WINGECARRIBEE SHIRE COUNCIL

File No: 100/2016

21 October 2016

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 26 October 2016** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	**Council Meeting begins**
5.30pm	**Questions from the Public to be read out**
7.40pm	**Closed Council**

RUNNING SHEET	ORDINARY MEETING OF COUNCIL held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale on Wednesday, 26 October 2016 at 3.30 pm.

Time	Item
3.30pm	**Opening of meeting** – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded.
	Acknowledgement of Country - Clr L A C Whipper We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today.
3.32pm	**Opening Prayer – Chaplain Steven Clancy, HarbisonCare, Southern Highlands**
3.35pm	• **Apologies** (*if any*) • **Adoption of Previous Minutes – Wednesday, 12 October 2016** • **Business Arising** (*if any*) • **Declarations of Interest** (*if any*) • **Mayoral Minute** *(if any)* • **Public Forum** *(if any)* • **Motion to move into Committee of the Whole - The Mayor Clr K J Halstead** • **Visitor Item –** Item 10.1 Audited 2015/16 Annual Financial Statements • **Council Reports**
5.30pm	**Motion to move into Council and the Mayor remains in the Chair**
5.30pm	**Questions from the Public - *to be read*** **Continuation of Council Reports** **General Business Questions** **Questions with Notice** **Notices of Motion**
7.40pm	**Closed Council**
8.00pm	**Meeting Closed**

Ann Prendergast
General Manager

WINGECARRIBEE SHIRE COUNCIL

Business

1. OPENING OF THE MEETING

2. ACKNOWLEDGMENT OF COUNTRY

3. PRAYER

4. APOLOGIES

5. ADOPTION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held on 12 October 2016

6. BUSINESS ARISING FROM THE MINUTES

7. DECLARATIONS OF INTEREST 1

8. MAYORAL MINUTES

9. PUBLIC FORUM

COMMITTEE OF THE WHOLE

10. VISITOR MATTERS

OPERATIONS, FINANCE & RISK

10.1 Audited 2015/16 Annual Financial Statements 2

CORPORATE, STRATEGY & DEVELOPMENT SERVICES

Nil

11. EN BLOC MOTION

12. OPERATIONS FINANCE & RISK

12.1 Investment Report as at 30 September 2016 5

12.2 Proposed Closure and Sale of Unformed Council Public Road Adjacent to Lot 35 DP 1219193 and Lot 36 DP 751289 Sally's Corner Road, Exeter 9

12.3 Licence Agreement for the Use of Early Childhood Centre, Part Winifred West Park, Mittagong 13

12.4 Lease of Part Road Reserve, Cnr Kangaloon Road and Horderns Road Bowral 18

12.5 Proposed Road Closure - Part Siemens Street, Mittagong 19

12.6 Proposed Licence Agreement for Access to Mount Gibraltar Telecommunications Tower - 232 Oxley Drive, Bowral. 23

12.7 Proposed Licence Agreement for Use of Mount Gibraltar Telecommunications Tower - 232 Oxley Drive, Bowral 26

12.8 Update on Recovery of Lehman Brothers Funds 29

13. CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1 DA 15/0146.01 - s.96 Modification Application to Approved Police Station Development, Requesting Deletion of s.94A Contributions and the Addition of a Substation With a New Wall and Signage - 67 Elizabeth Street, Moss Vale 30

13.2 Sydney Peri-Urban Network of Councils (SPUN) Update 41

13.3 Draft Wingecarribee Youth Strategy and Action Plan 2016 - 2026 57

Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER

14.1 Legal Affairs 63

15. DELEGATE REPORTS

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports 67

18.2 Minutes of the Finance Committee Meeting held on Wednesday, 19 October 2016 69

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Rescission of Resolution 9/2016 - Recognition of Council and Community Position on Coal Exploration and Extraction 86

20.2 Notice of Motion 32/2016 - Clarification of Section 291A of the Local Government Act, 1993 88

20.3 Notice of Motion 33/2016 - Forum for Training and Recruitment Needs of the Aged Care Sector 89

20.4 Notice of Motion 34/2016 - Coal Mining Briefing Session 91

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

Moving into Closed Session 92

22.1 Lease of Part Road Reserve, Cnr Kangaloon Road and Horderns Road Bowral

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the

Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

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

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

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

24. ADOPTION OF COMMITTEE OF THE WHOLE

25. 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

- **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'*
- **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'*

OUR VALUES

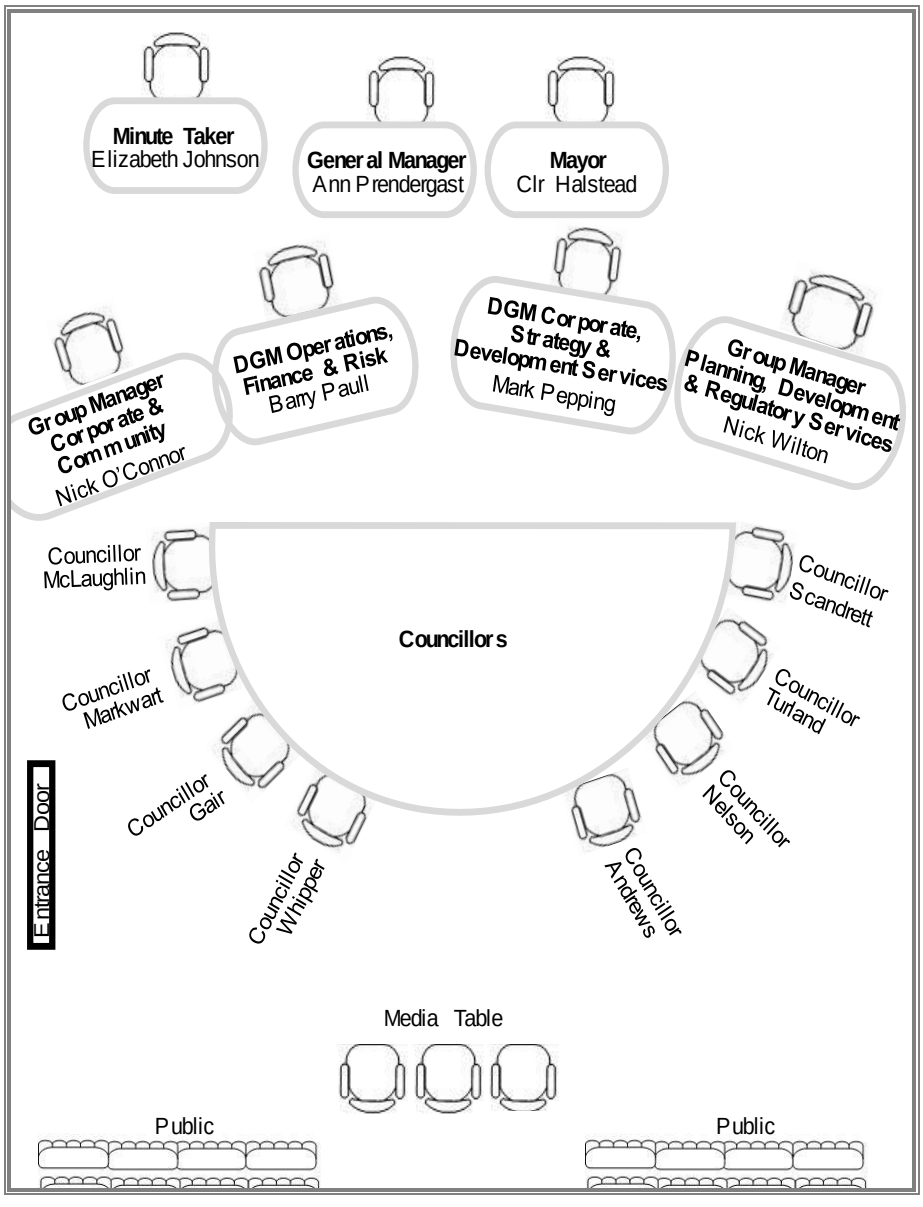
- Integrity, trust and respect
- Responsibility and accountability
- Communication and teamwork
- Service quality

Council Chambers

Recording of Ordinary and Extraordinary Meetings of Council

As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

Recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording is also not permitted. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.



DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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

COMMITTEE OF THE WHOLE

10 VISITOR MATTERS

OPERATIONS FINANCE & RISK

10.1 Audited 2015/16 Annual Financial Statements

Reference: 2105
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

To present the audited Annual Financial Statements for the year ended 30 June 2016 and to receive comments from Council's Auditors representative, Mr Phillip Webster.

RECOMMENDATION

1. **THAT Council adopts the Audited Annual Financial Statements for 2015/16.**

2. **THAT Council adopt the Auditors Report for 2015/16.**

3. **THAT Council's Auditor Mr Phillip Webster be thanked for his comments and the information be noted.**

REPORT

BACKGROUND

Council endorsed the external audit of the Annual Financial Statements for the year ended 30 June 2016 at its Ordinary Meeting on Wednesday 28 September 2016.

REPORT

Council's Auditors, Warton Thompson & Co, have now completed the audit for the year ended 30 June 2016 and have issued their Independent Audit and Audit Conduct Reports in accordance with Section 417(2) of the *Local Government Act 1993*. The audit was completed on the 14 October 2016.

In accordance with Section 418(3) of the *Local Government Act 1993*, Council has given seven (7) days public notice of the date proposed to present the Audited Financial Reports and the Auditor's Reports to the Council.

In accordance with Section 420 of the *Local Government Act 1993,* any person may make a submission in writing to Council with respect to the Council's Audited Financial Statements

or the Auditor's Report. Submissions will be received up till the close of business 2 November 2016.

A copy of the Annual Financial Statements has been provided to Councillors under separate cover. The Annual Financial Statements have also been placed on Council's website.

Council's External Auditor, Mr Phillip Webster from Warton Thompson & Co, has been invited and has accepted an invitation to provide comments on Council's audited Annual Financial Statements and the Audit Report for the period ended 30 June 2016.

The Audited Financial Statements will be lodged with the Office of Local Government within the required due date of 31 October 2016.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

Whilst there are no direct implications on Council's Fit for the Future Proposal as a result of this report, the Annual Financial Statements include financial ratios which measure Council's performance against a number of the Fit for the Future Benchmarks.

It is important to note these ratios reflect Council's performance against these benchmarks for the year ended 30 June 2016. In responding to the State Government's Fit for the Future reform agenda, Council identified a number of improvement strategies which are aimed at achieving these benchmarks by 2019/20.

These ratios can be found on pages 49-52 (General Purpose Financial Report) and page 14 (Special Schedules).

CONSULTATION

External Consultation

In accordance with Section 420 of the Local Government Act 1993, any person may make a submission in writing to Council with respect to the Council's Audited Financial Statements or the Auditor's Report. Submissions will be received up until the close of business 2 November 2016.

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**

As stated in the Independent Audit Report prepared by Warton Thompson and Co, Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993,* Chapter 13 part 3 Division 2.

COUNCIL BUDGET IMPLICATIONS

There are no direct financial implications as a result of this report. The year end result against budget for the 2015/16 financial year was presented to the Finance Committee on the 19 October 2016. The budget result for 2015/16 (after Council approved reserve transfers) was a balanced budget.

RELATED COUNCIL POLICY

There are no Council policies specifically referenced in this Report.

OPTIONS

Council is required to receive and adopt the Audited Financial Statements for 2015/16 under Section 419 of the *Local Government Act 1993*.

CONCLUSION

It is recommended that Council receive and adopt the audited Annual Financial Statements for the year ended 30 June 2016 and that Council's Auditor Mr Phillip Webster be thanked for his comments.

ATTACHMENTS

There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance & Risk

Friday 21 October 2016

12 OPERATIONS FINANCE & RISK

12.1 Investment Report as at 30 September 2016

Reference: **2104**
Report Author: **Accounting Officer - Banking and Investments**
Authoriser: **Chief Financial Officer**
Link to Delivery Program: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 30 September 2016.

RECOMMENDATION

THAT the information on Council's Investments as at 30 September 2016 be received and noted.

REPORT

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

This report provides details of Council's Investment Portfolio at 30 September 2016.

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

In accordance with Paragraph 212(1)(b) of the *Local Government (General) Regulation 2005*, the investments listed in **Attachment 1** have been made in accordance with:

1. The *Local Government Act, 1993*
2. The *Local Government (General) Regulation 2005*
3. The Ministerial Investment Order 2011
4. Council's Investment Policy.

Interest earned from investments totalled $780,476 for the three (3) months to 30 September 2016.

