

4 October 2018

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 10 October 2018** 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, 10 October 2018 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 and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country – Cllr K J Halstead
3.32pm	Opening Prayer – Pastor Donna Jensen, Connect Church Moss Vale
3.35pm	<ul style="list-style-type: none"> • Apologies (<i>if any</i>) • Adoption of Previous Minutes – Wednesday, 26 September 2018 • Business Arising (<i>if any</i>) • Declarations of Interest (<i>if any</i>) • Mayoral Minute (<i>if any</i>) • Public Forum (<i>if any</i>) • Motion to move into Committee of the Whole – Mayor T D Gair • Visitor Item – Item 10.1 DA17/1365 - Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre - 104-106 Bowral Street, Bowral • Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	Questions from the Public - <i>to be read</i> 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



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 26 September 2018
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST1**
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

COMMITTEE OF THE WHOLE

10. **VISITOR MATTERS**
OPERATIONS, FINANCE AND RISK
Nil
CORPORATE, STRATEGY AND DEVELOPMENT SERVICES
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Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

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19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

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22.1 Old Kangaloon Road Water Pipeline - Supply and Construction

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 Civic Centre - Principal Design Consultant Tender - Closed

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.

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

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

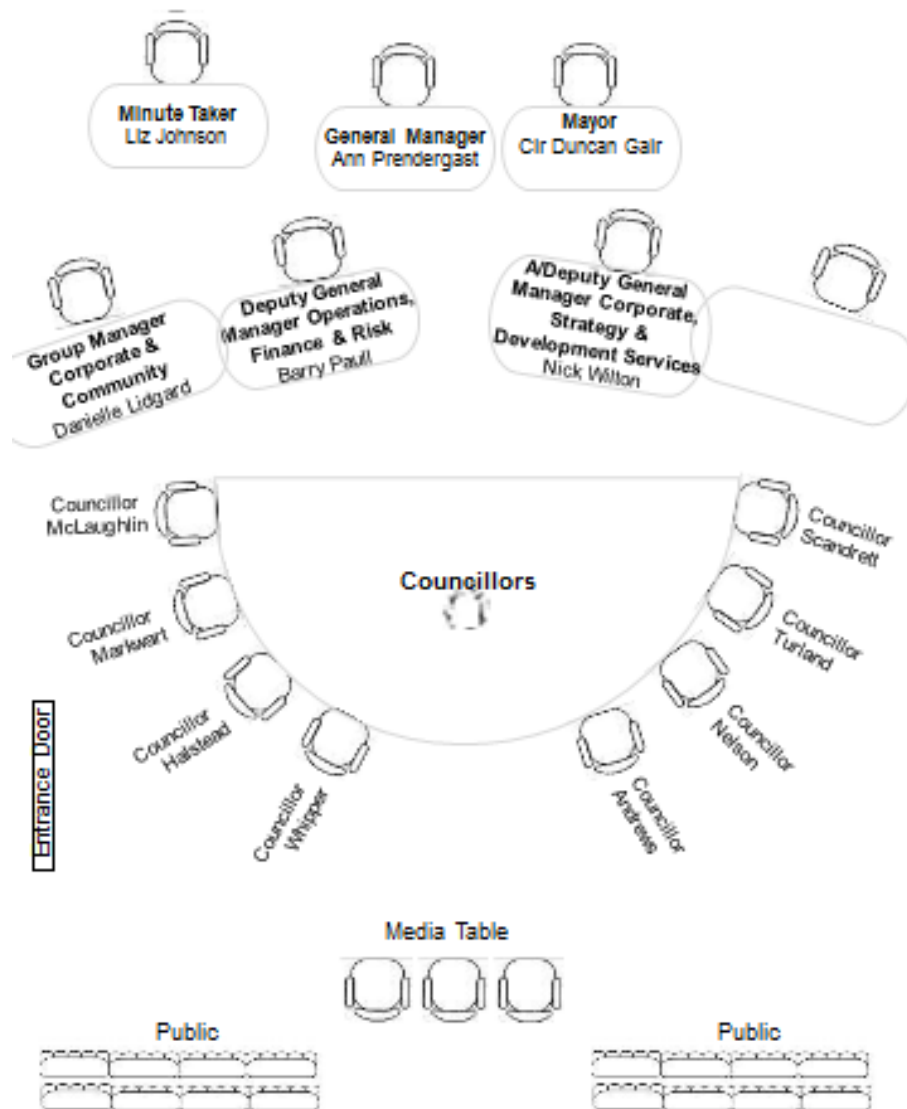
Council Chambers

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.

The Council Chamber now has 24 Hour Video Surveillance.



ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Request for Leave of Absence – Councillor Garry Turland

Councillor G M Turland intends to be absent from all Council commitments on Wednesday, 10 October 2018, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

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

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

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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



COMMITTEE OF THE WHOLE

10 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

10.1 DA17/1365 - Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre - 104-106 Bowral Street, Bowral

Reference:	17/1365
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	APP Corporation
Owner:	Nicholas Hartnell
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical centre, at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be **APPROVED**, subject to attached conditions of consent as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site is known as Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104–106 Bowral Street, Bowral. The site is located on the northern side of Bowral Street, to the west of St Jude Street, opposite Bowral Private Hospital. Immediately to the east of the

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property is an existing medical centre, located on the corner of St Jude Street and Bowral Street. The 3449 square metre site is currently developed with two dwelling houses within an established landscaped setting.

Proposed Development

Development Application 17/1365 was lodged with Council seeking consent for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical centre. The proposed building includes a hospice component comprising 10 private patient rooms in the eastern and northern portions of the site, and medical centre containing 6 consulting rooms in the western portion of the site. The proposed buildings are a combination of single storey and two storeys, with a basement car park providing parking for 39 cars.

The proposed development includes:

- Demolition of existing dwellings;
- Proposed buildings being single storey above natural ground level, with the exception of the western wing of the development containing the proposed medical centre which is a 2 storey building with below ground basement parking and two basement consulting rooms
- Hospice component comprising 10 private patient rooms in the eastern and northern portions of the site, operating 24 hours a day.
- Medical centre component containing 6 consulting rooms in the western portion of the site, and 6 office rooms at first floor level, operating 9am – 5pm Monday to Friday, and 9am – 1pm Saturday.
- Basement car park providing on site parking for 39 cars servicing both Hospice and Medical centre
- Proposed front setback to Bowral Street being 15.1 metres, with the exception of two side wings which have a proposed 11.2 metre setback
- Proposed external materials of proposed buildings comprise a majority of face brick (Bowral Brick), with elements of timber cladding. Proposed roofing comprises steel roof sheeting with a 40 degree roof pitch
- Eastern facing upper level dormer windows from medical centre building facing internal courtyard, not adjoining properties
- Large courtyard in centre of site and landscaped area in north west portion of site
- Site works, including drainage;
- Removal of trees and replacement tree planting, hedging and landscaping of site;
- New driveway crossings;

The site plan of the proposed development can be found at **Attachment 4**. The elevations of the proposed development can be found at **Attachment 5**.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Council is satisfied that the



land is not a site of possible contamination and therefore no further assessment of contamination is required.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing water quality control measures, stormwater management measures, rainwater tanks, and soil and water management plan as contained within attached conditions of consent (**Attachment 1**). (**Condition 100**).

State Environmental Planning Policy (Infrastructure) 2011

Amendments to the Infrastructure SEPP which came into force on 15 December 2017 included R2 Low Density Residential zoned land in the list of prescribed zones in which development for the purposes of a health services facility may be carried out with consent. The proposed Health Services Facility comprising Hospice and Medical centre achieves its permissibility in the R2 Low Density Residential zone by way of State Environmental Planning Policy (Infrastructure) 2011.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The site is zoned R2 Low Density Residential and is within the Bowral Conservation Area under the *Wingecarribee Local Environmental Plan 2010*. The proposed development comprises a Health Services Facility. While a Health Services Facility is not listed as a permissible use in the R2 Low Density Residential zone under *Wingecarribee Local Environmental Plan 2010*, the amendments to the Infrastructure SEPP which came into force on 15 December 2017 include the R2 Low Density Residential zone in the list of prescribed zones in which development for the purposes of a health services facility may be carried out with consent. Therefore the proposed development achieves its permissibility in the R2 Low Density Residential zone by way of State Environmental Planning Policy (Infrastructure) 2011.

Development Control Plans

Bowral Town Plan Development Control Plan

Bowral Town Plan DCP provides general objectives for development in Bowral, and general objectives for development within residentially zoned land in Bowral, but is silent in regards to controls for Health Services Facilities in the R2 Low Density Residential zone, including car parking requirements. Bowral Town Plan Development Control Plan states that if the car parking requirements for a specific development are not contained within the plan, that Council will have regard to Roads and Traffic Authority Guide for Traffic Generating Developments. The proposed 39 car spaces satisfies Roads and Traffic Authority Guide for Traffic Generating Developments' requirement of 36 spaces for the development, being three car spaces per consulting room (18 spaces required for 6 consulting rooms, 18 spaces provided), and car parking requirements for a private hospital (1 space per staff member and 0.85 spaces per bed resulting in 18 spaces required, 21 spaces provided).

Section 4.15 Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

Amendments to the Infrastructure SEPP which came into force on 15 December 2017 included R2 Low Density Residential zoned land in the list of prescribed zones in which development for the purposes of a health services facility may be carried out with consent. The proposed Health Services Facility (Hospice) and Medical Centre comprise a “Health Services Facility”, and therefore achieves its permissibility in the R2 Low Density Residential zone by way of State Environmental Planning Policy (Infrastructure) 2011.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority 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 health services facility development is considered to meet the broad objectives of Bowral Town Plan DCP. The impacts of the development are fully discussed in the Discussions of Key issues section of this report, including heritage, built form and setbacks, landscaping, hours of operation and noise .

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

Not applicable to Development Application 17/1365.

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

Not applicable to Development Application 17/1365.

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

Not applicable.

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

The impacts of the proposed development, including heritage impacts, visual impacts and noise impacts are discussed in the Discussions of Key issues section of this report.

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

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The site is considered suitable for the proposed health services facility development as discussed in the Discussions of Key issues section of this report.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

The proposed health services facility development is consistent with the provisions of State Environmental Planning Policy (Infrastructure) 2011, and is considered to be in the public interest.

CONSULTATION

Internal Referrals

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

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer has provided conditions of consent, including conditions addressing car parking, vehicular access, water and sewer connections, and stormwater.
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed Health Services Facility development and has provided conditions of consent.
Heritage Adviser	Council's Heritage Adviser raises no objection to the proposed Health Services Facility development and recommends a heritage condition of consent requiring all roofs, exposed gutters, downpipes and any metal covers to fascias to be galvanised finish (not Grey Colorbond) – Condition 15 .
Trade Waste Officer	Council's Trade Waste Officer raises no objection to the proposed Health Services Facility development and has provided conditions of consent.
Tree and Vegetation Officer	Council's Tree and Vegetation Officer sought and received amended plans improving proposed landscaping (Attachment 6) and now raises no objection to the proposed Health Services Facility development subject to conditions of consent.

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed Health Services Facility development, subject to conditions of consent addressing stormwater management and construction activities. (Condition 100)

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Neighbour Notification (or Advertising)/Public Participation

The proposed Health Services Facility development was neighbour notified to surrounding properties and advertised in the local paper. Four submissions from three properties have been received. The issues raised in the submissions received regarding the proposed Health Services Facility development have been summarised and are considered below:

Issues	Response
Increased traffic - Proposed driveway too close to Sheffield Road intersection and pedestrian refuge – traffic safety issue. Site is not near a train centre for visitors and will add negatively to terrible traffic / parking problems in the area.	Increased traffic will result from the proposed development, however this is not beyond what is reasonably expected within a Town Centre that contains both Business and Residential development. Proposed on site parking satisfies Roads and Traffic Authority Guide for Traffic Generating Developments. Council's Development Engineer raises no objection to the proposed siting of driveways in relation to the Sheffield Road intersection and pedestrian refuge.
Amenity impacts including noise, visual impact, light, traffic and vegetation. Established trees which shield residential properties are to be removed – adjoining dwellings will lose privacy. Major established gardens are being removed for a sparse commercial development that is not in keeping with the general area. Lighting impacts upon bedroom and living areas of adjoining residential property. Should the Development Application be approved, request that all vegetation on the common boundary shall be protected during construction, and that vegetation in the north west corner of the site be protected. Noise impacts from proposed 24 hour operation and associated noise of garbage trucks, medical vehicles, mortuary related activities and early morning pick up of medical waste will affect quiet enjoyment of residential area. Medical suites will be open 6 days a week.	Amenity impacts are discussed in the Discussion of Key Issues section of this report. Increased road traffic will result from the proposed development, however this is not beyond what is reasonably expected within a Town Centre that contains both Business and Residential development.
Proposed development inconsistent with the Bowral Conservation Area, including Bradman Oval and the Glebe Estate, which is characterized by single dwellings on ample allotments in a garden setting. Proposed development substantially out of scale,	Council's Heritage Adviser raises no objection to the proposed demolition of dwellings, and proposed Health Services Facility development, subject to a heritage condition of consent requiring all roofs, exposed

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Issues	Response
character with its surroundings, and involve a big loss of important mature landscape. Demolition of the houses, particularly 106 Bowral Street should not be supported. The descriptions of the current Bowral Conservation Area within the Heritage Impact Statement submitted with application are outdated. 106 Bowral Street should not be demolished, as with a bit of work and garden overhaul, it would be an attractive house in the Bowral Conservation Area. Proposal does not maintain existing patterns of dwelling fronts and setbacks, and does not retain existing natural or cultural features of the site. Heritage Impact Statement does not reference proposed Medical Centre.	gutters, downpipes and any metal covers to fascias to be galvanised finish (not Grey Colorbond) – Condition 15.
Proposal is commercial in nature. Medical consulting suites should be located in commercial areas, not established residential areas. Questionable whether hospice is viable financially.	The proposed development achieves its permissibility in the R2 Low Density Residential zone by way of State Environmental Planning Policy (Infrastructure) 2011. The financial viability of a development is not a matter for consideration under s.4.15 of the Environmental Planning and Assessment Act 1979.
Proposed setback of 10 metres is inconsistent and inappropriate for the area. The commercial enterprise (Medical Centre) will have the greatest effect on the neighbourhood. A 25 metre long almost 7 metre high building along our boundary extending to 9.95 metres from the front boundary. The Medical Centre will not appear as part of a collection of smaller residential scale buildings. Proposed 9.95 metre setback limits the opportunity for substantial plantings in keeping with surrounding properties. Proposal does not maintain a proper residential scale and is not a predominately single storey development. Proposal does not maintain residential form.	Amended plans have been submitted to Council increasing the proposed development's front setback to Bowral Street to 15.1 metres, with the exception of two side wings which have a proposed 11.2 metre setback. Streetscape, setbacks and character issues are discussed in the Discussion of Key Issues section of this report.
Development Application should not be considered until spot rezoning is determined.	Amendments to the Infrastructure SEPP which came into force on 15 December 2017 included R2 Low Density Residential zoned land in the list of prescribed zones in which development for the purposes of a health services facility may be carried out with consent. Therefore the

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Issues	Response
	proposed Health Services Facility comprising Hospice and Medical centre achieves its permissibility in the R2 Low Density Residential zone by way of State Environmental Planning Policy (Infrastructure) 2011, without the need for rezoning.

DISCUSSION OF KEY ISSUES

Character

The proposed built form of the development, being largely single storey buildings above natural ground level with basement parking, with the exception of the western wing of development containing the proposed medical centre which is a 2 storey building with basement parking and two basement consulting rooms, is considered to be consistent with the largely single storey character of surrounding residential area. The 2 storey scale of the medical centre wing is also softened by the provision of screen plantings of Spartan Juniper conifers on the western boundary (minimum mature height 6 metres).

