolated from the rest of the school. While the safety of students within the grounds of the school is largely a private matter for consideration by the school, a condition of consent can be imposed requiring details of safety measures to be provided within a Plan of Management, to be submitted to the satisfaction of Council (<b>condition 57</b>).</p>
<p>The houses on Evans Street which back on to the area have a lovely bush outlook, which will be impacted. Impact on the residents in Evans Street, which enjoy the peace and quiet of the forest life. Removal of trees will be a loss visually and remove protection from the western sun and wind. Complex lighting needed would be an expensive, inappropriate invasion especially for some Evans Street residents.</p>	<p>Existing vegetation buffer to the west of Evans Street properties will be thinned, largely by the removal of Radiata Pine trees to achieve required bushfire asset protection zone requirements. However, considering the closest proposed cabin will be sited approximately 50 metres from the western boundary of the adjoining Evans Street properties, glimpses of the cabins and multi-purpose hall will be possible, however such glimpses are not considered to be visually obtrusive.</p>
<p>15 car parking spaces but many more cars and visitors would be involved, considering the needs of 72 girls.</p>	<p>The car park for the proposed Bush accommodation cabins and the associated multi-purpose hall has been reduced to 5 car spaces, and is located approximately 100 metres from the western boundary of the adjoining Evans Street properties.</p>



Issues	Response
	While the existing vegetation buffer to the west of Evans Street properties will be thinned, largely by the removal of Radiata Pine trees to achieve required bushfire asset protection zone requirements, a 100 metre separation distance between the 5 car spaces and Evans Street properties is considered sufficient to minimise privacy and amenity impacts.
Can we be assured that there will be no other access from Evans Street and that the trees and undergrowth behind the houses adjoining the property will be kept under strict control.	No new access points to the site are proposed with Development Application 20/0747.
Description of Lot 1 DP 1133695 Sporting fields: is incorrect as the proposed development area is native forest <b>not</b> sporting fields.	The subject property Lot 1 DP 1133695 contains both sporting fields and vegetated area.
Cabins will be used for commercial use to fund the summer and winter programs run externally for public use.	The submitted Statement of Environmental Effects states that the proposed accommodation may be used by external school groups outside of term times through prior arrangements with the School.

## DISCUSSION OF KEY ISSUES

### Biodiversity – Flora and Fauna impacts

The vegetated portion of the site includes Southern Highland Shale Woodland Endangered Ecological Community and the introduced species *Pinus radiata* (Radiata Pine). Connectivity of on-site vegetation and habitat is highly fragmented to the north and east of the site due to urban development including the rail corridor, roads and dwellings, although the site remains connected to native vegetation to the south and west extending to Mount Gibraltar Reserve.

The proposed development includes the retention of approximately 266 trees and removal of a total of 249 trees, being 85 native trees (including 16 Koala Feed Trees) and 164 *Pinus radiata* (Radiata Pine) trees, and reductions in shrub layer density through the removal of exotic shrub species and the native shrub *Pittosporum undulatum* to accommodate the development and required bushfire asset protection zones and covers an area of 4.2 hectares. The proposed Bushfire Asset Protection Zones comprise an Inner Protection Area (IPA) extending 50 metre to the north, east, south and south west and 33 metres to the west



and an additional Outer Protection Area (OPA) extending 17 metres to the north, 10 metres to the east and south, and 20 metres southwest from the inner protection area.

In accordance with the provisions of the *Biodiversity Conservation Act 2016*, the proposed vegetation clearing triggered the preparation of a Biodiversity Development Assessment Report (BDAR), to be prepared in accordance with the NSW Biodiversity Assessment Method. Accordingly, a Biodiversity Development Assessment Report (BDAR) was submitted with the Development Application, triggered by the proposed development exceeding clearing of native vegetation over an area exceeding 0.25 hectares (2,500 square metres).

Council's Flora and Fauna Consultant considered the Biodiversity Development Assessment Report (BDAR) submitted with the application and requested additional information from the applicant resulting in the submission of a revised Biodiversity Development Assessment Report (BDAR) being submitted.

The revised Biodiversity Development Assessment Report (BDAR) states that the vegetation within the 4.2 hectare portion of the property affected by the proposed development "has been fragmented, subject to weed invasion including the loss of some structural layers and has past and ongoing disturbances associated with school operations and adjacent residential development", that "the habitat within the study area would be comparable to a 'cul-de-sac' with fauna entering the subject land from the south unable to continue moving in a northerly direction beyond the subject land" and that "Following the consideration of habitat and geographic constraints for threatened species and habitat degradation" in accordance with the Biodiversity Assessment Method, the species confirmed as candidate species for the Biodiversity Development Assessment Report (BDAR) are the Gang-gang Cockatoo, the Eucalyptus macarthurii (Camden Woollybutt or Paddy's River Box), the Myotis Macropus (Southern Myotis) bat, and the Koala.

The report further explains that the footprints of the proposed buildings have been located within areas of vegetation which are dominated by exotic species including a canopy dominated by *Pinus radiata*, and that "impacts to native vegetation associated with the required APZs have also been minimised by strategically identifying trees to be removed and limiting tree removal to exotic canopy species (*Pinus radiata*) and those canopy individuals identified as being of very low retention values by the project arborist". Of the 85 native trees proposed to be removed the report states that 76 native trees are damaged diseased and declining, and that 9 have a high or moderate retention value, but their removal is necessary to achieve bushfire asset protection zone requirements. The report also states that while the reductions in shrub layer density through the removal of exotic shrub species and the native shrub *Pittosporum undulatum* to accommodate the development and required bushfire asset protection zones is necessary, that *Pittosporum undulatum* is variably recognised as an environmental weed which has increased its range and density in the absence of fire.

The revised Biodiversity Development Assessment Report (BDAR) submitted identifies 26 native birds, one amphibian, one reptile and one mammal seen and / or heard on site, and observation of Common Wombat (*Vombatus ursinus*) scat on site.

The Common Wombat is not an endangered species, unlike the southern hairy-nosed wombat (*Lasiorhinus latifrons*) which is listed as endangered. Proposed student and staff cabins are elevated above the ground using piers seeking to minimise environmental impacts, however if development consent is granted, a condition of consent should be imposed addressing wombats, requiring matters to be addressed prior to construction commencing, particularly

- requiring the site to be checked for wombats and active burrows.



- *If there are no wombats and/or active burrows, install a fauna exclusion fence around the construction area (cyclone fence with additional modifications e.g. additional weights and measures to stop wombats digging or pushing their way under the fence).*
- *If there are wombats and/or active burrows, install a fauna exclusion fence with gaps to allow wombats to move out of the construction area to a suitable nearby location on site. This needs to be done under supervision of an ecologist. The fence can be completed once the designated construction area has no wombats. This can be addressed by a condition of consent (**condition 56**).*

A total of 14 hollow bearing trees were identified within the 4.2 hectare portion of the site in which the proposed development and bushfire Asset Protection Zones are located, however none of the trees identified for removal contained hollows.

Council's Flora and Fauna Consultant advises that the Biodiversity Development Assessment Report (BDAR) "is a more comprehensive biodiversity assessment and surpasses the requirements of a flora and fauna report. The focus is on threatened species and communities and avoiding, minimising and offsetting impacts to these. Many bird species identified as potentially occurring within the subject land are ecosystem credit species, and therefore assumed present based on the vegetation community present. Therefore, birdlife surveys were not required to be undertaken for any species apart from Gang Gang Cockatoo". The revised BDAR stated "No breeding Gang-gang cockatoos were observed within the subject land" and is considered acceptable.

Council's Flora and Fauna Consultant considers the construction footprint which includes buildings, gravel paths, car park and fire pit has been situated so the majority of impacts will be to this zone, with minimal impact to the "intact" Southern Highlands Shale Woodland zone and that the minimal impacts can be offset by credit requirements in order to achieve the "no net loss standard" as established by the Biodiversity Assessment Method (BAM).

Council's Flora and Fauna Consultant advises that referral to the Federal Department of Environment under the EPBC Act "is only required if it is determined that an action will have, or is likely to have, a significant impact on a Matter of National Environmental Significance (MNES)" and that only two MNES entities (being Southern Highlands Shale Woodlands and Koalas) were identified as potentially occurring on the subject land. No bird species that are listed as MNES were identified as occurring. Council's Flora and Fauna Consultant further advises that assessments conclude that the proposed impacts would not constitute a significant impact and therefore no referral to the Federal Department of Environment is required.

Council's Flora and Fauna Consultant considers the revised Biodiversity Development Assessment Report (BDAR) provides an adequate assessment of the impacts of the proposed development on biodiversity values and details how this is being mitigated and managed, along with an accurate calculation of offsets for residual impacts. The recommendations of the Biodiversity Development Assessment Report including the precautionary condition requiring salvaging hollow bearing trees / branches for mounting within retained trees (despite none of the trees identified for removal containing hollows), preparation of a Construction Environmental Management Plan, and Vegetation Management Plan are addressed by conditions of consent (**conditions 25 and 26**).

The proposed development will have ecosystem and species impacts, however such impacts can be dealt with by biodiversity offset requirements.

The biodiversity offset requirement for the ecosystem and species impacts of the development are 70 ecosystem credits for removal of Southern Highlands Shale Woodland species (calculated at \$290,126.24 as at 26 November 2019) and 70 species credits for



Koala (calculated at \$22,050.52 as at 26 November 2019). The biodiversity offset requirements are addressed in **conditions 27 and 28**.

In addition to the above ecosystem and species credit requirements, to compensate for the removal of 85 native trees (including 16 Koala Feed Trees) from the site, it is considered reasonable to require compensatory planting at a minimum ratio of 2:1 to be provided within the northern portion of the site and within the proposed Nattai River riparian corridor revegetation planting area, comprising species from the Southern Highlands Shale Woodland Endangered Ecological Community and Koala Feed Trees, and located consistent with the required Bushfire asset protection zones. This is addressed by a condition of consent (**condition 23**).

### **Koala**

The site contains three of the Koala Feed Tree species listed in Schedule 2 of *State Environmental Planning Policy 44 (Koala Habitat Protection)* and proposes the removal of 16 Koala Feed Trees of the 93 Koala Feed Trees on site. The revised Biodiversity Development Assessment Report (BDAR) determined that the site met the definitions of 'core koala habitat' as defined by *State Environmental Planning Policy 44 (Koala Habitat Protection)*.

The site specific Koala Plan of Management submitted to address the requirements of *State Environmental Planning Policy 44 (Koala Habitat Protection)* states that "Given the small size of the study area and that it is almost entirely surrounded by urban development and a rail corridor to the north, it seems unlikely that the site regularly supports one or more Koala populations. Rather the site is likely to represent part of the broader habitat mosaic, that may be used sporadically by Koala." The Koala Plan of Management provides a precautionary approach to safeguard potential Koala habitat and provides particular recommendations to minimise impacts. Recommendations include that prior to felling trees, a pre vegetation clearance survey to inspect whether Koala is present, and that felling cease immediately and not recommence until Koala has vacated, that no pit or trench be left open overnight, or fenced with a material that a Koala cannot climb. Further recommendations include that no landscaping within building envelopes are to include species which attract Koala. These recommendations are included within conditions of consent (**conditions 7, 23, 34 and 58**).

Council's Flora and Fauna Consultant considers the Koala Plan of Management report submitted with the development application satisfactorily address the requirements of *State Environmental Planning Policy 44 (Koala Habitat Protection)*.

The biodiversity offset requirement for the species impacts of the development are 70 species credits for Koala (calculated at \$22,050.52 as at 26 November 2019). The biodiversity offset requirements are addressed in **condition 28**.

## Noise

The acoustic report submitted with the development application concludes that predicted noise levels will comply with the acoustic criteria with no additional mitigation measures provided the following is adhered to:

- Not more than 72 children in the facility.
- Activities restricted to daytime and evening periods only.
- Mechanical services plant is designed to a sound power level of not more than 78 dB(A) for each unit.
- The rainwater filtration pump should have a sound power level of not more than 95 dB(A) and be housed in an enclosure which would provide a sound attenuation of at least 10 dB(A).

These conclusions are repeated within a condition of consent (**condition 62**).

A condition of consent requiring the development to be conducted in such a manner so as not to interfere with the amenity of the neighbourhood with operational noise levels not exceeding the background level by more than 5dB(A) when measured at the boundary of the nearest affected property, is also considered appropriate (**condition 61**).

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## SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

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

- **Broader Economic Implications**

There are no broader economic implications associated with this report.

- **Culture**

There are no broader cultural implications associated with this report. An Aboriginal Heritage Information Management System (AHIMS) search has shown that zero Aboriginal sites are recorded in or near the site, and that zero Aboriginal places have been declared in or near the site. However, a precautionary condition of consent is considered appropriate requiring cessation of works, and contact with NSW Office of Environment and Heritage, should Aboriginal objects be found during works (**condition 33**).

- **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.

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## COUNCIL BUDGET IMPLICATIONS

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

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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- 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*, and the Mittagong Township Development Control Plan.

#### OPTIONS

The options available to Council are:

##### Option 1

THAT Development Application 20/0747 which seeks development consent for student accommodation buildings and multi-purpose hall in bushland in association with the existing Frensham School at Lot 1 DP 1133695, 51 Range Road, Mittagong be APPROVED subject to conditions as described in Attachment 1 to the report.

##### Option 2

THAT Council determine Development Application 20/0747 by way of refusal, and nominate reasons for refusal.

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

#### CONCLUSION

It is recommended that Development Application 20/0747 which seeks development consent for student accommodation buildings and multi-purpose hall in bushland in association with the existing Frensham School at Lot 1 DP 1133695, 51 Range Road, Mittagong be APPROVED subject to conditions as described in Attachment 1 to the report.

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

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**ATTACHMENTS**

1. Draft conditions
  2. Site Location
  3. Zoning Plan
  4. Site Plan
  5. Elevations
- 

Mark Pepping

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

Wednesday 2 September 2020

9.1 Development Application 20/0747 - Student Accommodation in  
Association with the Existing Frensham School at 51 Range  
Road, Mittagong

ATTACHMENT 1 Draft conditions



**ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT**

**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of student accommodation buildings and multi-purpose hall in bushland in association with the existing school.

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

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

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Plans	AR.DA.0000 Rev A, AR.DA.0502 Rev A, AR.DA.0503 Rev A, AR.DA.0505 Rev A, AR.DA.0506 Rev A, AR.DA.0507 Rev A, AR.DA.0508 Rev A, AR.DA.0509 Rev A, AR.DA.2101 Rev A, AR.DA.3001 Rev A, AR.DA.3003 Rev A, AR.DA.3400 Rev A, AR.DA.9001 Rev A	TKD Architects	17/12/2019
Site Plan	AR.DA.0501 Rev C	TKD Architects	29/06/2020
Plans	AR.DA.2102 Rev B, AR.DA.3002 Rev B, AR.DA.3401 Rev B	TKD Architects	22/04/2020
Landscape Plans	L1 Rev D, L2 Rev D, L3 Rev D	Nicholas Bray Landscapes	12/12/2019
Waste Management Plan	Frensham Holt Bush Accommodation	TKD Architects	undated
Statement of Environmental Effects	POO15293	Urbis	18/12/2019
Acoustic Report	S190896RP1 Rev A	Resonate	3 December



9.1 Development Application 20/0747 - Student Accommodation in Association with the Existing Frensham School at 51 Range Road, Mittagong



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			2019
Arboricultural Impact Assessment		Accurate Tree Assessment - Ian Hills	December 2019
Biodiversity Development Assessment Report	Version 1.2	Ecoplanning	21 April 2020
Site-specific Koala Plan of Management	Version 1.0	Ecoplanning	19 December 2019
Stormwater Management Report	19-227	Woolacotts Consulting Engineers	3 June 2020
Bushfire Assessment Report	200229B	Building Code & Bushfire Hazard Solutions	19 December 2019
Bushfire Additional Information	200229B	Building Code & Bushfire Hazard Solutions	23 June 2020
Exterior Lighting Principles	7218	Shelmerdines Consulting Engineers	undated
Access Design Assessment Report	P219_360-2 (ACCESS) NH	Design Confidence	12 December 2019
BCA Design Assessment Report	P219_360-2 (BCA) NH	Design Confidence	12 December 2019
Report on Preliminary Site Investigation for Contaminated Land	Project 40983.11	Douglas Partners	December 2019
Traffic Report	19.467r01v03	Traffix	17 December 2019
Design Statement	Rev P2 Project No 170146	TKD Architects	November 2019

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

3. **Inconsistency between documents**

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

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

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

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

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

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**ATTACHMENT 1 Draft conditions**



**5. Erection of Signs**

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

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

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

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

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

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

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

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

**7. Monitoring of compliance with mitigation measures - Koala Plan of Management**

Monitoring of compliance with mitigation measures shall be undertaken in accordance with the Site-specific Koala Plan of Management Version 1.0 prepared by EcoPlanning dated 19 December 2019, including

**9.1 Development Application 20/0747 - Student Accommodation in Association with the Existing Frensham School at 51 Range Road, Mittagong**

**ATTACHMENT 1 Draft conditions**



- Pre-clearance protocols conducted by a suitably qualified ecologist has been carried out and documented. Evidence should be provided to Wingecarribee Shire Council
- During construction, appropriate signage is erected at the entrance to the site.
- Impact to Koala during construction, especially with respect to open pits and trenches, are negated through their dewatering and fencing, covering with ply sheeting or backfilling immediately.
- Landscaping within the building envelope itself does not use flora species that will attract Koala.

Regulators should assess that implementation of this KPOM is being upheld at the following stages:

- Prior to the commencement of construction activities in order to communicate appropriate Koala exclusion strategies to construction personnel;
- Prior to issue of the Certificate of Occupancy for the proposed developments; and
- At least every five years, commencing six years after the issue of the Certificate of Occupancy, for the life of the development.

A report containing the results of each monitoring event is to be provided to Wingecarribee Shire Council. The monitoring and reporting should be carried out by a suitably qualified environmental consultant.

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

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

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

- a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- c) Essential services plan outlining the existing and proposed fire safety measures.
- d) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.

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- e) BCA Section J Compliance Report.
- f) NCC Compliance Report prepared by and A1 Accredited Certifier demonstrating compliance with the relevant provisions of the BCA and associated standards.
- g) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

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

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

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

9. **Appointment of Principal Certifier (PC)**

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) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a Principal Certifier (PC) for the building work, and
  - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) 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 Certifier (PC) 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

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(c) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

**10. Access for People with Disabilities**

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

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

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

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

**11. Disabled Toilets**

Plans and details of the disabled toilet/s shall comply with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*.

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

**Note:** *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992. The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.*

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

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

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

- Carry out Sewerage Works
- Carry out Stormwater Works
- Carry out Water Supply Works

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

**13. 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 as required by Council's Development Control Plan.

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

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14. **Structural Engineer's Details**

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

- (a) bridge on internal driveway.

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

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

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

15. **Construction Management Plan**

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

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



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- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

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

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

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

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

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

**17. Detailed Stormwater Drainage System Design**

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

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

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

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

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

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

**18. Carpark Design - Site Servicing**

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The car park shall be designed to accommodate the turning movements of the largest vehicle servicing the development.

**Reason:** *To ensure that the car parking area is constructed to Council requirements.*

**19. Accessible Car Parking Spaces**

1 of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities, and with regard to the *Disability Discrimination Act 1992* and Premises Code.