ATTACHMENTS

1. Investment Report as at 30 September 2016

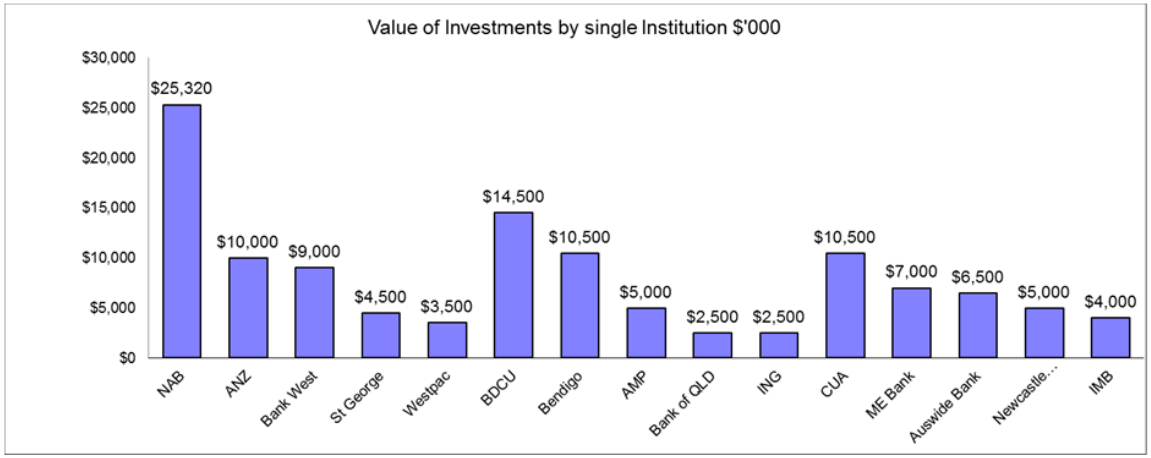
ATTACHMENT 1

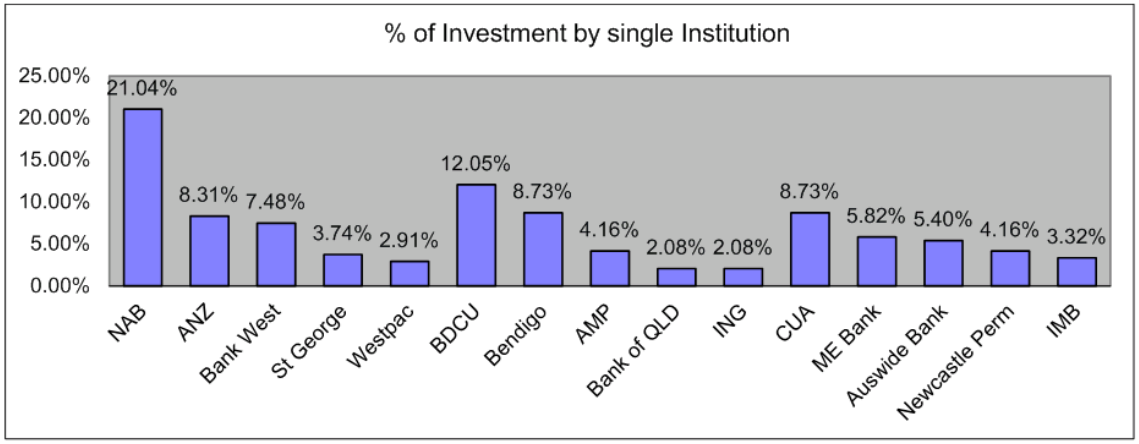
INVESTMENT RECONCILIATION AS AT 30 SEPTEMBER 2016						
Institution	Type	Amount	Interest Rate	Term of Investment - Days	Maturity Date	% Investment Portfolio
Auswide Bank	Term Deposit	2,000,000	3.07%	186	4/10/2016	1.66%
NAB	Term Deposit	2,500,000	3.10%	182	4/10/2016	2.08%
IMB	Term Deposit	2,000,000	3.00%	210	11/10/2016	1.66%
ME Bank	Term Deposit	2,000,000	2.90%	154	19/10/2016	1.66%
BDCU	Term Deposit	2,000,000	2.90%	365	28/10/2016	1.66%
Auswide Bank	Term Deposit	2,500,000	3.10%	245	1/11/2016	2.08%
ING	Term Deposit	2,500,000	3.00%	274	10/11/2016	2.08%
IMB	Term Deposit	2,000,000	3.00%	214	11/11/2016	1.66%
AMP	Term Deposit	3,000,000	3.00%	189	23/11/2016	2.49%
AMP	Term Deposit	1,000,000	3.00%	180	23/11/2016	0.83%
Bankwest	Term Deposit	2,000,000	2.75%	209	7/12/2016	1.66%
NAB	Term Deposit	2,000,000	3.08%	240	9/12/2016	1.66%
NAB	Term Deposit	3,000,000	3.10%	238	16/12/2016	2.49%
Bankwest	Term Deposit	5,000,000	2.65%	145	21/12/2016	4.16%
NAB	Term Deposit	3,500,000	2.95%	184	4/01/2017	2.91%
NAB	Term Deposit	2,000,000	3.08%	270	13/01/2017	1.66%
St George	Term Deposit	2,500,000	2.68%	182	1/02/2017	2.08%
CUA	Term Deposit	2,500,000	3.10%	365	9/02/2017	2.08%
Bendigo	Term Deposit	1,500,000	3.00%	365	15/02/2017	1.25%
Bendigo	Term Deposit	2,500,000	3.00%	365	23/02/2017	2.08%
CUA	Term Deposit	2,500,000	3.10%	365	2/03/2017	2.08%
CUA	Term Deposit	3,500,000	3.10%	365	8/03/2017	2.91%
CUA	Term Deposit	2,000,000	3.10%	365	14/03/2017	1.66%
St George	Term Deposit	2,000,000	2.68%	191	22/03/2017	1.66%
Westpac	Term Deposit	3,500,000	3.00%	365	4/04/2017	2.91%
Bankwest	Term Deposit	2,000,000	3.05%	365	26/04/2017	1.66%
Bendigo	Term Deposit	2,500,000	3.11%	365	3/05/2017	2.08%
AMP	Term Deposit	1,000,000	3.00%	363	10/05/2017	0.83%
Auswide Bank	Term Deposit	2,000,000	2.90%	362	24/05/2017	1.66%
Bendigo	Term Deposit	4,000,000	2.95%	362	24/05/2017	3.32%
Bank of QLD	Term Deposit	2,500,000	2.70%	303	14/06/2017	2.08%
ANZ	Term Deposit	4,999,999	2.62%	303	21/06/2017	4.16%
NAB	Term Deposit	5,000,000	2.85%	366	5/07/2017	4.16%
BDCU	Term Deposit	3,000,000	2.95%	362	26/07/2017	2.49%
NAB	Term Deposit	5,000,000	2.80%	364	2/08/2017	4.16%
BDCU	Term Deposit	4,000,000	2.95%	362	23/08/2017	3.32%
Newcastle Perm	Term Deposit	5,000,000	2.70%	365	30/08/2017	4.16%
ME Bank	Term Deposit	5,000,000	2.67%	364	6/09/2017	4.16%
BDCU	Term Deposit	2,500,000	2.95%	378	20/09/2017	2.08%
ANZ	Term Deposit	4,999,999	2.71%	364	27/09/2017	4.16%
BDCU	Term Deposit	3,000,000	2.95%	378	4/10/2017	2.49%
NAB	Call Account	2,320,000	1.40%	n/a		1.93%
Total Investments		**$120,319,998**				**100.00%**

DISTRIBUTION OF INVESTMENTS BY INSTITUTION AS AT 30 SEPTEMBER 2016			
Institution	**Investment Value**	**Rating**	**Actual**
NAB	$25,320,000	AA	21.04%
ANZ	$9,999,998	AA	8.31%
Bank West	$9,000,000	AA	7.48%
St George	$4,500,000	AA	3.74%
Westpac	$3,500,000	AA	2.91%
BDCU	$14,500,000	A	12.05%
Bendigo	$10,500,000	A	8.73%
AMP	$5,000,000	A	4.16%
Bank of QLD	$2,500,000	A	2.08%
ING	$2,500,000	A	2.08%
CUA	$10,500,000	Below A	8.73%
ME Bank	$7,000,000	Below A	5.82%
Auswide Bank	$6,500,000	Below A	5.40%
Newcastle Perm	$5,000,000	Below A	4.16%
IMB	$4,000,000	Below A	3.32%
Total Investments	**$120,319,998**		**100.00%**

DISTRIBUTION OF INVESTMENTS BY RATING AS AT 30 SEPTEMBER 2016		
Rating	**Investment Value**	**Actual**
AAA	$0	0.00%
AA	$52,319,998	43.48%
A	$35,000,000	29.09%
Below A	$33,000,000	27.43%
Non Rated	$0	0.00%
Total Investments	**$120,319,998**	**100.00%**

Credit Rating	Grade	Risk
AAA	Investment	Lowest Risk
AA	Investment	Low Risk
A	Investment	Low Risk
BBB	Investment	Medium Risk
BBB	Junk	High Risk
CCC/CC/C	Junk	Highest Risk
D	Junk	In Default
NR	Non Rated	


Value of Investments by single Institution $'000
$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0
$25,320
$10,000
$9,000
$4,500
$3,500
$14,500
$10,500
$5,000
$2,500
$2,500
$10,500
$7,000
$6,500
$5,000
$4,000
NAB
ANZ
Bank West
St George
Westpac
BDCU
Bendigo
AMP
Bank of QLD
ING
CUA
ME Bank
Auswide Bank
Newcastle...
IMB


% of Investment by single Institution
25.00%
20.00%
15.00%
10.00%
5.00%
0.00%
21.04%
8.31%
7.48%
3.74%
2.91%
12.05%
8.73%
4.16%
2.08%
2.08%
8.73%
5.82%
5.40%
4.16%
3.32%
NAB
ANZ
Bank West
St George
Westpac
BDCU
Bendigo
AMP
Bank of QLD
ING
CUA
ME Bank
Auswide Bank
Newcastle Perm
IMB

12.2 Proposed Closure and Sale of Unformed Council Public Road Adjacent to Lot 35 DP 1219193 and Lot 36 DP 751289 Sally's Corner Road, Exeter

Reference: PN 1798540, PN1798550
Report Author: Acting Property & Projects Officer
Authoriser: Senior Property Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to obtain the approval of Council to invite an application to close an unformed Council public road, off Sally's Corner Road, Exeter, from the adjacent property owner, at Lot 35 DP 1219193 and Lot 36 DP 751289.

RECOMMENDATION

1. **THAT Council invite a formal Application for Road Closure from the applicant (being the owner of Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter) AND THAT it be noted that all costs in relation to the closure and potential future sale of the road are to be paid for by the applicant.**

2. **THAT Council give public notice of the intention to close the unformed Council Public Road, adjacent to Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter, advertising for a minimum of twenty eight (28) days.**

3. **THAT following public notice of the proposed closure, Council make a third party application to the Crown Lands Office for the closure of the unformed Council Public Road, adjacent to Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter AND THAT if the Crown ultimately approves the closure of the road, the applicant is to consolidate the newly created lot following road closure with their own property at their sole cost and expense.**

4. **THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the closure and sale of the unformed Council Public Road adjacent to Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter.**

REPORT

BACKGROUND

The subject unformed Council public road is not named. The unformed road was gazetted in 1876, as opened for public use. The area of the road the subject of this report is highlighted in the aerial map – see **Attachment 1.**

The unformed road is fenced and not currently in use by any neighbouring properties, as these properties benefit from direct road access to their properties from Sally's Corner Road.

Enquiries were received from the applicant requesting Council consider the potential future closure and sale of the unformed road adjoining their property at Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter. This would grant the property direct access from Sally's Corner Road.

REPORT

Council approval is sought to invite an application for road closure from the applicant, being the owner of property adjacent to the unformed road (the address of the applicant's property is Lot 35 DP 1219193 and Lot 36 DP 751289 Sally's Corner Road, Exeter).

In principle, Council officers support the partial closure of the road adjoining Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter and its subsequent sale to the adjoining owner/applicant.

Following the necessary advertising and public notice, Council will be required to submit a third party application to the Crown, noting that it is the Crown (New South Wales Department of Primary Industries) that makes the ultimate decision as to whether the application for road closure will be approved.

If the closure of the unformed road proceeds, a Plan of Road Closure will be registered creating a new title. The newly created lot (being the closed road) will be required to be consolidated with the applicant's adjoining property at the applicant's sole cost.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

None identified.

CONSULTATION

Community Engagement

Public notice of the intention to close the unformed road adjacent to Lot 35 DP 1219193 and Lot 36 DP 751289, Sally's Corner Road, Exeter will be advertised for a minimum twenty eight (28) days, following in-principle Council endorsement.

Internal Consultation

Relevant Departmental Managers

External Consultation

Adjoining owner/applicant.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The request for a closure and sale of a road must be reported to Council and the application to the Crown endorsed. It is essential for good governance and transparency that proper processes are followed.

COUNCIL BUDGET IMPLICATIONS

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

If the application is approved by the Crown, the newly created lot will vest in the Crown for disposal. The Crown will then negotiate the sale of the closed road direct with the applicant.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

It is recommended that Council support the proposal in-principle and that an application for road closure be invited from the applicant.

ATTACHMENTS

1. Aerial Map

ATTACHMENT 1

12.3 Licence Agreement for the Use of Early Childhood Centre, Part Winifred West Park, Mittagong

Reference: 1266800
Report Author: Acting Property & Projects Officer
Authoriser: Senior Property Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to gain Council approval to grant a Licence Agreement for the use of Council property, Early Childhood Centre, Part Winifred West Park, Mittagong by Alcoholics Anonymous (AA).

RECOMMENDATION

1. **THAT Council publicly notify and exhibit for a minimum twenty eight (28) days the proposed five (5) year Licence Agreement to Alcoholics Anonymous of part of the Early Childhood Centre at Winifred West Park.**

2. **THAT the licence fee be set at the not-for-profit and community group rate of $1.00 per annum.**

3. **THAT a Report be forwarded to a future Ordinary Meeting of Council following closure of the public exhibition period.**

4. **THAT the General Manager be delegated authority to negotiate the terms of the Licence Agreement AND THAT authority be delegated to the General Manager and Mayor to execute the new agreement under the common seal of Council.**

REPORT

BACKGROUND

Alcoholics Anonymous is a fellowship of men and women who share their experiences with each other that may help others to recover from alcoholism. The support network provides a framework for self-examination and a road to recovery free of alcohol.

REPORT

Alcoholics Anonymous ('AA') has been holding weekly meetings in the Early Childhood Centre, Part Winifred West Park, Mittagong, every Sunday evening for the past few years. This use was not known to Council. The group has recently contacted Council to formalise its arrangements for the use of the Council property.

AA is a self-supporting group through their own contributions. AA does not charge membership fees to participants and are an informal society of recovering alcoholics throughout Australia.

AA are non-professional, not comprising of clinics, doctors etc, with meetings held by members themselves recovering from alcoholism.

Meetings are held in the Early Childhood Centre, every Sunday evening for three hours, between 6pm and 9pm. Meetings generally comprise of a maximum of 10 members, participating in a group discussion sharing stories and experiences in a safe environment.

Plan of Management for Winifred West Park

On Wednesday 26 August 2009, Council adopted the Plan of Management for Winifred West Park. The Plan of Management adopted by Council specifically authorises the issue of licence agreements for short-term occupation of the property.

Policy for the Lease or Licence of Council Property (Not-For-Profit Organisations)

The terms and conditions of the proposed Licence Agreement to AA will be in accordance with the Policy for Leasing and Licensing of Council Property to Not-For-Profit Organisations. The Policy was adopted by Council on Wednesday 26 November 2014 (MN 326/14).

The purpose of the Policy is to provide benefits to the Council and its residents by ensuring that the licence agreement meets legislative requirements, among other things.

Legislative requirements

Section 47A of the *Local Government Act 1993* requires "leases, licences and other estates in respect of community land" for "terms of 5 years or less" to be publicly notified and exhibited for a minimum period of twenty eight (28) days.

This report recommends that the Licence Agreement for the use of the Early Childhood Centre Room in Winifred West Park Mittagong be publicly notified and exhibited for a minimum of 28 days.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

None identified.

CONSULTATION

Community Engagement

The Policy for the Leasing and Licensing of Council Property (Not-for Profit and Community Based Organisations) has been adopted and is promoted in accordance with the Minutes of Council made on Wednesday 26 November 2014.

Winifred West Park is classified as Community Land. As such, it is a legislative requirement that Council publicly exhibit the proposed Licence Agreement for a minimum twenty eight (28) day period. This will give members of the community an opportunity to review the document(s) and make a submission if they wish to do so.