The adjoining western dwelling at 102 Bowral Street has a front setback of 23 metres. The adjoining eastern medical centre building at 21 St Jude Street has a setback to Bowral Street of 7 metres. Amended plans have been submitted to Council increasing the proposed development's front setback to Bowral Street to 15.1 metres, with the exception of two side wings which have a proposed 11.2 metre setback. This is considered a satisfactory average of the setbacks of the two adjoining properties, consistent with the provisions of the Bowral Town Plan Development Control Plan.

The increased front setback area shown in amended plans better respects the existing character of Bowral Street and the Bowral Conservation Area, and provides for increased landscaping, and reduced hardstand area within the front setback area.

Proposed external materials of proposed buildings comprising a majority of face brick (Bowral Brick), with elements of timber cladding, with a 40 degree roof pitch is also considered consistent with the character of the Bowral Conservation Area. Council's Heritage Adviser's requirement that all roofs, exposed gutters, downpipes and any metal covers to fascias to be galvanised finish (not Grey Colorbond) to complement existing built form in the Bowral Conservation Area is addressed by a condition of consent (**Condition 15**).

It is considered that the southern elevation windows of proposed consulting rooms 1 and 2 should be vertically proportioned to better respect the Bowral Conservation Area. This is addressed by condition of consent (**Condition 15**).

The large courtyard in the centre of site and landscaped area in the north west portion of site, combined with replacement tree planting, hedging and landscaping of site (including 76 trees and over 500 shrubs as shown in **Attachment 6**) is considered satisfactory to Council's Tree and Vegetation Officer, and is considered to acceptably soften the

appearance of the proposed development when viewed from Bowral Street and adjoining properties.

Amenity - Noise / Hours of Operation/ Lighting / Privacy

Proposed hours of operation of the Medical Centre component of the Health Services Facility are Monday to Friday 9am – 5pm and Saturday 9am – 1pm. The Hospice component of the Health Services Facility provides 24 hour 7days a week care for patients. The proposed hours of operation are considered acceptable, and are reinforced within a condition of consent (**Condition 91**). Further conditions of consent addressing amenity, operational noise levels, noise from air conditioners, and noise control are considered appropriate (**Conditions 93, 94, 96, 97**). Proposed deliveries to the site will occur between 8:00am – 4:00pm Monday to Friday. This is considered acceptable and is reinforced by a condition of consent (**Condition 91**).

A condition of consent requiring all external lighting to be designed and located to minimise light spill upon adjoining properties is considered appropriate (**Condition 94**).

A condition of consent requiring privacy screens and screen plantings to be provided to the eastern and northern facing hospice courtyards to ensure privacy of adjoining northern and eastern dwelling houses is considered appropriate (**Condition 34**).

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018 – 2019: OP181 Assess and certify applications related to development.



COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposed development has been made against the Wingecarribee Local Environmental Plan 2010, SEPP (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2011, and the Bowral Town Plan Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Approve the development application subject to the attached conditions of consent.

Option 2

Refuse the application, in which case Councillors would need to specify reasons for refusal

Option 1 is recommended.

CONCLUSION

It is considered that Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical centre, at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104 -106 Bowral Street Bowral, be supported subject to conditions.

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

ATTACHMENTS

1. Draft Conditions - *circulated under separate cover*
2. Site Location Plan - *circulated under separate cover*
3. Zoning - *circulated under separate cover*
4. Site Plan - *circulated under separate cover*
5. Elevations - *circulated under separate cover*
6. Proposed Landscaping - *circulated under separate cover*
7. Artist's Impression of Southern Bowral Street Elevation - *circulated under separate cover*

Nicholas Wilton

Acting Deputy General Manager Corporate, Strategy and Development Services

Thursday 4 October 2018

12 OPERATIONS FINANCE AND RISK

12.1 Old Kangaloon Road Water Pipeline - Supply and Construction

Reference:	6330/18.12
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Old Kangaloon Road Pipeline - Supply and Construction project.

This matter is referred to Closed Council pursuant to Section 10A(2) of the *Local Government Act, 1993*, 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.

RECOMMENDATION

1. **THAT** in relation to the report concerning Request for Tender for the Old Kangaloon Road Water Pipeline - Supply and Construction Project - Council adopts the recommendations contained within the Closed Council report – Item 22.1 **AND THAT** the General Manager read out the recommendation which Council has adopted.

OR

2. **THAT** the report concerning the Request for Tender for the Old Kangaloon Road Water Pipeline – Supply and Construction Project – be considered in Closed Council – 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.

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REPORT GROUP MANAGER ASSETS AND PROJECT DELIVERY



REPORT

BACKGROUND

Council staff held discussions with local residents about the possibility of constructing a water main along Old Kangaloon Road at Robertson which would enable a limited number (8) of local properties to access potable water.

The intention was that residents who were connected to the new service would part fund the project with repayments over a number of years.

REPORT

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

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

The intended scope of works was designed as a series of pipeline under bores to minimise environmental impacts and to help maintain access to the properties along the narrow road during the construction of the water main.

ADVERTISING

The tender advertising period was from 22 May 2018 to 12 June 2018 (21 days). The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	22 May 2018
Newspaper – Southern Highlands News	23 & 30 May 2018
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of ten (10) tender submissions were received:

Company Name	Location	Postcode
Bedrule Pty Ltd	North Sydney	2060
BIDS Construction Pty Ltd	Long Jetty	2261
Bohar Boring Pty Ltd	Ingleburn	2565
Codmah Pty Ltd	Prestons	2170
Dobsonei Pty Ltd	Mittagong	2575
Josa Civil Group Pty Ltd	Melbourne	3004

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Company Name	Location	Postcode
MGP Civil Contractors Pty Ltd	Riverstone	2765
R.A. Smith Contracting Pty Ltd	Moorebank	2170
SJ Plumbing Industries	Moss Vale	2577
Utlistra Pty Ltd	St Marys	2750

TENDERS RECEIVED

No late tenders were received.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

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

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability	20%
Experience – Past with Council	10%
Fit for Purpose – Pressure Test Completion	5%
Quality Assurance	5%
Work, Health and Safety	10%
Total	50%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation no tender submissions were determined to be non-compliant:

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

N/A

CONSULTATION

Community Engagement

Community engagement was required for this project. Therefore extensive consultation has taken place between the Council and local residents.

Internal Consultation

Extensive consultation has taken place between Council's procurement area and operational areas. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

Tenders are part of a commercial arrangement and usually no community engagement is required. In this case extensive liaison with the local residents was considered necessary. This was due to the fact that the finance for this project was to be combined, one portion financed by the Council and the other portion financed by the local residents. The size of the portions was the subject of consultation, which took place with the local resident's representative on 6 August 2018.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

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REPORT GROUP MANAGER ASSETS AND PROJECT DELIVERY



- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

12.2 Civic Centre - Principal Design Consultant Tender

Reference:	6330/18.14
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Civic Centre – Principal Design Consultant.

This matter is referred to Closed Council pursuant to Section 10A(2) of the *Local Government Act, 1993*, 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.

RECOMMENDATION

1. **THAT** in relation to the report concerning Civic Centre – Principal Design Consultant - Council adopts the recommendations contained within the Closed Council report – Item 22.2 **AND THAT** the General Manager read out the recommendation which Council has adopted.

OR

2. **THAT** the report concerning Tender for Civic Centre – Principal Design Consultant - be considered in Closed Council – Item 22.2.

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.

REPORT

BACKGROUND

The Council sought tenders from appropriately qualified and experienced Architects to conduct the Principal Design Consultant (PDC) services for the Civic Centre Refurbishment project from previously developed Development Application drawings.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

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

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 21 August 2018 to 11 September 2018 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	21 August 2018
Newspaper – Southern Highlands News	22 & 29 August 2018
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of four (4) tender submissions were received:

Company Name	Location	Postcode
Dutailis Architects Pty Ltd	Goulburn	2580
Figgis & Jefferson Pty Ltd	Crows Nest	2065
Lucktime Pty Ltd	Pymont	2009
Stephen Collier Architects Pty Ltd	Lilyfield	2040

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity - \$5 million

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability & Experience	25%
Quality Assurance & Innovation	5%
Community & Social(including local content)	10%
Specifications, Service, Support & Fit for Purpose	10%
Total	50%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation no tender submissions were determined to be non-compliant.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Civic Centre Refurbishment has been included in Council's adopted Capital Works Program and Investing in Our Future Improvement Plan.

Consideration was given to the impact of this project on Council's Improvement Plan at the time of adopting Council's Operational Plan and Budget.

CONSULTATION

Community Engagement

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

Internal Consultation

The Deputy General Manager Operations, Finance & Risk, Chief Financial Officer and Procurement Staff have been consulted in relation to this tender.

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

Council's 2018/19 Capital Works Program includes a budget allocation for the project.

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

12.3 Proposed Road Closure - Unformed Road off Penrose Road, Bundanoon

Reference:	PN1014200
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to invite an application to close part of the unformed segment of road off Penrose Road, Bundanoon adjoining 83 Penrose Road, Bundanoon.

RECOMMENDATION

1. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owner of 83 Penrose Road, Bundanoon) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the Council public road adjoining 83 Penrose Road, Bundanoon.
3. **THAT** following public notice of the proposed closure, a further report be presented to Council to formally determine the application for closure of the segment of Council public road adjoining 83 Penrose Road, Bundanoon.

REPORT

BACKGROUND

Council has been approached by the owner of 83 Penrose Road, Bundanoon requesting that Council consider the potential closure and sale of the segment of unformed road adjoining their property. The segment of road is unformed and directly adjoins the applicant's property as can be seen on the aerial map - **Attachment 1**.

REPORT

The area of the segment of road that is proposed to be closed is approximately 900m² (subject to final survey). The applicant's property is zoned R2 – Low Density Residential with a minimum lot size of 700sqm. The area of the applicant's property is approximately 3,500sqm and under the current zoning, a subdivision would be permissible. Following

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



consolidation with the area of closed road, the total area of the property would be approximately 4,400sqm.

In principle, Council officers have no substantive reasons to oppose the partial closure of the unformed segment of road and its potential future sale to the applicant. The subject road is not maintained by Council and is not included in Council's road segment ledger.

Part 4 Division 3 of the *Roads Act 1993* and Clause 83A(1) of the *Roads Regulation 2008* outline the statutory requirements regarding the closure of Council public roads by Council. The Crown no longer has the power to close constructed or unconstructed Council public roads. This means that all applications for closure of Council public roads must be processed by Council as the roads authority. Only constructed (formed) Council public roads remain vested in the ownership of Council upon closure. Unconstructed (unformed) Council public roads become vested in the Crown upon closure.

If approved, the proceeds from the sale of the unformed road will be paid to the Crown (NSW State Government).

If this segment of road is approved by Council for closure, it is recommended that Council resolve that, at the applicant's expense, the newly created lot (being the segment of closed road) is to be consolidated with the applicant's property within twelve (12) months of the transfer of the new lot. This recommendation would be included in a further report to Council following the period of public notice and review of written submissions.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the intention to close the unformed road adjacent to 83 Penrose Road, Bundanoon would be advertised for a minimum twenty eight (28) days, following receipt of a formal application from the applicant.

Internal Communication and Consultation

The relevant branch Managers and Council officers have been consulted and invited to comment in relation to the closure and sale of a segment of the unformed road adjoining 83 Penrose Road, Bundanoon. There was no objection raised to this proposed road closure.

External Communication and Consultation

Adjoining owner (applicant).

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

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

RELATED COUNCIL POLICY

None identified.

CONCLUSION

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

ATTACHMENTS

1. Aerial map

12.3 Proposed Road Closure - Unformed Road off Penrose Road,
Bundanoon

ATTACHMENT 1

Aerial map



ATTACHMENT 1



12.4 Extended Leased Area of Part Road Reserve, Adjacent to Botanic Gardens Site, Old South Road, Bowral

Reference:	6500/22
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to consider an extension of the area of unformed road to be leased to Southern Highlands Botanic Gardens Limited. The additional leased area is part of the unformed road reserve at Old South Road Bowral, adjoining the Southern Highlands Botanic Gardens site.

RECOMMENDATION

1. **THAT** Council endorse the proposed extended leased area of the Lease of part unformed road being part Kangaloon & Old South Road, Bowral as shown in Attachment 1 to this report.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to extend the leased area of the unformed road reserve at Old South Road, Bowral in relation to the Lease to Southern Highlands Botanic Gardens Limited **AND THAT** if any objections are received a further report be forwarded to a future Ordinary Meeting of Council following the period of public notice.

REPORT

BACKGROUND

Council is the registered proprietor of the property at 1 Old South Road Bowral. The land is the site of the Botanic Gardens, which is leased to the not-for-profit organisation known as Southern Highlands Botanic Gardens Limited. The Council property is classified as Community Land pursuant to Section 26 of the *Local Government Act 1993*.

At its meeting 22 March 2017 Council considered a report to enter into a short-term lease with Southern Highlands Botanic Gardens for a proposed Lease of Council's unformed Road Reserve located at the corner of Kangaloon and Old South Road Bowral, adjoining the Southern Highlands Botanic Gardens. It was resolved as follows: (MN 91/17)

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1. THAT Council approve in principle a short-term five (5) year lease of part Road Reserve, Corner Kangaloon and Old South Roads, Bowral to the applicant, being the lessee of the Botanic Gardens Site AND THAT the approval of Roads and Maritime Services be sought with Kangaloon Road being a classified road.
2. THAT the General Manager and Mayor be delegated authority to execute the lease document referred to in resolution 1 above and to affix the Common Seal of Council if required.
3. THAT rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.
4. THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into a short term lease of a segment of the unformed road reserve at the corner of Kangaloon and Old South Roads Bowral to Southern Highlands Botanic Gardens Limited AND THAT if any objections are received a further report be forwarded to a future Ordinary Meeting of Council following the period of public notice.
5. THAT during the term of the lease, Council apply to the NSW Department of Industry – Lands for the closure of that part of the road reserve adjacent to Kangaloon Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.

During the public exhibition period there was one submission received. This was reviewed and responded to by Council staff and reported to Council on the 13 June 2018. It was resolved by Council as follows: (MN217/18)

1. THAT Council approve the proposed short-term lease of part unformed road reserve, known as corner Kangaloon and Old South Road, Bowral to Southern Highlands Botanic Gardens Limited for a maximum period of five (5) years AND THAT rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.
2. THAT the person who made a submission in respect of the proposed Lease be notified in writing of Resolution 1 above.
3. THAT during the term of the lease, Council applies to the NSW Department of Industry – Lands for the closure of that part of the road reserve adjacent to Kangaloon Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.

REPORT

The Botanic Gardens site is located at the corner of Kangaloon and Old South Roads, Bowral.

Council has previously resolved to enter into a lease for the portion of the unformed road reserve. To align the lease of the road to the Botanic Gardens master plan, an extended area of road reserve will need to be incorporated into the road lease to formalise its use by the Lessee. The extended indicative area of the road reserve is shown in **Attachment 1**. The final boundaries will be subject to survey.

To formalise the use and occupation of the extended part of the road reserve, it is necessary for Council to approve this extension in principle, to add the extended area to the previously approved short-term lease. As previously reported to Council, Section 153 of the *Roads Act 1993* restricts leases to a maximum term of five (5) years. It should be noted that access by the public cannot be restricted over the area of road reserve (including shared pathways)

During the term of the lease of road, Council will pursue an application for closure of the unformed road reserve. Following the closure of road, the Title will vest in Council and can then be subsequently consolidated with the title for the Botanic Gardens site.