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

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

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

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

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

**Reason:** *To ensure adequate parking and access.*

**21. Erosion and Sediment Control Plan**

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

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

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.



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- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

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

22. **Erosion and Sediment Control Plan**

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

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

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(h) Sediment control devices shall be installed prior to any site works being carried out and prior to construction work commencing and remain in position until the disturbed soils are turfed, 70% vegetated or otherwise stabilised.

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

**23. Landscape Plan**

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

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- To compensate for the removal of 85 native trees (including 16 Koala Feed Trees) from the site, compensatory planting at a minimum ratio of 2:1 shall be provided within the northern portion of the site and within the proposed Nattai River riparian corridor revegetation planting area, comprising species from the Southern Highlands Shale Woodland Endangered Ecological Community and Koala Feed Trees, and located consistent with the required Bushfire asset protection zones.
- No landscaping within building envelopes are to include species which attract Koala

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

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

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

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

All tree removal shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Accurate Tree Assessment - Ian Hills dated December 2019, including

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That all tree work is undertaken by a suitably qualified and insured contracting arborist in accordance with the provisions of the Australian Standard AS4373-2007, 'Pruning of Amenity Trees' and The Draft Code of Practice for Amenity Tree Work 2013.

That retained trees are protected in accordance with the provisions of AS4970-2009, 'Protection of Trees on Development Sites' by observing the setbacks detailed in the table at appendix 12.4.

That a Project Arborist is appointed to oversee tree management on the site during the works.

That the retained trees are monitored bi-annually or after severe weather events, to identify and manage any risks that may arise.

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

**25. Mitigating and managing impacts of biodiversity values**

Measures to reduce impacts to native vegetation and habitat shall be implemented in accordance with the recommendations of the Biodiversity Development Assessment Report Version 1.2 prepared by Ecoplaning dated 21 April 2020, including:

that if any hollow bearing trees/branches are to be removed, these trees/branches are to be salvaged as part of the project and are to be either mounted within retained trees or placed as coarse woody debris within retained vegetation.

- Preparation of a Construction Environmental Management Plan (CEMP) to avoid potential indirect offsite impacts. The CEMP should include appropriate erosion and sedimentation control measures following best practice protocols such as Landcom (2004). It is recommended that this is included in a site specific CEMP, prior to any construction works taking place. The CEMP will be required to span the pre, during and post-construction period, and will include pre-clearance and fauna management protocols outlined below.
- Preparation and implementation of a Vegetation Management Plan (VMP) which manages retained vegetation within the subject land and adjacent areas of SHSW north of the existing ovals (area of approximately 10 ha). The purpose of the VMP would be to:
  - guide the removal and ongoing management of vegetation within the proposed APZs including retaining better quality patches on native shrubs species within islands or clumps;
  - to reduce the impact of exotic vegetation within retained SHSW within the subject land; and
  - to improve the condition of SHSW in areas north of the existing ovals.

The VMP would also include details regarding the salvage and re-use of hollow bearing trees and coarse woody debris. It is noted that as the proposed would involve works on waterfront land as defined under the NSW *Water Management Act 2000* (WM Act), preparation of VMP would be required in accordance with the *Guidelines for controlled activities on waterfront land* (NRAR 2018).

The Construction Environmental Management Plan and Vegetation Management Plan shall be

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submitted to the satisfaction of Council prior to issue of any Construction Certificate.

**Reason:** *To stipulate the requirements for the preparation of the Construction Environmental Management Plan and Vegetation Management Plan.*

**26. Vegetation Management Plan**

Prior to the issue of any Construction Certificate, the applicant must prepare and submit to Council and obtain approval for a Vegetation Management Plan (VMP). The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator.

The VMP must integrate with any the required Landscape Plan and Erosion Control Plans. The applicant is to demonstrate to Council's satisfaction how this integration has occurred. The primary objective of the plan should be weed management, regeneration of native vegetation and if necessary replanting. Implementation of the VMP must commence prior to the commencement of works. In preparing and implementing the VMP the following criteria must be addressed:

- a) A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel). In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
- b) A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation, management zones and extent of dominant weed infestations.
- c) A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided. Preference should be given to the use of regeneration techniques wherever possible. Revegetation may be required where natural soils have been disturbed and the potential for regeneration is very poor. Vegetation species composition, planting layout and densities should be identified based on natural vegetation communities occurring in the locality. Any plant stock used in revegetation must be supplied from provenance specific seed/material collected from within the Wingecarribee LGA, and more specifically from the study area. Seed/plant sources should be identified. Non-provenance material or non-endemic species is prohibited.
- d) A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the VMP, with follow up weed control undertaken in the second and third year following commencement of the VMP.
- e) The location and type of fencing or other suitable method of restricting unauthorised access or encroachment into the areas to which the VMP applies must be identified.
- f) A protocol to prevent the transfer of weeds or pathogens onto or off the site is required.
- g) The mulch/tub grindings generated from the removal and thinning of native trees associated with the development is/are to be re-used in restoring the habitat protection areas as required.

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h) Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the Ecologist.

i) Restoration areas are to be maintained for a minimum of three (3) years. Reports are to be prepared by the Ecologist or bush regenerator and submitted to Council detailing the progress of the bush regeneration works twice per year and any recommended additional actions, with a final report certifying completion of the VMP at the end of the three year period or once the specific objectives of the plan have been met. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

**Reason:** To stipulate the requirements for the preparation of the Vegetation Management Plan.

27. Ecosystem credit retirement

Prior to issue of construction certificate, the class and number of ecosystem credits in Table 7.1 of the Biodiversity Development Assessment Report Version 1.2 dated 21 April 2020 prepared by Ecoplanning must be retired to offset the residual biodiversity impacts of the development.

Table 7.1: Ecosystem credits summary and credit profiles.

Veg zone number	Plant community type	Condition Class	Area impacted (ha)	Credits required
1	1254 - Sydney Peppermint - White Stringybark moist shrubby forest on elevated ridges, Sydney Basin Bioregion	Intact	2.7	52
2		Pine	1.4	11
<b>Total credits required</b>				<b>70</b>

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C)<sup>1</sup>.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to issue of construction certification.

**Reason:** Statutory requirement.

28. Species credit retirement

Prior to issue of construction certificate, the class and number of species credits in Section 7.1.2 of the Biodiversity Development Assessment Report Version 1.2 dated 21 April 2020 prepared by Ecoplanning must be retired to offset the residual biodiversity impacts of the development.



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### 7.1.2 Species credits

A total of 70 credits are required for Koala. These credits can be traded only with credits for this species, but they can be generated anywhere within NSW.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C)2.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to issue of construction certification.

**Reason:** *Statutory requirement.*

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

### 29. Notice of Commencement

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

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

**Reason:** *Statutory requirement.*

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

### 30. Construction Certificate

No work shall commence until a:

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- (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.*

**31. Developers Representative during Construction of Works**

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

Details to be submitted include:-

- 1 Name of Representative:
- 2 Company:
- 3 Position:
- 4 Contact phone:
- 5 Contact fax:
- 6 After Hours Contact:
- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

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

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

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

**Reason:**            *Statutory requirement.*

**32. Erosion and Sediment Control**

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

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

**33. Aboriginal objects**

If aboriginal objects are found during works then all works must stop and NSW Office of Environment and Heritage must be contacted immediately by calling 131555. An Aboriginal Heritage Impact Permit

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(AHIP) under s.90 of the National Parks and Wildlife Act 1974 will be required if harm to Aboriginal objects cannot be avoided.

**Reason:** *To ensure protection of Aboriginal objects.*

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

**34. Koala impact mitigation measures - Koala Plan of Management**

Prior to tree removal / tree thinning occurring the following recommendations shall be undertaken in accordance with the Site-specific Koala Plan of Management Version 1.0 prepared by Ecoplanning dated 19 December 2019, including

To avoid impact to Koala that may be present onsite, a pre-clearance survey should be undertaken. This would be conducted by a suitably qualified ecologist that would inspect trees to be felled for Koala. If a Koala is found to be present, all felling and construction work is to cease immediately and should not re-commence until Koala has vacated the area. To avoid stress to the animal(s), vacating the area should be on their own account. An ecologist should make an inspection of the area to confirm Koala absence before re-commencing construction.

Before any thinning is done within the APZ area, a suitably qualified ecologist should inspect all trees for Koala. If a Koala is found to be present, all thinning is to cease immediately and should not re-commence until Koala have vacated the area. To avoid stress to the animal(s), vacating the area should be on their own account. An ecologist should make an inspection of the area to confirm Koala absence before re-commencing thinning operations.

Within this area:

- no new structures, roads or paths should be built apart from those approved

During construction the following recommendations shall be undertaken in accordance with the Site-specific Koala Plan of Management Version 1.0 prepared by Ecoplanning dated 19 December 2019, including



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The construction site may also pose a direct threat to the safety of Koala moving through the area due to the potential presence of pits, trenches or other excavations, particularly if these had filled with ground or stormwater. No pit or trench should be left open overnight. When this is not possible, they should be fenced off using a material that Koala cannot climb or push through. This could include:

- Plastic 'orange barrier mesh' or similar would be suitable, with the top 300 mm edge not secured to posts so that flexibility is maintained.
- Temporary fencing with a skirt of corrugated iron or similar to prevent Koala from climbing the fence.

The fence must also extend to ground level. Alternatively, open pits and trenches should be completely covered using heavy plywood or similar. Any pit/trench should be dewatered if left unattended overnight, even if fences/covers have been used.

It would be highly unlikely for vehicle collisions to occur. Nonetheless, and as a precaution, suitable signage to alert site personnel of the potential for Koala on the site should be erected at the entrance to each site. This signage should also indicate a speed limit (e.g. 'walking pace only'), and that dogs are strictly prohibited (even if on leash) from the site.

If construction personnel encounter Koala, they should alert the construction manager immediately and all work should cease. An ecologist should then make an inspection of the area to confirm Koala absence before re-commencing construction. The construction manager is to report the sighting to the Koala Hotline (02 4868 0888), the Southern Highlands Facebook Page, or to [citizen.science.wsc.nsw.gov.au](mailto:citizen.science.wsc.nsw.gov.au).

**Reason:** *To ensure that Koala impact mitigation measures are implemented.*

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

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

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

**36. Excavations and Backfilling**

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

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

**37. Stormwater - Construction**

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

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

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**38. Earthworks, retaining walls and structural support**

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

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

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

**Reason:** *Structural safety.*

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

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

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

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

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

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

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

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

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

**41. Construction Management Plan**

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

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

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

**42. 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.*

**43. Temporary Onsite Toilet**

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

Each toilet shall:

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

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

**44. 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.*

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

45. **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 Certifier (PC) 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.*

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

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

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

47. **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.*

48. **Civil Engineering works and services**

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

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

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**49. Certification of Internal Civil Works**

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

**Reason:** *Asset management.*

**50. Landscaping Plan**

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

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

**51. Landscape Certification**

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

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

**52. Fire Safety Certificate**

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

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

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

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

**53. National Plumbing and Drainage Code**

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

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

**54. Construction of Sewer Sidelines**

A sideline and junction shall be installed for sewer connection to the development by Council at the Developer's cost prior to the issue of the Occupation Certificate. The connection should either be undertaken to existing Council Sewer at 21-23 Payten St Mittagong, or existing Council sewer within



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51 Range Rd Mittagong. If a sewer connection is required to another gravity system, modelling will be required to confirm capacity. Council's application form shall be completed by the applicant and the appropriate fee paid. If the sideline is to be extended from a sewer main in adjoining property, written permission of the affected landowner allowing work to be undertaken, shall be submitted with the application form.

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

**55. Construction of Water Service**

A water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate. Connection should be made in accordance with the Cardno Water and Wastewater Development Impact Assessment dated 29/6/2020.

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

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

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

**56. Wombat Protection**

While the Common Wombat is not an endangered species, the following shall be undertaken to protect wombats prior to construction commencing:

- The site shall be checked for wombats and active burrows.
- If there are no wombats and/or active burrows, install a fauna exclusion fence around the construction area (cyclone fence with additional modifications e.g. additional weights and measures to stop wombats digging or pushing their way under the fence).
- If there are wombats and/or active burrows, install a fauna exclusion fence with gaps to allow wombats to move out of the construction area to a suitable nearby location on site. This needs to be done under supervision of an ecologist. The fence can be completed once the designated construction area has no wombats.

**Reason:** *To ensure wombat protection.*

**57. Safety Measures**

While the safety of students within the grounds of the school is largely a private matter for consideration by the school, details of safety measures for students living in the bushland setting away from the main school shall be provided within a Plan of Management, to be submitted to the satisfaction of Council, prior to issue of Occupation Certificate.

**Reason:** *To ensure safety due to location of student accommodation.*

**CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT****58. Koala Plan of Management**



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During the operation and use of the development, the following recommendations shall be undertaken in accordance with the Site-specific Koala Plan of Management Version 1.0 prepared by Ecoplanning dated 19 December 2019, including

- Landscape plantings within the building envelopes should not use species that attract Koala, i.e. use species that are not feed trees
- Avoid chemical herbicides/pesticides where possible by using techniques such as hand removal. If avoidance is not possible, then every effort should be made to minimise spray drift.
- Use posters or signage in common areas in order to promote awareness of the potential of Koala to use the site.
- Limit the speed limit of any vehicles accessing the site to walking pace.
- Provide posters or signage in common areas that instruct users of what to do if a Koala is encountered, and to report any sightings to the Koala Hotline (02 4868 0888), the Southern Highlands Facebook Page, or to [citizen.science.wsc.nsw.gov.au](http://citizen.science.wsc.nsw.gov.au).

The retained native vegetation should be managed to maintain and improve on its current condition. This should include:

- removal of weeds from, and restoration of, disturbed areas
- removal of any rubbish

Thinning of Koala feed trees is to be avoided where possible.

**Reason:** *To ensure Koala protection.*

#### 59. Lighting

All external lighting shall:

- (a) Comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and
- (b) Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining residential lots or public places.
- (c) Be generally in accordance with the Exterior Lighting Principles prepared by Shelmerdines Consulting Engineers, as submitted with the development application, including

#### Perimeter of Buildings

Small wall mounted LED luminaires with a fixed downward beam would be used to illuminate the perimeter of the buildings. These would be spaced at approximately 5-6 metres to provide sufficient light for safe walking.

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**Stairs and Ramps**

Stairs and ramps would be illuminated by wall mounted LED luminaires complete with lighting control louvres to direct the light in a downward direction.

**Pathways to Main Campus**

Low voltage pole mounted luminaires would be used to illuminate the pathway between the accommodation buildings and the existing illuminated pathway between Kennedy Boarding House and the Main Sporting Fields. Pole mounted luminaires would be used in preference to bollards because they would provide a safer lit environment. They could also be installed at a greater spacing resulting in less risk of damage to tree root systems.

The poles would be nominally 3.5 meters high to be under the tree canopy and would be spaced at approximately 20-25 metres.

The luminaires would be of low wattage LED and of a type with no upward component.

**LIGHTING CONTROL**

Lighting on the perimeters of the accommodation buildings and between the buildings would be controlled by motion sensors to ensure that they are only illuminated when required.

Lighting on the pathway from the Main Campus would be controlled by motion sensors on a rolling system (ie the motion sensors would be programmed to switch on the respective luminaire as well as one or two luminaires ahead). An override time control would be installed to ensure that the luminaires were not activated by animals at times when the lighting system was not required.

**Reason:** *To ensure that the amenity of neighbouring properties is not compromised.*

**60. Landscaped area (planting and maintenance)**

Any tree or shrub that fails to establish within 2 years of the initial planting date shall be replaced with the same species of tree or shrub.

All landscaped areas on the site shall be maintained on an on-going basis.

**Reason:** *To ensure the ongoing maintenance of landscaped areas.*

**61. Operational Noise Levels**

The Applicant shall ensure operational noise levels (LAeq) for the development does not exceed rating background level by more than 5dB(A) when measured at the boundary of the nearest affected residence. Without limiting the above, operational noise levels must also fall within the requirements of the acceptable noise level amenity of the area as specified by the Office of Environment and Heritage's Industrial Noise Policy. In the event that operational noise is identified as exceeding the requirements of this condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council.

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

**62. Operational Noise Levels**

Noise emission from outdoor mechanical plant and operational noise from the Holt Bush Accommodation shall comply with the Acoustic Report S190896RP1 Rev A prepared by Resonate dated 3 December 2019, including

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- Not more than 72 children in the facility.
- Activities restricted to daytime and evening periods only.
- Mechanical services plant is designed to a sound power level of not more than 78 dB(A) for each unit.
- The rainwater filtration pump should have a sound power level of not more than 95 dB(A) and be housed in an enclosure which would provide a sound attenuation of at least 10 dB(A).

**63. Annual Fire Safety Statement**

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

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

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

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

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

**INTEGRATED DEVELOPMENT CONDITIONS**

**64. General Terms of Approval – Natural Resources Access Regulator**

General Terms of Approval have been granted by the NSW Natural Resources Access Regulator for the development pursuant to section 89, 90, 91 of the *Water Management Act 2000*. The conditions provided by the NSW Office of Water are provided below and form part of this Notice of Determination.

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Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1122881
<b>Issue date of GTA:</b>	07 May 2020
<b>Type of Approval:</b>	Controlled Activity
<b>Description:</b>	Student and Staff Accommodation, Multi-purpose Hall and Carpark
<b>Location of work/activity:</b>	51 RANGE ROAD MITTAGONG 2575
<b>DA Number:</b>	DA20/0747
<b>LGA:</b>	Wingecarribee Shire Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
<b>Erosion and sediment controls</b>	
GT0006-00004	The following plan(s): - Erosion and Sediment Control Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Lancoon, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00012	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
<b>Plans, standards and guidelines</b>	
GT0002-00837	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 20.0747 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00358	A. The application for a controlled activity approval must include the following plan(s): - 1. Stormwater management plans including outlet design in accordance with CAA guidelines; 2. Detailed culvert crossing designs; 3. Sediment and Erosion control plan; 4. Civil construction plans; 5. Vegetation Management Plan/Landscape plans detailing the offset averaging within the development site regarding the APZ infringement. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <a href="https://www.industry.nsw.gov.au/water/licensing-">https://www.industry.nsw.gov.au/water/licensing-</a>

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trade/approvals/controlled-activities.

GT0010-00008 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0030-00008 The application for a activity; controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

65. General Terms of Approval - NSW Rural Fire Service

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

**Asset Protection Zones**

*The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:*

1. At the commencement of building works and in perpetuity the property around the development footprint shall be managed as follows:

- North for a distance of 50 metres as an Inner Protection Area (IPA) and a further 17 metres as an Outer Protection Area (OPA);
- West for a distance of 33 metres as an IPA;
- South and east for a distance of 50 metres as an IPA and a further 10 metres as an OPA.
- South-west for a distance of 50 metres as an IPA and a further 20 metres as an OPA
- Land within Lot 1 DP 1133695 to the west of the Nattai River riparian zone as an OPA.

The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;



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- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

The outer protection area (OPA), where proposed, must comprise:

- Tree canopy cover not more than 30%; and,
- Understorey grasses and shrubs managed on an annual basis.

#### Construction Standards

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

2. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.