Internal Consultation

Senior Property Officer

General Counsel

Recreation Planner

External Consultation

AA

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

AA is a self-supporting group through their own contributions. AA does not charge membership fees to participants and are an informal society of recovering alcoholics throughout Australia, providing an essential service to local community members.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications. Pursuant to the Policy for the Lease and Licence of Council Property (Not-For-Profit Organisations), licensees of Council property will pay $1 per annum, if demanded.

RELATED COUNCIL POLICY

Lease or Licence of Council Property – Not-For-Profit Organisations

This Policy was adopted on Wednesday 26 November 2014 (MN326/14).

The purpose of this policy is to provide benefits to the Council and its residents by:

- defining the general terms and conditions of Leases and Licences to Not-For-profit Organisations in respect of Council property;
- ensuring that leasing and licensing of Council Property is consistent, transparent, fair and impartial;

- ensuring that the lease or licence is in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Office of Local Government Guidelines;
- encouraging sound management of Council property.

CONCLUSION

This report recommends that Council offer a Licence Agreement for a maximum five (5) year term to AA, for the use of the Early Childhood Centre, Winifred West Park, Mittagong, following public exhibition of the proposed Licence Agreement. Further, this report recommends that the General Manager and Mayor be delegated authority to execute the Licence Agreement under the Common Seal of the Council.

ATTACHMENTS

1. Aerial Map of Licensed Area

ATTACHMENT 1
ALICE
MAIN ST
ALBION LANE
REGENT ST
REGENT ST
AA
2B
31_59
65
61_63
67
86_88
90_92
91_94A
96
98
11
21
23
106
10
8
6
2_4
3
0 4.5 9 18 27 36
Meters
Wingecarribee Shire Council

12.4 Lease of Part Road Reserve, Cnr Kangaloon Road and Horderns Road Bowral

Reference:	**PN1790810, RD508 RD3652**
Report Author:	**Acting Property & Projects Officer**
Authoriser:	**Senior Property Officer**
Link to Corporate Plan:	**Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

The objective of this report is to have Council determine a request to lease a portion of the road reserve at the corner of Kangaloon Road and Horderns Road Bowral.

RECOMMENDATION

1. **THAT in relation to the report concerning Lease of Part Road Reserve, Cnr Kangaloon Road and Horderns Road Bowral, Council adopts the recommendation contained within the Closed Council report – Item 22.1.**

OR

2. **THAT the report concerning Lease of Part Road Reserve, Cnr Kangaloon Road and Horderns Road Bowral, be considered in Closed Council – Item 22.1.**

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

ATTACHMENTS

There are no attachments to this report.

12.5 Proposed Road Closure - Part Siemens Street, Mittagong

Reference: **RD3197, PN 1703108**
Report Author: **Acting Property & Projects Officer**
Authoriser: **Senior Property Officer**
Link to Delivery Program: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

The objective of this report is to obtain the approval of Council to invite an application to close part of the unformed segment of Siemens Street, Mittagong, adjacent to 16 Siemens Street, Mittagong.

RECOMMENDATION

1. **THAT Council invite a formal Application for Road Closure from the applicant (being the owner of 16 Siemens Street, Mittagong) AND THAT it be noted that all costs in relation to the closure and potential future sale of the road are to be paid for by the applicant.**

2. **THAT Council provide public notice of the intention to close part Siemens Street, Mittagong, advertising for a minimum of twenty eight (28) days.**

3. **THAT following public notice of the proposed closure, Council make a third party application to the Crown Lands Office for the closure of part Siemens Street adjacent to 16 Siemens Street, Mittagong AND THAT if the Crown ultimately approves the closure of the road, the applicant is to consolidate the newly created lot following road closure with their adjoining property at their own cost and expense.**

4. **THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the closure and sale of the road adjacent to 16 Siemens Street, Mittagong.**

REPORT

BACKGROUND

Siemens Street was created as part of the original subdivision of land in 1916, with subsequent subdivisions taking place as recently as 1995. The road is primarily sealed, allowing access to approximately 12 residential properties. The segment of road the subject of this report is unformed and directly adjoins the applicant's property as can be seen on the aerial map – see **Attachment 1**.

Enquiries were received from the adjoining owner/applicant requesting Council consider the potential future closure and sale of the segment of unformed road adjoining their property at 16 Siemens Street, Mittagong.

The area of the proposed road closure is approximately 345m2 (subject to final survey). With the area of the applicant's property being 700.5m2, the total area of the property, after consolidation, would be approximately 1045m2. As the applicant's property is zoned R2 - Low Density Residential with minimum lot sizes of 700m2, the property would not be able to be subsequently subdivided.

REPORT

Council approval is sought to invite an application for partial road closure from the applicant.

In principle, Council officers support the partial closure of the unformed segment of road adjoining 16 Siemens Street, Mittagong and its subsequent sale to the adjoining owner/applicant.

Following the necessary advertising and public notice, Council will be required to submit a third party application to the Crown, noting that it is the Crown (New South Wales Department of Primary Industries) that makes the ultimate decision as to whether the application for road closure will be approved.

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

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

None identified.

CONSULTATION

Community Engagement

Public notice of the intention to close part of the unformed road adjacent to 16 Siemens Street, Mittagong will be advertised for a minimum twenty eight (28) days, following in-principle Council endorsement.

Internal Consultation

The relevant departmental managers and Council officers have been consulted and invited to comment in relation to the closure and sale of part of the road adjacent to 16 Siemens Street, Mittagong. There is no objection to this road closure proceeding.

External Consultation

Adjoining owner/applicant.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The request for a closure and sale of a road must be reported to Council and the application to the Crown endorsed. It is essential for good governance and transparency that proper processes are followed.

COUNCIL BUDGET IMPLICATIONS

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

Payment of compensation for the purchase will be determined when the road closure is approved by the Crown. If the road is deemed to be constructed, then this will be valued and negotiated by Council with the applicant and Council will receive the proceeds of sale. However if the road is deemed to be unformed then the Crown will have the closed road valued, negotiate with the applicant and ultimately receive the proceeds of sale.

RELATED COUNCIL POLICY

None identified.

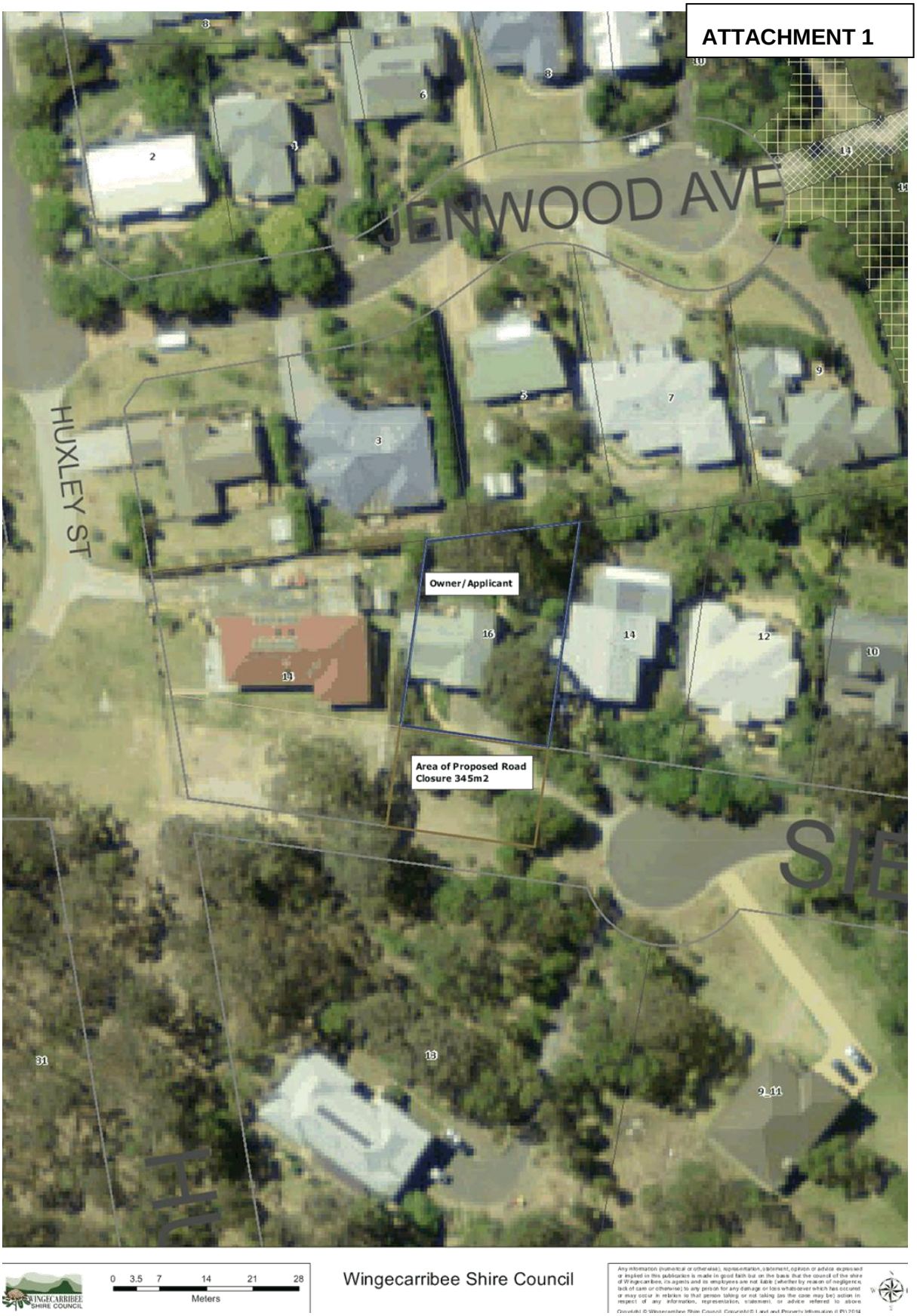
CONCLUSION

It is recommended that Council support the proposal in-principle and that an application for road closure be invited from the applicant.

ATTACHMENTS

1. Aerial Map

ATTACHMENT 1



12.6 Proposed Licence Agreement for Access to Mount Gibraltar Telecommunications Tower - 232 Oxley Drive, Bowral.

Reference: 7130/2
Report Author: Acting Property & Projects Officer
Authoriser: Senior Property Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is for Council to approve the issue of a Licence Agreement for the access to the Mount Gibraltar Telecommunications Facility to Zaytex Security Monitoring & Services Pty Ltd ("the Applicant").

RECOMMENDATION

1. **THAT the General Manager be delegated authority to negotiate the terms and conditions of a Licence Agreement with respect to access to the Mount Gibraltar Radio Facility by Zaytex Security Monitoring & Services Pty Ltd for a term of five (5) years.**

2. **THAT it be noted that the licence fee in the first year is $6,038 plus G.S.T, to be increased annually by 5% or CPI (Sydney All Groups) whichever is greater.**

3. **THAT the General Manager and Mayor be authorised to execute the Licence Agreement with respect to the Licence Agreement to Zaytex Security Monitoring & Services Pty Ltd for the use of the Mount Gibraltar Radio Facilities under the Common Seal of the Council.**

REPORT

BACKGROUND

The Mount Gibraltar Telecommunications Facility is owned by Council, the land being classified as Community Land pursuant to the *Local Government Act 1993*. Council has a lease agreement with WIN Television as 'head lessee'; WIN Television are responsible for the structural and ongoing maintenance of the tower and for engineering approvals for licensees. Council officers manage the issue and administration of Licence Agreements for the telecommunications facility. Recently a Tender closed for the appointment of a Telecommunications Site Manager (in respect of which a report will be forwarded to a future Ordinary Meeting of Council for consideration).

Council issues Licence Agreements to qualified users, in order for equipment to be fixed to the tower for use, as well as access to the site.

Berrima Communications is a current licensee of Council and that business has sold its equipment to the applicant.

REPORT

Council has been approached by the applicant to enter into a Licence Agreement for the use of Council's Telecommunications Tower.

The applicant owns a business that offers security monitoring services. The applicant has recently purchased equipment from Berrima Communications. The Agreement with Berrima Communications is being terminated, in order to allow for a new agreement to be issued to the applicant. A licence for access to Council's Telecommunications Tower is required by the applicant in order to have a radio connection for use whilst offering security services to its customers.

LEGISLATION

Wingecarribee LEP2010

The property upon which the Telecommunications Tower has been constructed is owned by the Council. The land is zoned *E2 – Environmental Conservation*. The objectives of the E2 zone include:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Relevant State Legislation

Local Government Act 1993.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None Identified.

CONSULTATION

Community Engagement

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

Internal Consultation

Council Officers have met and discussed the proposal contained within this Report. The recommended option is supported.

External Consultation

Applicant.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council currently bases its licence fees for the use of the Telecommunications Tower on the fees set by Independent Pricing & Regulatory Tribunal ('IPART'). IPART completed a report in September 2014 on the Review of Rental Arrangements for Communication Towers on Crown Lands. While the Telecommunications Tower owned by Council is on property owned by Council (and not owned by the Crown), the IPART report ensures the fees reflect fair market-based returns for government. This report is used as a guide by many Councils for the negotiation of licence fees.

For 2016-2017, the fee recommended for local service providers is $6,038 plus G.S.T.

RELATED COUNCIL POLICY

Asset Management Policy adopted by Council 28 July 2010 (Minute Number 316/10).

CONCLUSION

It is recommended that Council issue a Licence Agreement for access to the Mt Gibraltar Telecommunications Tower to the applicant. The Agreement will be for a maximum term of five (5) years, subject to negotiation of the terms and conditions of the agreement.

ATTACHMENTS

There are no attachments to this report.

12.7 Proposed Licence Agreement for Use of Mount Gibraltar Telecommunications Tower - 232 Oxley Drive, Bowral

Reference: 7130/2
Report Author: Acting Property & Projects Officer
Authoriser: Senior Property Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is for Council to approve the issue of a Licence Agreement for the use of Mount Gibraltar Radio to Master Communications & Electronics Pty Ltd. ("The Applicant").

RECOMMENDATION

1. **THAT a Licence Agreement be issued by Council with respect to the use of the Mount Gibraltar Telecommunications Tower to Master Communications & Electronics Pty Ltd for a term of five (5) years.**

2. **THAT it be noted that the licence fee in the first year is $15,095 + GST, to be increased annually by 5% or CPI (Sydney All Groups) whichever is greater.**

3. **THAT the General Manager and Mayor be authorised to execute the Licence Agreement with respect to the Licence Agreement to Master Communications & Electronics Pty Ltd for the use of the Mount Gibraltar Telecommunications Tower under the Common Seal of the Council.**

REPORT

BACKGROUND

The Mount Gibraltar Telecommunications Tower is owned by Council, the land being classified as Community Land pursuant to the *Local Government Act 1993*.