The extended leased area of road reserve is approximately 380m².

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the revised and extended area of proposed lease of road will be exhibited for a minimum twenty eight (28) day period.

Internal Communication and Consultation

Not applicable

External Communication and Consultation

Southern Highlands Botanic Gardens Limited

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



COUNCIL BUDGET IMPLICATIONS

There are no budget implications in regards to this report.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

It is recommended that Council approve the revised and extended area of unformed road reserve at the corner of Kangaloon and Old South Roads, Bowral and that the revised area be publicly exhibited for a minimum of 28 days. If any objections are received, a further report will be forwarded to a future Ordinary Meeting of Council following the period of public notice.

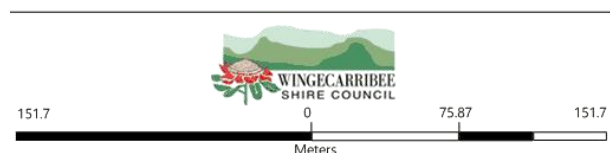
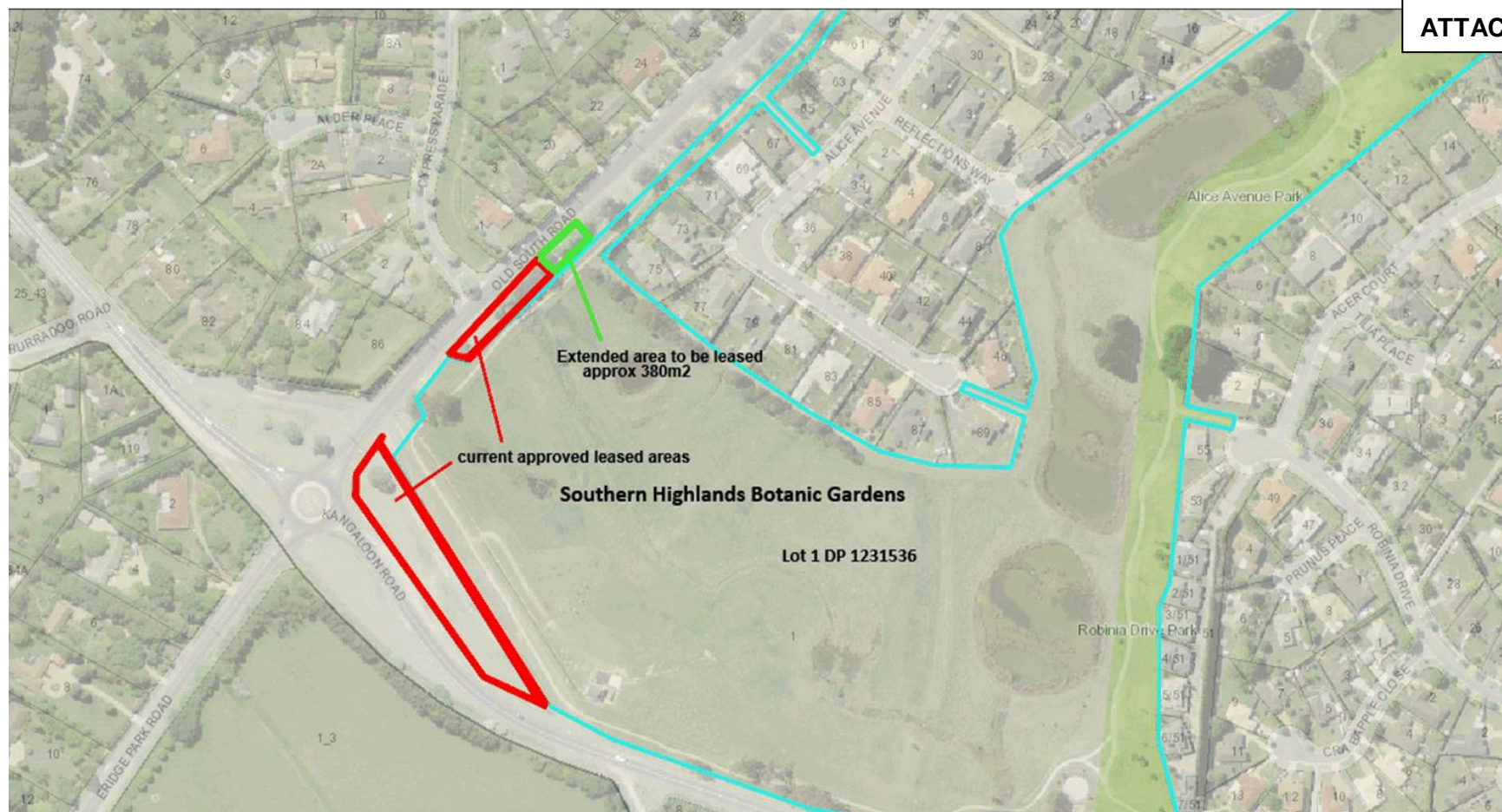
ATTACHMENTS

1. Aerial Map

12.4 Extended Leased Area of Part Road Reserve, Adjacent to Botanic Gardens Site, Old South Road, Bowral
ATTACHMENT 1 Aerial Map



ATTACHMENT 1



Wingecarribee Shire Council

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

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12.5 Triple Zero Challenge

Reference:	7420/3
Report Author:	Manager Assets
Authoriser:	Group Manager Assets and Project Delivery
Link to Community	
Strategic Plan:	Provide diversity in tourist attractions and experiences

PURPOSE

Reporting on the traffic arrangements for the Triple Zero Challenge.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the Triple Zero Challenge event on Sunday 21 October 2018 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and Council's requirements for special events at Bradman Oval.

REPORT

BACKGROUND

The Triple Zero Cricket Challenge is a multi-team continuous cricket match held annually at the Bradman Oval between five (5) Southern Highlands 'Triple Zero' (000) Emergency Service Agencies (Police, RFS, SES, Ambulance and Fire and Rescue) to raise money for Southern Highlands Youth organisations. This year the beneficiary will be the Southern Highlands Suicide Prevention Program.

REPORT

The event (proposed for 21 October 2018) is being reported to this Council meeting because it is not possible to gain Traffic Committee approval through its meeting on 22 November 2018 and the matching Council meeting on 12 December 2018. Instead, the concurrence of the voting members of the Traffic Committee was sought electronically and the above recommendation was supported unanimously.

The Bradman Foundation, with assistance from Wingecarribee Shire Council, holds the Triple Zero Cricket Challenge on an annual basis to raise money for Southern Highlands Suicide Prevention Project and to present career and volunteering opportunities in emergency services to Highlands's youth. Interactive displays and activities for the community are provided to raise awareness of the important role the emergency services play within the community and the opportunities that exist to become involved.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The Triple Zero Challenge Committee has representatives from:

- NSW Police
- Fire and Rescue NSW
- NSW State Emergency Services
- NSW Ambulance
- NSW Rural Fire Service
- The Bradman Foundation

The Bradman Foundation commissioned a comprehensive Traffic Management Plan from All Areas Traffic Services and will manage all aspects of traffic management for which Council provided assistance of \$2,178 (MN354/18).

It is proposed that St Jude Street from Church Street to Boolwey Street in Bowral will be temporarily closed to through traffic from 9am to 5pm on the day of the event.

It should be noted that although the Bowral Classic road cycling event is scheduled to take place on the same day, commencing between 6:30 am and 8:00 am in Bong Bong Street and finishing between 10:30am and 3:00 pm at Eridge Park, it is not anticipated that the two events will conflict significantly to exacerbate traffic issues.

The Triple Zero event does not commence until 10:00 am by which time most spectators will have dispersed from the start event for the Bowral Classic. Road closures for Bong Bong Street, Station Street and Wingecarribee Street will be removed by 9:00 am. On street parking may be impacted to some extent.

Please note that in 2011, Council resolved that the following conditions be included for all future special events at Bradman Oval which require a Traffic Management Plan:

1. Traffic controllers shall be employed as parking marshals to supervise the parking in Church Street, Edward Street and Boolwey Street to ensure that visitors to special events at Bradman Oval/Museum only park parallel and do not block residents' driveways and that this is reinforced with signposting and in any promotional material;
2. Residents in the surrounding streets shall be advised of special events at Bradman Oval at least 14 days prior to the event by letterbox drop and the changes to traffic arrangements shall be advertised in the local press by the event organiser;

A four metre wide path for emergency services vehicles must be maintained through the event area.

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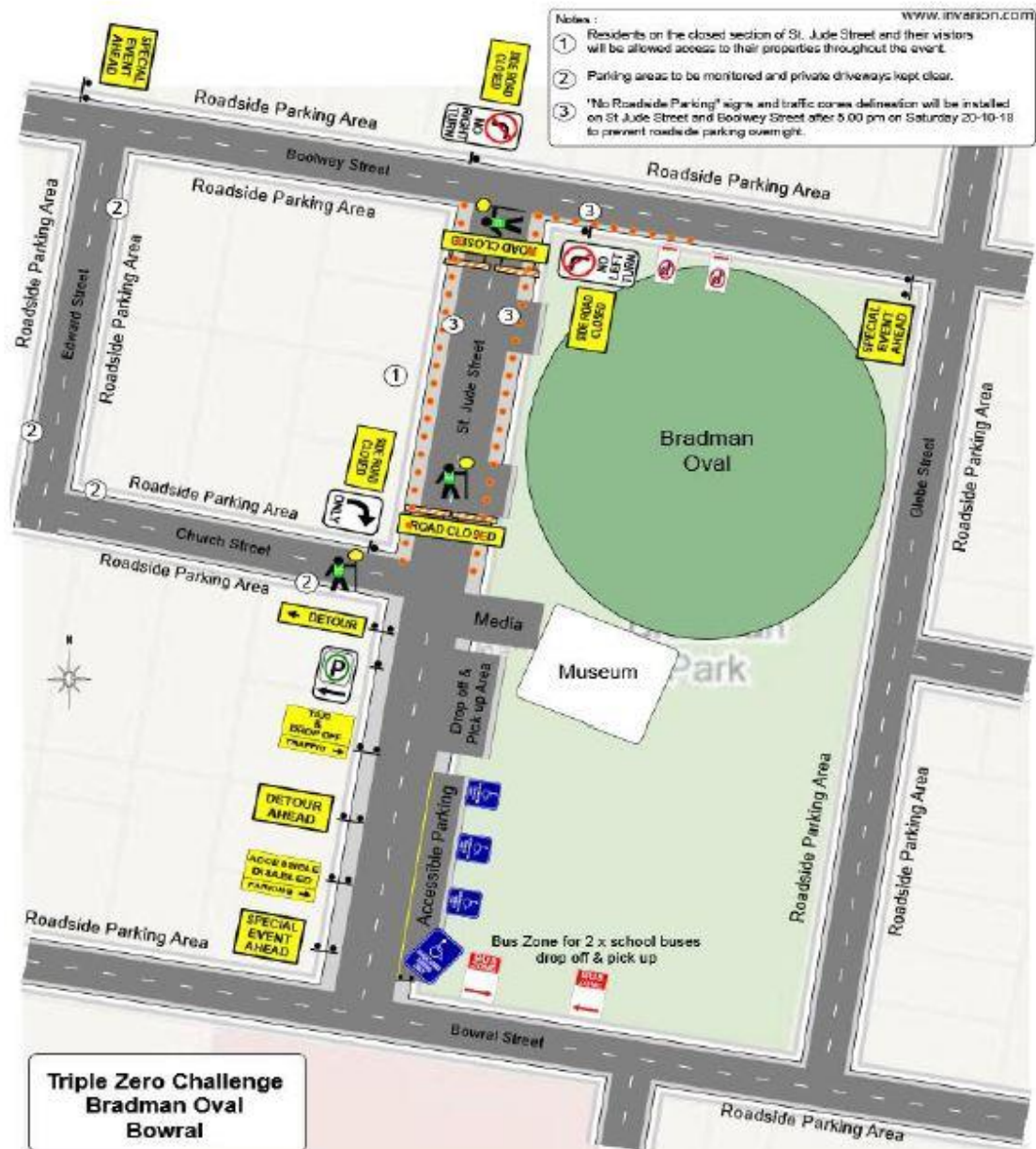



Traffic Management Plan

Traffic Control Plan 01

St. Jude Street

Road Closure / Detour



Traffic Control Plan 01		ROAD CLOSURE / DETOUR	AATS Ref. : 211018-BRAD-TCP 01
 <p>ALL AREA TRAFFIC SERVICES</p> <p>Tamworth Pty. Ltd. PO Box 85 TAMWORTH, NSW</p> <p>Ph 040 07066 Fax 02 1120108 www.allaretrafficservices.com.au</p>	Plan Date : 29-08-18	Client : Bradman Foundation	<p>This plan is not to scale.</p> <p>This plan is intended to comply with AS 1742.3-2009 'Manual of Uniform Traffic Control Devices, Part 3: Traffic control for works on roads' and the Victorian Road Management Act 2004 (VicRoads Safety - Traffic Management Code of Practice).</p> <p>All Area Traffic Services takes no responsibility for the compliance or non-compliance of any person or other.</p> <p>This plan remains the property of All Area Traffic Services, and must not be copied or altered without permission of the Author.</p>
	Author : Craig Collett Cert. No. 9348242560	Location : Bradman Oval, BOWRAL	
	Revision A	Event Date : Sunday 21-10-18	
	Author :	Times : From 7.00 a.m. to 5.00 p.m.	
	Revision B Author : Revision C Author :		

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Being a temporary event and not a Council event there is no impact on Fit for the Future.

CONSULTATION

Community Engagement

Previous Triple Zero Challenge events have been well supported by the community. Affected residents will be notified by the event organisers.

Internal Consultation

None.

External Consultation

Emergency services are to be made aware of the proposed traffic arrangements.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The event provides an opportunity for the community to get together to support a charitable cause, raises awareness of the important role the emergency services play within the community and the opportunities that exist to become involved.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications in relation to this report.

RELATED COUNCIL POLICY

There is no relevant Council policy in relation to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



OPTIONS

The options available to Council are:

Option 1

No objection to the traffic and parking arrangements proposed for the Triple Zero Challenge event.

Option 2

Reject the traffic and parking arrangements proposed for the Triple Zero Challenge event.

Option 1 is the recommended option to this report.