#### Access - Internal Roads

*The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:*

3. Prior to the use of the development the internal road from the intersection of Range Road to the Multi Use building shall demonstrate compliance with following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006':

- Internal roads are two wheel drive with a trafficable, all weather surface
- Internal road widths shall be maintained to allow for 2 way traffic in all passing locations shown in red clouds on the plan within the additional information prepared by Building Code & Bushfire Hazard Solutions dated 23/6/2020 ref: 200229B
- Incorporate a suitable turning area for a Category 1 fire appliance in the vicinity of the Multi Purpose building
- Traffic management devices are constructed to facilitate access by emergency services vehicles.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- Crossfall of the pavement is not more than 10 degrees.
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The internal road surfaces and bridges have a capacity to carry fully-loaded fire fighting vehicles

4. Prior to the use of the development the fire trail which provides a loop around the development site shall be upgraded and maintained for the standard of a fire trail in accordance with section 4.1.3(3) of Planning for Bush Fire Protection 2006.

5. Prior to the use of the development the proposed emergency access/egress route to Payten Street shall:

- Be load rated and certified as suitable for use at any time for a fully loaded fire fighting vehicle (up to 23 tonnes)
- Signage provided at intersection with the primary access road



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- If gated at either Payten Street or at the primary access road intersection - the lock/key system must be authorised by the local district RFS office.

**Water and Utility Services**

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

6. Prior to the use of the development water, electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006' including but not limited to:

- Proposed new hydrant sizing, spacing and pressures must comply with AS2419.1-2005.

**Landscaping Assessment**

*The intent of measures is for landscaping. To achieve this, the following conditions shall apply:*

7. Landscaping around the proposed building and within the asset protection zone should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located away from the building.
- Low flammability vegetation species are used.

**Emergency and Evacuation Planning Assessment**

*The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:*

8. A Bush Fire Emergency Management and Evacuation Plan shall be prepared/updated consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan'. The plan shall include, but not limited to:

- a mechanism to ensure the buildings are not used on days of declared 'extreme' or 'catastrophic' fire danger.
- procedures to ensure effective and safe management of pedestrian and vehicle movements

**CONCURRENCE CONDITIONS**

66. **Concurrence - Water NSW**

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW

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are provided below and form part of this Notice of Determination.

**General**

1. The layout and works of the development shall be as specified in Statement of Environmental Effects (Ref: P0015293, Report No. Final, dated 18 December 2019) prepared by Urbis Pty Ltd and shown on the Site Plan (Job No. 170146, Dwg No. AR.DA.0501, Revision C, 29.06.2020) prepared by TKD Architects. No revisions to layout and works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

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

**Stormwater Management**

2. All stormwater management measures as specified in Section 3 of the Stormwater Management Report (Job No.19-227, Rev D, dated 03.06.20) and shown on the Stormwater Management Plans (Job No.19-227, Dwg No. SW02, Amendment C, and Dwg No. SW03, Amendment B, both dated 06.04.20) both prepared by Woolacotts Consulting Engineers shall be incorporated to a final stormwater drainage plan. The final stormwater drainage plans shall include cross-section of the bioretention basin that is consistent with MUSIC Stormwater Quality Modelling.
3. The bioretention shall:
  - be located above the 2% Annual Exceedance Probability (1 in 50 year) flood level and/or protected from damage by flooding
  - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
  - also incorporate the following:
    - have a filter depth (excluding transition layers) of 400 mm above the underdrain
    - have a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 800 mg/kg
    - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
  - be accessible from the access track by machinery to facilitate cleaning, monitoring and maintenance of the structures
  - ensure the discharge outlets are consistent with the requirements of any Controlled Activity Approval under the *Water Management Act (2000)* from the Natural Resources Access Regulator (NRAR)
  - be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
  - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

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4. No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
5. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
6. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. OEMP shall be prepared prior to the issuance of an Occupation Certificate. The OEMP shall:
  - include details on the location, description and function of stormwater management structures such as pits, pipes, bioretention basin, rainwater tank, and any other stormwater structures and drainage works
  - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - include checklists for recording inspections and maintenance activities, particularly for bioretention basin.
7. All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

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

**Construction Activities**

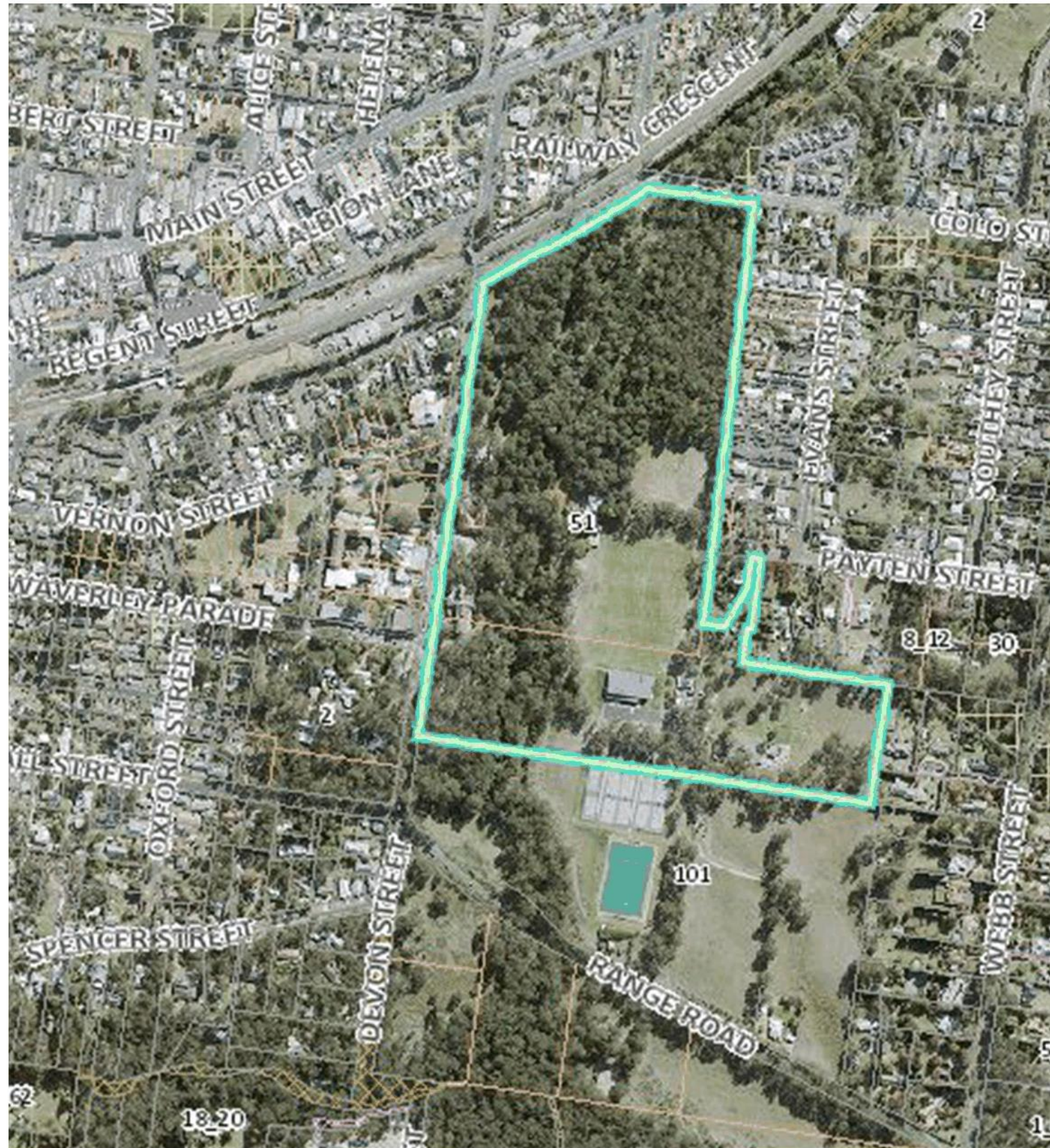
8. The Erosion and Sediment Control Plans (Job No.19-227, Dwg No. SW03, Amendment B, dated 06.04.20 and Dwg No. ES01, Amendment B, dated 13.02.20) prepared by Woolacotts Consulting Engineers shall be finalised for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
  - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
  - be prepared prior to the issuance of a Construction Certificate, and be to the satisfaction of Council
  - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
9. The Erosion and Sediment Control Plans shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

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

**END OF CONDITIONS**

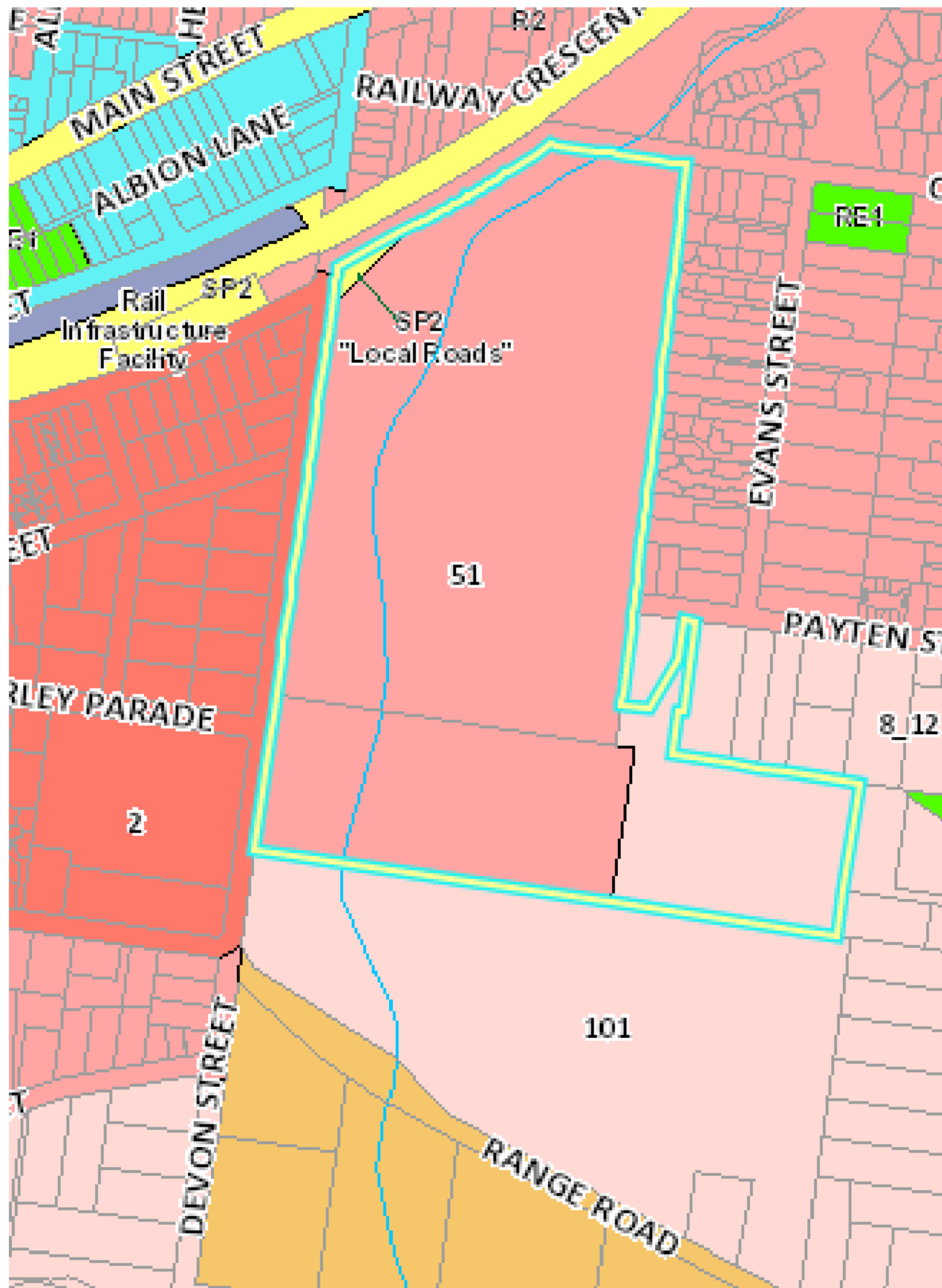


ATTACHMENT 2 – SITE LOCATION





ATTACHMENT 3 – ZONING





ATTACHMENT 4 – SITE PLAN

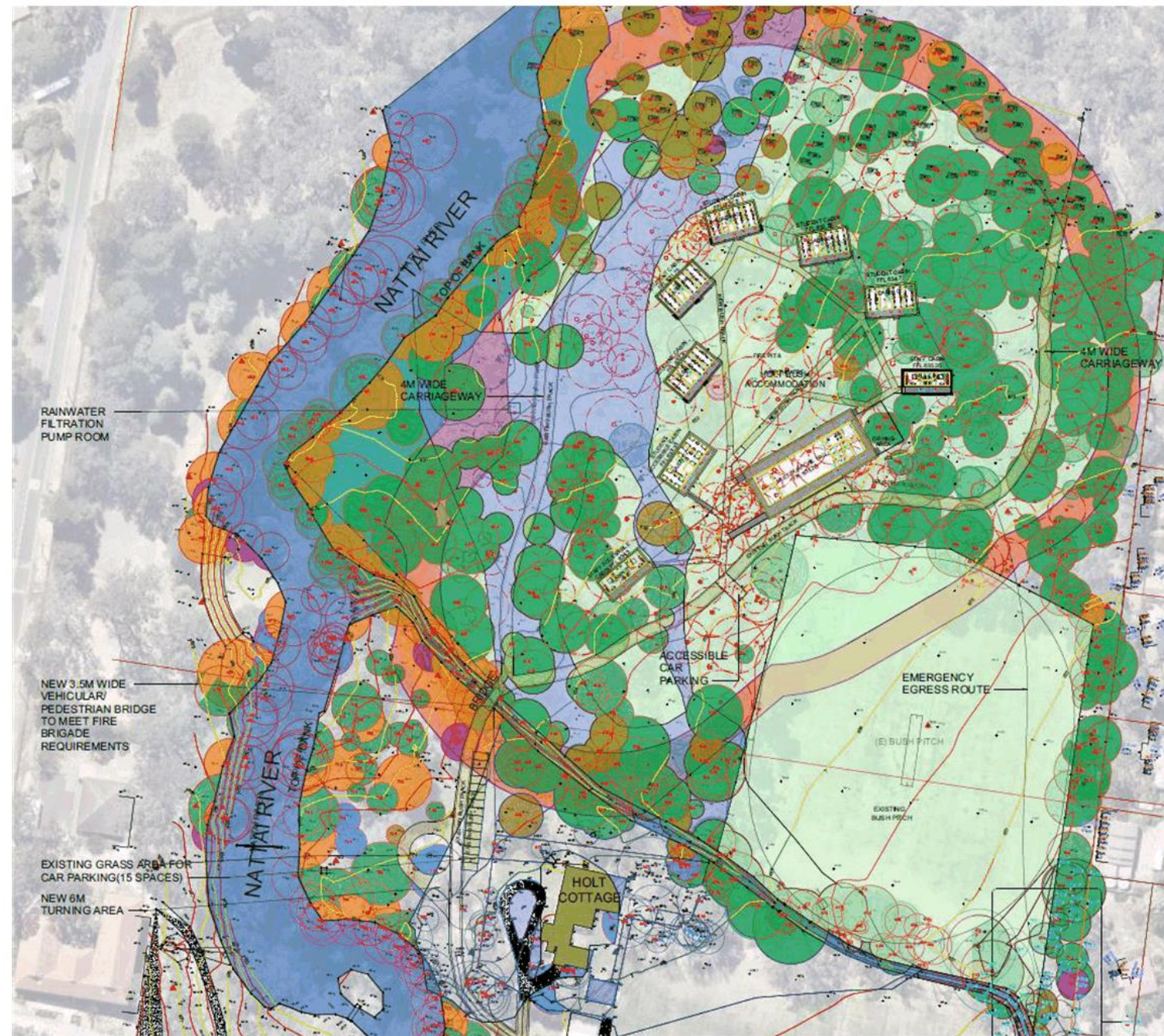


Cabins and Multipurpose Hall location within red circled area located within the central portion of site









-  TREES TO BE REMOVED
-  EXISTING TREES TO BE RETAINED

Cabins and Multipurpose Hall location with proposed tree removal (85 native trees and 164 Radiata Pine trees) shown by red dashed line



ATTACHMENT 5 – ELEVATIONS



5 VIEW FROM SOUTH WEST



6 VIEW FROM NORTH WEST

Multipurpose Hall



9 VIEW FROM SOUTH EAST



10 VIEW FROM NORTH WEST

Typical Cabins

## 11 OPERATIONS FINANCE AND RISK

### 11.1 2019/20 Annual Financial Statements

Reference:	2105
Report Author:	Acting Chief Financial Officer
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

#### PURPOSE

The purpose of this report is to advise Council that the Draft Annual Financial Statements for the year ended 30 June 2020 have been prepared and for Council to:

- Refer the Draft Annual Financial Statements for the year ended 30 June 2020 for audit in accordance with Section 413(1) of the *Local Government Act 1993*;
- Endorse the preparation of the Statement by Councillors and Management in accordance with Section 413(2)(c) of the *Local Government Act 1993*; and
- Fix a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418(1a) and (1b) of the *Local Government Act 1993*.

#### RECOMMENDATION

1. **THAT** Council refer the Draft Annual Financial Statements for the year ended 30 June 2020 for audit in accordance with Section 413(1) of the *Local Government Act 1993*.
2. **THAT** the Mayor and a Councillor be authorised to sign the Statement by Councillors and Management made pursuant to Section 413(2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.
3. **THAT** Council fix the date of 11 November 2020 for the audited Annual Financial Statements, together with the auditor's reports, to be presented to the public in accordance with Section 418(1)(a) and 1(b) of the *Local Government Act 1993*.

#### REPORT

##### **BACKGROUND**

In accordance with Section 413(1) of the *Local Government Act 1993*, Council must prepare financial reports for each year, and must refer them to audit as soon as practicable (having regard to the requirements of Section 416(1)) after the end of that year.

In accordance with Section 413(2)(c) of the *Local Government Act 1993*, a statement in the approved form by Council as to its opinion on the Annual Financial Statements must be included.

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In accordance with Section 418(1)(a) of the *Local Government Act 1993*, Council must fix a date for the meeting at which it proposes to present its audited Annual Financial Statements, together with the auditor's reports, to the public.

In accordance with Section 418(1)(b) of the *Local Government Act 1993*, Council must give public notice of the date so fixed.

### **REPORT**

Council's Draft Annual Financial Statements for the year ended 30 June 2020 have been finalised and are ready for external audit. In accordance with Section 413(2) of the *Local Government Act 1993*, Council's Annual Financial Statements include:

- General Purpose Financial Statements
- Special Purpose Financial Statements
- Special Schedules

In accordance with the provisions of Section 413(2)(c) of the *Local Government Act 1993*, as a requirement of the preparation of the statements prior to submission for audit, two Councillors, the General Manager and Responsible Accounting Officer must sign a statement confirming that the financial statements have been prepared in accordance with:

- The *Local Government Act 1993* and regulations made thereunder
- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- The Local Government Code of Accounting Practice and Financial Reporting

The statement by Councillors and Management must be made in accordance with a resolution of Council.

The audited Annual Financial Statements, together with the Engagement Closing Report, will be presented to the Audit, Risk and Improvement Advisory Committee on 26 October 2020.

The Annual Financial Statements, together with the auditor's reports, will be presented to the public at the Ordinary Council meeting of 11 November 2020. Public notice of this meeting will appear in the Southern Highland News and will also be placed on Council's website.

The Annual Financial Statements will be distributed to Councillors and be available to the public prior to the auditor's presentation.