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

REPORT

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

From commercial fleets and surveillance teams, through to state emergency services, ports and airports, Mastercom are specialists in two way radio communication in Sydney, New South Wales and beyond. The company specialises in digital and analogue voice technologies, two-way radio networks and data application integration.

Mastercom have received engineering approval from WIN Television (the head lessee of the Telecommunications Tower) to proceed with the application for a licence agreement from Council.

LEGISLATION

Wingecarribee LEP2010

The property upon which the WIN Tower has been constructed is owned by Wingecarribee Shire Council. The land is zoned *E2 – Environmental Conservation*. The objectives of the E2 zone include:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Relevant State Legislation

Local Government Act 1993.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

CONSULTATION

Community Engagement

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

Internal Consultation

Council Officers have met and discussed the proposal contained within this report. The recommended option is supported.

External Consultation

Applicant.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

As set out in the IPART Report (Review of Communications Towers on Crown Lands) issued September 2014, the fee scheduled for 2016-2017 for telecommunication and data carriers is $15,095 plus G.S.T.

This has been negotiated and agreed with the Applicant as being the licence fee in the first year, with an increase of 5% per annum or CPI, whichever is greater.

RELATED COUNCIL POLICY

Asset Management Policy adopted by Council 28 July 2010 (Minute Number 316/10).

CONCLUSION

It is recommended that Council issue a Licence Agreement for the use of this facility for a maximum term of five (5) years subject to negotiation of the terms and conditions of the Licence Agreement by Council's General Manager. This report also recommends that the Licence Agreement is to be executed under the Common Seal of the Council by the General Manager and Mayor.

ATTACHMENTS

There are no attachments to this report.

12.8 Update on Recovery of Lehman Brothers Funds

Reference:	**502/101**
Report Author:	**Deputy General Manager Operations, Finance & Risk**
Authoriser:	**Deputy General Manager Operations, Finance & Risk**
Link to Corporate Plan:	**Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

To provide Councillors with a verbal update on the status of the recovery of funds from CDO investments sold to Council by Lehman Brothers Australia Ltd.

RECOMMENDATION

THAT the verbal update on the status of the recovery of funds from CDO investments sold to Council by Lehman Brothers Australia Ltd be considered in Closed Council – Item 22.3.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

ATTACHMENTS

There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance & Risk

Friday 21 October 2016

13 CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1 DA 15/0146.01 - s.96 Modification Application to Approved Police Station Development, Requesting Deletion of s.94A Contributions and the Addition of a Substation With a New Wall and Signage - 67 Elizabeth Street, Moss Vale

Reference:	**DA15/0146.01**
Report Author:	**Group Manager Planning, Development & Regulatory Services**
Authoriser:	**Deputy General Manager Corporate, Strategy & Development Services**
Applicant:	**Brookfield Johnson Controls**
Owner:	**NSW Police Department**
Link to Delivery Program:	**Maintain strong public institutions and facilities in the district to match the evolving needs of the community**

PURPOSE

The purpose of this report is to consider s.96 modification application DA 15/0146.01 to the approved Police Station development, requesting deletion of s.94A contributions, and the addition of a substation with a new wall and signage at 67 Elizabeth Street, Moss Vale.

As this s.96 modification application is lodged on behalf of the Crown, a consent authority cannot refuse consent to a Crown DA except with the approval of the Minister, or impose a condition on its consent to a Crown DA except with the approval of the Applicant or the Minister.

This report recommends the s96 modification application DA15/0146.01 not be supported and referred to the Minister for Planning for determination. It is noted councils cannot refuse a development application of the Crown and therefore must refer the matter to the Minister for Planning if an approval is not supported.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter

RECOMMENDATION

THAT s.96 modification application DA 15/0146.01 requesting deletion of s.94A contributions and the addition of a substation with a new wall and signage at 67 Elizabeth Street, Moss Vale, not be supported AND THAT it be referred to the Minister for Planning for determination.

REPORT

DETAILS OF PROPOSAL

Subject Site and Locality

The subject site, Lot 1 DP 198566, 67 Elizabeth Street, Moss Vale, is located on the northern side of Elizabeth Street, Moss Vale. The site is 2033 square metres in area, and contains the existing Police Station, a residence and associated outbuildings.

Directly adjoining the site to the north east and south west are two public carparks. To the rear of the property is the Moss Vale Court House item of heritage. Diagonally opposite the site is Wingecarribee Shire Council Civic Centre. The character of the immediate locality is dominated by public buildings.

NORTH

Figure 1: Site Location

Figure 2: Aerial Image of Site (This Figure has been reproduced at Attachment 2)

History

Development Application 15/0146 which sought development consent for the demolition of the existing Police Station, residence and associated outbuildings, removal of 10 trees, and construction of a new 2 storey Police Station, with 24 onsite parking spaces at Lot 1 DP 198566, 67 Elizabeth Street, Moss Vale, was considered by the Joint Regional Planning Panel at its meeting of 12 April 2016. Development Consent 15/0146 was issued on 26 April 2016, including **Condition 53** which required payment of $109,449.79 contributions under Council's s.94A Contributions Plan, and payment of $45,050.49 for stormwater, wastewater, water supply and s.64 water, sewer and stormwater charges.

Details of Proposed modification

The subject s.96 modification application DA 15/0146.01 requests deletion of $109,449.79 s.94A contributions, and the addition of a substation with a new wall and signage at the approved new 67 Elizabeth Street, Moss Vale.

Plans of the proposed new wall and signage are within **Attachment 3** to this report.

Condition 53 of Development Consent 15/0146 required payment of $109,449.79 contributions under Council's s.94A Contributions Plan. Section 4.5 of Council's s.94A Contributions Plan states that "Council may exempt (or partially exempt) development of the kinds mentioned in 4.5.1 - 4.5.2" which includes "Development by not-for-profit organisations if the Council determines that the development is for an essential community service."

The Applicant argues that the provision of a Police Station is a development for an essential community service as detailed within **Attachment 4** to this report. The key points of the applicant's submission are:

> At this is a Crown Development Application, the Consent Authority cannot impose a condition of consent except with the approval of the applicant or Minister. The Police Department object to this condition mainly because the upgraded police presence in the locality creates improved social and community facilities as well as providing several community services. The enlarged facility will enable a better police service to the local area.
>
> Clause 4.5.3 of Council's S94A Contribution Plan enables Council to exempt certain forms of development from the making of a contribution.
>
> In this case, the operation of an effective police service is considered to be an essential community service and on this basis the proposal should be granted an exemption.
>
> The Development Contribution Practice Note dated July 2005 prepared by Planning NSW identifies that Council may elect to exempt particular types of development from the payment of a contribution on the basis of strategic planning, economic or social purposes.
>
> Police Stations are listed as a category of development that would meet the criteria for exemption. This is because in addition to their role as law enforcement officers they:
>
> - Engage Education Development Officers (who attend local schools) and provide community presentation.
> - Provide safety and security advice with respect to Development Applications and building advisers by CPTED – Crime Prevention through Environmental Design.
> - 24/7 police emergency assistance and response.

The Bowral Sector of The Hume Local Area Command provides 24/7 policing services to the community of the Wingecarribee Shire as one of the three professional emergency services. The NSW Police Forces in a not for profit State Government police agency who's primary role is crime prevention, community safety and crime detection. The NSW Police provide a vital community service at no cost to the community and a high cost to the government. We aim to provide this vital service in a cost effective manner to the community of NSW.

The building of the new Moss Vale Police Station will bring a 24/7 policing service to the community which they have never had before. Currently there are ad hoc police presence in the area, but the new police station will ensure the local community and businesses have for the first time 24/7 access to police. This increased police presence will assist in crime prevention and community safety in the CBD and also in and around the transport hub. The community have regularly commented on the much extra policing services are needed service for the Moss Vale area.

Modern day policing relies on our government partners and civilian stakeholders. This project provides state of the art facilities for policing, the Courts administration, Corrective Services and lawyers, private and government. The improvement and expansion in technology at our courts allow for greater interaction with prisoners and police and corrective services safety by way of Audio Video Link. This technology allows the opportunity to speed up matters being dealt with to finality and assist in ensuring the safety of our community, the rights of individuals are met and dealt with in a timely manner. Currently the responding technology is not available in police station across the Southern Highlands. The proposed station however will and it will provide facilities for the legal profession to provide advice to prisoners in appropriate confidential rooms.

I can also advise that in all other police station re-developments that I have been involved with, there has been no requirements to made a S94A Contribution.

I submit that the application should be amended by the deletion of Condition 53 on the basis that the Police Service undertake an essential role of law enforcement officers and to facilitate and promote operation of local community services.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Warragamba catchment, which forms part of Sydney's water supply. Water NSW raised no objection to the approved development, subject to conditions. The proposed modification including the addition of a substation with a new wall and signage will have no identifiable impact upon water quality, therefore satisfies the provisions of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

SEPP (Infrastructure) 2007

While State Environmental Planning Policy (Infrastructure) 2007 provides under Part 3, Division 6, Clause 48 that development for the purposes of an emergency services facility may be carried out by or on behalf of a public authority without consent on any land within a prescribed zone, a police station is not characterised as an emergency services facility for the purposes of the SEPP but rather should be characterised as a 'public administration building'. Therefore a development application has been submitted seeking consent for the subject development in accordance with Wingecarribee LEP 2010.

The proposed s.96 modification does not alter the approved development in regard to State Environmental Planning Policy (Infrastructure) 2007.

SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) addresses remediation of contaminated land by requiring consideration of whether the land is contaminated and, if it is contaminated, whether it can be made suitable for the proposed purpose.

In the assessment of Development Application 15/0146 it was accepted that the site can be made suitable for the proposed use, satisfying the requirements of SEPP 55.

The proposed s.96 modification does not alter the approved development in regard to SEPP 55.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The site is zoned B2 Local Centre under Wingecarribee Local Environmental Plan 2010.

The objectives of the B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

- *To generally conserve and enhance the unique sense of place of business centre precincts by ensuring that new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of those places.*
- *To provide opportunities for a compatible mix of residential living above retail, commercial, recreational, cultural and community activities at street level.*
- *To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older people and people with disabilities and general public conveniences.*
- *To maximise the efficient use of land in business centre precincts to promote more compact and accessible places.*
- *To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.*

The proposed s.96 modification does not alter the approved development in regard to permissibility or objectives of the B2 Local Centre zone.

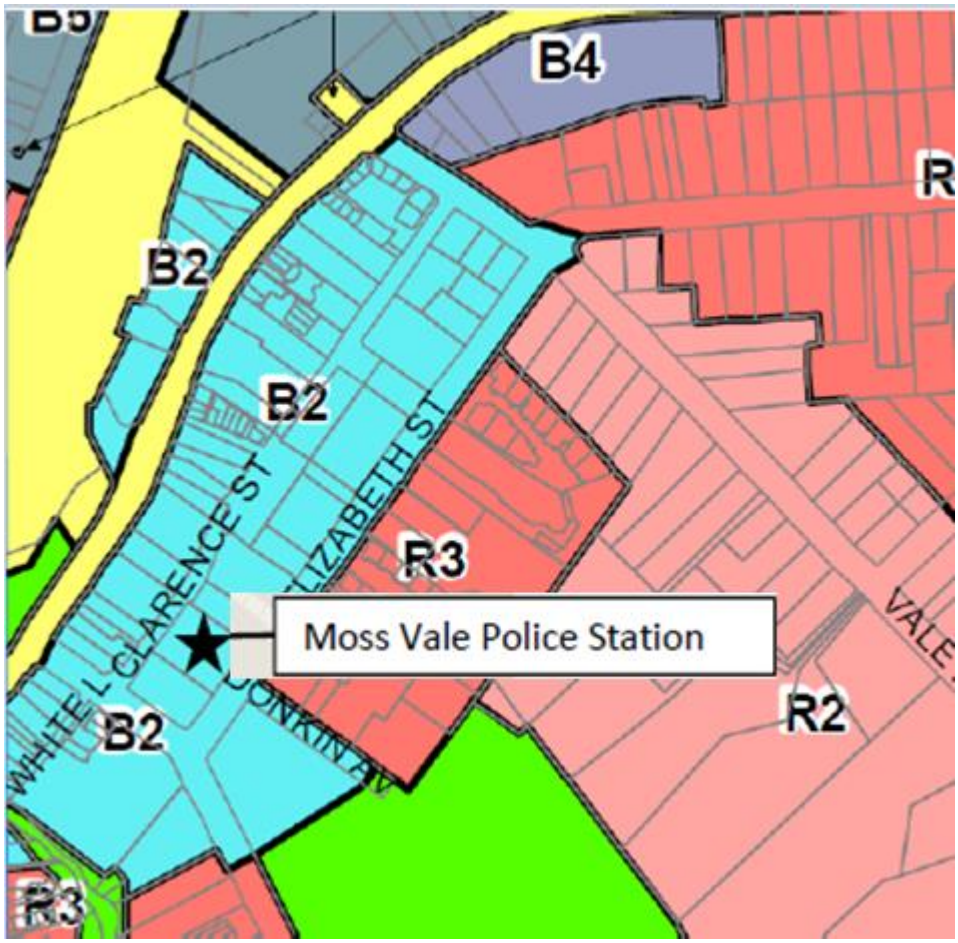


Figure 3: Location of site within B2 Local Centre under Wingecarribee Local Environmental Plan 2010

Development Control Plans

Moss Vale Town Plan Development Control Plan

The proposed addition of a substation with a new wall and signage is consistent with the requirements of the Moss Vale Town Plan Development Control Plan.

Section 79C Evaluation

The matters in Section 79C have been considered as follows:

79C (1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

The proposed modification satisfies the requirements of Wingecarribee Local Environmental Plan 2010, and does not alter the approved development in terms of compliance with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy (Infrastructure) 2007 and State Environmental Planning Policy No. 55 – Remediation of Land.

(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 in this instance (no relevant draft plans).

(iii) any development control plan, and

The proposed modification complies with the provisions of the Moss Vale Town Plan DCP.

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

Not applicable.

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

The proposed modification complies with the regulations.

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

Not applicable.

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

The proposed modification will not adversely impact the environment, and does not alter social and economic impacts of the already approved Police Station development.

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

The proposed modification does not alter the suitability of the site of the already approved Police Station development.

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

No submissions have been received regarding the proposed modification.

(e) the public interest.

The proposed modification does not alter the approved development in terms of public interest.

CONSULTATION

Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed modification of the approved development.

Neighbour Notification / Public Participation

The proposed modification was neighbour notified to surrounding properties, and to the two objectors who previously lodged submissions to the original Development Application. No submissions have been received to the proposed s.96 modification application.

SUSTAINABILITY ASSESSMENT

- **Environment**

The main environmental impacts identified in this report are traffic and dust impacts which are discussed in the Discussion of Key Issues section of this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with WLEP 2010, the Environmental Planning and Assessment Act and any matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2014-2017: OP:117 Provide development, building assessment and certifications services.