CONCLUSION

ATTACHMENTS

There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance and Risk

Thursday 4 October 2018

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 5 September 2018 to 3 October 2018

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

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 5 September 2018 to 3 October 2018

RECOMMENDATION

THAT the information relating to Development Applications Determined for the period 5 September 2018 to 3 October 2018 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date range: 5 September 2018 to 3 October 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	19/0302	"Rathdangan" 82 Walkers Lane Avoca NSW 2577 Lot A DP 403759	NR Brumfield, CN Brumfield	Residential Alterations and Additions (Extensions)	23/08/2018	0	21	21	14/09/2018
2	18/0506	"Wirreanda" 15 Merilbah Road Bowral NSW 2576 Lot 23 DP 20804	DP Madden, CG Mcrostitie	Residential Alterations and Additions (Extensions)	03/05/2018	0	134	134	15/09/2018
3	18/0766	3 Bloomfield Close Bowral NSW 2576 Lot 2 DP 1231895	Associated world investments Pty Ltd	Dwelling House	27/06/2018	0	77	77	12/09/2018
4	18/0770	39 Sir James Fairfax Circuit Bowral NSW 2576 Lot 232 DP 1239600	AH Pullan	Dwelling House	27/06/2018	0	79	79	15/09/2018

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5	19/0021	42 Sir James Fairfax Circuit Bowral NSW 2576 Lot 211 DP 1239600	DA Beauchamp, GE Beauchamp	Dwelling House	05/07/2018	0	77	77	20/09/2018
6	19/0097	51 Boardman Road Bowral NSW 2576 Lot 1 DP 882935	BC Dethridge	Residential Alterations and Additions (Shed)	19/07/2018	1	60	61	19/09/2018
7	19/0109	91 Sir James Fairfax Circuit Bowral NSW 2576 Lot 133 DP 1231974	R Mattiuzzo, G Mattiuzzo	Dwelling House	20/07/2018	0	48	48	07/09/2018
8	19/0415	17 Parmenter Court Bowral NSW 2576 Lot 110 DP 1043085	KE Loader, GJ Loader	Residential Alterations and Additions (Awnings)	12/09/2018	0	7	7	19/09/2018
9	09/0969.06	2 Queen Street Bowral NSW 2576 Lot 7 DP 1189572	CL Treuen, Fousel Pty Limited	Section 4.55 Modification (Staging of 6 Lot Subdivision)	24/05/2018	0	116	116	18/09/2018
10	10/0792.02	56 Centennial Road Bowral NSW 2576 Lot 81 DP 546242	PP Sassine, CG Sassine	Section 4.55 Modification (Extension)	21/05/2018	0	120	120	19/09/2018
11	14/1299.06	25 Ashgrove Place Bundanoon NSW 2578 Lot 24 DP 264230	AM Sheather, FA Sheather	Section 4.55 Modification (Replace proposed brick veneer garage & storeroom with carport & office/store)	14/08/2018	0	32	32	15/09/2018
12	17/0268.01	50 Erith Street Bundanoon NSW 2578 Lot 2 DP 533191	Common Ground (Moss Vale) Pty Ltd	Section 4.55 Modification (Amend conditions pertaining to Driveway Construction and Vegetation)	19/06/2018	0	87	87	14/09/2018
13	18/0575	27 Rochester Drive Bundanoon NSW 2578 Lot 21 DP 1220014	DW Field, PB Robinson	Dwelling House	16/05/2018	46	78	124	17/09/2018
14	15/0367.03	25B Links Road Burradoo NSW 2576 Lot 263 DP 1004482	AGL Longhurst, EM Longhurst	Section 4.55 Modification (Change Carport to Study)	01/08/2018	0	35	35	06/09/2018
15	17/0940.04	66A Osborne Road Burradoo NSW 2576 Lot 2 DP 1219836	GL Rykers, AP Rykers	Section 4.55 Modification (Reduce dormer windows to 1. Alter roof pitch)	16/08/2018	0	27	27	12/09/2018
16	18/0677	40 Burradoo Road Burradoo NSW 2576 Lot 31 DP 1061441	SJ Little, DJ Little	Residential Alterations and Additions (Swimming Pool)	12/06/2018	0	91	91	11/09/2018
17	19/0014	10 Sutherland Park Drive Burradoo NSW 2576 Lot 16 DP 1220167	RJ Morgan	Dwelling House	04/07/2018	11	58	70	12/09/2018

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18	18/0429	67 Hoddle Street Burrawang NSW 2577 Lot 3 DP 1205025	NL O'Connor, DJ O'Connor	Residential Alterations and Additions (2 nd storey addition)	18/04/2018	0	145	145	10/09/2018
19	18/0622	29 Dale Street Burrawang NSW 2577 Lot 12 Sec 4 DP 2660	Street of the Fishing Cat Pty Ltd	Residential Alterations & Additions (Extend two bedrooms. New ensuite.)	28/05/2018	0	111	111	17/09/2018
20	19/0079	12 Burrawang Station Road Burrawang NSW 2577 Lot 23 DP 1005645	JJ Fredericks	Dwelling House	17/07/2018	4	60	64	19/09/2018
21	10/0323.02	5726 Illawarra Highway Burrawang NSW 2577 Lot 3 DP 736096	KE Menzies	Section 4.55 Modification (Adjustment of boundary line proposed with subdivision & amendment to access arrangements)	05/12/2017	0	275	275	07/09/2018
22	17/1140	"Attunga" 2151 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	Attunga Youth Ministries Pty Ltd	Community Facility (Recreation Room for Resident Staff)	21/08/2017	365	14	379	05/09/2018
23	18/0400	"Ben Bullen" 1760 Tourist Road East Kangaloon NSW 2576 Lot 4 DP 1012603	JC Henning, SL Mihell	Residential Alterations and Additions (Extensions)	10/04/2018	0	160	160	17/09/2018
24	17/1646	321 Sallys Corner Road Exeter NSW 2579 Lot 22 DP 1015687	LP Eccleston, RS Eccleston	Farm Stay Accommodation	21/11/2017	0	296	296	14/09/2018
25	17/1800	628 Sallys Corner Road Exeter NSW 2579 Lot 3 DP 851104 Lot 4 DP 851104 Lot 2 DP 851102	MR Carnachan	Subdivision (4 Lots)	20/12/2017	245	20	265	12/09/2018
26	18/0550	56 Devon Road Exeter NSW 2579 Lot 56 DP 243731	HM Kersten, HJ Kersten, H. Wilson Pty Ltd	Residential Alterations and Additions (New breakfast room, renovate kitchen & garage)	10/05/2018	14	103	117	06/09/2018
27	18/0736	85 Devon Road Exeter NSW 2579 Lot 68 DP 243731	S Lillyman, GD Mackay	Residential Alterations and Additions (Alter workshop studio to include bedroom, bathroom and laundry)	21/06/2018	0	75	75	05/09/2018
28	18/0667	2 Merilbah Road Bowral NSW 2576 Lot 15 DP 20804	SM Giles, RJ Strange	Residential Alterations And Additions - Garage, Pool	08/06/2018	0	89	89	05/09/2018

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29	18/0771	12 Bradman Avenue Bowral NSW 2576 Lot A DP 354399	Vild	Residential Alterations And Additions (Conservatory)	27/06/2018	0	70	70	05/09/2018
30	19/0177	12 Green Street Renwick NSW 2575 Lot 23 DP 1221206	JE Good, MJ Good	Dwelling House	03/08/2018	.0	33	33	05/09/2018
31	19/0189	58 Westgrove Road Exeter NSW 2579 Lot 32 DP 1233756	PR Noble, MJ Noble	Residential Alterations and Additions (Extensions)	06/08/2018	0	43	43	19/09/2018
32	19/0211	581 Redhills Road Fitzroy Falls NSW 2577 Lot 211 DP 751303	MJ Nichols, E Nichols	Farm Shed	09/08/2018	0	29	29	08/09/2018
33	18/0205	460 Wombeyan Caves Road High Range NSW 2575 Lot 11 DP 707398 & EP 43420	MF Halliday	Subdivision (2 Lots)	28/02/2018	0	196	196	12/09/2018
34	19/0225	15 Ella Street Hill Top NSW 2575 Lot 21 Sec 2 DP 6221	HR Gates	Residential Alterations and Addition (Enclose existing carport & convert to new bedroom and ensuite)	13/08/2018	0	25	25	07/09/2018
35	17/1660.03	1801 Kangaloon Road Kangaloon NSW 2576 Lot 103 DP 617717& EP 171258	LME Jensen	Section 4.55 Modification (Alter roof)	27/02/2018	0	199	199	15/09/2018
36	16/0808.02	24 Railway Parade Mittagong NSW 2575 Lot A DP 379939	DJ Hancock, SJ Hancock	Section 4.55 Modification (Extensions)	21/08/2018	0	24	24	15/09/2018
37	17/0367.04	"Arabel" 475 Old South Road Mittagong NSW 2575 Lot 1 DP 751282 Lot 2 DP 707944	VE Abel, JL Abel	Section 4.55 Modification (Relocate proposed Stables)	18/04/2018	0	140	140	06/09/2018
38	17/0624.01	1 Nero Street Mittagong NSW 2575 Lot 1 DP 815702	CA Hulbert, JG Hulbert	Section 4.55 Modification (Occasional use of site as open garden)	29/05/2018	0	98	98	05/09/2018
39	17/1382	"Glomar" 4 Belmore Street Mittagong NSW 2575 Lot 4 DP 748076	CV Goodsell	Subdivision (3 Lots)	03/10/2017	318	26	344	13/09/2018
40	17/1542.01	62 Oxley Drive Mittagong NSW 2575 Lot 7 Sec 31 DP 1338	RMV Figtree	Section 4.55 Modification (Stage 1 Subdivision of One (1) Lot into Two (2) Lots being Lot 1 and a Residual Lot)	21/08/2018	0	16	16	07/09/2018

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41	17/1700	42 Bowral Road Mittagong NSW 2575 Lot 9 Sec 4 DP 1289	EG Bisio, I Vacondios	Strata Subdivision (2 Lots)	30/11/2017	0	279	279	06/09/2018
42	17/1791	Elizabeth Street Mittagong NSW 2575 Lot 9 Sec 26 DP 111201	WA Smith, ACK Johnson, PW Smith	Dwelling House	19/12/2017	228	30	258	05/09/2018
43	18/0247	41 Oxley Drive Mittagong NSW 2575 Lot 11 DP 1214567	JWH Jessop, VM Jessop	Dwelling House	08/03/2018	92	97	189	15/09/2018
44	19/0368	"Tarrawonga" 875 Old South Road Mittagong NSW 2575 Lot 1 DP 707150 Lot 1 DP 925829	ML Heley, NG Heley, JA Moore	Residential Alterations and Additions (Swimming Pool)	05/09/2018	0	8	8	13/09/2018
45	16/1109	15-19 Wembley Road Moss Vale NSW 2577 Lot 3 DP 772040	Tipglen Pty Limited	Operational Consent Subdivision (15 Lots) and demolition of all existing buildings on site	10/11/2016	0	670	670	LEC – S34 APPROVED 11/09/2018
46	17/0207.03	Oak Tree Retirement Village 50 Willow Drive Moss Vale NSW 2577 Lot 24 DP 585487	Oak Tree Retirement Village Moss Vale Pty Limited	Section 4.55 Modification Seniors Housing (Implementation of staging plan. Temporary central refuse collection area)	28/06/2018	0	85	85	21/09/2018
47	17/1250.04	17 Old Dairy Close Moss Vale NSW 2577 No related land	Sitecat Pty Limited	Section 4.55 Modification (Construction of 10 Industrial Units)	30/04/2018	0	136	136	14/09/2018
48	17/1250.05	17 Old Dairy Close Moss Vale NSW 2577 No related land	Sitecat Pty Limited	Section 4.55 Modification (Relocate mezzanine from interior to exterior)	08/05/2018	0	129	129	14/09/2018
49	18/0786	7 Joyce Street Moss Vale NSW 2577 Lot 4044 DP 1242576	MJ Wallace	Dwelling House	29/06/2018	9	60	69	06/09/2018
50	19/0090	53A Throsby Street Moss Vale NSW 2577 Lot 2 DP 557687	CA Johnson, ME Craig	Residential Alterations and Additions (Enclose deck)	18/07/2018	0	51	51	08/09/2018
51	19/0111	1 James Taunton Drive Moss Vale NSW 2577 Lot 14 DP 874136	KS Campbell, C Campbell	Residential Alterations and Additions (Carport and Verandah)	20/07/2018	0	49	49	08/09/2018
52	19/0322	9 Torulosa Drive Moss Vale NSW 2577 Lot 120 DP 1232222	S Ryan, S Richardson	Dwelling House	28/08/2018	0	22	22	19/09/2018
53	19/0359	4 Reeyana Place Moss Vale NSW 2577 Lot 27 DP 808767	JA Lawler, GM Peterson	Residential Alterations and Additions (Awning)	04/09/2018	0	2	2	06/09/2018

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54	19/0430	40 Waite Street Moss Vale NSW 2577 Lot 3 DP 864464	WW Chesterfield, LD Chesterfield	Residential Alterations and Additions (Shed)	14/09/2018	0	5	5	19/09/2018
55	19/0036	22 Mackellar Circuit Renwick NSW 2575 Lot 6205 DP 1241316	SJ Karott, T Thomas	Dwelling House	06/07/2018	10	59	69	15/09/2018
56	19/0113	4 George Cutter Avenue Renwick NSW 2575 Lot 136 DP 1221206	AR Radford, JA Roberts	Dwelling House	20/07/2018	0	47	47	06/09/2018
57	19/0146	38 Roty Avenue Renwick NSW 2575 Lot 1226 DP 1221207	SP McLoughlin, AE MacCrae	Dwelling House	30/07/2018	0	40	40	08/09/2018
58	19/0151	17 Oldfield Road Renwick NSW 2575 Lot 127 DP 1221206	PK Loveridge, KE Loveridge	Dwelling House	30/07/2018	0	39	39	08/09/2018
59	19/0156	21 Maxted Street Renwick NSW 2575 Lot 31 DP 1221206	SA Dickinson	Dwelling House	31/07/2018	0	38	38	08/09/2018
60	19/0157	32 Roty Avenue Renwick NSW 2575 Lot 1223 DP 1221207	MN Arnall, CE Howe	Dwelling House	01/08/2018	0	38	38	08/09/2018
61	19/0170	10 Jefferis Avenue Renwick NSW 2575 Lot 90 DP 1221206	BM Acton, ME Hagai	Dwelling House	02/08/2018	0	37	37	08/09/2018
62	19/0185	20 George Cutter Avenue Renwick NSW 2575 Lot 110 DP 1221206	RD O'Brien, NE Flaus	Dwelling House	03/08/2018	0	33	33	06/09/2018
63	19/0212	41 Maxted Street Renwick NSW 2575 Lot 46 DP 1221206	Adenzie Developments Pty Ltd	Dwelling House	09/08/2018	0	42	42	20/09/2018
64	19/0213	6 Roty Avenue Renwick NSW 2575 Lot 114 DP 1221206	K Johnson	Dwelling House	09/08/2018	0	41	41	20/09/2018
65	19/0215	16 Roty Avenue Renwick NSW 2575 Lot 119 DP 1221206	BT Blundell, V Blundell	Dwelling House	10/08/2018	0	41	41	20/09/2018
66	18/0202	360 Belmore Falls Road Robertson NSW 2577 Lot 109 DP 751302	KJ Iredale	Swimming Pool	27/02/2018	0	195	195	10/09/2018
67	18/0780	10 Vaughan Avenue Robertson NSW 2577 Lot 332 DP 734696	GJ Tutt, PA Tutt	Residential Alterations and Additions (Alter internal layout and extend dwelling to the north)	29/06/2018	0	76	76	13/09/2018