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### **COMMUNICATION AND CONSULTATION**

Public notice of the auditor's presentation will be advertised in the Southern Highland News and on Council's website.

In accordance with Section 420(1) of the *Local Government Act 1993*, any person may make submissions to Council with respect to the Annual Financial Statements or with respect to the auditor's reports. Submissions must be lodged within 7 days after the date on which the Annual Financial Statements are presented to the public.

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

Executive

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

The Office of Local Government

Audit Office of NSW

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#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

This report ensures compliance with Section 413, Section 418(1)(a) and Section 418(1)(b) of the *Local Government Act 1993*.

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#### **COUNCIL BUDGET IMPLICATIONS**

There are no direct financial implications in relation to this report.

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#### **RELATED COUNCIL POLICY**

Nil

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#### **CONCLUSION**

Referring the Draft Annual Financial Statements for the year ended 30 June 2020 for audit will allow the Audit Office of NSW to commence their audit.

The Statement by Councillors and Management made pursuant to Section 413(2)(c) of the *Local Government Act 1993* is required to be signed by two Councillors, the General Manager and Responsible Accounting Officer in accordance with a resolution of Council.

The audited Annual Financial Statements for the year ended 30 June 2020 will be presented to the public at the Ordinary Meeting of Council on 11 November 2020.



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**ATTACHMENTS**

There are no attachments to this report.

## 11.2 Request to Name Cricket Grounds at Centennial Park

Reference:	6500/2
Report Author:	Senior Asset Officer Parks and Building
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

### **PURPOSE**

The purpose of this report is to seek Council direction in relation to a request from the Bowral Blues Cricket Club to name the cricket grounds at Centennial Park, Bowral in honour of club member, Brian Martin.

### **RECOMMENDATION**

**THAT Council determine its position with respect to the request for the naming of the cricket grounds at Centennial Park, Bowral in honour of Brian Martin.**

### **REPORT**

#### **BACKGROUND**

On 17 October 2019, the Bowral Blues Cricket Club lodged a formal request to Council requesting that Centennial Park be named after a member of the club, Brian Martin, in honour of his achievements with local cricket and his affinity with Centennial Park.

The Bowral Blues Cricket Club's request is included as **Attachment 1**.

This request was later clarified to the naming of only the cricket grounds within Centennial Park rather than renaming the entire reserve.

Following this request and meetings with the Mayor and Council Officers, it was agreed that the Bowral Blues Cricket Club should gauge community support for the proposal and provide feedback to Council to support their request. The Bowral Blues provided 75 letters and emails of support for the proposal, two against. Bowral Cricket Club advised they would not support the proposal and the Highlands District Cricket Association provided an objection.

Further, Council directly received one objection from a Shire resident and long-time member of local cricket.

Objectors noted Brian Martin's contribution to cricket however, opposed the naming of the oval in honour of Mr Martin primarily on the following grounds:

- Objection to naming parks/venues after people who are still alive.
- There are other community members/families who have also contributed significantly to local cricket who do not have public places named in honour of them.



## **REPORT**

The naming of public places in NSW is governed by the Geographical Names Board (GNB) and its Place Naming Policy 2019 which is consistent with national and international policies, guidelines and practices.

The Geographical Names Board of NSW Place Naming Policy 2019 is included as **Attachment 2**.

The request from the Bowral Blues Cricket Club for the honorary naming of Centennial Park cricket grounds does not meet the requirements of the policy, namely the following:

### **7.1 Personal Names**

*Using the name of a living person is unacceptable (nationally and internationally) as it may lead to favouritism and/or inappropriate naming. There are examples where people commemorated have later proven to be of poor character or otherwise thought to be unworthy.*

While Council recognises that there are exceptions in the Shire to this criterion, including David Wood's Playing Fields, the current GNB Naming Policy was adopted in 2019 and the GNB have advised that this clause was not included in earlier versions with the importance of posthumous naming being recognised and added in the latest version of the Policy.

At the time of the request from the Bowral Blues Cricket Club in October 2019, Council was not aware of the 2019 policy for place naming and therefore did not reject the request on the grounds that it did not meet national and international standards for the naming of public places.

These standards were identified through the research process for the drafting of the Public Memorials Policy which includes place naming within the Shire. The Draft Public Memorials Policy and Guidelines has not yet been adopted by Council.

The naming of the cricket grounds within Centennial Park could be interpreted under clause 9.10 of the GNB Policy which states the following:

### **9.10 Naming of Facilities within reserves**

*Facilities within an officially assigned reserve, such as a pavilion, grandstand, garden, buildings etc. may also be named according to this policy, but do not require the formal approval of the GNB.*

Council has contacted the GNB for clarification on this matter and have been advised that a cricket area may be considered by the Board to fit the designation of *sporting ground* or *reserve* rather than built infrastructure and the request for naming would therefore be rejected on the grounds that it does not meet the criteria contained in the Policy.

The request would need to be considered by the GNB for an official determination. Furthermore, multiple names within one reserve could lead to confusion with location during emergencies.

The GNB Policy Place Naming outlines the following process for place naming:

- All proposals for place naming shall conform to the GNB's Naming Principles.

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- All place name proposals shall include a map or diagram clearly defining the extent of the feature proposed to be named.
- Proposals for place naming shall be submitted to the GNB for consideration and formalisation process.

The Policy advises that proposals for place naming should be submitted to the GNB supported by a Council resolution and include evidence of community feedback on the proposed name.

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## COMMUNICATION AND CONSULTATION

### Community Engagement

The Bowral Blues Cricket Club has sought support from members of the community for the proposal and provided 75 letters/emails of support to Council.

If the proposal to name the cricket grounds at Centennial Park in honour of Brian Martin is supported, Council officers recommend that the proposed naming should be placed on public exhibition with the community invited to provide feedback and comments.

### Internal Communication and Consultation

Executive Team

### External Communication and Consultation

Council has met with members of the Bowral Blues Cricket Club regarding the proposal on the 18 November 2019, 9 March 2020 and 21 August 2020. Council has also had discussions with the Chair of the Highlands District Cricket Association regarding the proposal and their objections.

Council has referred to the Geographical Names Board Policy Place Naming and sought guidance from the Geographical Names Board in regard to the request.

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## SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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**COUNCIL BUDGET IMPLICATIONS**

There are no budget implications regarding this proposal.

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**RELATED COUNCIL POLICY**

Council is in the process of finalising a Draft Public Memorials Policy which includes criteria for the naming of public places within the Shire. Council endorsed the Draft Policy for public exhibition however, the Draft Policy has not yet been adopted by Council.

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**OPTIONS**

The options available to Council are:

**Option 1**

1. **THAT** the request from the Bowral Blues Cricket Club to name the cricket grounds at Centennial Park, Bowral be rejected on the grounds that it fails to comply with the Geographical Names Board Policy Place Naming.

**Option 2**

1. **THAT** the request from the Bowral Blues Cricket Club to name the cricket grounds at Centennial Park, Bowral in honour of Brian Martin be placed on public exhibition for a period of twenty-eight (28) days.
2. **THAT** following the public exhibition, the proposal to name the cricket grounds at Centennial Park, Bowral in honour of Brian Martin be presented back to Council for resolution.
3. **THAT** if approved, the naming proposal be submitted to the Geographical Names Board for determination.

**Option 3**

1. **THAT** Council approve the request from the Bowral Blues Cricket Club to name the cricket grounds at Centennial Park *Brian Martin Oval*.

The matter is submitted for Council determination.

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**CONCLUSION**

While Council is supportive of the need to recognise the contribution Brian Martin has made to local cricket and Centennial Park cricket grounds, honorary place naming of the cricket grounds would not be consistent with the Geographical Names Board Policy Place Naming.

As Council is yet to formally adopt the draft Public Memorials Policy, this proposal is submitted for Council determination.

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**REPORT ACTING DEPUTY GENERAL MANAGER OPERATIONS  
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**ATTACHMENTS**

1. Letter from the Bowral Blues Cricket Club re Naming of Centennial Park - *circulated under separate cover*
2. GNB Place Naming Policy - *circulated under separate cover*



## 11.3 Land Acquisition - Moss Vale

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

### PURPOSE

The purpose of this report is to seek Council approval for the Acting General Manager to be delegated authority to negotiate the potential purchase of property in Moss Vale.

### RECOMMENDATION

**THAT** the report concerning the potential purchase of land in Moss Vale 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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

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

### ATTACHMENTS

There are no attachments to this report.

Richard Mooney  
Acting Deputy General Manager Operations Finance and Risk

Wednesday 2 September 2020

## 12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Development Applications Determined from 27 July 2020 to 27 August 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 27 July 2020 to 27 August 2020.

#### RECOMMENDATION

**THAT** the information relating to the lists of Development Applications Determined for the period 27 July 2020 to 27 August 2020 be received and noted.

#### APPROVED APPLICATIONS BY DATE RANGE

Date Range: 27 July 2020 to 27 August 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	17/0612.04	1091 Sheepwash Road Avoca NSW 2577	SP Grant	Section 4.55 Modification (Alterations and Extensions)	04/08/2020	0	12	12	17/08/2020
2	20/0659	4 Fountain Street Berrima NSW 2577 Lot 1 DP 789636	D Schieler	Secondary Dwelling	29/11/2019	214	47	261	17/08/2020
3	20/1383	36 Oldbury Street Berrima NSW 2577 Lot 6 DP 1213372	K Berkelouw	Residential Alterations and Additions (Swimming Pool)	05/06/2020	0	69	69	14/08/2020
4	20/1494	42 Oldbury Street Berrima NSW 2577 Lot 4 DP 1213372	E McLeavy, MBC McLeavy	Dwelling House	29/06/2020	0	30	30	29/07/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	19/0623	471 Moss Vale Road Bowral NSW 2576 Lot A DP 20573	Rafson Properties Pty Limited	Demolish Existing Dwellings and Outbuildings. Removal of Select Trees. Construct Nine (9) Unit Multi-Dwelling Housing.	19/10/2018	585	61	646	27/07/2020
6	20/1136	9/11-13 Bundaroo Street Bowral NSW 2576 Lot 9 S/P 49134	J Stewart	Continued Use (Commercial Premises)	16/04/2020	0	103	103	29/07/2020
7	20/1404	2 Mansfield Road Bowral NSW 2576 Lot 4 DP 740799	LI Wu, W Wu	Residential Alterations and Additions (Tennis Court, Tennis Pavilion, Swimming Pool, Spa, Pool Pavilion & Retaining Wall)	11/06/2020	0	57	57	07/08/2020
8	20/1508	19 Gordon Road Bowral NSW 2576 Lot B DP 27445	II Griffin, D Austin	Residential Alterations and Additions (Studio)	30/06/2020	13	28	41	12/08/2020
9	21/0030	13 Herald Drive Bowral NSW 2576 Lot 117 DP 1227641	MN Todorcevski	Residential Alterations and Additions - Shed	06/07/2020	0	30	30	05/08/2020
10	21/0117	Iona 3 Kimberley Drive Bowral NSW 2576 Lot 11 DP 746488	G Towell, P Steadman- Towell	Residential Alterations and Additions (Garage, Internal Alterations)	22/07/2020	0	33	33	25/08/2020
11	20/1340	Greasons Road Bundanoon NSW 2578 Lot 6 DP 9134	Hammober Pty Ltd	Dwelling House	26/05/2020	0	73	73	07/08/2020
12	20/1381	11 Idolwood Ridge Bundanoon NSW 2578 Lot 6 DP 1219744	M Lichtenberg, M Lichtenberg	Residential Alterations and Additions (Shed)	04/06/2020	71	5	76	21/08/2020
13	20/1453	89a Penrose Road Bundanoon NSW 2578 Lot 3 DP 1244654	BM Ambler	Dwelling House	18/06/2020	0	46	46	04/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
14	20/1469	2 Forwood Crescent Bundanoon NSW 2578 Lot 12 DP 831816	JM Tindale	Residential Alterations and Additions (Extensions)	22/06/2020	14	30	44	06/08/2020
15	** 21/0153	12 Yuille Avenue Bundanoon NSW 2578 Lot 2 DP 630721	JW Grono, DM Andrews	Dwelling House	31/07/2020	6	11	17	17/08/2020
16	17/1483.07	3 Holly Road Burradoo NSW 2576 Lot 21 DP 1203033	MI Leahy, M Leahy	Section 4.55 Modification (Amend Conditions Pertaining to Vegetation Management Plan)	21/07/2020	0	10	10	31/07/2020
17	21/0066	14 Sutherland Park Drive Burradoo NSW 2576 Lot 18 DP 1220167	Km Conroy	Residential Alterations and Additions (Swimming Pool)	13/07/2020	0	28	28	10/08/2020
18	20/0176.07	2-6 Harman Street Burrawang NSW 2577 Lot 1 DP 1168888	JA Tait, G Brewer	Section 4.55 Modification (Internal and External Alterations)	30/07/2020	0	5	5	04/08/2020
19	20/0800	44 Hoddle Street Burrawang NSW 2577 Lots 1-3 & 7- 11 DP1694 & Lot 4 DP805964 & Lots 1- 2 DP813181	Roseraymonde Pty Limited	Dwelling House	15/01/2020	140	78	218	20/08/2020
20	20/1444	13 Crown Street Burrawang NSW 2577 Lot 18 Sec 3 DP 2660	J Pridham	Residential Alterations and Additions (Extensions)	17/06/2020	0	50	50	07/08/2020
21	**21/0104	61 Balmoral Park Road Buxton NSW 2571 Lot B DP 413858	P Collins, J Collins, M Collins	Dwelling House	21/07/2020	7	8	15	05/08/2020
22	21/0126	140 Foxgrove Road Canyonleigh NSW 2577 Lot 1 DP 805624	J Livolsi, K Livolsi	Farm Building	23/07/2020	0	18	18	11/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
23	20/1250	45-47 Wattle Street Colo Vale NSW 2575 Lot 2 Sec 14 DP 2389	J Verity, H Verity	Residential Alterations and Additions (Shed)	08/05/2020	43	61	104	20/08/2020
24	20/1510	54 Ebony Place Colo Vale NSW 2575 Lot 10 DP 792443	I Baker	Residential Alterations and Additions (Shed)	30/06/2020	2	37	39	10/08/2020
25	21/0192	13 Bluebell Close Colo Vale NSW 2575 Lot 310 DP 1261011	S Talreja	Dwelling House	07/08/2020	0	11	11	18/08/2020
26	17/1827.03	78 Ringwood Lane Exeter NSW 2579 Lot 12 DP 1222769	AH France	Section 4.55 Modification (Reduce size of Dwelling. Alter barn to include two bedrooms and bathroom)	09/07/2020	0	27	27	05/08/2020
27	20/0672.01	28-30 Ringwood Road Exeter NSW 2579 Lot 1 DP 13527 Lot 2 DP 13527	BE Barwell	Section 4.55 Modification (Extensions)	23/07/2020	0	31	31	24/08/2020
28	20/0738	58 Middle Road Exeter NSW 2579 Lot 2 DP 1256824	J Clark	Dwelling House	18/12/2019	150	78	228	04/08/2020
29	21/0033	43 School Lane Exeter NSW 2579 Lot 3 DP 621821	MW Singer	Residential Alterations and Additions (Garage)	06/07/2020	0	35	35	11/08/2020
30	17/1552.05	Folly Farm 360 Tourist Road Glenquarry NSW 2576 Lot 2 DP 630220	V Smith	Section 4.55 Modification (Internal and External Alterations)	04/08/2020	0	9	9	13/08/2020
31	20/1455	Lot 3 Sproules Lane Glenquarry NSW 2576 Lot 3 DP562283	L Hanrahan, KE Hanrahan	Residential Alterations and Additions (Internal Alterations & Extensions to Dwelling. Convert Existing Studio to Secondary Dwelling)	18/06/2020	0	54	54	12/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
32	20/1465	7 Vera Street Hill Top NSW 2575 Lots 27-32 Section 24 DP1262	S Dixon, I Jacquety	Residential Alterations and Additions (Extensions, Shed)	19/06/2020	0	45	45	03/08/2020
33	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	8	37	45	06/08/2020
34	21/0091	41 Pirillie Street Hill Top NSW 2575 Lots 10-12 Sec 50 DP 1384	C Stephenson	Residential Alterations and Additions (Shed)	17/07/2020	0	13	13	30/07/2020
35	21/0115	20 Serrata Place Hill Top NSW 2575 Lot 20 DP 855022	F Colavito, C Colavito	Residential Alterations and Additions (Shed)	22/07/2020	0	7	7	29/07/2020
36	21/0143	1102 Kangaloon Road Kangaloon NSW 2576 Lot 7 DP 242002	R Griffin	Farm Building	29/07/2020	0	21	21	20/08/2020
37	11/1150.04	Tall Timbers 74 Liebman's Road Medway NSW 2577 Lots 1-2 DP1159810 & Part Lot 7302 DP1133155	Harmony Greenland Pty Limited	Section 4.55 Modification (Internal Alterations)	09/07/2020	0	18	18	27/07/2020
38	17/0672.06	12 Spencer Street Mittagong NSW 2575 Lot A DP 404604	J Pearson, B Pearson	Section 4.55 Modification Residential Alterations and Additions - Extensions, Carport, Studio, Shed	11/08/2020	0	3	3	14/08/2020
39	20/0056.04	461 Range Road Mittagong NSW 2575 Lot 6 DP 861985	T Gregory	Section 4.55 Modification (Roof Alterations and change to External Material Finish)	25/06/2020	0	46	46	11/08/2020
40	20/0726.03	80a Railway Parade Mittagong NSW 2575 Lot 2 DP 617323	M Linolli, R Wilson	Section 4.55 Modification (Shed)	03/08/2020	0	2	2	05/08/2020