COUNCIL BUDGET IMPLICATIONS

If Council agrees to approve the s96 Modification and remove the condition of consent for the s94A Developer contribution, Council's Developer Contributions income would be reduced by $109,449.79.

RELATED COUNCIL POLICY

The application has been assessed against the relevant Council planning policies.

OPTIONS

The options available to Council are:

Option 1

Approval subject to the draft consent conditions in **Attachment 1** to this report. As Council being a consent authority for the s96 Modification cannot impose a condition on its consent to a Crown DA except with the approval of the applicant or the Minister, the draft consent conditions are to be referred to the Minister for approval.

Option 2

Not support this s.96 modification application as lodged. As Council being a consent authority for the s96 Modification cannot refuse consent to a Crown DA except with the approval of the Minister, the matter is to be referred to the Minister for determination.

Option 2 is the recommended option to this report.

DISCUSSION OF KEY ISSUES

Requested deletion of s.94A contributions

Development Consent 15/0146 was issued 26 April 2016, including **Condition 53** which required payment of $109,449.79 contributions under Council's s.94A Contributions Plan.

Section 4.5 of Council's s.94A Contributions Plan states that "Council may exempt (or partially exempt) development of the kinds mentioned in 4.5.1 - 4.5.2" which includes

"Development by not-for-profit organisations if the Council determines that the development is for an essential community service."

The provision of a Police Station, and its associated benefits in terms of law and order within the local community, could be considered to be an essential community service.

The applicant has argued the case that the Police Station is an essential community service provided by the NSW Police. A full copy of the applicant's submission in support of removing **Condition 53** of Development Consent 15/0146 is provided by NSW Police within **Attachment 4** to this report.

Council's s94A Developer Contributions Plan states Council **may** exempt a development from paying the contributions if the development is providing an essential community benefit. In other words Council has a degree of discretion as to whether the proposal is eligible or not for exemption to paying contributions. It is noted that the development of the new Police Station servicing the Wingecarribee Shire and the northern catchment of the Goulburn Local Area Command will increase the traffic and parking demands in and around the Moss Vale CBD. In assessing the development application, Council took into account the floor space usage of the Police Station and subsequent calculation of car parking spaces generated as a result. This lead to a reduction in the car parking spaces required for what otherwise would have been required for a commercial building. The s94A Developer Contributions would be allocated towards various public infrastructure improvements identified for the Moss Vale CBD within the S94A Developer Contributions Plan.

In light of the above it is not considered justified that the $109,449.79 s.94A contribution levied upon the development be waived.

CONCLUSION

S.96 modification application DA 15/0146.01 which requests deletion of s.94A contributions and the addition of a substation with a new wall and signage at 67 Elizabeth Street, Moss Vale is not supported in terms of s.79C of the *Environmental Planning and Assessment Act 1979,* and all relevant environmental planning instruments and Council policies.

It is recommended that S.96 modification application DA 15/0146.01 **not** be supported and referred to the Minister for Planning for determination. It is noted councils cannot refuse a development application of the Crown and therefore must refer the matter to the Minister for Planning for determination.

ATTACHMENTS

1. Draft conditions of Consent - *circulated under separate cover*
2. Figure 2: Aerial Image of Site - *circulated under separate cover*
3. New Wall and Signage - *circulated under separate cover*
4. Applicant's justification for waiving s.94A contribution - *circulated under separate cover*

13.2 Sydney Peri-Urban Network of Councils (SPUN) Update

Reference: **5607/5**
Report Author: **Deputy General Manager Corporate, Strategy & Development Services**
Authoriser: **Deputy General Manager Corporate, Strategy & Development Services**
Link to Delivery Program: **Work with neighbouring local Councils, business, business groups, business organisations, universities and TAFE to better integrate economic strategies to maximise the economic opportunities for the whole of the region (i.e. the Sydney Canberra corridor)**

PURPOSE

The purpose of this report is to update Council on Wingecarribee's participation in the Sydney Peri-Urban Network of Local Councils (SPUN) and the development of an Action Plan.

RECOMMENDATION

THAT Council note the work that the Sydney Peri-Urban Network (SPUN) has completed to date AND THAT Council continues to support and be a member of SPUN.

REPORT

Peri-Urban areas form belts of non-urban land fringing metropolitan centres that are often neither fully urban nor rural, contain important natural resources, remnant biodiversity and significant landscapes. These areas are important for agriculture and recreation and attract diverse populations of people.

The Peri-Urban areas are currently undergoing dramatic change, bringing significant growth and opportunities. However, these opportunities are not without their challenges. Several years ago Wingecarribee Shire Council was invited by Wollondilly Shire Council along with other Peri-Urban Councils surrounding the Sydney Metropolitan Area to join in a partnership to develop and implement a Sydney Local Government Peri-Urban Group of Councils.

The intent of this partnership and networking has been to develop better relationships, greater understanding to manage conflicts and develop tailor made policies and solution focused initiatives for issues impacting upon Peri-Urban areas. The network has been and continues to be, an advocate for broader understanding and awareness of the challenges communities in NSW Peri-Urban areas are facing.

Peri-Urban areas have resilient landscapes that are capable of withstanding potential environmental and socio-economic shocks and can provide effective strategies and opportunities vital to the resilience of the metropolitan and greater area of Sydney.

An inaugural meeting of the Sydney Local Government Peri-Urban Group of Councils, hosted by Wollondilly Shire Council, occurred on 19 September 2013. As a result twelve (12) Councils on the periphery of the Sydney Metropolitan Area formed The Sydney Peri-Urban Network of Councils (SPUN). The Network includes the following Councils:

Wingecarribee	Wollondilly
Camden	Shellharbour
Gosford	Shoalhaven
Hawkesbury	The Hills Shire
Hornsby	Penrith
Kiama	Blue Mountains.

Currently 1.19 million people live in the SPUN member Council areas and this is expected to grow significantly into the future.

Since September 2013, SPUN has been meeting on a quarterly basis implementing the objectives and terms of reference for the Network, establishing many good partnerships with academics at various universities and meeting with State Government Departmental Secretaries and Government Ministers.

SPUN has become a platform for Peri-Urban Councils to share knowledge and good practice, strengthening the strategic capacity of Local Government through regional resource sharing and solution focused initiatives. SPUN has also become a strong advocate for a broader understanding and awareness of the challenges communities in NSW Peri-Urban areas are facing and has had an impact in resilience planning particularly in relation to climate change initiatives. One major achievement for the Network has been a partnership with the Institute of Sustainable Futures (UTS) for a climate change project that has attracted State Government funding of $77,500. SPUN has also been the lead partner to implement a food shed mapping research project in the Peri-Urban areas.

The Minister for Planning, the Hon. Rob Stokes, has also consulted with the Network regarding Peri-Urban issues and subsequently the Department of Planning and Environment has included Peri-Urban issues in the Metropolitan and District Planning as well as Regional Growth and Infrastructure Plans. There is starting to be a greater recognition for Peri-Urban areas across NSW in State and Federal policy making.

A discussion and issues paper has been developed by SPUN to consider a strategic direction and as a result of this the Network developed the 2015 Sydney Peri-Urban Network (SPUN) Action Plan included as **Attachment 1**.

The Action Plan identifies the key issues confronted by Peri-Urban areas and outlines why these areas are so valuable.

The SPUN Action Plan identifies three (3) inter-related priority themes for action and they are:

- **Value the peri-urban** – better recognition and understanding of value and significance
- **Framework for Protection** – legislation, policy settings and other innovative mechanisms
- **Knowledge** – evidence based decisions and approaches.

The SPUN Councils will collectively continue to work and develop the Actions and advocate for increased recognition of the importance of the Peri -Urban areas for metropolitan locations.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This report has no impact on Council's Fit for the Future Strategy outcomes.

CONSULTATION

Community Engagement

No Community Engagement has been undertaken on this matter.

Internal Consultation

Council's Manager Economic Development and Strategic Planning staff have attended the SPUN meetings and have contributed to the development of the Action Plan.

External Consultation

Consultation has been undertaken with the twelve (12) SPUN member Councils, the Department of Planning and Environment and various other peak bodies.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

This matter has no financial impact on Council's adopted budget

RELATED COUNCIL POLICY

The adopted Draft Local Planning Strategy 2015-2031 embraces many of the issues identified in the SPUN work to date.

OPTIONS

The option available to Council is to note the report.

CONCLUSION

To date the Sydney Peri-Urban Network of Councils has proven to be a very worthwhile and productive local government initiative. The complexities of council areas such as Wingecarribee Shire on the edge of a large metropolitan region such as Sydney has been identified and published. This enables the Peri-Urban areas to be considered and suitably identified in major strategic planning documents.

With the exposure that has been generated and the recognition gained within the State Government and Academia it is commended to Council that Wingecarribee Shire remain an advocate and participant of the Sydney Peri-Urban Network of Councils.

ATTACHMENTS

1. Sydney Peri-Urban Network of Councils Action Plan 2015

ATTACHMENT 1

SPUN

SYDNEY
PERI-URBAN
NETWORK
OF COUNCILS

02/10/15

Action Plan

INTRODUCTION

Sydney's Peri-urban areas are currently undergoing dramatic change, bringing significant growth and opportunities. However these opportunities are not without their challenges. The ongoing lack of sound strategic approaches to the management of peri-urban areas is contributing to the disappearance of Sydney's rural landscapes and perpetuating the key issues faced in these areas. The enormous value and importance of the peri-urban fringe is not adequately recognised and the particular issues faced by peri-urban areas are not well understood.

This has triggered the need for discussion and action to ensure Sydney's peri-urban areas are managed and adequately protected so that Sydney's future generations are bestowed with an urban fringe that supports resilience and prosperity.

The Sydney Peri-Urban Network of Councils compromises 12 Councils on the periphery of Sydney and was formed to stimulate discussion and action by all levels of Government.

A discussion and issues paper was prepared for the Network to consider a strategic direction and this Action Plan is the Network's response.

WHAT IS PERI-URBAN?

PERI-URBAN
THE INTERFACE BETWEEN URBAN AND RURAL AREAS.

Peri-urban lands comprise a mix of urban and rural residential areas with productive agricultural lands, biodiversity areas and diverse topographies.

WHAT ARE THE KEY ISSUES CONFRONTED BY PERI-URBAN AREAS?

- Management of urban growth pressures
- Productive agricultural lands being lost to urban development and fragmentation
- Lack of affordable transport options
- Increasing conflicts between rural and urban land uses
- Limited infrastructure capacity – e.g. communication, transport, sewerage
- Lack of "soft infrastructure" – health, education, social services
- Funding and policy "limbo" - Lack of policy settings and funding programmes which acknowledge the peri-urban areas as unique and complex (not entirely metro, not entirely rural)
- Lack of employment opportunities
- Lack of affordable housing opportunities
- Increasing community expectations that don't align with the reality of peri-urban living

WHY ARE PERI-URBAN AREAS SO VALUABLE?

Sydney's peri-urban lands are critical to the future resilience of the city as a whole. The value of these lands relates to the following:

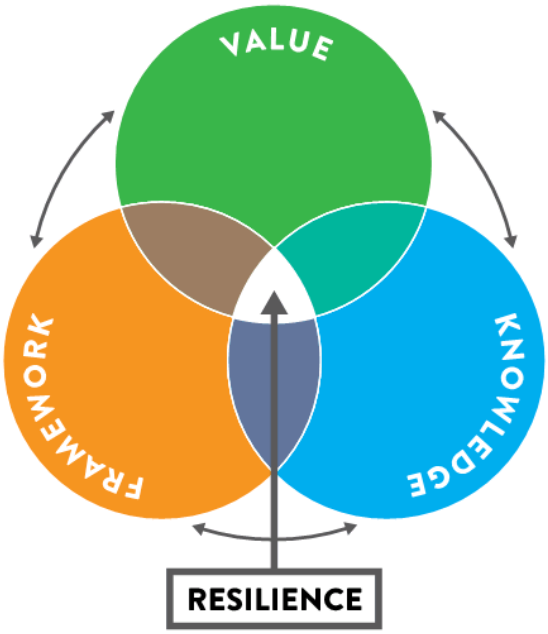
- Significant growth pressures are occurring in peri-urban areas so Sydney's overall urban footprint is being "played out" on the peri urban fringe.
- Consequently the peri-urban areas are forecast to accommodate a significant proportion of Sydney's future population growth.
- As population increases in the peri-urban areas there will an increasingly larger population susceptible to the effects of climate change and severe weather events (bushfire / heat wave / flooding etc.) The peri-urban areas are where the risks of these kinds of disasters are heightened.
- Infrastructure is literally "stretched" and "challenged" on the peri-urban fringe so Sydney's overall infrastructure capabilities (provision / cost / efficiency) are significantly affected by what happens on these lands.
- The peri-urban areas play a vital food security role for Sydney (as a food bowl and due to relatively low "food miles")
- The peri-urban areas have multiple environmental values:
  - as a carbon sink
  - as a biodiversity resource
  - as a water catchment for Sydney
  - as "green lungs" replenishing Sydney's air quality and minimising urban heat island effects
- The peri-urban areas are a recreation and tourism resource contributing to the health and psychological well-being of Sydney's residents
- The peri-urban areas are culturally significant, containing a rich heritage of European rural landscapes and settlements as well as significant Aboriginal heritage.
- The peri-urban areas play an important economic role, particularly though agricultural production and tourism.

PRIORITIES FOR ACTION:

The Sydney Peri-Urban Network of Councils has identified three interrelated priority themes for action:

1. Value the peri-urban – better recognition and understanding of value and significance
2. Framework for Protection – legislation, policy settings and other innovative mechanisms
3. Knowledge – evidence based decisions and approaches

The diagram adjacent illustrates the interconnectedness of these three themes. A new framework for protection and management can only be achieved if the value of these lands is understood and widely recognised, and both of these themes are in turn dependent on sound knowledge.



ACTION PLAN

We encourage all sections of our community and all relevant agencies to pursue these actions in their own strategic planning processes.

VALUE
All about identity; leadership; advocacy; education; awareness; community engagement.