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68	19/0056	Penrose Park - Monastery 120 Hanging Rock Road Sutton Forest NSW 2577 Lot 9 DP 241054	Trustees of the Pauline Fathers & Brothers	Commercial Alterations and Additions (Solar Energy System)	12/07/2018	0	64	64	14/09/2018
69	17/1607	1-3 Mandemar Street Welby NSW 2575 Lot 5 DP 801539	DP Howarth, DM Tonks	Subdivision (2 Lots)	13/11/2017	0	303	303	12/09/2018
70	18/0223.03	"Brookville" 230 Blencowes Lane Wildes Meadow NSW 2577 Lot 102 DP 627195	KJ White	Section 4.55 Modification (Internal modification)	24/08/2018	0	24	24	18/09/2018
71	18/0746	551 Myra Vale Road Wildes Meadow NSW 2577 Lot 22 DP 626594	RS Denning	Residential Alterations and Additions (New Bathroom, Relocate Window, Minor internal alterations)	22/06/2018	0	80	80	11/09/2018
72	18/0755	131 Clearys Lane Wildes Meadow NSW 2577 No related land	Burgoyne Investments Pty Ltd	Residential Alterations and Additions (Replace deck, internal alterations, new colorbond roof)	25/06/2018	0	80	80	14/09/2018
73	18/0334	Badgery Street Willow Vale NSW 2575 Lot 20 Sec 11 DP 792	FJ Cole	Dwelling House	23/03/2018	89	89	178	19/09/2018
74	18/0779	1360 Highland Way Wingello NSW 2579 Lot 2 DP 838894	DW McDonald	Secondary Dwelling	28/06/2018	0	83	83	20/09/2018
75	19/0108	232 Kells Creek Road Woodlands NSW 2575 Lot 1 DP 567199	JG McComas	Residential Alterations and Additions (Pergola, Swimming Pool)	20/07/2018	0	53	53	11/09/2018
76	19/0073	26 Sunrise Road Yerrinbool NSW 2575 Lot 120 DP 9882	C Marquis, V Marquis	Residential Alterations and Additions (Carport)	13/07/2018	0	59	59	10/09/2018
77	19/0286	"Cloudlands" 1051 Sheepwash Road Avoca NSW 2577 Lot 24 DP 1103389	Julie Marsden Pty Limited	Demolition (farm cottage)	21/08/2018	0	33	33	24/09/2018
78	18/0783	19 Oldbury Street Berrima NSW 2577 Lot 1 DP 777763	JJ Thomas, DGF Morgan	Dual Occupancy (Detached)	29/06/2018	0	87	87	24/09/2018
79	18/0785	17 Old Hume Highway Berrima NSW 2577 Lot 1 DP 568701	PW Bruce, L Bruce	Commercial Alterations and Additions (Attached storeroom/garage and wash room)	29/06/2018	0	86	86	24/09/2018

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80	16/0890.04	94-96 Old South Road Bowral NSW 2576 Lot 23 DP 13235 Lot 2 DP 535086	GL Carless	Section 4.55 Modification (Alter roof colour)	31/08/2018	0	23	23	24/09/2018
81	17/1656	24B Mittagong Road Bowral NSW 2576 Lot 22 DP 1209229	PR Moore, LA Moore, SA Moore, CM Moore	Dual Occupancy (Attached)	22/11/2017	208	96	304	24/09/2018
82	19/0102	460 Kangaloon Road Bowral NSW 2576 Lot 22 DP 792646	Bong Bong Picnic Race Club Ltd	Temporary Use of Land (Home & Garden Show)	19/07/2018	38	27	65	24/09/2018
83	19/0010	11B Links Road Burradoo NSW 2576 Lot 106 DP 1049376	GJ Marsh, LAE Marsh	Residential Alterations and Additions (Deck)	03/07/2018	0	83	83	24/09/2018
84	18/0747	1252 Nowra Road Fitzroy Falls NSW 2577 LOT 102 & 105 DP 751303	R Pace, GJ Pace	Secondary Dwelling	25/06/2018	11	80	91	25/09/2018
85	19/0045	1961 Wombeyan Caves Road High Range NSW 2575 Lot 6 DP 1210240	ST Lee, MT Lee	Residential Alterations and Additions (Awning, carport)	09/07/2018	0	77	77	24/09/2018
86	17/0821.01	1515 Kangaloon Road Kangaloon NSW 2576 Lot 1 DP 790608	NA Gonzalez	Section 4.55 Modification (Storage Loft above Stables)	13/08/2018	0	41	41	24/09/2018
87	16/1322.01	7 Huxley Street Mittagong NSW 2575 Lot 61 DP 882829	P Lema, TD Mitchell	Section 4.55 Modification (Adjust boundary lines of 3 Lot Subdivision)	23/07/2018	0	64	64	25/09/2018
88	17/1233	9-11 Belmore Street Mittagong NSW 2575 Lot 19 DP 662207	KM Mammoliti	Subdivision (3 Lots)	04/09/2017	284	100	384	24/09/2018
89	18/0626	6 Spring Street Moss Vale NSW 2577 Part Lot 4 & Part Lot 5 DP 880538	The Uniting Church Property	Alterations & Additions to existing Church & Hall (New Terrace)	29/05/2018	0	117	117	24/09/2018
90	19/0267	"Five Arrows" 387 Headlam Road Moss Vale NSW 2577 Lot 31 DP 740660	MA Cameron	Residential Alterations and Additions (Tennis Court)	17/08/2018	0	38	38	25/09/2018
91	19/0142	13 Roty Avenue Renwick NSW 2575 Lot 77 DP 1221206	B Singal, S Singal	Dwelling House	26/07/2018	16	44	60	25/09/2018
92	19/0182	6 Jefferis Avenue Renwick NSW 2575 Lot 88 DP 1221206	KG Cooper, A Cooper	Dwelling House	03/08/2018	17	35	52	25/09/2018
93	19/0199	13 Allen Avenue Renwick NSW 2575 Lot 101 DP 1221206	JB Loveridge, CA Loveridge	Dwelling House	07/08/2018	6	42	48	25/09/2018

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94	18/0758	"Quiet Hills" 1 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 126614	Southern Land Holdings Pty Ltd	Farm Buildings (machinery shed, stock feed shed, amenity building and carport)	26/06/2018	0	90	90	24/09/2018
95	18/0646	32 Conflict Street Sutton Forest NSW 2577 Lot 7 & Lot 8 Sec 3 DP 758938	KL Lozell	Residential Alterations and Additions (Deck, Extensions, Swimming Pool)	04/06/2018	0	113	113	25/09/2018
96	17/1547.01	Drapers Road Willow Vale NSW 2575 Lots 4-18 Sec 1 DP2687	Paloma Blanca Pastoral Pty Ltd, Willow Properties Pty Limited	Section 4.55 Modification Subdivision (Boundary Adjustment & Lot Consolidation)	29/08/2018	0	27	27	25/09/2018
97	18/0657	50 Woodbine Street Bowral NSW 2576 Lot 1 DP 986183	B McGregor	Secondary Dwelling	06/06/2018	11	101	112	26/09/2018
98	19/0037	44 Sir James Fairfax Circuit Bowral NSW 2576 Lot 212 DP 1239600	T Pailing, M Pailing	Dwelling House	06/07/2018	0	82	82	26/09/2018
99	19/0476	12 Fairway Drive Bowral NSW 2576 Lot 14 DP 258421	C Daly	Residential Alterations and Additions (Outbuilding)	24/09/2018	0	8	8	03/10/2018
100	17/1717	72 Greasons Road Bundanoon NSW 2578 Lot 35 DP 1036791	Cm Rocca, P Rocca	Subdivision (3 Lots)	05/12/2017	197	97	294	26/09/2018
101	18/0022.01	Aged Care Facility 18 Hill Street Bundanoon NSW 2578 Lot 31 DP 1015355	Warrigal Care	Section 4.55 Modification (Modify Engineering Conditions)	21/06/2018	0	103	103	02/10/2018
102	19/0136	7 Coalmines Road Bundanoon NSW 2578 Lot 5 DP 253557	SJ Teece, LAM Teece	Residential Alterations and Additions (Swimming Pool)	25/07/2018	0	64	64	28/09/2018
103	19/0258	3 Hawthorne Street Bundanoon NSW 2578 Lot 30 DP 9037 Lot 29 DP 1105915	MR Williams, A Skrt	Subdivision (2 Lots)	16/08/2018	0	41	41	27/09/2018
104	18/0738	53 Holly Road Burradoo NSW 2576 Lot 3 DP 32898	WA Alvaro, R Alvaro	Demolish existing Dwelling. New Dwelling House and New Gatehouse	22/06/2018	32	69	101	02/10/2018
105	06/1305.10	"Chamae" 27 Links Road Burradoo NSW 2576 Lot 2 DP 564946 Lot 274 DP 615285	MA Gleeson-White	Section 4.55 Modification (Alterations to boundary locations and RFS requirements)	10/08/2018	0	53	53	02/10/2018
106	18/0169.04	133 Sallys Corner Road Exeter NSW 2579 Lot 4 DP 239258	R Hayward, M Hayward	Section 4.55 Modification (Relocate carport. New entry porch)	10/09/2018	0	21	21	02/10/2018

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107	19/0011	7 James Street Hill Top NSW 2575 Lot 169 DP 817974	DM McKay, JA Brown	Residential Alterations and Additions (Garage)	03/07/2018	22	63	86	28/09/2018
108	17/1444	6-10 Owen Street Mittagong NSW 2575 Lots 12 – 15 Sec 36 DP 1374	Frankland Street Pty Ltd	Industrial Development including Bulky Goods Showroom, Bulky Goods Warehouse Storage & Light Industrial use areas to occur in 5 stages.	16/10/2017	349	2	351	03/10/2018
109	19/0454	64 Oxley Drive Mittagong NSW 2575 Lot 81 DP 877341	RW Tully, MR Tully	Residential Alterations and Additions (Swimming Pool)	20/09/2018	0	12	12	02/10/2018
110	19/0164	48 Kings Road Moss Vale NSW 2577 Lot 1 DP 375542 Lot A DP 407160	AE Laird	Residential Alterations and Additions (Shed)	01/08/2018	0	62	62	02/10/2018
111	19/0335	11 Torulosa Drive Moss Vale NSW 2577 Lot 121 DP 1232222	R McDonald, E McDonald	Residential Alterations and Additions (Shed)	29/08/2018	0	34	34	03/10/2018
112	19/0469	13 Salamander Place Moss Vale NSW 2577 Lot 7 DP 1221913	S White	Residential Alterations and Additions (Awning)	21/09/2018	0	11	11	03/10/2018
113	19/0226	8 Jefferis Avenue Renwick NSW 2575 Lot 89 DP 1221206	Opaljazz Pty Limited	Dwelling House	13/08/2018	0	46	46	28/09/2018
114	19/0230	9 Roty Avenue Renwick NSW 2575 Lot 79 DP 1221206	BF Dickinson	Dwelling House	13/08/2018	3	46	49	02/10/2018
115	19/0231	11 Roty Avenue Renwick NSW 2575 Lot 78 DP 1221206	BD Masters, J Masters	Dwelling House	13/08/2018	0	46	46	29/09/2018
116	19/0232	46 Challoner Rise Renwick NSW 2575 Lot 1261 DP 1221207	R Van Grootel, Ag Van Grootel	Dwelling House	13/08/2018	0	46	46	29/09/2018
117	19/0253	14 Jefferis Avenue Renwick NSW 2575 Lot 92 DP 1221206	B Fryer	Dwelling House	15/08/2018	0	44	44	29/09/2018
118	19/0254	16 Jefferis Avenue Renwick NSW 2575 Lot 93 DP 1221206	SA Dickinson	Dwelling House	15/08/2018	0	47	47	02/10/2018
119	19/0292	7 Allen Avenue Renwick NSW 2575 Lot 104 DP 1221206	S Murphy, E Murphy	Dwelling House	22/08/2018	0	36	36	27/09/2018
120	19/0308	7 Jefferis Avenue Renwick NSW 2575 Lot 58 DP 1221206	A Vella	Dwelling House	24/08/2018	0	36	36	29/09/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
121	19/0360	39 Maxted Street Renwick NSW 2575 Lot 47 DP 1221206	B Ulahannan, J Joseph	Dwelling House	04/09/2018	0	22	22	26/09/2018
122	19/0361	28 Maxted Street Renwick NSW 2575 Lot 1217 DP 1221207	A Flegg	Dwelling House	04/09/2018	0	23	23	27/09/2018
123	19/0088	Vaughan Avenue Robertson NSW 2577 Lot 342 DP 833879	BW Seath	Residential Alterations and Additions (Additions to Existing Residence and Carport)	18/07/2018	0	73	73	29/09/2018
124	19/0384	"Summerlees" 7207 Illawarra Highway Sutton Forest NSW 2577 Lot 1 DP 58843	NE O'Brien, CL O'Brien	Residential Alterations & Additions (Swimming Pool)	06/09/2018	0	22	22	29/09/2018
125	19/0404	309 Exeter Road Sutton Forest NSW 2577 Lot 19 DP 554041	AM Clarke	Residential Alterations and Additions (Extensions)	10/09/2018	0	16	16	26/09/2018
126	19/0486	"Carinya" 7921 Illawarra Highway Sutton Forest NSW 2577 Lot 102 DP 749283	ML Napoletano, AV Napoletano	Residential Alterations and Additions (Swimming Pool)	25/09/2018	0	8	8	03/10/2018
127	19/0062	46 Wildes Meadow Road Wildes Meadow NSW 2577 Lot 2 DP 1014722	RA Jackson	Dwelling House	12/07/2018	0	75	75	26/09/2018
128	19/0077	315 Wombeyan Caves Road Woodlands NSW 2575 Lot 23 DP 252864	EP Kennedy, CM Kennedy	Dwelling House	16/07/2018	0	73	73	28/09/2018

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REFUSED APPLICATIONS

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
18/0699	133 Orford Road Kangaloon NSW 2576 Lot 52 DP 751277	JD Angeles	Farm Stay Accommodation	15/06/2018	76	24	100	24/09/2018

Reasons for Refusal

- Farm Stay Accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production, as defined by WLEP 2010.
Insufficient information has been submitted detailing whether the subject site is a working farm. It is noted that the business has only been registered recently and the primary production is not operated in a commercial capacity. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)
- The subject site does not have dwelling entitlement in accordance with clause 4.2A of WLEP 2010. The provision of a farm stay building on an allotment which does not have dwelling entitlement is considered to create an undesirable precedent. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)
- The development does not meet the objective of the Rural Lands DCP under Part B Section 3.7 which states that it should ensure that farm stay accommodation operates only as an ancillary function to the primary production functions of the property. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)
- The submitted geotechnical report recommends the following:
"It would be unacceptable practice for residential development to proceed on a site with these risk level classifications. Development should not proceed until site remediation works are carried out to reduce the risk from high, to low"
"This current site is unsuitable for development, until it can be re-assessed following necessary remediation works."

Therefore a site remediation plan is required to be submitted to Council from a Geotechnical Engineer to confirm the extent of works required and stating that once the remediation has been completed that the location is suitable for the proposed development. Request for the above has not been forthcoming. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)
- The site contains mapped Southern Highlands Shale Woodland, an Endangered Ecological Community, a patch of which is located in the immediate vicinity of the proposal. It would appear that a portion of this has been removed between Sept 2017 and Feb 2018 (Source: Nearmap) to facilitate works on land which is the subject of this Development Application. It is also noted that existing dam had been enlarged and a new dam has been created. A breach of EPI under WLEP 2010 has been conducted by not seeking consent for water storage facility and removal of trees. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)
- The Bushfire report claims in Section 4.2 that there is no threatened species, population, or ecological community on the property. It is noted that this is incorrect, as it references to the superseded Threatened Species Conservation Act 1995 No. 101.

No Flora & Fauna Impact Assessment report has been provided with the application to assess and consider impacts under the Biodiversity Conservation Act.

Proposed works within the vicinity of House A will impact on a large remnant SHSW tree, with construction impacts located within the Tree Protection Zone and Structural Root Zone of the tree. It is

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also noted that RFS requirement for an APZ of 40m may further impact on Southern Highlands Shale Woodland. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)

7. A landscape plan has not been provided. (S.4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979)

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
18/0621	7 Centennial Road Bowral NSW 2576 Lot 14 DP 1160069	Destin Pty Ltd	Temporary Use of Land - Ice Skating Rink	28/05/2018	91	29	120	27/09/2018

Reasons for Refusal

1. Insufficient information was supplied with the application to enable Council to properly assess its compliance with the provisions of Traffic Management Plan to identify how the traffic and pedestrian safety are to be managed.
(Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, as amended)
2. Insufficient information was supplied with the application to enable Council to properly assess its compliance with the noise level in form of an Acoustic report.
(Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, as amended)
3. Approval of the proposal would not be in the public interest as:
 - a. The proposal will have a significant impact on the safety of patrons and adjoining properties in terms of traffic management.
(Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, as amended)

ATTACHMENTS

There are no attachments to this report.