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
41	20/1261	23 Robinson Street Mittagong NSW 2575 Lot 139 DP 1247015	V Tasker, N Tasker	Dwelling House, Swimming Pool & Shed	11/05/2020	24	63	87	07/08/2020
42	21/0070	411 Old South Road Mittagong NSW 2575 Lot 1 DP 1201343	Business2busin ess Relocations And Fitouts Pty Ltd	Residential Alterations and Additions (Shed)	14/07/2020	0	30	30	14/08/2020
43	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	0	77	77	13/08/2020
44	18/0472.01	201 Argyle Street Moss Vale NSW 2577 Lot D DP 38722	F Gibson	Section 4.55 Modification (Extend Deferred Commencement Condition pertaining to Easement)	11/08/2020	0	3	3	14/08/2020
45	20/0780	31-33 Robertson Road Moss Vale NSW 2577 Lot 13 Sec 3 DP 977031	S Hayman, C Hayman	Subdivision (2 Lots)	08/01/2020	91	110	201	27/07/2020
46	20/1071	71 Iona Park Road Moss Vale NSW 2577 Lot 1 DP 623251	C Morrissey	Farm Stay Accommodation	20/03/2020	0	145	145	13/08/2020
47	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	0	65	65	07/08/2020
48	20/1480	561 Argyle Street Moss Vale NSW 2577 Lot 5 Sec 1 DP 38	Norman MV Pty Ltd	Change of Use (Food Premises)	23/06/2020	0	49	49	11/08/2020
49	21/0101	12 Roe Street Moss Vale NSW 2577 Lot 233 DP 258240	F Ninnes, P Ninnes	Residential Alterations and Additions (Shed)	21/07/2020	0	23	23	13/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
50	21/0107	87 Parkes Road Moss Vale NSW 2577 Lot 2 DP 594386 Vol 13626 Fol 00012	R Heagney, L Heagney	Residential Alterations and Additions (Garage)	21/07/2020	0	13	13	04/08/2020
51	20/1311	70 Quigg Fire Trail Penrose NSW 2579 Lot 1 DP 624103	Penrose Rural Co-Op Ltd	New Dwelling	20/05/2020	0	70	70	30/07/2020
52	** 21/0128	Wandavale 162 Teudts Road Penrose NSW 2579 Lot 115 DP 751259	JW Stone, NM Stone	Residential Alterations and Additions (Shed)	23/07/2020	0	8	8	31/07/2020
53	21/0131	280 Teudts Road Penrose NSW 2579 Lots 2-3 DP 1003952	M Rajkovic, I Rajkovic	Residential Alterations and Additions (Swimming Pool)	24/07/2020	0	13	13	06/08/2020
54	16/0168.02	Bold Street Renwick NSW 2575 Lot 904 DP 1210273	Paloma Blanca Pastoral Pty Ltd	Section 4.55 Modification (Alter Lot Sizes. Remove Restriction on Use of Land for Future Road Reserve)	25/03/2020	98	26	124	29/07/2020
55	21/0040	7 George Cutter Avenue Renwick NSW 2575 Lot 1376 DP 1234992	B Alzaim, CA Alzaim	Dwelling House	08/07/2020	10	16	26	03/08/2020
56	21/0041	28 George Cutter Avenue Renwick NSW 2575 Lot 84 DP 1221206	MM Kracht, JA Kracht	Dwelling House	08/07/2020	11	16	27	05/08/2020
57	21/0051	30 Roty Avenue Renwick NSW 2575 Lot 27 DP 1221206	K Jennings, C Jennings	Dwelling House	09/07/2020	2	15	17	27/07/2020
58	21/0084	28 Windeyer Street Renwick NSW 2575 Lot 1359 DP 1234992	FM Cassar, AR Cassar	Dwelling House	16/07/2020	0	13	13	30/07/2020
59	21/0112	42 Challoner Rise Renwick NSW 2575 Lot 1263 DP 1221207	S Sell	Dwelling House	22/07/2020	0	15	15	06/08/2020

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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
60	21/0121	1 Sherwin Crescent Renwick NSW 2575 Lot 3030 DP 1260441	A Cherry, CW Cherry	Dwelling House and Shed	23/07/2020	12	15	27	19/08/2020
61	21/0171	6 Challoner Rise Renwick NSW 2575 Lot 2 DP 1221206	DS O'Brien, R O'Brien	Dwelling House and Shed	04/08/2020	0	10	10	14/08/2020
62	21/0176	7 Plumb Street Renwick NSW 2575 Lot 1383 DP 1234992	RW Nancarrow, J Moulton	Dwelling House	05/08/2020	0	13	13	18/08/2020
63	21/0229	6 Plumb Street Renwick NSW 2575 Lot 1374 DP 1234992	V Patel, S Patel	Dwelling House	14/08/2020	0	10	10	24/08/2020
64	20/0355	4980 Illawarra Highway Robertson NSW 2577 Lot 6 DP 739043	CM Vickers, C Vickers	Temporary Use of Land (Use Existing Farm Building as a Venue for Occasional Auction Sales)	23/09/2019	280	45	325	14/08/2020 APPROVED BY COUNCIL
65	20/1476	3 Alcorn Lane Robertson NSW 2577 Lot 7 DP 654641	S Gardner, B Gardner	Residential Alterations and Additions (Shed)	22/06/2020	16	31	47	10/08/2020
66	21/0081	2226 Jamberoo Mountain Road Robertson NSW 2577 Lot 2 DP 719731	NG Wood, K Wood	Residential Alterations and Additions (Extensions)	15/07/2020	0	32	32	17/08/2020
67	21/0025	Public Road Illawarra Highway Sutton Forest NSW 2577 Lot 16 DP 260417 Lot 17 DP 260417	Wingecarribee Shire Council	Upgrade of National Service Memorial	03/07/2020	0	31	31	04/08/2020
68	21/0067	Medway 500 Oldbury Road Sutton Forest NSW 2577 Lot 17 DP 979138 Lot 18 DP 979138 Lot 1 DP 255170	AP Galbraith, WG Galbraith	Residential Alterations and Additions (Swimming Pool)	13/07/2020	0	31	31	13/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
69	19/1517.01	54-56 Bowral Street Welby NSW 2575 Lot 9 Sec 18 DP 759070	S Woodward	Section 4.55 Modification (Alter Block Size)	08/07/2020	0	28	28	05/08/2020
70	20/1458	77 Bowral Street Welby NSW 2575 Lot 9 DP 613621	DP Fenner	Residential Alterations and Additions (Shed)	19/06/2020	17	38	55	13/08/2020
71	19/1362.04	Rotherwood 101 Rotherwood Road Wildes Meadow NSW 2577 Lot 2 DP 553705 & Lots 76/250/261 DP 751262	CE Donovan, BA Donovan, P Cleary, LM Cleary	Section 4.55 Modification (Delete Condition 12 pertaining to Right of Carriageway / Easements)	18/06/2020	0	55	55	13/08/2020
72	20/0491.03	216 Myra Vale Road Wildes Meadow NSW 2577 Lot 12 DP 1035684	HM Sell, M Ludington	Section 4.55 Modification (Extensions)	20/07/2020	0	7	7	28/07/2020
73	20/1099	4 Ritchie Road Willow Vale NSW 2575 Lot 102 DP 1247843	MA Bannister, DE Bannister	Residential Alterations and Additions (Shed)	30/03/2020	125	16	141	19/08/2020
74	21/0013	3a Drapers Road Willow Vale NSW 2575 Lot 19 DP 1192192	JA Worthington	Residential Alterations and Additions (Shed)	02/07/2020	0	48	48	19/08/2020
75	21/0146	58 Railway Terrace Willow Vale NSW 2575 Lot 11 Sec 8 DP 792	D McAloon, T Clift	Residential Alterations and Additions (Garage)	30/07/2020	0	14	14	13/08/2020
76	20/1346	401 Nandi Road Wingello NSW 2579 Lots 71/73 DP1073970 & Lots 4 DP1198257 & Spring Valley Wild Life Refuge No54 & EP43338	RS Boag	Farm Building	28/05/2020	0	89	89	25/08/2020
77	20/1405	34a Bumballa Road Wingello NSW 2579 Lot 7 DP 1261769	RM Parmenter, CA Parmenter	Dwelling House, Shed & Tree Removal	11/06/2020	26	42	68	19/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
78	21/0088	Highland Park 1338 Highland Way Wingello NSW 2579 Lot 1 DP 594379 Lot 2 DP 594379	PH Bush	Alterations and Additions (Deck)	17/07/2020	0	13	13	31/07/2020
79	21/0095	34-44 Camden Street Wingello NSW 2579 Lot 1 DP 709269	AG Hagger	Residential Alterations and Additions (Shed)	20/07/2020	0	11	11	31/07/2020
80	20/1192	41 Woodlands Road Woodlands NSW 2575 Lot 6 DP 516142	J Gray, GA Gray	Dwelling House, Secondary Dwelling and Swimming Pool	28/04/2020	62	30	92	30/07/2020
81	09/0408.03	2466 Old Hume Highway Woodlands NSW 2575 Lot 3 DP 555362	Da Penn, NM McCudden-Penn	Section 4.55 Modification (Carport)	29/06/2020	0	28	28	27/07/2020
82	20/1474	5 Reg Grundy Drive Bundanoon NSW 2578 Lot 12 DP 1219744	L Philpott	Dwelling House	22/06/2020	0	65	65	26/08/2020
83	19/0694	2 Charlotte Street Burradoo NSW 2576 Lot 811 P 1176908	Harbison Memorial Retirement Village	Residential Care Facility and Self Care Units	02/11/2018	594	68	662	26/08/2020
84	21/0052	23 Sullivan Road Burradoo NSW 2576 Lot 62 DP 709095	AE Falvey, AM Falvey	Residential Alterations and Additions (Extensions and Internal Alterations)	09/07/2020	0	47	47	26/08/2020
85	19/0460.09	2400 Canyonleigh Road Canyonleigh NSW 2577 Lot 14 DP 806293	Noah Retail Group Pty Ltd	Section 4.55 Modification (Shed and Greenhouse)	14/08/2020	0	12	12	26/08/2020
86	21/0057	38 Railway Avenue Colo Vale NSW 2575 Lot 2 Sec 3 DP 2944	K Johnson	Residential Alterations and Additions (Shed)	10/07/2020	0	47	47	26/08/2020
87	21/0217	24 Pirillie Street Hill Top NSW 2575 Lot 1 DP 787113	DM Woods	Residential Alterations and Additions (Extensions)	12/08/2020	0	14	14	26/08/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
88	20/0666.03	421 Old South Road Mittagong NSW 2575 Lot 2 DP 1201343	Business 2 Business Relocations And Fitouts Pty Ltd	Section 4.55 Modification (Modify Approved Shed)	03/07/2020	0	53	53	26/08/2020
89	20/0666.04	421 Old South Road Mittagong NSW 2575 Lot 2 DP 1201343	Business 2 Business Relocations And Fitouts Pty Ltd	Section 4.55 Modification (Modify Approved Stables and Landscaping)	10/07/2020	0	46	46	26/08/2020
90	19/1586.05	38 Browley Street Moss Vale NSW 2577 Lot 6 DP 14457	KM Davies, B Davies	Section 4.55 Modification (Extensions)	17/06/2020	0	70	70	26/08/2020
91	20/1484	5 Chapman Street Moss Vale NSW 2577 Lot 4 DP 26575	RM Stockell, JA Kelly	Residential Alterations and Additions (Extensions)	24/06/2020	18	44	62	26/08/2020
92	21/0175	40 George Cutter Avenue Renwick NSW2575 Lot 64 DP 1221206	Rh Patel, HD Patel	Dwelling House	05/08/2020	13	7	20	26/08/2020
93	21/0222	9 Sherwin Crescent Renwick NSW 2575 Lot 3040 DP 1260441	LM Harrington	Dwelling House	12/08/2020	6	8	14	26/08/2020
94	21/0142	4 Hammock Hill Rise Bowral NSW 2576 Lot 3 DP 866971	A Bassett, S Bassett	Residential Alterations and Additions (Shed)	29/07/2020	0	28	28	27/08/2020
95	20/1399	38 Brigadoon Drive Bundanoon NSW 2578 Lot 40 DP 1048841	CD Heathcote	Dwelling House & Carport	10/06/2020	0	77	77	27/08/2020
96	20/1442	80 Old Wingello Road Bundanoon NSW 2578 Lot 5 DP 578321	Ombak Pty Ltd	Dwelling House	16/06/2020	0	71	71	27/08/2020
97	21/0197	1 Lorna Close Bundanoon NSW 2578 Lot 13 DP 263733	V Kemsley	Residential Alterations and Additions (Shed)	07/08/2020	0	20	20	27/08/2020



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
98	**21/0104.05	61 Balmoral Park Road Buxton NSW 2571 Lot B DP 413858	P Collins, J Collins, MW Collins	Section 4.55 Modification (Amend Wastewater)	20/08/2020	0	7	7	27/08/2020
99	20/0254.06	7 Hood Street Mittagong NSW 2575 Lot 8 Sec 8 DP 111201	A Browning, K Browning	Section 4.55 Modification (Internal and External Alterations)	26/08/2020	0	1	1	27/08/2020
100	20/1471	21 Spencer Street Mittagong NSW 2575 Lot 3 DP 264058	VA Odewahn	Residential Alterations and Additions (Workshop and Garage)	22/06/2020	0	65	65	27/08/2020
101	20/1392	25 Woodside Drive Moss Vale NSW 2577 Lot 169 DP 1095417	YT Saner, TM Saner	Residential Alterations and Additions (Studio & Swimming Pool)	09/06/2020	15	63	78	27/08/2020
102	20/1432	3 Browley Street Moss Vale NSW 2577 Lot 190 DP 612544	EM McManus, EG O'Sullivan	Dual Occupancy (Attached)	16/06/2020	0	72	72	27/08/2020
103	**21/0182	Wandavale 162 Teudts Road Penrose NSW 2579 Lot 115 DP 751259	JW Stone, NM Stone	Dwelling House	06/08/2020	16	5	21	27/08/2020
104	21/0290	91 Camden Street Wingello NSW 2579 Lot 4 DP 1212578	DK Bove, KA Broughton	Residential Alterations and Additions (Shed)	24/08/2020	0	3	3	27/08/2020

#### REFUSED APPLICATIONS

105	20/0068.01	180 Merrigang Street Bowral NSW 2576 Lot 7 DP 29303	PI Boyce	Section 4.55 Modification (Remove additional six (6) trees)	19/05/2020	63	16	79	07/08/2020
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#### Reasons for Refusal

1. The original development consent 20/0068 permitted removal of three trees, identified by documents accompanying development application 20/0068 as "T4", "T5" and "T7" (respectively, an English Elm, a Tupelo and a Laurel). The subject application is made to modify development consent 20/0068 pursuant to section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 so as to permit removal of six additional trees, identified by documents accompanying the application as "T1", "T3", "T8", "T9", "T11" and "T12" (respectively a Sycamore, a *Eucalyptus*, a Spruce, a Monterey Pine, a Himalayan Cypress and a Monterey Pine).

Council is not satisfied by the application and its accompanying documents that the proposed modification is of minimal environmental impact. Consequently, section 4.55 (1A) (a) of the Environmental Planning and Assessment Act 1979 does not permit Council to modify development consent 20/0068 as proposed.

#### ***[Environmental Planning and Assessment Act 1979, section 4.55 (1A) (a)]***

2. Council considers the proposed modification to render the development contrary to the particular aims specified by clause 1.2 (a), (d) (iii), (f), (j) and (k) of Wingecarribee Local Environmental Plan 2010:
  - (a) *to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee,*
  - (d) *to provide opportunities for development and land use activities that—*
    - (iii) *retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,*
  - (f) *to provide for a range of living opportunities that address differing lifestyle needs without compromising the environmental quality of Wingecarribee, and the value of its natural resources such as water, biodiversity and agricultural land,*
  - (j) *to conserve the Aboriginal and European cultural and environmental heritage of Wingecarribee,*
  - (k) *to protect areas of high scenic landscape value.*

#### ***[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (a) (i)]***

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3. Council considers the proposed modification to render the development contrary to the heritage conservation objective specified by clause 5.10 (1) (a) of Wingecarribee Local Environmental Plan 2010:

(a) *to conserve the environmental heritage of Wingecarribee.*

***[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (a) (i)]***

4. Council considers the proposed modification to render the development contrary to the following provisions of Council's applicable Bowral Town Plan Development Control Plan:

(a) The residential amenity objectives specified by section A2.2.4 (a), (b) and (d):

(a) *Conserve the unique characteristics of existing residential areas of the Bowral township.*

(b) *Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*

(d) *Contribute to the enhancement of the urban amenity.*

(b) The visual amenity objective specified by section A2.2.6 (a):

(c) *Demonstrate an appreciation of the existing streetscape.*

(c) Section A2.2.7 regarding public views and vistas

(d) The objective specified by section A6.1.1 (a) regarding preservation of trees and other vegetation:

(a) *preserve the amenity, biodiversity and ecology of the Bowral township through the preservation of trees and other vegetation...*

(e) The assessment considerations specified by section A6.1.7 (a), (d), (j), (k) regarding preservation of trees and other vegetation:

1.

(a) *Whether the community interest has been taken into account. Priority for preservation will be given to trees which have significant amenity or aesthetic value, are noteworthy in the land or streetscape or from a botanical or heritage viewpoint.*

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- (d) *Whether replacement planting is proposed. All Council approvals to remove trees or other vegetation shall contain appropriate requirements for offset planting to ensure no net loss of vegetation.*
  - (j) *Whether the application should more properly be part of a wider development and/or building works. If so, the removal of trees or other vegetation should be included and dealt with as part of a land use application for the wider development.*
  - (k) *Whether there is a justified need.*
- (f) The objectives for development of residential-zoned land specified by section C1.2 (), (b) and (c):
- (a) *Conservation of the unique characteristics of the residential areas of Bowral, particularly in the case of the identified Conservation Areas,*
  - (b) *New residential development which is sympathetic with existing streetscapes and neighbourhood character,*
  - (c) *New residential development that is energy efficient, provides good amenity, and is safe and attractive.*

***[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (a) (iii)]***

5. Council considers the development to which the proposed modified consent relates likely to have significant negative environmental impacts, with particular regard to the land's context and setting, and the locality's heritage character.

***[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (b)]***

6. Council considers the proposed modification to render the development incompatible with the locality's existing and desired character and amenity, on which basis Council considers the land unsuitable for the development to which the proposed modified consent relates.

***[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (c)]***

7. Council considers the development to which the proposed modified consent relates not to be in the public interest.

***[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (e)]***

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106	20/1281	4A Oxley Drive Bowral NSW 2576 Lot 1 DP 1138547	G Fincher, M Fincher	Change of Use - Ongoing Use Secondary Dwelling	15/05/2020	0	96	96	20/08/2020
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#### Reasons for Refusal

1. The side setback of the Secondary Dwelling does not comply with the 900mm development control specified in Part C2.7.2 (c) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

2. The side setback of the Secondary Dwelling is not consistent with the adjacent existing development and does not comply with the development control specified in Part C2.7.2 (a) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

3. The rear setback of the Secondary Dwelling does not comply with the 3m development control specified in Part C2.8.2 (c) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

4. The rear setback of the Secondary Dwelling is not consistent with the adjacent development and does not comply with the development control specified in Part C2.8.2 (a) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

5. The key living area of the Secondary Dwelling does not comply with the minimum sunlight requirements specified in Part C2.5.2 (a) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

6. The design of the Secondary Dwelling does not comply with the requirements for main living areas to open directly onto private open space, as specified in Part C2.5.2 (b) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

7. The design of the Secondary Dwelling does not comply with the requirements for natural cross ventilation, as specified in Part C2.5.2 (c) of the Bowral Town Development Control Plan.

***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

8. To ensure precedence is not set for departures relating to the minimum setback requirements for Secondary Dwellings approved in accordance with the Bowral Town Development Control Plan.



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***(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)***

**9.** Non-compliances with the minimum construction requirements of the NCC Building Code of Australia including:

- Part 3.1.4 Termite management requirements.
- Part 3.2 & Part 3.4 Structural adequacy requirements.
- Part 3.7 Fire safety requirements.
- Part 3.8.1 Wet area and external waterproofing requirements.
- Part 3.8.2 Habitable room height requirements.
- Part 3.8.3 Class 1 facility requirements.
- Part 3.8.4 Natural light requirements.

***(Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979)***

**10.** Due to the abovementioned reasons numbered 1 through to 9, Council does not consider the proposed development to be in the public interest.

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

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**ATTACHMENTS**

There are no attachments to this report.



## 12.2 Development Applications Received from 27 July 2020 to 27 August 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 27 July 2020 to 27 August 2020.

### RECOMMENDATION

**THAT** the information relating to Development Applications Received from 27 July 2020 to 27 August 2020 be received and noted.