ACTION	HOW
Lobbying for policy at the Local, State and Federal Levels	Establish an agreed definition and terminology for peri-urban land categories
	Acknowledgement of peri-urban areas as unique and complex; different to Metro, rural and regional areas in Policy considerations
	Identify a peri-urban funding category and seek adoption of that by NSW Government
	Seat on the Greater Sydney Commission
	Advisory committee to examine how the planning system can better support agriculture and urban growth in the PeriUrban areas
	Inclusion of IP&R
Peak bodies awareness of peri-urban issues i.e LGNSW, ALGWA, SASA, UDIA, RDA etc	Resolutions that value peri-urban issues
	Raise awareness of peri-urban issues
Proactive involvement in major strategic planning initiatives	100 Resilient Cities Project
	Metropolitan and District Planning
	Regional Growth & Infrastructure Plans
	Greater Sydney Commission
	Other strategic alliances eg: SASA
Increase local awareness of peri-urban issues and value of peri-urban areas	Development of strategy to educate and create awareness to address expectations of new residents
	Develop an Awareness Campaign for Policy and decision making
	Presence at significant events (e.g. a stand at the Royal Sydney Show)

FRAMEWORK

All about subregional and Metro-planning; Integrated Planning and Reporting (IPR); infrastructure coordination; local planning strategies; legislative change; new governance models; issues management; policy and regulation; market based mechanisms and incentives; innovative approaches.

ACTION	HOW
Sustainable balanced growth and protection of agriculture	Development of policy framework regarding agriculture in the Sydney Region. e.g. establish a "fence line in the paddock"
	Implement policy approaches that encourage development of the infill areas within existing centres "footprint"
Appropriate infrastructure	Coordinated planning to address infrastructure shortfalls and deliver appropriate infrastructure outcomes in peri-urban areas
Specific legislation (and governance)	Develop appropriate legislation e.g. a "Greater Sydney Agriculture Lands Protection Act" or an equivalent SEPP
	Establish an agency with peri-urban responsibilities and focus – "Greater Sydney Peri Urban Authority"
Other mechanisms and approaches	Implement other mechanisms and approaches based on findings of research (e.g. rating incentives, transferrable development right schemes)
Integrated Planning and Reporting	Use the IPR framework to create integrated overarching policy directions for all levels of Government

KNOWLEDGE

All about understanding; evidence based decision-making; research; economic data

ACTION	HOW
Encourage the implementation of the outcomes from the Foodsheds Project*	Research food security issues
	Expand current mapping project to develop a model to be applied to all peri-urban lands
	Determine best capacity of land use
Encourage research about peri-urban issues and values	Coordinated planning to address infrastructure shortfalls and deliver appropriate infrastructure outcomes in peri-urban areas
	Capture and understand the socio-economic values including rural tourism
	Capture and understand the environmental values of the peri-urban areas
	Undertake research on the comparative costs of infill vs. peri-urban greenfield development
Encourage research about peri-urban solutions	Explore opportunities through rating mechanisms to support agriculture
	Identify options for land valuation that prioritises food production and visual landscape values
	Develop mechanisms that assist in the management of conflicting land use issues in the peri-urban area
	Identify economic solutions to the "superannuation" subdivision approach to rural land
	Undertake research of comparable peri-urban areas solutions around other global cities
	Undertake research into feasibility of transferrable development right schemes (or similar)

* Partnership project with Institute of Sustainable Futures (UTS)

Attached to this action plan are:
- Appendix 1 – SPUN Charter

Sydney Peri Urban Network (SPUN)

SPUN represents the twelve Councils that border metropolitan Sydney.

SPUN was established in 2013 in response to concerns at the lack of a comprehensive vision for the peri urban region.

SPUN consists of the following Councils:

Sydney Peri Urban Network
Councils
- Blue Mountains
- Camden
- Gosford
- Hawkesbury
- Hornsby
- Kiama
- Penrith
- Shellharbour
- Shoalhaven
- The Hills Shire
- Wingecarribee
- Wollondilly

Our Councils are an important part of the solution for the long term sustainable management of population growth in New South Wales.

AIM

SPUN is a leader in advocating for peri urban issues at the state and national level.

VISION

Sydney and surrounding regions' Peri Urban Council areas are recognised as being part of New South Wales solution for managing growth while providing opportunities for strengthening local town & village character, settlements, lifestyle, tourism and agricultural (and economic) pursuits. The Network will assist and empower Councils in managing the significant pressures faced in peri urban areas.

Peri urban Councils are undergoing significant change, and the growth in the peri urban has brought with it many challenges and opportunities for Councils

The Network will:

- Advocate recognition for peri- urban areas across NSW in State and Federal policy making. There is a need for legislative reform and policy recognition as urban doesn't stop and rural start. There is a mediating role between rural and urban.
- Act as a platform for peri urban regions to share knowledge and good practice
- Build partnerships and resource sharing initiatives
- Promote connections and productive cross-fertilisation between networks and existing projects.
- Develop the economic potential of peri urban areas.
- Ensure long term viability for peri urban agricultural and horticultural production – promoting short food chains and production which enhances regional identity.
- Achieve sustainably managed open space, which conserves local landscapes (including peri urban forests and wood- lands), takes account of local biodiversity and provides access and recreation.
- Improve multi-functional land use with strengthening of infrastructure.
- Improve resilience to climate change in peri urban areas.

Sustainable growth solutions include:

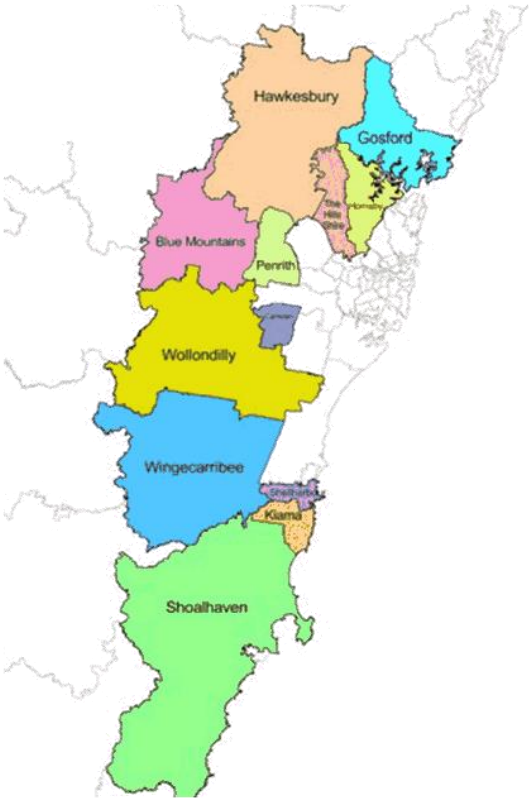
- Housing affordability.
- Employment land supported by the NBN roll out.
- A unique range of tourism and recreational opportunities for domestic and international travelers.
- Clear capacity to respond; the growth is already happening and much work has been done to ensure that suitable land is available to accommodate growth.
- 20 minute city - if not within a town, there will be another town within 20 minutes that provides the necessary services.
- Affordable transport options due to proximity to existing metropolitan services.
- Affordable infrastructure solutions.
- Communities with realistic expectations about the level of services that can be provided.
- Opportunity to undertake demonstration medium density sustainable development projects.

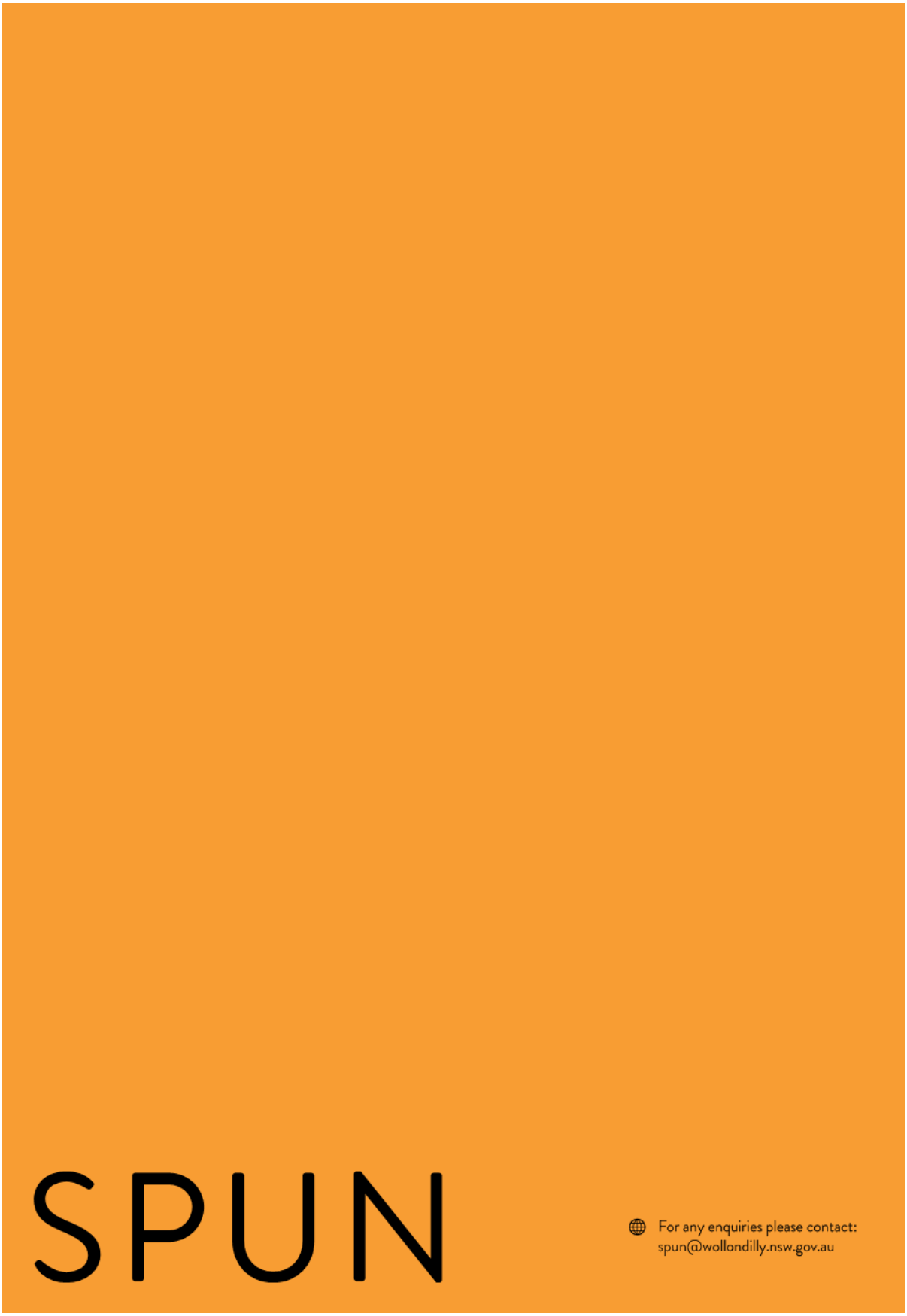
The Network is a stakeholder and part of the solution. We look forward to continue working with the government to manage New South Wales's sustainable growth and protect the important environmental, ecological and agricultural assets.

Who we are:
SPUN comprises professional representatives from each Local Government member Council involved in strategic and land use planning issues. The views of SPUN are collective views of the professional representatives.

Local Government Member Councils:

- *Blue Mountains*
- *Camden*
- *Gosford*
- *Hawkesbury*
- *Hornsby*
- *Kiama*
- *Penrith*
- *Shellharbour*
- *Shoalhaven*
- *The Hills*
- *Wingecarribee*
- *Wollondilly*




SPUN
For any enquiries please contact:
spun@wollondilly.nsw.gov.au

13.3 Draft Wingecarribee Youth Strategy and Action Plan 2016 - 2026

Reference: **1830/26**
Report Author: **Youth Liaison Officer**
Authoriser: **Acting Community Development Coordinator**
Link to Delivery Program: **Increase community inclusion, cohesion and social interaction**

PURPOSE

To seek approval for the Draft Wingecarribee Youth Strategy and Action Plan 2016 – 2026 to be placed on public exhibition with the public invited to provide feedback and comments.

RECOMMENDATION

1. **THAT the Draft Wingecarribee Youth Strategy and Action Plan 2016 – 2026 included as Attachment 1 to the report be placed on public exhibition for a period of thirty five (35) days.**

2. **THAT a final draft of the Wingecarribee Youth Strategy and Action Plan 2016 – 2026 incorporating the outcome of the community consultation be reported back to Council.**

REPORT

BACKGROUND

Consultation for the development of a Youth Strategy commenced in 2015. A working group comprising local youth service providers and young people was established in June 2015 to guide and direct consultation. Strong partnerships with local schools ensured that there was a high level of engagement from young people in the development of the draft Wingecarribee Youth Strategy. Research carried out in previous years formed the background to the consultation process.

REPORT

Following a period of community consultation in the second half of 2015 a Youth Strategy for the Shire was drafted that incorporated both the information and ideas from the consultations as well as the research that had previously been completed. The working title that was used in the consultation process was *Wingecarribee Youth Strategy 2016 – 2026.*

Following consultation the name was changed to *Wingecarribee Youth Strategy and Action Plan 2016 – 2026.* The draft document is the proposed Youth Strategic Plan for the Wingecarribee Shire. It is based on the structure, themes and goals of Wingecarribee

2031+, the Community Strategic Plan for the Shire. It adopts the same guiding principles as the Community Strategic Plan – Social Justice (Equity, Access, Participation, Rights) and Sustainability.

It aims to represent the vision, aspirations, goals, priorities and challenges for the community from the point of view of a young person in the Wingecarribee Shire.

The Youth Strategy and Action Plan outlines a number of specific actions within four focus areas. Council will work collaboratively with the local community, providers and other key stakeholders to implement these actions over the next 10 years.

The aims in developing the *Youth Strategy and Action Plan 2016 – 2026* were to:

- Assist council and community partners in responding to the needs, expectations and aspirations of local young people
- Encourage young people to actively participate in creating opportunities and positive involvement in the community
- Encourage collaboration and partnerships with the aim of reducing service duplication
- Improve the wider understanding of the issues affecting young people and how this may impact on their contribution to community
- Allow for direct input from young people
- Improve the community understanding of issues faced by local young people
- Act as a tool for advocacy and lobbying for increased funding by identifying gaps in service provision
- Encourage youth service providers to work together forming partnerships to provide the most effective outcomes for young people.

Research compiled by the following organisations has influenced the direction taken at a local level to create the draft Youth Strategy and Action Plan:

- **Office of the Advocate for Children and Youth People** (ACYP) is an independent statutory office reporting to the NSW Parliament through the Parliamentary Joint Committee on Children and Young People. The Advocate works to improve the safety, welfare and well-being of all children and young people in NSW. ACYP speaks up for children and young people to ensure that their rights are respected and their points of view heard by adult decision makers. They engage with the children and young people of NSW and listen to their feedback and input.
- **Mission Australia, National Survey of Young Australians**: Each year Mission Australia encourages Australians aged 15-19 to 'speak up' about the issues that really concern them through Australia's largest online youth survey. In 2015 there were nearly 19,000 respondents. Since its inception 15 years ago, the Youth Survey has become a critical piece of research and is used to inform the agendas of governments, policy makers and community organisations. The results can also be reported for specific locations or schools where there are enough respondents.
- **The Australian Youth Affairs Coalition (AYAC):** The Australian Youth Affairs Coalition (AYAC) is the peak body for 4.3 million Australians aged 12-25 and the hundreds of thousands whose work is to support them.
- **The Foundation for Young Australians (FYA):** FYA is Australia's only national for-purpose organisation dedicated to backing the next generation of young people who are going to rethink the world and create a better future. They work with young people

from all over Australia aged 12-29 years, to prepare them for the future of work and social change. They believe young people are not a problem to be helped or solved. They are ambitious, creative and capable of rethinking the world and solving tomorrow's problems today. And they can do it all with a social conscience that will let them build a better world in the process.