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13.2 Development Applications Received from 5 September 2018 to 3 October 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors on the Development Applications received in the period from 5 September 2018 to 3 October 2018

RECOMMENDATION

THAT the information relating to Development Applications Received from 5 September 2018 to 3 October 2018 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 5 September 2018 to 3 October 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	19/0463	982 Sheepwash Road Avoca NSW 2577 Lot 2 DP 602938	JE Griffiths, EG Jackson	Residential Alterations and Additions (Internal)	21/09/2018		#PENDING		
2	19/0457	5 Renwick Drive Balaclava NSW 2575 Lot 16 Sec 6 DP 841	B Candelori	Residential Alterations and Additions (Demolish rear deck & laundry)	20/09/2018		#PENDING		
3	19/0425	1 Compton Park Road Berrima NSW 2577 Lot 3 DP 262334	GS Thomas, M Thomas	Demolish Existing Dwelling. Construct Dual Occupancy (Attached)	13/09/2018		#PENDING		
4	09/0055.07	"The Old Rectory" Quarry Street Berrima NSW 2577 Lots 8 - 12 DP 80581	E Triguboff	Section 4.55 Modification Commercial Premises (Change external wall & roof cladding. Additional window. Internal alterations. External Fireplace)	18/09/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	17/1682.05	5 Rose Street Bowral NSW 2576 Lot A DP 363406	AJ Devlin, AM Donohoe	Section 4.55 Modification (Delete front extension. Minor internal alterations)	21/09/2018		#PENDING		
6	19/0377	25 Linden Way Bowral NSW 2576 Lot 52 DP 846502	DS Wood, BA Wood	Residential Alterations and Additions (Extensions)	05/09/2018		#PENDING		
7	19/0403	23 Rose Street Bowral NSW 2576 Lot 4 DP 612724	JM Rose-Innes	Residential Alterations and Additions (Extension)	10/09/2018		#PENDING		
8	19/0415	17 Parmenter Court Bowral NSW 2576 Lot 110 DP 1043085	KE Loader, GJ Loader	Residential Alterations and Additions (Awnings)	12/09/2018		#APPROVED	19/09/2018	
9	19/0424	149 Merrigang Street Bowral NSW 2576 Lot 6 DP 1240587	JL Vild, JB Vild	Dwelling House	13/09/2018		#PENDING		
10	19/0427	61 Sir James Fairfax Circuit Bowral NSW 2576 Lot 303 DP 1234848	PFR Cragg, CA Cragg	Dwelling House	13/09/2018		#PENDING		
11	19/0436	"Ben Nevis" 98-100 Mittagong Road Bowral NSW 2576 Lot 1 DP 196994	MA Hillyer, SE Hillyer	Residential Alterations and Additions (Internal alterations)	14/09/2018		#PENDING		
12	19/0437	13 Carlisle Street Bowral NSW 2576 Lot 16 DP 775490	WI Johnson, AN Feros	Residential Alterations and Additions (internal, Deck)	14/09/2018		#PENDING		
13	19/0475	445 Moss Vale Road Bowral NSW 2576 Lot 910 DP 1029860	MHJ Kroon, G Kroon	Commercial Alterations and Additions (2 nd Storey addition to existing office building)	24/09/2018		#PENDING		
14	19/0476	12 Fairway Drive Bowral NSW 2576 Lot 14 DP 258421	C Daly	Residential Alterations and Additions (External entertaining area)	24/09/2018		#PENDING		
15	19/0478	33-37 Bowral Street Bowral NSW 2576 Part Lot 100 DP 1144699	Reverse Signage Pty Ltd	Change of Use (Advertising Structures)	25/09/2018		#PENDING		
16	19/0435	31 Garland Road Bundanoon NSW 2578 Lot 43 DP 263668	LA Carr	Residential Alterations and Additions (Garage)	14/09/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
17	19/0438	7-11 Burgess Street Bundanoon NSW 2578 Lots 19-22 Sec 1 DP 1307 & Lot 1 DP 577713 & Lot 2 DP 777479	Wingecarribee Shire Council	Community Facility (Extension of Men's Shed)	14/09/2018		#PENDING		
18	16/0949.06	18 Yearn Street Burradoo NSW 2576 Lot 10 DP 1233865	RC Brett, DL Brett	Section 4.55 Modification (Continued use of timber deck & fire pit)	07/09/2018		#PENDING		
19	19/0397	Links Road Burradoo NSW 2576 Lot 12 DP 270760	Petson No 2 Pty Limited, No Hope Investments Pty Limited	Vegetation Clearing (Removal of 3 trees)	07/09/2018		#PENDING		
20	19/0416	29A Links Road Burradoo NSW 2576 Lot 242 DP 1235909	KG Gillott	Dwelling House	12/09/2018		#PENDING		
21	17/0871.01	"Wendela" 1751 Canyonleigh Road Canyonleigh NSW 2577 Lots 1&4 DP110407- Lot A DP443905- Lot2 4 DP751286 – Lots 1-2 DP1022155 & EP43521	RJ Fife, JL Diaz	Section 4.55 Modification (Amend Staging Release of 7 Lot Subdivision)	10/09/2018		#PENDING		
22	19/0460	2400 Canyonleigh Road Canyonleigh NSW 2577 Lot 14 DP 806293	Noah Retail Group Pty Ltd	Dwelling House	21/09/2018		#PENDING		
23	19/0468	16 Beech Street Colo Vale NSW 2575 Lot 9 Sec 23 DP 2944	KK Stevens	Residential Alterations and Additions (New carport & alter existing carport)	21/09/2018		#PENDING		
24	18/0169.04	133 Sallys Corner Road Exeter NSW 2579 Lot 4 DP 239258	RJ Hayward, MJ Hayward	Section 4.55 Modification (New Carport & Porch)	10/09/2018		#PENDING		
25	19/0414	16 Westgrove Road Exeter NSW 2579 Lot 2 DP 1237682	BJ Graham, MJ Graham	Dwelling House	12/09/2018		#PENDING		
26	19/0461	"Cherry Bank" 158 Bundanoon Road Exeter NSW 2579 Lots 10-12 DP1240942	RC Hannan, ME Hannan	Farm Building	21/09/2018		#PENDING		

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27	19/0396	75 Jack Emery Lane Glenquarry NSW 2576 Lot 21 DP 1019661	Jomalco Pty Ltd	Residential Alterations and Additions (Extensions, Swimming Pool, Garage)	07/09/2018		#PENDING		
28	19/0445	71 Yeo's Road Glenquarry NSW 2576 Lot 23 DP 1129868	AP Grattan-Smith	Farm Building	18/09/2018		#PENDING		
29	18/0366.01	1775 Wombeyan Caves Road High Range NSW 2575 Lot 1 DP1210240 Enclosure Permit 43397	JW Danaher	Section 4.55 Modification (Alter conditions pertaining to Storm water)	12/09/2018		#PENDING		
30	19/0418	35 Boronia Avenue Hill Top NSW 2575 Lot 21 Sec 4 DP 6221	KK Kumar, VV Kumar	Dwelling House	12/09/2018		#PENDING		
31	19/0440	Percy Street Hill Top NSW 2575 Lot 789 DP 1226666	PM Martin	Residential Alterations and Additions (Retaining Wall)	17/09/2018		#PENDING		
32	19/0479	1139 Kangaloon Road Kangaloon NSW 2576 Lot 2 DP 778784 Lot 3 DP 800425 Lot 101 DP 878763	Sentra Investments Pty Ltd	Cemetery	25/09/2018		#PENDING		
33	17/1377.04	46 Oxley Drive Mittagong NSW 2575 Lot 21 DP 838000	Willawong Pty Limited	Section 4.55 Modification (Alter conditions to permit issue of construction certificate before registration of 2 Lot Subdivision)	06/09/2018		#PENDING		
34	17/1542.04	62 Oxley Drive Mittagong NSW 2575 Lot 7 Sec 31 DP 1338	RMV Figtree	Section 4.55 Modification (Alter Sewer Pumping System to Gravity Sewerage System for 2 Lot Subdivision)	21/09/2018		#PENDING		
35	17/1674.01	31 Mary Street Mittagong NSW 2575 Lot 14 Sec 1 DP 1847 Lot 15 Sec 1 DP 1847	SP Gruesser	Section 4.55 Modification (Alter easements for 4 Lot Subdivision)	10/09/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
36	19/0368	"Tarrawonga" 875 Old South Road Mittagong NSW 2575 Lot 1 DP 707150 Lot 1 DP 925829	ML Heley, NG Heley, JA Moore	Residential Alterations and Additions (Swimming Pool)	05/09/2018		#APPROVED	13/09/2018	
37	19/0426	31 Duke Street Mittagong NSW 2575 Lot 12 DP 1071207	SP Clarke, BR Factor	Residential Alterations and Additions (Shed)	13/09/2018		#PENDING		
38	19/0452	4 Victoria Street Mittagong NSW 2575 Lot 1 DP 354018	GB Di Corpo, AL Di Corpo	Demolition of Existing Dwelling, Dwelling House	20/09/2018		#PENDING		
39	19/0454	64 Oxley Drive Mittagong NSW 2575 Lot 81 DP 877341	RW Tully, MR Tully	Residential Alterations and Additions (Swimming Pool)	20/09/2018		#PENDING		
40	16/1312.03	6180 Illawarra Highway Moss Vale NSW 2577 Lot 318 DP 1226539	RL Morrison, TM Bowman	Section 4.55 Modification (New balcony to first floor)	25/09/2018		#PENDING		
41	19/0378	35 Watkins Drive Moss Vale NSW 2577 Lot 159 DP 1206624	SW Davis, KM Davis	Dwelling House	06/09/2018		#PENDING		
42	19/0393	88 Darraby Drive Moss Vale NSW 2577 Lot 4075 DP 1242576	PK Ryan, WM Ryan	Dwelling House	07/09/2018		#PENDING		
43	19/0420	8 Stanley Terrace Moss Vale NSW 2577 Lot 5 DP 262491	SL Pervanoglu, CE Pervanoglu	Residential Alterations and Additions (Garage)	13/09/2018		#PENDING		
44	19/0430	40 Waite Street Moss Vale NSW 2577 Lot 3 DP 864464	WW Chesterfield, LD Chesterfield	Residential Alterations and Additions (Shed)	14/09/2018		#APPROVED	19/09/2018	
45	19/0442	2 Warrawong Drive Moss Vale NSW 2577 Lot 137 DP 1232222	MJ Carroll, RA Carroll	Subdivision (2 Lots) & Dual Occupancy (Detached)	17/09/2018		#PENDING		
46	19/0453	24 Montgomery Way Moss Vale NSW 2577 Lot 4045 DP 1242576	SM Green, N Green	Dwelling House	20/09/2018		#PENDING		
47	19/0458	RRC Saleyards 205 Berrima Road Moss Vale NSW 2577 Lot 1 DP 1070888 Lot 3 DP 1070888	Wingecarribee Shire Council	Waste Management Facility (New Demountable Building for staff change rooms & break room)	21/09/2018		#PENDING		