### REPORT

#### RECEIVED APPLICATIONS BY DATE RANGE

Date range: 27 July 2020 to 27 August 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	17/0612.04	1091 Sheepwash Road Avoca NSW 2577	SP Grant	Section 4.55 Modification (Swimming Pool & Bathroom)	04/08/2020		#APPROVED	17/08/2020	
2	** 21/0231	4 Victoria Street Balmoral NSW 2571 Lot 1316 DP 785978	JD Lillis, RF Lillis	Dwelling House	14/08/2020		#PENDING		
3	** 21/0235	636 Wilson Drive Balmoral NSW 2571 Lot 692 DP 747940	RB Scholes, J Scholes	Dwelling House	17/08/2020		#PENDING		
4	21/0172	40 Birchforest Place Berrima NSW 2577 Lot 4 DP 869781	AM Stuckey, L Grice	Residential Alterations and Additions (Spa Pavilion, Covered Walkway and Carport)	04/08/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	21/0191	59 Old Mandemar Road Berrima NSW 2577 Lot 422 DP 751252 Lot 423 DP 751252 Lot 1 DP 653010	G Chen, Y Mao	Residential Alterations and Additions (Extensions, Garage, Internal Alterations)	06/08/2020		#PENDING		
6	21/0205	2/30 Old Hume Highway Berrima NSW 2577 Lot 2 S/P 75992	S Bedingfield	Change of Use (Restaurant or Café)	10/08/2020		#PENDING		
7	15/0831.04	63-69 Kirkham Road Bowral NSW 2576 Lot 2 DP 1081770	Sprite Pty Ltd	Section 4.55 Modification (Proposed extension of trading hours of the F45 gym)	18/08/2020		#PENDING		✓
8	19/0753.05	73a Bendooley Street Bowral NSW 2576 Lot 13 DP 541820	HA Bassi	Section 4.55 Modification (Window Changes and Internal Alterations)	07/08/2020		#PENDING		
9	21/0142	4 Hammock Hill Rise Bowral NSW 2576 Lot 3 DP 866971	A Bassett, S Bassett	Residential Alterations and Additions (Shed)	29/07/2020		#PENDING		
10	21/0144	Church 28-30 Bendooley Street Bowral NSW 2576 Lot 1 DP 995850 Lot 2 DP 995850 Lot 1 DP 155385	Uniting Church Property Committee	Alterations to Community Facility (Commercial Kitchen)	30/07/2020		#PENDING		✓
11	21/0162	79 Merrigang Street Bowral NSW 2576 Lot 26 DP 1136139	SC Jol, A Fischbeck	Demolition of Existing Dwelling Construct New, Dwelling House and Swimming Pool	03/08/2020		#PENDING		
12	21/0167	26 Aitken Road Bowral NSW 2576 Lot 1 DP 316408	J Philp, C Philp	Residential Alterations and Additions (Extensions)	03/08/2020		#PENDING		
13	21/0174	Lot 3 Westwood Drive Bowral NSW 2576 Lot 3 DP 700485	When Close Pty Ltd	Seniors Housing (3 Dwellings)	04/08/2020		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
14	21/0200	6 Macquarie Grove Bowral NSW 2576 Lot 98 DP 1003828	M Ferrari	Residential Alterations and Additions (Shed)	10/08/2020		#PENDING		
15	21/0201	14 Harley Street Bowral NSW 2576 Lot 34 DP 842059	N Chahoud, CA Chahoud	Residential Alterations and Additions (Extensions and Internal Alterations)	10/08/2020		#PENDING		
16	21/0202	19 Carlisle Street Bowral NSW 2576 Lot D DP 153699	RA Corder, JE Corder	Dwelling House	10/08/2020		#PENDING		
17	21/0212	1 Sir James Fairfax Circuit Bowral NSW 2576 Lot 140 DP 1231974	S Harris	Subdivision (2 Lots)	11/08/2020		#PENDING		✓
18	21/0213	341 Bong Bong Street Bowral NSW 2576 Lot 1 DP 212443	S Perinich, M Perinich	Change of Use – Restaurant or Cafe	11/08/2020		#PENDING		
19	21/0228	63 Kangaloon Road Bowral NSW 2576 Lot 2 DP 567003	PR Stevens-King, JD Stevens-King	Residential Alterations and Additions (Awning and Carport)	14/08/2020		#PENDING		
20	21/0232	16 Harley Street Bowral NSW 2576 Lot 33 DP 842059	LM Barrett, JS Barrett	Residential Alterations and Additions (Extensions)	14/08/2020		#PENDING		
21	21/0256	2 Mona Road Bowral NSW 2576 Lot C DP 330326	N Hartnell	Change of Use - Health Services Facility	19/08/2020		#PENDING		✓
22	21/0257	203 Horderns Road Bowral NSW 2576 Part Lot 313 DP 1245164 Part Lot 314 DP 1245164	Dobler Properties Pty Ltd	Subdivision (2 Lots)	19/08/2020		#PENDING		✓



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
23	21/0258	27 Kimberley Drive Bowral NSW 2576 Part Lot 313 DP 1245164 Part Lot 314 DP 1245164	Tujilo Pty Limited	Continued Use – Summer House and Conservatory	19/08/2020		#PENDING		
24	21/0279	105 Kangaloon Road Bowral NSW 2576 Lot 3 DP 373804	GD Harrison, CT Harrison	Residential Alterations and Additions (Extensions)	21/08/2020		#PENDING		
25	21/0287	7 Hamilton Avenue Bowral NSW 2576 Lot 82 DP 1065886	Rosemary Pty Limited	Residential Alterations and Additions (Internal, Carport)	24/08/2020		#PENDING		
26	20/0428.01	10 Tyree Place Braemar NSW 2575 Lot 2 DP 1225697	Tycan Australia Pty Ltd	Section 4.55 Modification (Workshop and Office)	25/08/2020		#PENDING		
27	19/0091.15	131 Ellsmore Road Bundanoon NSW 2578 Lot 61 DP 1041322	Jarosc Holdings Pty Ltd	Section 4.55 Modification (Review Developer Contributions)	04/08/2020		#PENDING		
28	21/0141	31 Birriga Avenue Bundanoon NSW 2578 Lot 3 DP 826840	EW Swanton, MD Breen	Residential Alterations and Additions (Carport)	29/07/2020		#PENDING		
29	21/0145	13 Idolwood Ridge Bundanoon NSW 2578 Lot 7 DP 1219744	T Bailey, M Bailey	Dwelling House, Detached Garage	30/07/2020		#PENDING		
30	** 21/0153	12 Yuille Avenue Bundanoon NSW 2578 Lot 2 DP 630721	JW Grono, DM Andrews	Dwelling House	31/07/2020		#APPROVED	17/08/2020	
31	21/0197	1 Lorna Close Bundanoon NSW 2578 Lot 13 DP 263733	V Kemsley	Residential Alterations and Additions (Shed)	07/08/2020		#APPROVED	27/08/2020	
32	21/0260	26 Blue Gum Road Bundanoon NSW 2578 Lot 21 DP 1232533	R Court, J Hatch	Dwelling House	19/08/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
33	21/0278	Lot 6 Greasons Road Bundanoon NSW 2578 Lot 6 DP 9134	Hammober Pty Ltd	Secondary Dwelling and Tennis Court	21/08/2020		#PENDING		
34	21/0289	83B Penrose Road Bundanoon NSW 2578 Lot 24 DP 1136	S Lai	Dwelling House	24/08/2020		#PENDING		
35	21/0291	102-104 Old Wingello Road Bundanoon NSW 2578 Lot 32 DP 1205423	Rochester Estate Pty Ltd	Subdivision (5 Lots)	25/08/2020		#PENDING		✓
36	21/0296	74 Garland Road Bundanoon NSW 2578 Lot 34 DP 263668	GD Swinley	Residential Alterations and Additions (Extensions)	25/08/2020		#PENDING		
37	21/0149	5 Bedford Place Burradoo NSW 2576 Lot 4 DP 252707	PE Thornton, CM Thornton	Dwelling House	30/07/2020		#PENDING		
38	21/0198	5 Stratford Way Burradoo NSW 2576 Lot 19 DP 865333	S Gobbo, CE Gobbo	Residential Alterations and Additions (Shed)	07/08/2020		#PENDING		
39	21/0240	40 Yean Street Burradoo NSW 2576 Lot 272 DP 1212913	J Clarkson, C Clarkson	Dwelling House	17/08/2020		#PENDING		
40	21/0250	Lot 10 Sullivan Road Burradoo NSW 2576 Lot 10 DP 1157405	NA Hagen, E Carmichael	Dwelling House	18/08/2020		#PENDING		
41	20/0176.07	2-6 Harman Street Burrawang NSW 2577 Lot 1 DP 1168888	JA Tait, G Brewer	Section 4.55 Modification (Internal and External Alterations)	30/07/2020		#APPROVED	04/08/2020	
42	21/0157	11 Mcgraths Road Burrawang NSW 2577 Lot 3 DP 711195	J Bandy, DR Moffet	Residential Alterations and Additions (Extensions and Garage)	31/07/2020		#APPROVED	27/08/2020	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
43	**21/0104.05	61 Balmoral Park Road Buxton NSW 2571 Lot B DP 413858	P Collins, J Collins, MW Collins	Section 4.55 Modification (Alter Wastewater System)	20/08/2020		#APPROVED	27/08/2020	
44	21/0268	Lot 53 Balmoral Park Road Buxton NSW 2571 Lot 53 DP 1230007	NM Timbs, R Timbs	Dwelling House	20/08/2020		#PENDING		
45	21/0282	Balmoral Park Road Buxton NSW 2571 Lot 53 DP 1230007	NM Timbs, R Timbs	Secondary Dwelling	24/08/2020		#PENDING		
46	19/0460.09	2400 Canyonleigh Road Canyonleigh NSW 2577 Lot 14 DP 806293	Noah Retail Group Pty Ltd	Section 4.55 Modification (Alter Shed)	14/08/2020		#PENDING		
47	21/0192	13 Bluebell Close Colo Vale NSW 2575 Lot 310 DP 1261011	SS Talreja	Dwelling House	07/08/2020		#APPROVED	18/08/2020	
48	21/0254	6 Stringybark Close Colo Vale NSW 2575 Lot 228 DP 1245987	SC Hamilton	Dwelling House and Secondary Dwelling	18/08/2020		#PENDING		
49	20/0673.05	213 Ellsmore Road Exeter NSW 2579 Lot 1 DP 634137	S Haggerty, J Haggerty	Section 4.55 Modification (Extensions, Internal Alterations)	17/08/2020		#PENDING		
50	21/0158	44 Westgrove Road Exeter NSW 2579 Lot 1 DP 1188820	CG Blunt, SA Freer	Residential Alterations and Additions (Extensions)	31/07/2020		#PENDING		
51	21/0185	15 Rockleigh Road Exeter NSW 2579 Lot 4 DP 1180426	JA Wilson, SAH Wilson	Dwelling House	06/08/2020		#PENDING		
52	05/1160.02	The Hill Middle Road Exeter NSW 2579 Lot 2 DP 818087 PO 173827	A Mylonas	Section 4.55 Modification (Staging of Approved Subdivision)	06/08/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
53	17/1552.05	Folly Farm 360 Tourist Road Glenquarry NSW 2576 Lot 2 DP 630220	V Smith	Section 4.55 Modification (Internal and External Alterations)	04/08/2020		#APPROVED	13/08/2020	
54	21/0221	Wollondilly River Station 4650 Wombeyan Caves Road Goodmans Ford NSW 2575 Lot 1 DP 127447 Lot 63 DP 757053 Lot 73 DP 757053 Lot 1 DP 842286	CM Casburn	Subdivision (3 Lots)	12/08/2020		#PENDING		
55	21/0234	103 Black Spring Road High Range NSW 2575 Lot 21 DP 1025957	PJ Mooney	Residential Alterations and Additions (Extensions, Internal Alterations and Swimming Pool)	14/08/2020		#PENDING		
56	21/0262	110 Shale Lane High Range NSW 2575 Lot 33 DP 1079054	Allfitz Construction, SI Fitzpatrick	Secondary Dwelling	19/08/2020		#PENDING		
57	21/0217	24 Pirrillie Street Hill Top NSW 2575 Lot 1 DP 787113	DM Woods	Residential Alterations and Additions (Extensions)	12/08/2020		#APPROVED	26/08/2020	
58	21/0143	1102 Kangaloon Road Kangaloon NSW 2576 Lot 7 DP 242002	RA Griffin	Farm Building	29/07/2020		#APPROVED	20/08/2020	
59	17/0672.06	12 Spencer Street Mittagong NSW 2575 Lot A DP 404604	J Pearson, B Pearson	Section 4.55 Modification (Extensions, Carport, Studio, and Shed)	11/08/2020		#APPROVED	14/08/2020	
60	19/1529.05	27 Lyell Street Mittagong NSW 2575 Lot C DP 390215	ST Lee, MT Lee	Section 4.55 Modification (Enclose covered area and increase building height))	17/08/2020		#PENDING		
61	20/0726.03	80a Railway Parade Mittagong NSW 2575 Lot 2 DP 617323	M Linolli, R Wilson	Section 4.55 Modification (Addition of Diversion Channel)	03/08/2020		#APPROVED	05/08/2020	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
62	21/0170	320 Old South Road Mittagong NSW 2575 Lot 2 DP 557314	NG McConnochie, AG McConnochie	Demolition of Existing Dwelling, Construction of New Primary Dwelling & Secondary Dwelling	04/08/2020		#PENDING		
63	21/0195	5 Alice Street Mittagong NSW 2575 Lot 145 Sec O DP 1289 Lot 146 Sec O DP 1289	Sunshine Lodge Pty Limited	Restoration of heritage listed Sunshine Lodge and development to provide forty eight (48) single boarding house rooms and two (2) detached dual occupancy dwellings. A basement car park will provide 25 car parking spaces, 10 motorcycle spaces and 10 bicycle spaces.	07/08/2020	✓	#PENDING		✓
64	21/0207	205 Old Hume Highway Mittagong NSW 2575 Lot 100 DP 1102159	Aventus Properties Pty Ltd	Business Identification Signage	10/08/2020		#PENDING		
65	21/0208	14 Louisa Street Mittagong NSW 2575 Lot 1 DP 1251538	N Patel, D Patel	Demolition of existing dwelling and erection of Boarding House containing nine (9) individual one bedroom units, five (5) off-street car parking spaces and a detached store room.	11/08/2020		#PENDING		✓
66	21/0226	81 Diamond Fields Road Mittagong NSW 2575 Lot 12 DP 1226788	G Dinallo, R Dinallo	Dwelling House	13/08/2020		#PENDING		
67	21/0230	471 Woodlands Road Mittagong NSW 2575 Lots 2-3 DP 264624 & Enclosure Permit 307605	JM Forrest	Boundary adjustment	14/08/2020		#PENDING		



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
68	21/0259	5 Oxley Drive Mittagong NSW 2575 Lot 2 Sec 16 DP 1289	G Robertson, G Dwyer	Residential Alterations and Additions (Garage)	19/08/2020		#PENDING		
69	18/0472.01	201 Argyle Street Moss Vale NSW 2577 Lot D DP 38722	F Gibson	Section 4.55 Modification (Extend Deferred Commencement Condition pertaining to Easement)	11/08/2020		#APPROVED	14/08/2020	
70	20/1351.04	65c Church Road Moss Vale NSW 2577 Lot 3 DP 1072420	PN McDade, GN Barilla	Section 4.55 Modification (Internal Alterations)	14/08/2020		#PENDING		
71	21/0190	10 Peppermint Drive Moss Vale NSW 2577 Lot 14 DP 1252867	C Campbell, J Braid	Dwelling House	06/08/2020		#PENDING		
72	21/0196	40 Railway Road Moss Vale NSW 2577 Lot 3 DP 229807 & Lot 21 DP 607408 & Lots 1-3 DP 623038	Cowley Hills Pty Ltd	Subdivision (Boundary Adjustment)	07/08/2020		#PENDING		
73	21/0219	16 Merrett Drive Moss Vale NSW 2577 Lot 45 DP 253712	T White, L Maclean	Residential Alterations and Additions (Garage and Deck)	12/08/2020		#PENDING		
74	21/0223	23/17 Old Dairy Close Moss Vale NSW 2577 Lot 25 S/P 101485	T Fitch	Commercial Alterations and Additions (Internal Alterations)	13/08/2020		#PENDING		
75	21/0239	1 Kennedy Close Moss Vale NSW 2577 Lot 162 DP 258240	CM McKinnon	Demolish Existing Shed. Construct New Shed.	17/08/2020		#PENDING		
76	21/0263	11 Old Oak Place Moss Vale NSW 2577 Lot 52 DP 1219573	GR Figtree, RMV Figtree	Continued Use (Dwelling House)	20/08/2020		#PENDING		
77	21/0272	Saleyards 205 Berrima Road Moss Vale NSW 2577 Lot 2 DP 215782	Wingecarribee Shire Council	New Access Driveway	20/08/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
78	21/0275	15 Anembo Street Moss Vale NSW 2577 Lot 1262 DP 1248764	SR Cecilio, Y Cecilio	Dwelling House	20/08/2020		#PENDING		
79	05/0324.03	Douglas Road Moss Vale NSW 2577 Lot 24 DP 817194	Invetry Pty Limited	Section 4.55 Modification (Alter Lot Sizes)	31/07/2020		#PENDING		
80	** 21/0182	Wandavale 162 Teudts Road Penrose NSW 2579 Lot 115 DP 751259	JW Stone, NM Stone	Dwelling House	06/08/2020		#APPROVED	27/08/2020	
81	18/0379.06	Renwick Drive Renwick NSW 2575 Lot 902 DP 1210273	Minister For Community Services & Assistant Minister For Health For Her Most Gracious Majesty Queen Elizabeth II	Section 4.55 Modification (RFS Approval to Amend Lot Sizes)	14/08/2020		#PENDING		
82	21/0171	6 Challoner Rise Renwick NSW 2575 Lot 2 DP 1221206	DS O'Brien, R O'Brien	Dwelling House and Shed	04/08/2020		#APPROVED	14/08/2020	
83	21/0175	40 George Cutter Avenue Renwick NSW 2575 Lot 64 DP 1221206	RH Patel, HD Patel	Dwelling House	05/08/2020		#APPROVED	26/08/2020	
84	21/0176	7 Plumb Street Renwick NSW 2575 Lot 1383 DP 1234992	RW Nancarrow, J Moulton	Dwelling House	05/08/2020		#APPROVED	18/08/2020	
85	21/0216	12 Solomon Street Renwick NSW 2575 Lot 1325 DP 1234992	PS Group of Companies Pty Ltd	Strata Subdivision (2 Lots)	11/08/2020		#PENDING		✓
86	21/0222	9 Sherwin Crescent Renwick NSW 2575 Lot 3040 DP 1260441	LM Harrington	Dwelling House	12/08/2020		#APPROVED	26/08/2020	
87	21/0229	6 Plumb Street Renwick NSW 2575 Lot 1374 DP 1234992	V Patel, SA Patel	Dwelling House	14/08/2020		#APPROVED	24/08/2020	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
88	21/0270	11 Solomon Street Renwick NSW 2575 Lot 1317 DP 1234992	JA Harradine	Dwelling House	20/08/2020		#PENDING		
89	21/0277	5 Allen Avenue Renwick NSW 2575 Lot 105 DP 1221206	KM Hawkins, G Hawkins	Dwelling House	21/08/2020		#PENDING		
90	21/0284	3 Sherwin Crescent Renwick NSW 2575 Lot 3029 DP 1260441	CW Rogerson, K Rogerson	Dwelling House	24/08/2020		#PENDING		
91	21/0150	192 Pearsons Lane Robertson NSW 2577 Lot 4 DP 263969	FA Cantrill, M Cantrill	Secondary Dwelling	30/07/2020		#PENDING		
92	21/0178	107 Hoddle Street Robertson NSW 2577 Lot 1 DP91725 & Lot 1 DP432417	Robertson Cheese Factory Pty Ltd	Florist Shop	05/08/2020		#PENDING		
93	21/0179	5 Lees Road Robertson NSW 2577 Lot 1 DP 1014814	Jason Little Pty Ltd	Residential Alterations and Additions (Internal Alterations) and Farm Building	05/08/2020		#PENDING		
94	21/0210	Wallaby Hill 99 Wallaby Hill Road Robertson NSW 2577 Lot 3 DP 609690	HC Folbigg, C Folbigg	Dwelling House	11/08/2020		#PENDING		
95	21/0214	122 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 590435	DW Pascoe, A Townsend	Secondary Dwelling	11/08/2020		#PENDING		
96	21/0249	500 Fountaindale Road Robertson NSW 2577 Lots 208-209 w& 234-235 DP 751302	JE Mauger	Subdivision (Boundary Adjustment)	18/08/2020		#PENDING		
97	21/0255	30 Caalong Street Robertson NSW 2577 Lot 2 DP 1029912	B Quilty	Residential Alterations and Additions (Extensions)	18/08/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
98	21/0227	34 Mittagong Street Welby NSW 2575 Lot 2 DP 589128	R Troiano, G Troiano	Secondary Dwelling	13/08/2020		#PENDING		
99	21/0146	58 Railway Terrace Willow Vale NSW 2575 Lot 11 Sec 8 DP 792	D McAloon, T Clift	Residential Alterations and Additions (Garage)	30/07/2020		#APPROVED	13/08/2020	
100	** 21/0177	6 Park Street Wingello NSW 2579 Lot 2 DP 709269	M Leighton-Daly, A Leighton-Daly	Dwelling House	05/08/2020		#PENDING		
101	21/0290	91 Camden Street Wingello NSW 2579 Lot 4 DP 1212578	DK Bove, KA Broughton	Residential Alterations and Additions (Shed)	24/08/2020		#APPROVED	27/08/2020	
102	21/0151	Banchory 220 Kells Creek Road Woodlands NSW 2575 Lot 2 DP 567199	HAD Blanche, S Blanche	Residential Alterations and Additions (Extensions, Pavilion, Shed and Swimming Pool)	31/07/2020		#PENDING		
103	21/0300	14-16 Railway Parade Braemar NSW 2575 Lot 24 Sec 2 DP 792 Lot 25 Sec 2 DP 792	KG Zabel	Residential Alterations and Additions (Garage)	26/08/2020		#PENDING		
104	21/0301	9 Bluebell Close Colo Vale NSW 2575 Lot 312 DP 1261011	RM Hamilton	Dwelling House	26/08/2020		#PENDING		
105	20/0254.06	7 Hood Street Mittagong NSW 2575 Lot 8 Sec 8 DP 111201	A Browning, K Browning	Section 4.55 Modification (Secondary Dwelling)	26/08/2020		#APPROVED	27/08/2020	
106	21/0305	32 Marchmont Drive Mittagong NSW 2575 Lot 49 DP 882522	RAW Taite, S Taite	Residential Alterations and Additions (Shed)	26/08/2020		#PENDING		
107	20/0288.03	60A Argyle Street Moss Vale NSW 2577 Lot 3 DP 1031966	J Anderson, J Anderson	Section 4.55 Modification (Extensions)	26/08/2020		#PENDING		