- **Youth Action**: Youth Action (formerly YAPA) is the peak organisation representing young people and youth services in NSW. Their work helps build the capacity of young people, youth workers and youth services, and to advocate for positive change on issues affecting these groups.

The vision of *the Wingecarribee Youth Strategy* is:

In the Southern Highlands the community is lively, diverse, caring and accepting of all ages, cultures, backgrounds and lifestyles.

We value the contribution made by young people to the community The Youth Strategy will focus on the key areas of concern for the youth population with the aim to prioritise areas for action that will build a better community for and with young people living in the Southern Highlands.

The Youth Strategy and Action Plan contributes to and is closely aligned with W2031+ by incorporating the perspectives and ideas of young people. The Youth Strategy directly responds to the following W2031+ goals:

<u>Leadership</u>

- The Wingecarribee community has strong networks that support collaboration, partnerships and empowerment
- We act in an inclusive manner with open information, communication, views and participation

<u>People</u>

- Wingecarribee community has access to a variety of cultural, recreational and sporting opportunities
- Wingecarribee people have a healthy lifestyle and inclusive community
- Services and facilities are provided locally to meet the needs of our community
- Wingecarribee fosters a diverse, creative and vibrant community

<u>Places</u>

- Urban design in Wingecarribee creates inspiring places where people want to be

<u>Environment</u>

- Wingecarribee's distinct and diverse natural environment is protected and enhanced

Economy

- Wingecarribee is a centre for learning
- Wingecarribee's diverse economy drives a wide range of job and career opportunities

The Wingecarribee Youth Strategy and Action Plan identifies youth specific priority areas, strategies and performance measures. These will be considered and incorporated in the Delivery Program and Operational Plan as resources allow.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

CONSULTATION

Community Engagement

The community engagement strategy included community consultations, an online survey, and other tools on the Wingecarribee Have your Say website and distribution of invitations to be involved across a wide range of stakeholders.

Internal Consultation

Council staff were invited to be part of the community engagement process through attending workshops, completing the online survey or making submissions. A Councillor Briefing Session was held and the Draft plan has been circulated to Community Development, Customer Service, Strategic Planning, Economic Development, Tourism, Environment & Sustainability and Assets for comment. Staff were asked to promote the opportunity to be involved in consultations for the strategy through Committees and Working Groups that they facilitate.

External Consultation

A working group consisting of service providers specialising in youth service provision in the Wingecarribee Shire developed the framework for the Wingecarribee Youth Survey and Forum. The working group included employees from: St Vincent de Paul, UnitingCare Burnside, Sector Connect, Youth Solutions, Argyle Housing, Essential Personnel and Barnardos as well as young people from Bowral High School.

An online survey tool was used to gather information about how young people living in the Wingecarribee Shire perceived their community. The survey was aimed at young people aged between 12 and 24 who either live in the Wingecarribee Shire or those that grew up in the Wingecarribee Shire and had moved out of the area. The survey was open from 2 September 2015 to 28 September 2015 and was promoted across the community in a variety of mediums.

The youth survey was the initial consultation tool for the development of the agenda and themes for the Wingecarribee Youth Forum.

The Wingecarribee Youth Forum was held on 12 November 2015 with approximately 170 young people attending ranging from Year 6 through to Year 11 from schools across the

LGA, along with a range of local service providers. The forum provided an opportunity for services and young people to enter into more in-depth discussions regarding the information gathered in the survey. Young people were invited to lead conversations on the themes that had been identified through the survey

Public Consultation

Following endorsement by Council the strategy and action plan will be placed on public exhibition for a period of 35 days. Members of the public will be invited to provide feedback and comment on the strategy and action plan which will be incorporated into the final documents.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report

- **Social**

The strategy addresses the people theme of the Community Strategic Plan and will link to the Arts and Culture Strategic Plan, Disability Access Inclusion Plan, Aboriginal Cluster Action Plan and the Positive Ageing Strategy. It includes specific actions relating to young people that promote a healthy lifestyle, the provision of services and facilities and equitable access to public facilities.

- **Broader Economic Implications**

The strategy addresses the economy theme of the Community Strategic Plan in regard to supporting initiatives that assist young people to remain in the Wingecarribee Shire being gainfully employed, create age friendly workplaces and opportunities for youth in the Shire. The strategy recognises the need for an increase in educational opportunities and working in partnership with existing organisations

- **Culture**

The Youth Liaison Officer will work closely with the Aboriginal Community Development Officer to ensure that young Aboriginal people in the community are involved in the implementation of the Youth Strategy.

- **Governance**

Having a Youth Strategy in place will ensure greater accountability for decision making on the allocation of resources for youth initiatives.

COUNCIL BUDGET IMPLICATIONS

The Youth Strategy and Action Plan outlines the goals and strategies for the next 10 years. The adoption of the Strategy does not have a direct impact on Council's budget. It will help direct the allocation of existing budgets and to plan for future allocations of the existing budget.

The Action Plan will outline those actions which will be undertaken from existing resources and those that will require additional funding or resources from internal and external sources.

RELATED COUNCIL POLICY

The strategy refers to the following Council polices:

- Arts and Culture Strategic Plan
- Communications and Community Engagement Strategies
- Tourism and Economic Development Policy
- Disability Inclusion Action Plan (in development)
- Positive Aging Strategy

OPTIONS

The options available to Council are:

Option 1

Place the draft Wingecarribee Youth Strategy and Action Plan 2016 - 2026 on public exhibition for a period of 35 days and invite members of the public to provide feedback and comment.

Option 2

Undertake no further consultation and adopt the draft Wingecarribee Youth Strategy and Action Plan 2016 - 2026.

Option 1 is the recommended option to this report.

CONCLUSION

Placing the Draft Wingecarribee Youth Strategy and Action Plan 2016 – 2026 on exhibition and providing further opportunity for community feedback and comments will enable the Strategy to be submitted to Council for final endorsement by the end of 2016.

ATTACHMENTS

1. Draft Youth Strategy and Action Plan 2016 - 2026 - *circulated under separate cover*

Mark Pepping
Deputy General Manager Corporate,
Strategy & Development Services

Friday 21 October 2016

COUNCIL MATTERS

14 GENERAL MANAGER

14.1 Legal Affairs

Reference: **107/22**
Report Author: **General Counsel**
Authoriser: **Group Manager Corporate & Community**
Link to Delivery Program: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 24 August 2016.

RECOMMENDATION

1. **THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 22.2.**

2. **THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.**

REPORT

BACKGROUND

This report updates the current status and costs paid during August and September 2016 for legal proceedings involving Council, including those matters completed since the last report to Council. Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.

REPORT

On 17 April 2013, Council resolved: *THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.*

The report on the status of legal affairs involving Council contains information and advice that is privileged on the ground of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended

that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the *Local Government Act* 1993.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.

CONSULTATION

Community Engagement

There was no community engagement in the matters reported.

Internal Consultation

Staff and management provide information, as required, to assist the progress of the matters reported and General Counsel reviews and provides advice and instructions, as necessary, on various aspects of the matters reported.

External Consultation

Solicitors from Council's Legal Panel provide advice and conduct legal proceedings on Council's behalf.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report. However, some legal proceedings may deal with unauthorised works or activities which have had or could have an environmental impact.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There is a strong community expectation in relation to enforcement and compliance actions of Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

COUNCIL BUDGET IMPLICATIONS

There are ongoing legal expenses incurred by Council relating to legal proceedings involving Council and legal advice obtained by Council.

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal costs - August & September 2016

Ann Prendergast
General Manager

Friday 21 October 2016

ATTACHMENT 1

August	Sept'ber	YTD	Rec'd	MATTER	LIFE
$	$	$			$
15,509.20	264.60	15,773.80		De Angelis v WSC (LEC)(Court of Appeal)	470,856.04
4,007.85	642.60	4,650.45		Issa & Daher v WSC (LEC) (order, Evelyn Ave, Bundanoon)	20,298.75
8,520.69	5,411.80	13,932.49		Lei Wu v WSC (LEC) (11 Clarke St., Bowral)	27,761.57
5,371.06	3,617.00	8,988.06		Woodside & Rochester (LEC) (Old Hume Highway, Bundanoon)	8,988.06
	453.60	453.60	900.00*	WSC v O'Shanassy (LEC) (development without consent, Range Road)	394,123.30*
			1,381.44*	WSC v Gadeley (Local Court) (Colo Vale Festival, development w/o consent)	29,803.59*
1,447.05		1,447.05		SW Sydney Councils Resource Recovery (Supreme Court)	103,550.65

*** Defendants ordered to pay penalty and Council's costs – recovery action underway by SRO and/or Council**

$123,569.89 – total legal costs paid 1 July 2016 to 30 September 2016
$649,677.03 – total legal costs paid by Council 1 July 2015 to 30 June 2016 (Court proceedings, legal advice and property transactions)

18 COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference: **107/1**
Report Author: **Committee Coordinator**
Authoriser: **Manager Assets**
Link to Corporate Plan: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

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

1. Bong Bong Common Management Committee held on Tuesday, 12 July 2016
2. Loseby Park Youth Centre Management Committee Annual General Meeting held on Friday, 5 August 2016
3. Loseby Park Youth Centre Management Committee held on Friday, 5 August 2016
4. Aboriginal Community and Cultural Centre Management Committee Annual General Meeting held on Tuesday, 9 August 2016
5. Aboriginal Community and Cultural Centre Management Committee Meeting held on Tuesday, 9 August 2016
6. Robertson Community Centre Management Committee held on Wednesday, 10 August 2016
7. Robertson Community Centre Management Committee Annual General Meeting held on Wednesday, 10 August 2016
8. Moss Vale Senior Citizens and Community Centre Management Committee Annual General Meeting held on Monday, 15 August 2016
9. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 15 August 2016
10. Mittagong Community Centre Management Committee held on Thursday, 18 August 2016
11. Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 13 September 2016

RECOMMENDATION

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

1. **Bong Bong Common Management Committee held on Tuesday, 12 July 2016**
2. **Loseby Park Youth Centre Management Committee Annual General Meeting held on Friday, 5 August 2016**
3. **Loseby Park Youth Centre Management Committee held on Friday, 5 August 2016**
4. **Aboriginal Community and Cultural Centre Management Committee Annual General Meeting held on Tuesday, 9 August 2016**
5. **Aboriginal Community and Cultural Centre Management Committee Meeting held on Tuesday, 9 August 2016**
6. **Robertson Community Centre Management Committee held on Wednesday, 10 August 2016**
7. **Robertson Community Centre Management Committee Annual General Meeting held on Wednesday, 10 August 2016**
8. **Moss Vale Senior Citizens and Community Centre Management Committee Annual General Meeting held on Monday, 15 August 2016**
9. **Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 15 August 2016**
10. **Mittagong Community Centre Management Committee held on Thursday, 18 August 2016**
11. **Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 13 September 2016**

ATTACHMENTS

There are no attachments to this report.

18.2 Minutes of the Finance Committee Meeting held on Wednesday, 19 October 2016

Reference: **107/21**
Report Author: **Chief Financial Officer**
Authoriser: **Deputy General Manager Operations, Finance & Risk**
Link to Delivery Program: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 19 October 2016.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 2 Confirmation of Minutes

FC 16/16
THAT the minutes of the Finance Committee Meeting held on Wednesday, 17 August 2016 MN 8/16 to MN 15/16 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 Year End Result Against Budget - 30 June 2016

FC 17/16
1. THAT the budget variations contained within this report be received and noted.

2. THAT Council approve the allocation of the Year End Budget surplus for the 2015/16 financial year as follows:

2015/16 Year End Surplus Allocation	$
Capital Projects Reserve – Transfer to Reserve	$635,589
Employee Leave Entitlements Reserve – Transfer to Reserve	$217,000
Allocation of Year End Surplus	$852,589

3. THAT the reserve balances reported as at 30 June 2016 be received and noted.

Item 5.2 Installation of Solar Power at Moss Vale Aquatic Centre

FC 18/16
1. THAT Council approve the allocation of $125,000 from the Revolving Energy Fund (REFund) to the 2016/17 Budget for the supply and installation of a 99kW Solar Power System on the roof of Moss Vale Aquatic Centre.

2. THAT the value of the energy savings achieved from the installation of the solar energy system be calculated and transferred back into the REFund on an annual basis until the full project cost is recouped.

Item 5.3 Moss Vale Overland Flow Study

FC 19/16
1. THAT an overland flow study be undertaken for the Moss Vale Wembley Road catchment area.

2. THAT $85,000 be allocated in the 2016/17 Budget from the Stormwater Management Service Charge (SMSC) Reserve for the study.

Item 5.4 Review of Rate, Water and Sewerage Access Subsidy Policy - Community and Sporting Organisations (including Religious Bodies)

FC 20/16
THAT Council adopt Option 2, and endorse a Revised Rate, Water and Sewerage Access Subsidy Policy for Community & Sporting Organisations (including Religious Bodies) ("the Policy") with the inclusion in the Policy of a definition of services and/or facilities as follows:

"Services and/or facilities which are considered the responsibility of Council include:

- Community halls and civic meeting places
- Sportsgrounds, including amenities
- Showgrounds and other recreational areas, such as racecourses."

Item 5.5 Introduction of the Emergency Services Property Levy

FC 21/16
THAT the information on the introduction of the Emergency Service Property Levy be received and noted.

Item 5.6 Civic Centre Refurbishment Project Unfunded Priorities List

FC 22/16
THAT the Civic Centre Refurbishment Project be added to the Unfunded Priorities List to the value of $5,000,000 AND THAT Council review future budgets to identify funding options.

RECOMMENDATION

THAT recommendations Nos FC 16/16 to FC 22/16 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 19 October 2016 be adopted.