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48	19/0469	13 Salamander Place Moss Vale NSW 2577 Lot 7 DP 1221913	S White	Residential Alterations and Additions (Awning)	21/09/2018		#PENDING		
49	19/0388	534 Kareela Road Penrose NSW 2579 Lot 4 Sec 2 DP 758838	GM Stivano	Residential Alterations and Additions (Extensions)	06/09/2018		#PENDING		
50	19/0375	52 George Cutter Avenue Renwick NSW 2575 Lot 70 DP 1221206	TE Rudd, AL Hughes	Dwelling House	05/09/2018		#PENDING		
51	19/0376	44 George Cutter Avenue Renwick NSW 2575 Lot 66 DP 1221206	AJ Johnson	Dwelling House	05/09/2018		#PENDING		
52	19/0381	18 Allen Avenue Renwick NSW 2575 Lot 148 DP 1221206	B Kirby	Dwelling House	06/09/2018		#PENDING		
53	19/0383	17 Green Street Renwick NSW 2575 Lot 73 DP 1221206	AJ Goldfinch, KE Wills	Dwelling House	06/09/2018		#PENDING		
54	19/0394	7 Roty Avenue Renwick NSW 2575 Lot 80 DP 1221206	IR Cameron	Dwelling House	07/09/2018		#PENDING		
55	19/0395	9 Jefferis Avenue Renwick NSW 2575 Lot 57 DP 1221206	P Cameron	Dwelling House	07/09/2018		#PENDING		
56	19/0406	10 Green Street Renwick NSW 2575 Lot 22 DP 1221206	SB Sinclair	Dwelling House	10/09/2018		#PENDING		
57	19/0411	32 Maxted Street Renwick NSW 2575 Lot 1219 DP 1221207	T Wang	Dwelling House	11/09/2018		#PENDING		
58	19/0428	58 Challoner Rise Renwick NSW 2575 Lot 1255 DP 1221207	KP Ratcliffe, AL Ratcliffe	Dwelling House	13/09/2018		#PENDING		
59	19/0456	34 Roty Avenue Renwick NSW 2575 Lot 1224 DP 1221207	LW Hunt, KR Hunt	Dwelling House	20/09/2018		#PENDING		
60	19/0466	33 Maxted Street Renwick NSW 2575 Lot 50 DP 1221206	S Mathew, AJ Marasery	Dwelling House	21/09/2018		#PENDING		
61	19/0467	26 Mackellar Circuit Renwick NSW 2575 Lot 6203 DP 1241316	GA Smith, CS Smith	Dwelling House	21/09/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
62	19/0473	43 Challoner Rise Renwick NSW 2575 Lot 1247 DP 1221207	KJ Flegg	Dwelling House	24/09/2018		#PENDING		
63	19/0471	52 Charlotte Street Robertson NSW 2577 Lot 8 DP 702184	DJ Gair, JB Gair	Residential Alterations and Additions (Internal Alterations)	21/09/2018		#PENDING		
64	19/0384	"Summerlees" 7207 Illawarra Highway Sutton Forest NSW 2577 Lot 1 DP 58843	NE O'Brien, CJ O'Brien	Residential Alterations & Additions (Swimming Pool)	06/09/2018		#PENDING		
65	19/0404	309 Exeter Road Sutton Forest NSW 2577 Lot 19 DP 554041	AM Clarke	Residential Alterations and Additions (Extensions)	10/09/2018		#APPROVED		
66	19/0448	"Longford" 630 Oldbury Road Sutton Forest NSW 2577 Lot 1 DP 860654	PJ Cape, MB Lefterys	Residential Alterations and Addition (Studio)	18/09/2018		#PENDING		
67	19/0486	"Carinya" 7921 Illawarra Highway Sutton Forest NSW 2577 Lot 102 DP 749283	ML Napoletano, AV Napoletano	Residential Alterations and Additions (Swimming Pool)	25/09/2018		#PENDING		
68	09/1157.05	144 Mt Broughton Road Werai NSW 2577 Lot 1 DP 804846	IM Scandrett, JA Scandrett	Section 4.55 Modification (New shed, cabana, stables, pool & tennis court)	14/09/2018		#PENDING		✓
69	19/0429	32 Cordeaux Street Willow Vale NSW 2575 Lot 41 DP 1237681	PT Worner, KE Worner	Dwelling House	14/09/2018		#PENDING		
70	19/0433	14 Ritchie Road Willow Vale NSW 2575 Lot 4 DP 1240585	DJ Wilson, CM Wilson	Dwelling House	14/09/2018		#PENDING		
71	19/0477	14 Ritchie Road Willow Vale NSW 2575 Lot 4 DP 1240585	DJ Wilson, CM Wilson	Residential Alterations and Additions (New Shed)	24/09/2018		#PENDING		
72	19/0483	55 Morris Road Woodlands NSW 2575 Lot 1 DP 619170	NS McLeod	Residential Alterations and Additions (Internal alterations. New carport. Covered entertaining area)	25/09/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
73	19/0412	16 Sierra Street Yerrinbool NSW 2575 Lot 79 DP 11780	TJ Lawer, TJ Clarke	Residential Alterations and Additions (New Shed)	11/09/2018		#PENDING		
74	19/0485	24 Sundown Lane Yerrinbool NSW 2575 Lot 623 DP 878683	G Zerafa, K Zerafa	Residential Alterations and Additions (New Shed)	25/09/2018		#PENDING		
75	18/0667.01	2 Merilbah Road Bowral NSW 2576 Lot 15 DP 20804	SM Giles, RJ Strange	Section 4.55 Modification (Alter roof)	02/10/2018		#PENDING		
76	19/0513	147 Merrigang Street Bowral NSW 2576 Lot 3 DP 1240587	JA Naughton, AP Naughton	Dwelling House	02/10/2018		#PENDING		
77	19/0516	16 Kimberley Drive Bowral NSW 2576 Lot 23 DP 749890	IW Finlayson, J Nyberg	Dual Occupancy (Attached), & Swimming Pool & Cabana	02/10/2018		#PENDING		
78	19/0523	Kenilworth Gardens 40 Kangaloon Road Bowral NSW 2576 Lot 125 DP 879002	Bowral Aged Care Pty Ltd, The Whiskey Hill Cattle Company Pty Ltd	Convert ground floor Nursing Home to 6 Serviced Apartments. Install residents lift. Additional bedroom to Apartment 4. New 6 vehicle carport.	03/10/2018		#PENDING		
79	19/0524	3 Betty Close Bowral NSW 2576 Lot 321 DP 1234848	MC Monkcom, JR Monkcom	Dwelling House	03/10/2018		#PENDING		
80	19/0527	5 Bloomfield Close Bowral NSW 2576 Lot 3 DP 1231895	Associated World Investments Pty Ltd	Dwelling House	03/10/2018		#PENDING		
81	19/0014.01	10 Sutherland Park Drive Burradoo NSW 2576 Lot 16 DP 1220167	RJ Morgan	Section 4.55 Modification (Relocate Proposed Dwelling)	03/10/2018		#PENDING		
82	19/0499	12 Sutherland Park Drive Burradoo NSW 2576 Lot 17 DP 1220167	Athanasopoulos S Marvello	Dwelling House	27/09/2018		#PENDING		
83	06/1428.10	Links Road Burradoo NSW 2576 Lot 12 DP 270760	Petson No 2 Pty Limited, No Hope Investments Pty Limited	Section 4.55 Modification (Remove a condition pertaining to Clause 65 Bushfire Protection)	28/09/2018		#PENDING		
84	19/0530	Crown Street Burrawang NSW 2577 Lots 16-17 Sec 3 DP2660	M Di Marino	Residential Alterations and Additions (Extension)	03/10/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
85	19/0517	"Attunga" 2151 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	Attunga Youth Ministries Pty Ltd	Indoor Recreation Facility	02/10/2018		#PENDING		
86	16/1051.05	116 Ringwood Lane Exeter NSW 2579 Lot 10 DP 1222769	SW Chick	Section 4.55 Modification (Additional window & skylight)	27/09/2018		#PENDING		
87	17/1223.04	Rockleigh Road Exeter NSW 2579 Lot 2 DP 1174493	M Le Poer Trench, E Hibbert	Section 4.55 Modification (Relocate proposed carport. Remove ground floor living area)	28/09/2018		#PENDING		
88	19/0509	Sproules Lane Glenquarry NSW 2576 Lot 81 DP751282 Lot 1 DP1054254	Pym Equipment Pty Limited	Farm Dam	28/09/2018		#PENDING		
89	19/0505	44 Waverley Parade Mittagong NSW 2575 Lot 3 DP 1087566	J Maxwell	Residential Alterations and Additions (Extensions)	28/09/2018		#PENDING		
90	19/0491	14 Watson Road Moss Vale NSW 2577 Lot 3 DP 1232365	SP Gordon	Secondary Dwelling	26/09/2018		#PENDING		
91	19/0492	4 Torulosa Drive Moss Vale NSW 2577 Lot 114 DP 1232222	BJ Becker, TA Becker	Dwelling House	26/09/2018		#PENDING		
92	19/0507	13 Torulosa Drive Moss Vale NSW 2577 Lot 122 DP 1232222	SM Francis, CL Francis	Dwelling House	28/09/2018		#PENDING		
93	19/0522	74 Yarrawa Road Moss Vale NSW 2577 Lot 12 DP 790612	C Bowman, PT Multari	Convert part of farm building to Secondary Dwelling. Conduct local provenance culinary home business within main dwelling during daylight savings months.	03/10/2018		#PENDING		
94	19/0494	8 Green Street Renwick NSW 2575 Lot 21 DP 1221206	TA McGowan, CP McGowan, LG McGowan	Dwelling House	26/09/2018		#PENDING		

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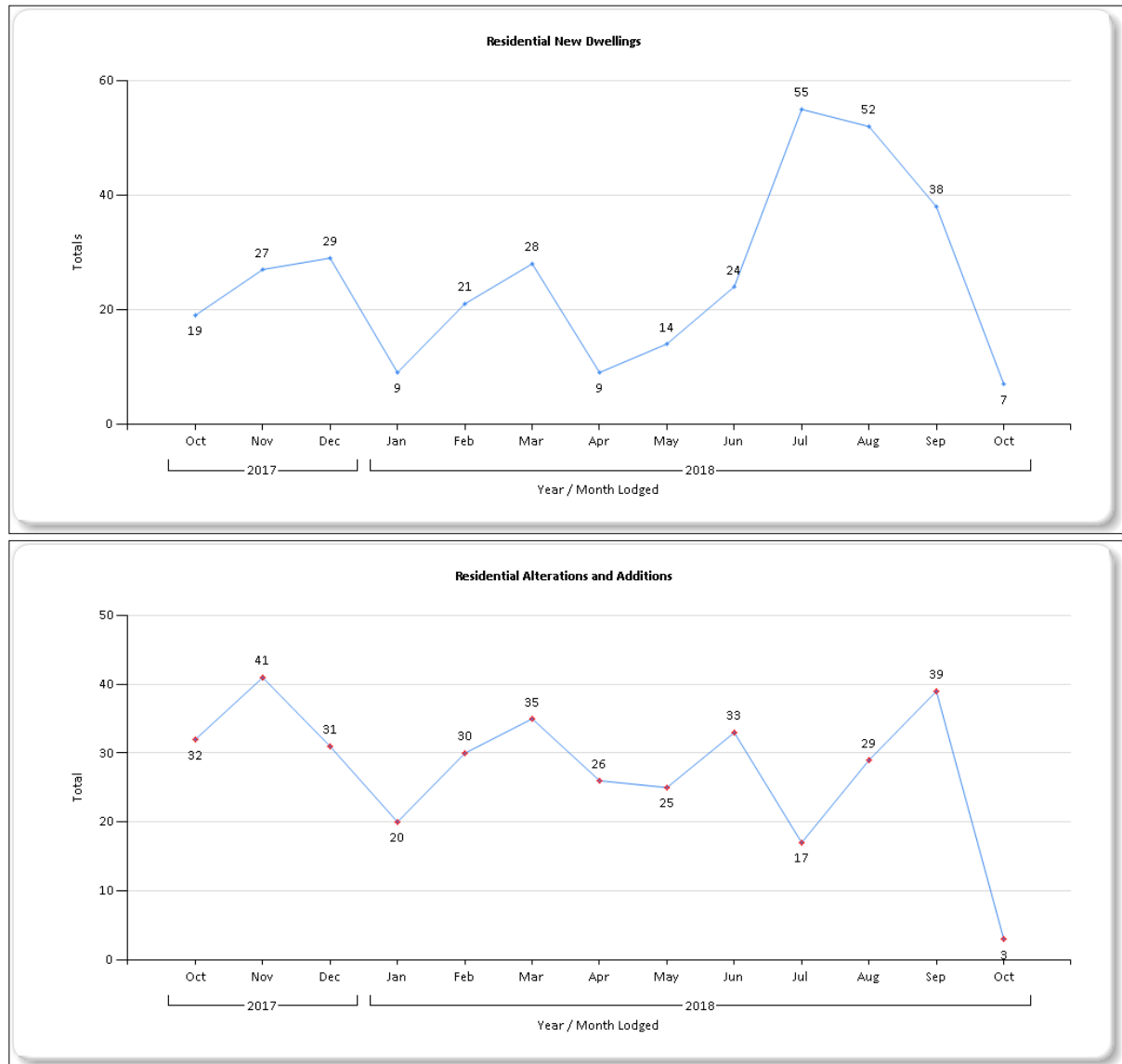
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
95	19/0495	6 Allen Avenue Renwick NSW 2575 Lot 142 DP 1221206	MJ Warn, M Gates	Residential Alterations and Additions (Swimming Pool)	26/09/2018		#PENDING		
96	19/0498	14 Allen Avenue Renwick NSW 2575 Lot 146 DP 1221206	G Sotirios, P Sotirios	Dwelling House	27/09/2018		#PENDING		
97	19/0502	24 Roty Avenue Renwick NSW 2575 Lot 24 DP 1221206	SA Patel, VP Patel	Dwelling House and Secondary Dwelling (attached)	28/09/2018		#PENDING		
98	19/0503	30 Challoner Rise Renwick NSW 2575 Lot 13 DP 1221206	AM Brooks, A Brooks	Dwelling House	28/09/2018		#PENDING		
99	19/0504	23 Green Street Renwick NSW 2575 Lot 54 DP 1221206	S Rodrigues, KA Rodrigues	Dwelling House	28/09/2018		#PENDING		
100	19/0508	3 Green Street Renwick NSW 2575 Lot 123 DP 1221206	JD Elatm, CLD Elatm	Dwelling House	28/09/2018		#PENDING		
101	19/0515	22 Green Street Renwick NSW 2575 Lot 39 DP 1221206	DA Wane, Km Perala	Dwelling House	02/10/2018		#PENDING		
102	19/0518	50 Maxted Street Renwick NSW 2575 Lot 1239 DP 1221207	M Perinich, S Perinich	Dwelling House	02/10/2018		#PENDING		
103	19/0531	5 Allen Avenue Renwick NSW 2575 Lot 105 DP 1221206	K Halstead, GM Halstead	Dwelling House	03/10/2018		#PENDING		
104	19/0493	102 Yeola Road Robertson NSW 2577 Lot 6 DP 244159	J Peel, GM Miles	Residential Alterations and Additions (Shed)	26/09/2018		#PENDING		
105	15/0916.06	10 DRAPERS ROAD WILLOW VALE NSW 2575 No Related Land	JA Williams, AN Williams	Section 4.55 Modification (Alter sewerage infrastructure)	28/09/2018		#PENDING		
106	19/0497	2610 Old Hume Highway Woodlands NSW 2575 Lot 1 DP 999273	MT Hinton, K Hinton	Residential Alterations and Additions (Garage and Pool House)	27/09/2018		#PENDING		

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ATTACHMENTS

There are no attachments to this report.



13.3 Section 4.55 Application 03/2011.05 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 and Lot 2 DP531503, Wombeyan Caves Road, High Range

Reference:	03/2011.05
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Woodbine Park Nominees Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report details consideration of an application to modify development consent 03/2011, including the outcomes of a meeting between the applicant, objectors and Council officers. The modification application is to be determined by the Council because the original development application was determined by the Council, as was a previous application to modify the consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT modification application 03/2011.05 under section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be approved subject to proposed draft conditions of development consent contained in Attachment 1.

REPORT

Subject Site and Locality

Figures 1 and 2 (and Attachment 2) illustrate the land's location and general layout. It is an approximately 228ha rural parcel of two lots on the southwestern side of Wombeyan Caves Road at High Range, around 14km northwest of Mittagong. It is accessible by vehicle from Wombeyan Caves Road.



Figure 1: Location of subject land (see also Attachment 2)

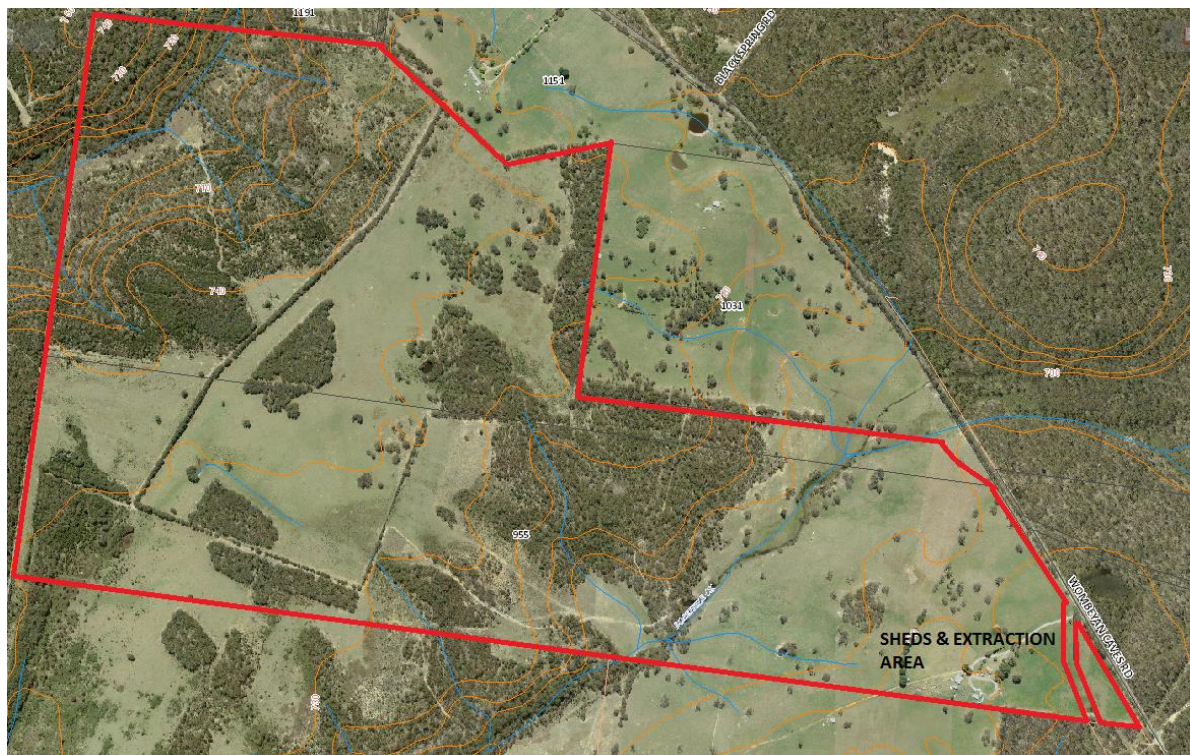


Figure 2: Aerial photograph of subject land (see also Attachment2)

The land has undulating topography and is traversed by Borehole Creek, along with other unnamed minor watercourses. Vegetation on the land includes grazed pasture and clusters of mature native trees.

Some surrounding properties appear to be used for agricultural purposes; others contain remnant native vegetation.



Background

On 20 July 2005, Council granted development consent 03/2011 for “bulk water extraction and storage shed / staff amenities” on Lot 85 DP751275 and Lot 2 DP531503, 955 Wombeyan Caves Road, High Range. The development involved erection of a rural style metal shed and the pumping of water from an existing licenced bore. Conditions of consent included:

- Condition 5:

Hours of Operation / Truck Movements

The hours of operation are limited to between 7:00am and 6:00pm week days only, with no movements Saturday, Sunday and Public Holidays. To assist in monitoring this condition the applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.