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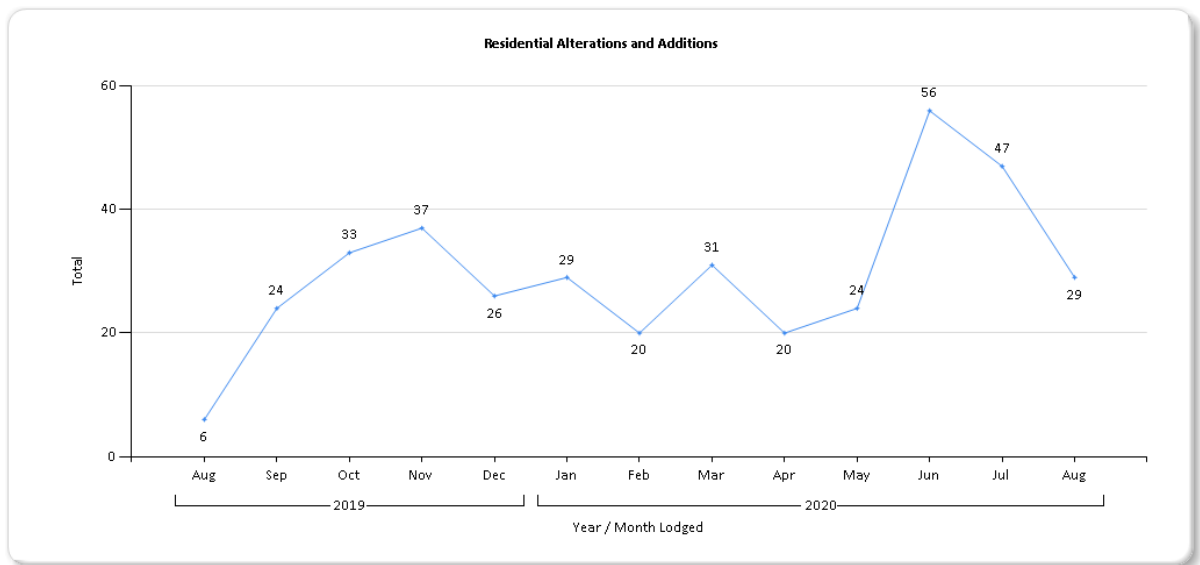
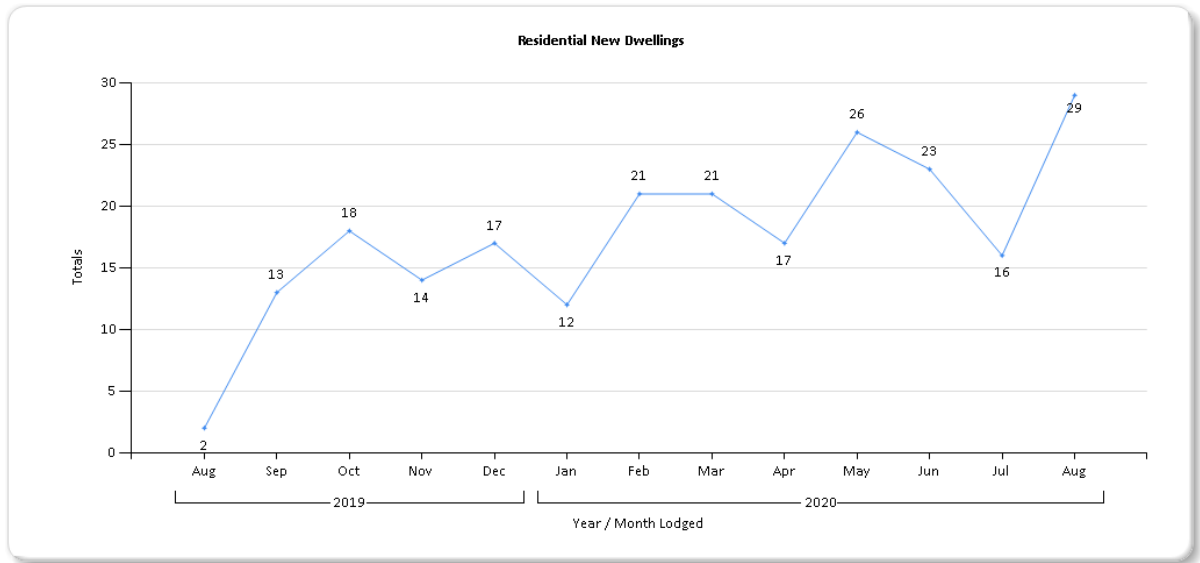
	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
108	21/0297	1 Lindsay Road Moss Vale NSW 2577 Lot 6 DP 1248979	RE Martin, CS Martin	Dwelling House	26/08/2020		#PENDING		
109	21/0312	178 Walkers Road Avoca NSW 2577 Lot 4 DP 825717	F Lombardi, MC Lombardi	Residential Alterations and Additions (Extensions and Swimming Pool)	27/08/2020		#PENDING		
110	21/0314	325-327 Bong Bong Street Bowral NSW 2576 Lots 51 & 53 DP 1136482 (Lot 53 Includes Stratum)	MHJ Kroon	Retail Premises (Alterations)	27/08/2020		#PENDING		
111	21/0308	6 Azalea Street Colo Vale NSW 2575 Lot 202 DP 1258135	BR Coulter, ZR Coulter	Dwelling House	27/08/2020		#PENDING		
112	21/0309	11 Yerelda Street Colo Vale NSW 2575 Lot 6 DP 814347	FWR Davenport, M Chant	Residential Alterations and Additions (Awning, Garage)	27/08/2020		#PENDING		
113	21/0310	Medang 2161 Wombeyan Caves Road High Range NSW 2575 Lot 52 DP 800284	HD Raddatz, CA Hamilton- Raddatz	Residential Alterations and Additions (Extensions, Internal Alterations and Swimming Pool)	27/08/2020		#PENDING		
114	21/0306	11 Robinson Street Mittagong NSW 2575 Lot 134 DP 1247015	Stone Walk Investments Pty Ltd, Willow Properties Pty Ltd	Dwelling House	27/08/2020		#PENDING		



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**ATTACHMENTS**

There are no attachments to this report.

## 12.3 Draft Development Control Plan Amendments - Engineering Specifications

Reference: 5700  
Report Author: Coordinator Strategic Land Use Planning  
Authoriser: Group Manager Planning, Development and Regulatory  
Services

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

### PURPOSE

The purpose of this report is to seek a resolution of Council to exhibit draft Amendments to Council's Development Control Plans to ensure consistency with Council's draft Engineering Design Specifications which will come into effect in November 2020.

### VOTING ON THE MATTER

Councillors are required to record their vote.

### RECOMMENDATION

1. **THAT** the draft Development Control Plan amendments be placed on public exhibition for a period of 28 days from Wednesday 16 September 2020;
2. **THAT** the exhibition material includes a copy of Council's draft Engineering Design and Construction Specifications;
3. **THAT** Council notify local planning and engineering consultants of the exhibition period; and
4. **THAT** a report be presented to Council at the conclusion of the exhibition period.

### REPORT

#### **BACKGROUND**

In conjunction with *Wingecarribee Local Environmental Plan (WLEP) 2010*, Council's Development Control Plans (DCPs) are the primary assessment tool by which Council considers and assesses Development Applications.

The DCPs guide development within the Shire, to ensure development is managed in a way that is in keeping with the community's expectations. Council's LEP and DCP is supported by a set of Engineering Specifications, which set out specific design and construction standards for all infrastructure to be delivered by Council and / or the development industry within the Shire.

Council has undertaken a review of the entire suite of engineering specifications, to provide the local design and construction industry with greater clarity and consistency, and up to date industry procedures. The revised Engineering and Design Specifications were

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developed through extensive internal consultation, and targeted external consultation with industry representatives, to ensure the Specifications were robust and easy to use and understand.

The revised Engineering Design and Construction Specifications will ensure that all public infrastructure (whether delivered by Council or the development industry), will meet the standards required by Council. As part of this review, Council has aligned its specifications with Aus-Spec which is industry recommended and supported by the Institute of Public Works Engineering Australasia (IPWEA).

This report is seeking Council endorsement to exhibit draft Amendments to Council's DCPs to remove duplication and ensure consistency with the draft Engineering Design and Construction Specifications. These amendments will provide a clear and single source of information for both applicants and assessing officers, ensure any inconsistencies between Council documents are avoided, and ensure quality assets are provided well into the future.

#### **REPORT**

Council's current DCPs contain, in some circumstances, detailed engineering controls. As part of the engineering specifications review, Council is seeking to establish a single set of standards to provide greater clarity and consistency to the design and construction industry. To this end, all engineering standards have been incorporated into the draft Engineering Design and Construction Specifications as the single set of standards for works within the Wingecarribee Shire.

The draft Amendments to Council's DCPs seek to remove all engineering standards from the DCP. This will ensure that there is no unnecessary duplication between the DCP and Engineering Specifications. It will also ensure that as standards change over time, there is no inconsistency between Council's DCP provisions and Engineering Specifications.

The proposed Amendments to Council's DCPs are shown in **Attachment 1** to this report.

#### **IMPLEMENTATION**

The proposed Amendments to Council's DCPs and engineering specifications will directly impact the design of infrastructure and development applications within the Shire. In larger developments, detailed design work can take a number of months, and is a significant cost to the applicant. It is therefore important to consult the industry broadly and allow an appropriate lead time to introduce the updated engineering specifications to ensure the industry has adequate time to adapt to Council's new requirements.

It is recommended that the updated Engineering Design and Construction Specifications be introduced with a three (3) month transition period. During the transition period, applications will be accepted where they are designed to either the current or revised specifications. After the three (3) month transition period, all new applications will be required to be designed to the revised Engineering Design and Construction Specifications. The three (3) month transition period will ensure that larger design projects will not be unfairly impacted by a sudden change in Council's standards.

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#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

The draft Amendments to Council's DCPs will be publicly exhibited for a minimum period of 28 days from Wednesday 16 September 2020.

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A copy of the draft Engineering Design and Construction Specifications will be included in the public exhibition material and Council will notify local planning and engineering consultants of the exhibition.

The revised Engineering and Design Specifications were developed through extensive internal consultation, and targeted external consultation with industry representatives, to ensure the Specifications were robust and easy to use and understand.

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

The draft Amendments have been prepared in consultation with Council's Development Engineering and Assets staff and the Group Manager Infrastructure Services.

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

The draft Design and Construction Engineering Specifications have both been consulted with selected local development engineers.

### **SUSTAINABILITY ASSESSMENT**

- **Environment**

The draft Amendments to Councils DCPs and engineering specifications will ensure that infrastructure design and construction manages any impacts on the environment, consistent with the community's expectations.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The draft Amendments to Council's DCPs and engineering specifications will improve the quality of public infrastructure and assets and in turn reduce Councils maintenance and renewal requirements.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications. The draft amendments will be managed by Council's Strategic Planning staff.

### **RELATED COUNCIL POLICY**

There are no other related Council policies associated with this report.

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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**

1. THAT the draft Development Control Plan amendments be placed on public exhibition for a period of 28 days from Wednesday 16 September 2020;
2. THAT the exhibition material includes a copy of Council's draft Engineering Design and Construction Specifications;
3. THAT Council notify local planning and engineering consultants of the exhibition period; and
4. THAT a report be presented to Council at the conclusion of the exhibition period.

##### **Option 2**

THAT Council not proceed with the draft Development Control Plans amendments.

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

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#### **CONCLUSION**

This report is seeking Council endorsement to exhibit draft Amendments to Council's DCPs to remove duplication and ensure consistency with the draft Engineering Design and Construction Specifications. These amendments will provide a clear and single source of information in relation to engineering specifications, ensure any inconsistencies between Council documents are avoided, and ensure quality assets are provided well into the future.

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#### **ATTACHMENTS**

1. Draft Development Control Plan Amendments - *circulated under separate cover*



## 12.4 Councillor Representatives on Advisory Committees

Reference:	107
Report Author:	Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

### PURPOSE

The purpose of this report is to appoint Councillor representatives to advisory committees for a one year period that will expire at the conclusion of the Council term.

### RECOMMENDATION

1. **THAT** Council appoints a Councillor representative to the vacant position on each of the following advisory committees arising from the resignation from Council of Councillor Gordon Markwart:
  - Audit, Risk and Improvement Committee
  - Community Development Committee
  - Demographics and Housing Committee
  - Environment and Sustainability Committee.
2. **THAT** except for the Mayor and Deputy Mayor's membership of the General Manager's Performance Review Committee which if necessary will automatically be updated following the election of the Mayor and Deputy Mayor scheduled to take place in September 2020, all Councillor appointments to advisory committees continue for a further one (1) year period that will expire at the conclusion of the Council term in September 2021.

### REPORT

#### **BACKGROUND**

At its meeting on 23 November 2016, Council adopted its committee structure for the 2016-2020 Council term and elected Councillor representatives to advisory committees for a two year period aligned to term of the Mayoral office (MN 541/16).

Then, at its meeting on 8 February 2017, Council appointed community, agency and industry representatives to its advisory committees for the 2016-2020 Council term, and adopted the committee, advisory committee and reference group terms of reference for the 2016-2020 Council term as provided in the Wingecarribee Shire Council Committee Manual (MN 18/17).

At its meeting on 10 October 2018, Council elected Councillor representatives to advisory committees for a subsequent two-year period (MN 422/18). It was anticipated that this period would conclude with the Local Government elections scheduled for September 2020; however, as a result of the COVID-19 pandemic the NSW Government postponed these elections to 4 September 2021. Consequently, at its meeting on 10 June 2020, Council

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adopted an amended Committee Manual which extended the term of Council's advisory committees in alignment with the extension to the Council term (MN 202/20). As a result, Council is required to appoint Councillor representatives to advisory committees for a further one year period.

#### **REPORT**

In light of the extension to the term of Council's advisory committees in alignment with the one year extension to the Council term, it is necessary for Councillor representatives to be elected to advisory committees for a further one year period.

As part of this process, Council is also required to appoint a Councillor representative to the advisory committees that Councillor Gordon Markwart was a member of, given there is now a vacant position on each of these committees arising from the resignation of Councillor Gordon Markwart.

Given the limited period of the extension to the Council term and in the interest of continuity, it is proposed that other than the appointment of a Councillor to fill each of the vacancies arising from the resignation of Councillor Gordon Markwart, all Councillor appointments to advisory committees continue as they currently are.

It is also noted that the Mayor and Deputy Mayor's membership of the General Manager's Performance Review Committee will, if necessary, automatically be updated following the Mayor and Deputy Mayor election scheduled to take place in September 2020.

The number and position of Councillor representatives on each advisory committee is detailed at **Attachment 1**.

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#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

Not applicable.

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

Executive.

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

Not applicable.

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#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The appointment of Councillor representatives to Council's advisory committees for a further one year period in accordance with the extension to the term of Council's advisory committees will ensure the continuity of the advisory committees which in turn will assist Council to make informed decisions and advance agreed community priorities.

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### COUNCIL BUDGET IMPLICATIONS

Nil.

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### RELATED COUNCIL POLICY

Committee Manual 2016-2021

Community Engagement Policy

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### OPTIONS

The options available to Council are:

#### **Option 1**

Council supports the following recommendation as presented in this report:

1. **THAT** Council appoints a Councillor representative to the vacant position on each of the following advisory committees arising from the resignation of Council of Councillor Gordon Markwart:
  - Audit, Risk and Improvement Committee
  - Community Development Committee
  - Demographics and Housing Committee
  - Environment and Sustainability Committee.
2. **THAT** except for the Mayor and Deputy Mayor's membership of the General Manager's Performance Review Committee which if necessary will automatically be updated following the election of the Mayor and Deputy Mayor scheduled to take place in September 2020, all Councillor appointments to advisory committees continue for a further one (1) year period that will expire at the conclusion of the Council term in September 2021.