ATTACHMENTS

1. Minutes of the FInance Committee Meeting held on Wednesday, 19 October 2016

ATTACHMENT 1

MINUTES

of the

Finance Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 19 October 2016

The meeting commenced at 9.00 am to 10.30 am

File No. 107/21

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

1. **APOLOGIES**

2. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Finance Committee Meeting held on 17 August 2016

3. **BUSINESS ARISING** **2**

4. **DECLARATIONS OF INTEREST** **3**

5. **AGENDA REPORTS** **4**
5.1 Year End Result Against Budget - 30 June 2016 4
5.2 Installation of Solar Power at Moss Vale Aquatic Centre 5
5.3 Moss Vale Overland Flow Study 6
5.4 Review of Rate, Water and Sewerage Access Subsidy Policy - Community and Sporting Organisations (including Religious Bodies) 7
5.5 Introduction of the Emergency Services Property Levy 8
5.6 Civic Centre Refurbishment Project Unfunded Priorities List 9

6. **GENERAL BUSINESS** **10**
Nil 10

7. **CLOSED COMMITTEE** **11**
Nil 11

8. **DATE OF NEXT MEETING** **12**

9. **MEETING CLOSURE** **12**

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 19 OCTOBER 2016 COMMENCING AT 9.00 AM TO 10.30 AM.

Present:
Mayor Clr K J Halstead (Chair)
Clr G J Andrews
Clr T D Gair
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance:

General Manager	Ms Ann Prendergast
Deputy General Manager Operations, Finance & Risk	Mr Barry Paull
Deputy General Manager Corporate, Strategy & Development Services	Mr Mark Pepping
Chief Financial Officer	Mr Richard Mooney
Deputy Chief Financial Officer	Mr Damien Jenkins
Management Accountant	Mr Peter Dunn
Coordinator Revenue	Ms Jeanette Curley
Group Manager Corporate & Community	Mr Nick O'Connor
Manager Assets	Mr Selva Selvaratnam
Manager Design & Construction	Mr Peter Smith
Built Assets Coordinator	Mr Chris Richmond
Environment & Health Systems Coordinator	Ms Therese Smart
Parks & Open Spaces Coordinator	Mr Greg Bray
Administration Officer	Ms Liz Johnson

WELCOME

The Mayor Clr K J Halstead welcomed Councillors and staff.

1. APOLOGY

There were no apologies at this Meeting.

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

2. CONFIRMATION OF MINUTES

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 17 AUGUST 2016

FC 16/16

MOTION *moved by Clr T D Gair and seconded by Clr I M Scandrett*

THAT the minutes of the Finance Committee Meeting held on Wednesday, 17 August 2016 MN 8/16 to MN 15/16 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

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3. BUSINESS ARISING

There was no business arising from the Minutes of the Finance Committee Meeting held on Wednesday, 17 August 2016.

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

4. DECLARATIONS OF INTEREST

101/13

There were no Declarations of Interest at this Meeting.

5. AGENDA REPORTS

5.1 Year End Result Against Budget - 30 June 2016

Reference: 2120/16
Report Author: Management Accountant
Authoriser: Chief Financial Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to present the Year End Budget Result for the 2015/16 financial year and to seek Council approval for the allocation of the surplus to the Employee Leave Entitlements Reserve and Capital Projects Reserve.

The Chief Financial Officer, General Manager and Deputy General Manager Operations, Finance & Risk addressed the Committee on this matter.

FC 17/16

MOTION *moved by Clr T D Gair and seconded by Clr G M Turland*

1. ***THAT the budget variations contained within this report be received and noted.***

2. ***THAT Council approve the allocation of the Year End Budget surplus for the 2015/16 financial year as follows:***

2015/16 Year End Surplus Allocation	*$*
Capital Projects Reserve – Transfer to Reserve	*$635,589*
Employee Leave Entitlements Reserve – Transfer to Reserve	*$217,000*
Allocation of Year End Surplus	*$852,589*

3. ***THAT the reserve balances reported as at 30 June 2016 be received and noted.***

PASSED

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

5.2 Installation of Solar Power at Moss Vale Aquatic Centre

Reference: 5480/6
Report Author: Environment & Health Systems Coordinator
Authoriser: Manager Environment & Sustainability
Link to Delivery Program: Promote local sources of renewable energy

PURPOSE

This report seeks Council approval to allocate $125,000 from the Revolving Energy Fund (REFund) to the 2016/17 Budget for the installation of a 99kW Solar Power System on the roof of the Moss Vale Aquatic Centre (MVAC).

The Deputy General Manager Operations, Finance & Risk and Environment & Health Systems Coordinator addressed the Committee on this matter.

FC 18/16

MOTION *moved by Clr T D Gair and seconded by Clr I M Scandrett*

1. ***THAT Council approve the allocation of $125,000 from the Revolving Energy Fund (REFund) to the 2016/17 Budget for the supply and installation of a 99kW Solar Power System on the roof of Moss Vale Aquatic Centre.***

2. ***THAT the value of the energy savings achieved from the installation of the solar energy system be calculated and transferred back into the REFund on an annual basis until the full project cost is recouped.***

PASSED

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

5.3 Moss Vale Overland Flow Study

Reference: 8100/18
Report Author: Manager Assets
Authoriser: Group Manager Assets and Project Delivery
Link to Delivery Program: Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

PURPOSE

The purpose of this report is to recommend that $85,000 be allocated from the Stormwater Management Service Charge Reserve to undertake an overland flow study for the Moss Vale north east catchment surrounding Wembley Road, Moss Vale.

The Deputy General Manager Operations, Finance & Risk and Manager Assets addressed the Committee on this matter.

FC 19/16

MOTION *moved by Clr L A C Whipper and seconded by Clr I M Scandrett*

1. ***THAT an overland flow study be undertaken for the Moss Vale Wembley Road catchment area.***

2. ***THAT $85,000 be allocated in the 2016/17 Budget from the Stormwater Management Service Charge (SMSC) Reserve for the study.***

PASSED

5.4 Review of Rate, Water and Sewerage Access Subsidy Policy - Community and Sporting Organisations (including Religious Bodies)

Reference: 2210/1
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council's position on proposed changes to the Rate, Water and Sewerage Access Subsidy Policy for Community & Sporting Organisations (including Religious Bodies).

The Chief Financial Officer and Deputy General Manager Operations, Finance & Risk addressed the Committee on this matter.

FC 20/16

MOTION *moved by Clr T D Gair and seconded by Clr I M Scandrett*

THAT Council adopt Option 2, and endorse a Revised Rate, Water and Sewerage Access Subsidy Policy for Community & Sporting Organisations (including Religious Bodies) ("the Policy") with the inclusion in the Policy of a definition of services and/or facilities as follows:

"Services and/or facilities which are considered the responsibility of Council include:

- ***Community halls and civic meeting places***
- ***Sportsgrounds, including amenities***
- ***Showgrounds and other recreational areas, such as racecourses."***

PASSED

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

5.5 Introduction of the Emergency Services Property Levy

Reference: 2100
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to provide Council with an update on the NSW State Government's implementation schedule for the Emergency Services Property Levy.

The Chief Financial Officer addressed the Committee on this matter.

FC 21/16

MOTION *moved by Clr G M Turland and seconded by Clr I M Scandrett*

THAT the information on the introduction of the Emergency Service Property Levy be received and noted.

PASSED

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

5.6 Civic Centre Refurbishment Project Unfunded Priorities List

Reference: 7110/19
Report Author: Built Assets Coordinator
Authoriser: Manager Assets
Link to Delivery Program: Maintain strong public institutions and facilities in the district to match the evolving needs of the community

PURPOSE

To highlight the need for renewal of key components of the Civic Centre building and associated cost estimates.

The Deputy General Manager Operations, Finance & Risk addressed the Committee on this matter.

FC 22/16

MOTION *moved by Clr G M Turland and seconded by Clr T D Gair*

THAT the Civic Centre Refurbishment Project be added to the Unfunded Priorities List to the value of $5,000,000 AND THAT Council review future budgets to identify funding options.

PASSED

6. GENERAL BUSINESS

There was no General Business at this Meeting.

MINUTES OF THE FINANCE COMMITTEE MEETING
Wednesday 19 October 2016

7. CLOSED COMMITTEE

There was no Closed Committee at this Meeting.

8. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 16 November 2016 in Nattai Room Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00 am to 10.30 am.

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.32 AM

20 NOTICES OF MOTION

20.1 Notice of Rescission of Resolution 9/2016 - Recognition of Council and Community Position on Coal Exploration and Extraction

Reference: 100/5, 5305/11
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Duncan Gair, Graham McLaughlin, Peter Nelson and Garry Turland have given notice that it is their intention to move at the next Ordinary Meeting of Council on 26 October 2016 that the following resolution be rescinded:

MN 478/16

MOTION *moved by Clr L A C Whipper and seconded by Deputy Mayor I M Scandrett*

1. THAT Wingecarribee Shire Council:

(a) Reconfirm its position as being a Coal Mine Free Shire.

(b) Investigate and support all actions available to Council to give practical effect to the Shire's already determined position as a 'coal free shire'.

(c) Make direct representations to the Minister for Planning to amend the State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007 (SEPP) and at the same time amend Wingecarribee LEP 2010 so as to give practical effect to the prohibition on future coal mining exploration or extraction, by prohibiting these activities within Wingecarribee Shire.

(d) Acknowledge that by making these representations and by lodging the above amendment to the SEPP and Wingecarribee LEP 2010 as a matter of priority, that Council will give practical and genuine effect to any commitment by Council to lobby the NSW Government for a prohibition on coal mining, coal extraction and coal exploration.

(e) Seeking these amendments, it will demonstrate to the NSW Government Council's strong position against mining and exploration as well as Council's already declared position as a 'coal free shire' and support this community's opposition to the threat of coal mining upon our environment, health and economy.

2. THAT Wingecarribee Shire Council request a meeting with the NSW State Government to discuss the possibility of buying out POSCO and Hume Coal's exploration licences.

RECOMMENDATION

Submitted for determination.

20.2 Notice of Motion 32/2016 - Clarification of Section 291A of the Local Government Act, 1993

Reference: **100/4**
Report Author: **Administration Officer**
Authoriser: **Group Manager Corporate & Community**
Link to Delivery Program: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

Councillors Garry Turland, Duncan Gair, Graham McLaughlin, Peter Nelson and Grahame Andrews have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 26 October 2016:

1. **<u>THAT</u> Council makes written representations to the Minister for Local Government, The Hon Paul Toole, MP, ("the Minister for Local Government") requesting that, as a matter of urgency, a date be prescribed for the purposes of subsection 291A(6) of the *Local Government Act, 1993*.**

2. **<u>THAT</u> as section 291A of the *Local Government Act 1993* is effectively inoperable until a date is prescribed for the purposes of subsection 291A(6), Council also requests the Minister for Local Government to enable Councils to resolve to apply section 291A for the current term of Council once it becomes operable.**

RECOMMENDATION

<u>Submitted for determination</u>.

<u>Preamble</u>

We have been advised that the *Local Government Act 1993* via section 291A provides an opportunity for Council to resolve to fill a casual councillor vacancy within the first 18 months from the date of the last election by way of countback of votes as opposed to running a By-election.

However, we understand there has been no date prescribed in the Regulations to give effect to subsection 291A(6), therefore rendering section 291A inoperable.

The cost to run a By-election is significant and as such the Minister for Local Government should take immediate action to ensure a date is prescribed, as a matter of urgency, and that Councils have the opportunity to consider a resolution on a preferred manner to deal with a casual vacancy.

20.3 Notice of Motion 33/2016 - Forum for Training and Recruitment Needs of the Aged Care Sector

Reference: 100/4
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Garry Turland and Grahame Andrews have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 26 October 2016:

THAT Council host a forum of the local Chief Executive Officers of aged care providers in the Wingecarribee Shire, and including local managers from the local campuses of TAFE Illawarrra ("TAFE") and the University of Wollongong ("UOW") to ascertain the training and recruitment needs of the aged care sector in the region and how Council, TAFE and UOW can assist in meeting current and future needs.

RECOMMENDATION

Submitted for determination.

Preamble

- Wingecarribee Shire has a higher than average number of aged care facilities and most providers are experiencing difficulties in recruiting and retaining qualified staff.
- The health and aged care sector is the highest employer in the region and national trends indicate growth in this sector will continue.
- Through the Wingecarribee Shire Council economic development process, the Learning Sector Group has identified training in aged care as being a high priority which would benefit from a coordinated approach. The goal is to increase training opportunities in aged care in the region and to establish the Shire as a centre of excellence in aged care training and learning.
- The Learning Sector Group agreed that if we were able to offer more training, this would create opportunities for additional employment in the region for local residents and attract other working aged people to the Shire.
- It is essential to hear directly from providers to understand exactly what their needs are and any barriers to recruitment and retention of staff. In particular, what specific training needs they have, both pre-service and professional development for existing staff.

- It is also an opportunity to outline to providers what is already available at TAFE and UOW, and what other opportunities may exist to work on meeting the needs and barriers identified.

- The Learning Sector Group agreed that feedback from providers would be more effectively obtained through a forum approach. It is important for this forum to be facilitated by Council so as to attract the senior executives of providers to generate the gravitas needed to demonstrate a cooperative approach between TAFE, UOW and Council.

For the information of Council

TAFE and UOW are already working collaboratively on establishing training pathways and courses in the allied health area. To date the Certificate III in Individual Support is offered locally by TAFE and the Certificate IV in Ageing Support is proposed to be offered commencing in 2017.

UOW is investigating potential demand for new course offerings at the local campus, including in health and allied health.

This is an example of the type of collaboration envisaged in the recently signed MOU between Council and UOW.

20.4 Notice of Motion 34/2016 - Coal Mining Briefing Session

Reference: **100/4**
Report Author: **Administration Officer**
Authoriser: **Group Manager Corporate & Community**
Link to Delivery Program: **Ensure systems and processes are in place to achieve mutual trust and collaboration**

PURPOSE

Councillor Larry Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 26 October 2016:

1. **THAT Council invite Coalfree Southern Highlands to present an update on their Water Study and Economic Study at the last Meeting of November 2016.**

2. **THAT Council also invite Hume Coal to present an update on their mining plans to Council before the last Meeting of Council 2016.**

RECOMMENDATION

Submitted for determination.

22. 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 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

1. THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:

22.1 Lease of Part Road Reserve, Cnr Kangaloon Road and Horderns Road Bowral

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

Brief description
The objective of this report is to have Council determine a request to lease a portion of the road reserve at the corner of Kangaloon Road and Horderns Road Bowral.

22.2 Legal Affairs - Closed Report

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

Brief description
To report the ongoing management of legal proceedings since last reported to Council on 24 August 2016.

22.3 Update on Recovery of Lehman Brothers Funds

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)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description
To provide Councillors with a verbal update on the status of the recovery of funds from CDO investments sold to Council by Lehman Brothers Australia Ltd.

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

Ann Prendergast
General Manager

Friday 21 October 2016