#### **Option 2**

Council determines the appointment of Councillors to advisory committees in a manner other than has been recommended in this report.

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

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#### CONCLUSION

Advisory committees provide a mechanism by which interested residents and experts can play an active role in the formulation of Council policy, direction and practice, and they are an important aspect of Council's communication and engagement strategies. Appointing Councillor representatives to advisory committees for a further one year period will ensure their continuity for the remainder of the Council term.

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#### ATTACHMENTS

1. Councillor Representative Positions on Advisory Groups



## Councillor positions on Committees and Groups

Wingecarribee Shire Council endorsed a committee structure on 23 November 2016 for the 2016-2020 term. On 10 June 2020, Council extended this term by one year to 2021 to align with the extension to the Council term resulting from the decision by the NSW Government to postpone the 2020 local government elections due to the COVID-19 pandemic.

**[Insert summary of resolution on 9 September 2020]**

A complete list of all committees, advisory committees, community reference groups and sunset working groups for the 2016-2021 term is provided below.

Committee	Membership	Councillor
<b>Arts and Culture Committee</b>	Three Councillor Representatives	<b>Chair:</b> Clr L A C Whipper <b>Alternate Chair:</b> Clr G J Andrews <b>Councillor:</b> Clr P W Nelson
<b>Audit, Risk and Improvement Committee</b>	Two Councillor Representatives	<b>Councillor x 2:</b> Clr P W Nelson <i>Vacant</i>
<b>Community Assistance Scheme Committee</b>	Arts and Culture, Community Development, Sport and Recreation Committee chairs, plus one other Councillor as Chair	<b>Chair:</b> Mayor T D Gair <b>Chair of Arts and Culture/Chair of Community Development:</b> Clr L A C Whipper <b>Chair of Sport and Recreation:</b> Clr G J Andrews
<b>Community Development Committee</b>	Four Councillor representatives	<b>Chair:</b> Clr L A C Whipper <b>Alternate Chair:</b> Clr G J Andrews <b>Councillor x 2:</b> Clr G M Turland <i>Vacant</i>
<b>Civic Centre Refurbishment Sunset Working Group</b> <i>(no longer active)</i>	Three Councillor representatives	<b>Chair:</b> <b>Alternate Chair:</b> <b>Councillor:</b>
<b>Demographics and Housing Committee</b>	Three Councillor representatives	<b>Chair:</b> <i>Vacant</i> <b>Alternate Chair:</b> Clr I M Scandrett <b>Councillor:</b> Clr L A C Whipper
<b>Economic Development and Tourism Committee</b> <i>(no longer active)</i>	Three Councillor representatives	<b>Chair:</b> <b>Alternate Chair:</b> <b>Councillor:</b>
<b>Environment and Sustainability Committee</b>	Two Councillor representatives	<b>Chair:</b> Clr L A C Whipper <b>Alternate Chair:</b> <i>Vacant</i>





Committee	Membership	Councillor
<b>General Manager's Performance Review Committee</b>	Mayor, Deputy Mayor, Council-appointed Councillor, a General Manager-appointed Councillor and independent facilitator	<b>Chair:</b> Mayor T D Gair <b>Deputy Mayor:</b> Clr G M Turland <b>Councillor:</b> Clr P W Nelson <b>General Manager-appointed Councillor:</b> <i>Vacant</i>
<b>Heritage Advisory Committee</b>	Two Councillor representatives	<b>Chair:</b> Clr G McLaughlin <b>Alternate Chair:</b> Clr P W Nelson
<b>Illawarra Academy of Sport Board of Directors</b>	One Councillor representative	<b>Councillor:</b> Clr G J Andrews <b>Alternate:</b> Clr G M Turland <b>Second Alternate:</b> Clr P W Nelson
<b>Joadja Conservation Management Reference Group</b>	Heritage Advisory Committee Chair	<b>Chair:</b> Clr G McLaughlin
<b>Local Traffic Committee</b>	Two Councillor representatives	<b>Chair:</b> Clr K J Halstead OAM <b>Alternate Chair:</b> Mayor T D Gair
<b>Southern Highlands Community Transport Committee</b>	One Councillor representative	<b>Councillor:</b> Clr G M Turland <b>Alternate:</b> Clr P W Nelson
<b>Southern Region Livestock Exchange (SRLX) Committee</b> <i>(no longer active)</i>	Three Councillor representatives	<b>Chair:</b> <b>Alternate Chair:</b> <b>Councillor:</b>
<b>Sport and Recreation Committee</b>	Three Councillor representatives	<b>Chair:</b> Clr G J Andrews <b>Alternate Chair:</b> Clr G M Turland <b>Councillor:</b> Clr G McLaughlin
<b>Tulip Time Reference Group</b>	Three Councillor representatives	<b>Chair:</b> Clr G M Turland <b>Alternate Chair:</b> Clr P W Nelson <b>Councillor:</b> Clr G McLaughlin
<b>Water and Sewerage Committee</b>	Three Councillor representatives	<b>Chair:</b> Clr G M Turland <b>Alternate Chair:</b> Clr K J Halstead OAM <b>Councillor:</b> Mayor T D Gair
<b>Wingecarribee Community Safety Committee</b>	One Councillor representative	<b>Chair:</b> Mayor T D Gair
<b>Wingecarribee Floodplain Risk Management Committee</b>	Two Councillor representatives	<b>Chair:</b> Clr K J Halstead OAM <b>Alternate Chair:</b> Clr P W Nelson

## 12.5 Draft Code of Conduct and Procedures for the Administration of the Code of Conduct

Reference:	101/15, 800/2
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

Amended versions of the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Code of Conduct for Local Councils in NSW were prescribed on 7 August 2020. This report provides an overview of the key changes and presents for adoption Council's Draft Code of Conduct and Procedures for the Administration of the Code of Conduct which incorporate these changes.

### RECOMMENDATION

**THAT the Draft Code of Conduct provided at Attachment 1 and Draft Procedures for the Administration of the Code of Conduct provided at Attachment 2 be adopted.**

### REPORT

#### **BACKGROUND**

Council adopted its existing Code of Conduct and Procedures for the Administration of the Code of Conduct on 12 June 2019, following a period of public exhibition.

These documents were developed based on the Model Code of Conduct for Local Councils in NSW ('the Model Code of Conduct') and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW ('the Procedures') that were prescribed under section 440AA of the *Local Government Act 1993* ('the LG Act') and clauses 180 and 181 of the *Local Government (General) Regulation 2005* ('the Regulation').

On 7 August 2020, the NSW Government prescribed updated versions of the Model Code of Conduct and Procedures that replace the versions previously prescribed. Some of the amendments were made in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134 ('*Cornish*'). In *Cornish*, the Supreme Court held that a council resolution that subjected a councillor to disciplinary measures (being the suspension of remuneration for a period of 3 months) was invalid as it was not authorised by the LG Act under which a council's disciplinary powers for councillor misconduct are limited to the power of censure (see section 440G of the LG Act).

The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision in *Cornish* and the amendments to the Model Code of Conduct are minor in nature. In its *Circular 20-32: Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures*, the Office of Local Government (OLG) advises all NSW councils to

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adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

### **REPORT**

The revised Model Code of Conduct and Procedures contain changes relating to:

- the definitions of council committees and council committee members,
- grounds of harassment and discrimination,
- gifts and benefits,
- the establishment of conduct review panels,
- the procedures for investigating code of conduct complaints regarding councillors and general managers,
- the imposition of sanctions, and
- the procedures for reviewing decisions to impose sanctions.

The amendments are marked up in the Draft Code of Conduct and Procedures for the Administration of the Code of Conduct, provided at **Attachment 1** and **Attachment 2** respectively. Further detail about these changes is outlined below. The document template has also been updated to reflect amendments to Council's corporate style guide and policy template.

### **Amendments to the Model Code of Conduct**

- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant),
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards, and
  - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100,
  - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed,
  - clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not "gifts or benefits" for the purposes of the Model Code of Conduct, and
  - remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

### **Amendments to the Procedures**

- Consistent with the Supreme Court's decision in *Cornish*, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the revised Procedures:
  - that a councillor be formally censured for the breach under section 440G of the LG Act, or
  - that a councillor be formally censured for a breach under section 440G and the matter referred to the OLG for further disciplinary action under the misconduct provisions of the LG Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, remains open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to the OLG for further disciplinary action under the misconduct provisions of the LG Act has been streamlined. Investigators are required to consult with the OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow the OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to the OLG for action under the misconduct provisions of the LG Act where the council will not have a quorum to deal with the matter.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Given that the changes to these documents incorporate only the amendments made to the prescribed Model Code of Conduct and Procedures which have already taken effect, as well as the fact there is no requirement under the LG Act or the Regulation for Council's Draft Code of Conduct and Procedures for the Administration of the Code of Conduct to be publicly exhibited prior to adoption, public exhibition of the documents does not need to occur.

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

Councillors

Executive

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

Office of Local Government

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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**

Amended versions of the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Code of Conduct for Local Councils in NSW were prescribed by the NSW Government on 7 August 2020. The amendments have already taken effect and all NSW councils are advised to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

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### **COUNCIL BUDGET IMPLICATIONS**

Nil.

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### **RELATED COUNCIL POLICY**

Access to Information and Interaction with Staff Policy

Code of Meeting Practice

Councillor Information Session Code

Gifts and Benefits Policy



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#### OPTIONS

The options available to Council are:

##### **Option 1**

THAT the Draft Code of Conduct provided at Attachment 1 and Draft Procedures for the Administration of the Code of Conduct provided at Attachment 2 be adopted.

##### **Option 2**

THAT the Draft Code of Conduct provided at Attachment 1 and Draft Procedures for the Administration of the Code of Conduct provided at Attachment 2 be adopted, with amendments to the cap on the value of gifts that may be accepted by retaining the existing \$50 cap or imposing another cap that is lower than \$100 as determined by Council.

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

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#### CONCLUSION

Council is required to adopt a Code of Conduct and Procedures for the Administration of the Code of Conduct consistent with the Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as prescribed under section 440AA of the *Local Government Act 1993* and clauses 180 and 181 of the *Local Government (General) Regulation 2005*.

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#### ATTACHMENTS

1. Draft Code of Conduct - *circulated under separate cover*
2. Draft Procedures for the Administration of the Code of Conduct - *circulated under separate cover*



## 12.6 Delegates and Motions for the Local Government NSW Annual Conference 2020

Reference: 102 204/2020  
Report Author: PA for Mayor  
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Develop leadership skills and build networks through a range of formal and informal opportunities

### PURPOSE

The purpose of this report is to nominate:

- delegates for the online Local Government New South Wales (LGNSW) conference to be held on Monday, 23 November 2020, and
- motions for inclusion in the Local Government NSW Annual Conference NSW

### RECOMMENDATION

1. **THAT** the following delegates are nominated to take part in the online 2020 Local Government NSW Annual Conference:
  - a. Mayor of the Day
  - b. ....
  - c. ....
  - d. ....

**AND THAT** the Acting General Manager, or delegate, be authorised to attend the online Local Government NSW Annual Conference as an observer.

2. **THAT** the following motions be submitted to Local Government NSW for consideration in the 2020 Annual Conference Agenda Paper:
  - a. ....
  - b. ....
  - c. ....

### REPORT

#### **BACKGROUND**

At the Ordinary Meeting of Council held on 12 August 2020 Council resolved as follows:

1. **THAT** Council attend in person the Local Government NSW Annual Conference in 2020;
2. **THAT** Council write to LGNSW to investigate options for on line voting of conference motions;

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3. THAT Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Wednesday 26 August 2020;
4. THAT a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 9 September AND THAT the Mayor submit any proposed motions to the conference organisers by Monday, 28 September 2020;
5. THAT the delegates be determined on 9 September 2020.

### REPORT

On Thursday 20 August 2020, Councillors were advised by Ms Linda Scott, President of LGNSW, that given the current COVID-19 restrictions the 2020 Local Government Conference would now be conducted as an online event on Monday, 23 November 2020. See **Attachment 1** for the draft Conference Program. Due to the conference now being held online, the registration fee has been substantially reduced to \$66 per person. It should be noted that non-voting delegates are also able to attend the online conference.

Prior correspondence from LGNSW advised that all voting delegates are required to be registered by noon, Thursday 1 November 2020 and all conference motions must be submitted by Monday 28 September 2020.

As per the resolution of Council dated 12 August 2020, Councillors were to submit proposed conference motions to the Mayor by Wednesday 26 August 2020 and that these proposed motions would be considered by Council at the Ordinary Meeting of 9 September 2020.

The following proposed motions were received:

- a. THAT Councillors serve a maximum of 3 concurrent terms to ensure that opportunities present for people to stand for Councils, this will encourage others such as younger people, indigenous people and women.
- b. THAT Councillors be elected on a first past the post basis to remove preference deals.
- c. THAT Councils can self-determine [i.e. without a poll] to utilise a Directly Elected Mayor Election for 2021 to encourage public participation in Council elections.

### SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

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- **Governance**

There are no governance issues in relation to this report.

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#### **COUNCIL BUDGET IMPLICATIONS**

Nil.

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#### **RELATED COUNCIL POLICY**

Expenses and Facilities for the Mayor and Councillors Policy.

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#### **OPTIONS**

The option available to Council is to nominate its voting delegates to take part in the 2020 LGNSW Annual Conference and any non-voting delegates.

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#### **ATTACHMENTS**

There are no attachments to this report.

Mark Pepping  
**Deputy General Manager Corporate, Strategy  
And Development Services**

Wednesday 2 September 2020



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## 15 PETITIONS

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### 15.1 Petition 5/2020 Retford Park Estate - Urban Amenity

<b>Reference:</b>	<b>100/8</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>

---

#### **PURPOSE**

The purpose of this report is to present Council with a petition relating to Retford Park Estate.

The petition contains over 150 signatures.

A copy of the Petition will be tabled at the Ordinary Meeting of Council.

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#### **RECOMMENDATION**

**THAT Petition 5/2020 relating to Retford Park Estate be received and noted by Council.**

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#### **ATTACHMENTS**

There are no attachments to this report.



## 17 QUESTIONS WITH NOTICE

### 17.1 Question with Notice 36/2020 Resource Recovery Centre Clean Up Recovery Costs

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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**To:** Acting General Manager  
**From:** Deputy Mayor Clr G Turland  
**Received:** 31 August 2020

---

**Subject:** Resource Recovery Centre Clean Up Costs

**Question:**

In the Council meeting, the Acting General Manager stated he took on notice the question concerning costs council has paid out for the privately owned mulching unit burnt and/or destroyed in the fire at the Resource Recovery Centre on 4 January 2020.

How much has the fire cost the Council in clean up, removal, staff time and any other costs incurred.

**Response:**

In relation to the privately owned mulching unit, the insurance claim was finalised in May 2020. The resulting cost to Council from the insurance claim was the excess payable in accordance with Council's insurance policy of \$10,000.00.

In relation to the overall cost of the Resource Recovery Centre fire and the remaining insurance claim, a Councillor information session is scheduled to be held on the 9 September 2020.

---

**RECOMMENDATION**

**THAT the information in relation to Question with Notice 36/2020 – Resource Recovery Centre Clean Up Recovery Costs - be noted.**

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## 17.2 Question with Notice 37/2020 Resource Recovery Centre Risk Assessment

**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

---

**To:** Acting General Manager  
**From:** Deputy Mayor Clr G Turland  
**Received:** 31 August 2020

---

**Subject:** Resource Recovery Centre Risk Assessment

**Question:**

1. Has Council undertaken a risk assessment of the fire and green waste at the Resource Recovery Centre?
2. What plans and procedural policies are being developed and recommended to prevent another fire at the Resource Recovery Centre?

**Response:**

In accordance with MN295/20, a Councillor information session is scheduled to be held on the 9 September 2020 in relation to the fire at the Resource Recovery Centre on the 4 January 2020.

---

**RECOMMENDATION**

**THAT** the information in relation to Question with Notice 37/2020 – Resource Recovery Centre Risk Assessment - be noted.

---

### 17.3 Question with Notice 38/2020 Station Street Upgrade - Railway Overpass Budget

**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

---

**To:** Acting General Manager  
**From:** Deputy Mayor Clr G Turland  
**Received:** 31 August 2020

---

**Subject:** Station Street Upgrade - Railway Overpass Budget

**Question:**

1. In the past proposal of the Station Street (Bypass) now Upgrade; what was the budget for the second bridge over the railway at Wingecarribee Street?
2. Can Council request a report on the *life expectation* or replacement of the Wingecarribee Street bridge from Australian Rail Track Corporation, Sydney Trains, NSW Government.

**Response:**

In relation to question one, the 2012 "Bowral Parking, Traffic and Transport Strategy" included a high level preliminary estimate of \$3 million for the second bridge crossing, however the bridge duplication is a separate and discrete unfunded future project.

It is also noted that following recent discussions with Council it is proposed to seek approval to use recent grant funding to facilitate the initial feasibility assessment and design works for a second bridge at Wingecarribee Street, and to have a proposed shovel ready project for future grant opportunities.

In relation to question two, Council has confirmed with John Holland Rail that the structural condition of the existing Wingecarribee Street bridge is sound and no major works or replacement is currently planned.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 38/2020 Station Street Upgrade - Railway Overpass Budget - be noted.**

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## 17.4 Question with Notice 39/2020 Senior Staff Performance Review/KPI Assessments

**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

---

**To:** Acting General Manager  
**From:** Deputy Mayor Clr G Turland  
**Received:** 31 August 2020

---

**Subject:** Senior Staff Performance Review/KPI Assessments

**Question:**

1. Was there a senior staff performance review and KPI assessment completed in the last four years?
2. Is this a requirement of senior staff contracts?

**Response:**

1. Yes.
2. Yes.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 39/2020 Senior Staff Performance Review/KPI Assessments - be noted.**

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## 17.5 Question with Notice 40/2020 Traffic Count along Station, Bong Bong, Burradoo Streets, Kangaloon and Kirkham Roads

**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

---

**To:** Acting General Manager  
**From:** Deputy Mayor Clr G Turland  
**Received:** 31 August 2020

---

**Subject:** Traffic Count along Station, Bong Bong, Burradoo Streets, Kangaloon and Kirkham Roads

**Question:**

1. Has Council undertaken a current traffic count on both north and south entries into Bowral on all roads being Station Street, Bong Bong Street, Bundaroo Street, Kangaloon Road and Kirkham Road?
2. What is the projected increase over the years?

**Response:**

In relation to question one, a number of intersections were counted in March 2017 for both morning and afternoon peaks.

Traffic counts on Kirkham Rd were also collected in 2017 to inform Council's Fixing Country Roads application in 2017.

In relation to question two, Council's modelling has applied a 1% compound growth over 15 years and 20 years to all movements along the key intersections along Station St and at the entry to Bowral. This is for both morning and afternoon peaks.

Council staff have analysed the Station Street Upgrade Project in its traffic modelling and this shows that the project will support the estimated growth; indicating that the Station Street Upgrade Project is a robust solution.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 40/2020 Traffic Count along Station, Bong Bong, Burradoo Streets, Kangaloon and Kirkham Roads - be noted.**



## **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 Land Acquisition - Moss Vale**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to seek Council approval for the Acting General Manager to be delegated authority to negotiate the potential purchase of property at 1 Bowman Road, Moss Vale (being Lot 2 in Deposited Plan 1249526) as the new site for the Wingecarribee Animal Shelter.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Barry W Paull  
**Acting General Manager**

Wednesday 2 September 2020