Truck movements during these hours shall be restricted to a maximum of twelve (12) movements per day.

Council amended the consent on 18 October 2005, and further modified it on 9 March 2006. Neither the amendment nor modification is considered to be of any consequence to the modification application now under consideration.

On 21 December 2015 Council received an application (03/2011.04) to modify the consent, proposing amendment of condition 5 to entirely remove the restriction on permitted vehicle movement days and times, i.e. to permit vehicle movements 24 hours per day, seven days per week, without increasing the permitted number of daily vehicle movements from 12. The Council considered a report regarding application 03/2011.04 at its Ordinary Meeting of 14 December 2016, and resolved to modify the consent for a 12 month period, amending condition 5 and adding condition 17:

- Condition 5:

Hours of Operation / Truck Movements

The hours of operation are limited to between 7.00 am and 6.00pm week days only, with no movements Saturday, Sunday and Public Holidays.

Notwithstanding the above, a 12 month trial period for the 24 hour operation of the use (including vehicular movements) between 12 Midnight Mondays and 12 midnight Fridays, is permitted from 15 December 2016 to 15 December 2017. Should the operator wish to seamlessly continue these hours beyond 15 December 2017, a section 96 modification application shall be lodged and determined prior to this date.

To assist in monitoring this condition the applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.

*Truck movements ~~during these hours~~ **per day (midnight to midnight)** shall be restricted to a maximum of ~~twelve (12)~~ movements per day.*

The number of deliveries by truck in any single night period (i.e. 10.00 pm to 7.00 am) shall not exceed four.

During night time (i.e. 10.00 pm to 7.00 am), the number of deliveries by truck within any one hour period shall be restricted to two truck movements (i.e. one delivery).



- Condition 17:

Noise Controls

The development shall comply with relevant noise control provisions contained within the Protection of the Environment Operations Act 1997 and Noise Control Regulations and Policies to ensure local amenity is not adversely affected by noise impacts associated with the development.

Proposed Development

Lee Environmental Planning made the subject modification application 03/2011.05 on 26 October 2017. Information accompanying the application requests Council consider amending condition 5 of the consent to permit operation of the development, including associated vehicle movements, 24 hours per day, five days per week, on an ongoing basis.

Essentially, the proposed modification might involve amendment of condition 5 to read:

Hours of Operation / Truck Movements

Council's consent permits operation of the development, including associated vehicle movements, 24 hours per day on weekdays only, with no operation or vehicle movements permitted on Saturdays, Sundays or public holidays.

To assist in monitoring this condition the applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.

Truck movements per day (midnight to midnight) shall be restricted to a maximum of 12 movements per day.

The number of deliveries by truck in any single night period (i.e. between 10.00 pm and 7.00 am) shall not exceed four.

During night time (i.e. between 10.00 pm and 7.00 am), the number of deliveries by truck within any one hour period shall be restricted to two truck movements (i.e. one delivery).

The information accompanying the modification application asserts, "...there has been no adverse impacts arising from the conduct of the business. On this basis it is requested that the [12 month] trial be acknowledged as having been a success, therefore negating the need for the trial to be extended. Therefore, the existing conditions of consent should be amended to reflect the 24 hour operation with the pattern of truck movements described within the conditions". It suggests the proposed modification will facilitate "a more efficient spread of truck movements that are necessary to service the water extraction facility".

The Council considered the subject application at its Ordinary Meeting of 12 September 2018, and resolved:

THAT modification application 03/2011.05 under section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be DEFERRED to the Ordinary Meeting of Council to be held on Wednesday, 10 October 2018 to enable Council staff, the Owner/Applicant and the Objectors to meet in an endeavour to resolve the Objectors' concerns.

Accordingly, Council officers convened a meeting with the applicant and objectors on 24 September 2018. Objectors expressed four main concerns regarding the proposed modification:

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- Night time noise emissions from associated heavy vehicle road traffic
- Headlight glare from associated heavy vehicle road traffic
- Potential increase in nocturnal wildlife injuries and deaths
- Road safety on Wombeyan Caves Road.

The applicant and objectors reached agreement that these concerns might be addressed by modifying the consent to permit operation of the development, including associated vehicle movements, 24 hours per day on weekdays only, with no operation or vehicle movements permitted on Saturdays, Sundays or public holidays, for a period of three months, subject to the following:

- All heavy vehicle traffic associated with the development will observe a maximum speed of 60km/h, and will refrain from using high-beam headlights, between 10:00pm and 7:00am on Wombeyan Caves Road, and
- All heavy vehicles associated with the development will be equipped with operational high frequency wildlife repellent devices ("ShuRoo" or equivalent), and
- The operator of the development will provide written instructions to drivers of all heavy vehicles associated with the development, conveying the above requirements and restrictions, and
- If any objector observes heavy vehicle traffic on Wombeyan Caves Road contravening any of the above requirements and restrictions, and has reason to believe any vehicle concerned is associated with the development, the objector should:
 - Record the date and time of the contravention and, if possible, the identity of the vehicle or vehicles, and
 - Report the contravention to the operator of the development, and
- If the operator of the development receives any report, allegation or complaint that a vehicle or vehicles associated with the development exceeded a speed of 60km/h or used high-beam headlights on Wombeyan Caves Road, the operator will seek to establish, by reference to the development's register of dispatches, whether the report, allegation or complaint is well founded and, if so, take all reasonable measures to prevent any recurrence, and
- The operator of the development is willing to arrange erection or installation of wildlife safety warning signage on Wombeyan Caves Road at no cost to Council, and
- After three months from the date of the consent's modification:
 - If it is established that operation in accordance with these terms satisfactorily address the objectors' concerns, the development may continue to operate in accordance with these terms, or
 - If it is established that operation in accordance with these terms does not satisfactorily address the objectors' concerns, the development's operation and associated heavy vehicle traffic movements will be restricted to between 7:00am and 6:00pm weekdays only, as permitted by the original consent.

A recommended modified consent condition conveys these terms. It should be noted, however, that adoption of these terms will necessitate a further application to modify the consent after three months.

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979 (the Act)—section 4.55

The proposed modification is considered satisfactory with regard to the relevant provisions of section 4.55 of the Act, including subsections (2) and (3):

4.55 Modification of consents—generally

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

State Environmental Planning Policies (SEPPs)

No provisions of SEPPs that applied to the original development application 03/2011 are relevant to the proposed modification.

Local Environmental Plans

Wingecarribee Local Environmental Plan 1989 (WLEP89)

The original development application 03/2011 was subject to the relevant provisions of the then-applicable Wingecarribee Local Environmental Plan 1989 (WLEP89), which included:

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- Clause 2—Aims, objectives etc
- Clause 5—Definitions
- Clause 6—Adoption of Model Provisions
 - Environmental Planning and Assessment Model Provisions 1980
 - Clause 4—Definitions
 - Clause 5—Consideration of certain applications
 - Clause 30—Services
- Clause 9—Zone objectives and development control table
- Clause 14—Development on land which fronts a main or arterial road
- Clause 36—Provision of services.

However, WLEP89 was repealed with the commencement of Wingecarribee Local Environmental Plan 2010, which now applies to the land.

Wingecarribee Local Environmental Plan 2010 (WLEP10)

The modification application has been considered with regard to the relevant provisions of WLEP10, including:

- Clause 1.2—Aims of Plan
- Clause 1.4—Definitions
- Clause 2.3—Zone objectives and Land Use Table
- Clause 7.5—Natural resources sensitivity—water.

The proposed modification is not considered contrary to the particular aims specified by clause 1.2 (2).

With respect to clause 1.4, the development comprises the use of land, erection of buildings, and carrying out of works, for the purpose of *general industry*. Relevant LEP definitions are as follows:

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

It is noted that the development cannot be considered consistent with the LEP definition of *rural industry* (below), as it does not involve handling, treating, production, processing, storage or packing of animal or plant agricultural products:

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,



- (c) *composting facilities and works (including the production of mushroom substrate),*
- (d) *sawmill or log processing works,*
- (e) *stock and sale yards,*
- (f) *the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

With respect to clause 2.3, the land is in Zone RU2 Rural Landscape, within which development for the purpose of *general industries* is prohibited. However, this prohibition is of no consequence to the proposed modification, due to the development having been lawfully established pursuant to the previously applicable WLEP89 and Council's original development consent 03/2011.

Clause 7.5 (3) and (4) effectively specifies matters to be considered and satisfactorily addressed in order to grant consent to development on the land. It does not apply to an application to modify a consent that has already been granted. It is therefore of no consequence to the subject modification application.

Development Control Plans (DCPs)

The original development application 03/2011 was considered with regard to the relevant provisions of applicable DCPs, including:

- DCP 12—Off Street Car Parking, Loading Facilities and Vehicular Access
- DCP 41—Development & Subdivision Engineering Standards & Planning Guidelines.

None of the provisions of DCPs 12 and 41 is considered relevant to the proposed modification now under consideration.

DCP 12 and DCP 41 have been repealed since Council granted the original development consent 03/2011, and the land is now subject to Wingecarribee Shire Rural Lands Development Control Plan.

Wingecarribee Shire Rural Lands Development Control Plan (RLDCP)

The modification application has been considered with regard to RLDCP's relevant provisions, including:

- Part A—Managing our rural lands
 - Section A6—Additional controls
 - A6.8—Minimisation of external impacts – noise
- Part B—Development-specific controls
 - Section B6—Other commercial and community development
 - B6.2—Objectives for all commercial development.

With respect to section A6.8, the proposed modification is expected to perpetuate intermittent noise emissions from night time vehicular traffic to and from the land. RLDCP states, "Neighbours need to appreciate that such intermittent noise is part of the fabric of rural life", but acknowledges that noise abatement measures may be warranted in some cases.

As discussed earlier, in approving the previous modification application 03/2011.04, Council permitted the development's 24 hour operation and associated vehicle movements for a 12 month trial period. The trial period facilitated monitoring of any complaints regarding noise

emissions from night time vehicular traffic to and from the development. Council has no apparent record of noise complaints regarding the development since Council modified the consent on 14 December 2016.

Section 4.15 (1) Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

The modification application has been considered with regard to the relevant provisions of Wingecarribee Local Environmental Plan 1989 and Wingecarribee Local Environmental Plan 2010, as discussed earlier.

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

Not applicable.

(iii) any development control plan, and

As discussed earlier, the original development application 03/2011 was considered with regard to the provisions of DCP 12—Off Street Car Parking, Loading Facilities and Vehicular Access, and DCP 41—Development & Subdivision Engineering Standards & Planning Guidelines, none of which are considered relevant to the proposed modification now under consideration. The modification application has been considered with regard to the relevant provisions of Wingecarribee Shire Rural Lands Development Control Plan, also discussed earlier.

(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

Not applicable.

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

Not applicable.

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



- **Access, transport and traffic**

The modification application does not propose any increase in the currently permitted number of daily vehicle movements associated with the development's operation.

- **Noise and vibration**

The modification application proposes only the removal of the 12 month trial period constraint from condition 5 of the consent, which was imposed with Council's determination of the previous modification application 03/2011.04. Application 03/2011.04 was determined on the basis of a supporting Noise Impact Assessment report, which is considered still relevant to the current modification application.

In the assessment of modification application 03/2011.04, Council's Environmental Health Officer reviewed the Noise Impact Assessment report and commented:

"...The Report concludes that:

- *"Based on the existing traffic noise levels measured at each location, and the Project related predicted noise levels, there won't be any noticeable relative increase in both night and day time noise level associated with the proposed development (i.e. the predicted increase is extremely low at 0.1-0.2 dB(A)). It is stated that the development "meets the road traffic noise criteria detailed in the NSW EPA RNP at the nearest roadside residential receivers"; and*
- *"The additional project related truck movements during the night time period are unlikely to cause awakening reactions."*

In identifying recommended conditions of consent relating to noise, the Environmental Health Officer considered the following:

- *"With reference to email correspondence with the Applicant's Consultant on 21/11/16, "the applicant is willing to accept a condition of consent imposing a maximum number of deliveries at night to 4 (out of the total 12 allowable in any 24 hour period)"; and*
- *"The above-mentioned Report recommends that "the night-time operations be restricted to no more than two (2) movements per hour (one delivery) to minimise the peak of truck movements occurring within a small window"."*

The Environmental Health Officer subsequently recommended the following conditions of consent in relation to noise:

- *"The development is to comply with relevant noise control provisions contained within the Protection of the Environment Operations Act 1997 and Noise Control Regulations and Policies to ensure local amenity is not adversely affected by noise impacts associated with the development (**Condition 17**);*
- *"A maximum total of twelve (12) deliveries by truck are allowed in any 24 hour period (**Condition 5**);*

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- “The number of deliveries by truck in any single night period (i.e. 10.00 pm to 7.00 am) is not to exceed four (4) (**Condition 5**);
- “During night time (i.e. 10.00 pm to 7.00 am) the number of deliveries by truck within any one (1) hour period is to be restricted to two (2) truck movements (one delivery) (**Condition 5**).

Imposing the conditions recommended above was expected to result in an acceptable level of noise impact to residents along Wombeyan Caves Road, and Council's Corporate Information Group has confirmed there is no apparent record of noise complaints regarding the development since Council modified the consent on 14 December 2016.

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

The proposed modification is not considered to render the development incompatible with its site or the locality.

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

Modification of development consent 03/2011 as proposed is not considered contrary to the public interest.

CONSULTATION

Pre-lodgement Meeting

No prelodgement meeting was held prior to the modification application being lodged with Council.

External Referrals

Development consent 03/2011 is subject to concurrence conditions specified by the former Sydney Catchment Authority (now Water NSW), and general terms of approval under the Water Act 1912 specified by the former Department of Infrastructure, Planning and Natural Resources (now the Natural Resources Access Regulator). The subject proposed modification is of no consequence to those concurrence conditions or general terms of approval. Consequently, it is considered unwarranted to refer the application to either Water NSW or the Natural Resources Access Regulator.

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	<p>After the modification application was considered at Council's engineering meeting of 1 March 2018, Council's Development Engineer raised no objection and recommended amendment of condition 5 of development consent 03/2011 as follows:</p> <p>5. <u>Hours of Operation / Truck Movements</u></p> <p><i>The hours of operation are 24 hours a day week days Monday to Friday only, with NO operation (including vehicular movements) on Saturday and Sunday [or public holidays]. The</i></p>

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Referrals	Advice/Response/Conditions
	<p><i>applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. The register shall be made available to Council or Government agencies upon request.</i></p> <p><i>Truck Movements per day (midnight to midnight) shall be restricted to a maximum of twelve (12) movements per day.</i></p> <p><i>The maximum number of deliveries by truck in any single night period (i.e., 10.00pm to 7.00am) shall not exceed four (4).</i></p> <p><i>During night time (i.e., 10.00pm to 7.00am), the number of deliveries by truck within one hour period shall be restricted to two (2) truck movements (i.e., one delivery).</i></p>

Neighbour Notification (or Advertising)/Public Participation

The modification application was advertised and notified to more than 190 land owners, with a submissions period from 3 January 2018 to 2 February 2018. Advertisement and notification attracted 15 submissions, all by way of objection. The issues raised by the submissions are identified and addressed below, in no particular order:

- ***Road safety***

Thirteen submissions suggest the proposed modification has potential to significantly reduce road safety. It is suggested that the construction, geometry, condition and speed environment of Wombeyan Caves Road are not conducive to safe heavy vehicle movements to and from the development, particularly during the night. It is also suggested that increased weekday heavy vehicle movements on Wombeyan Caves Road between 7:00am and 8:30am will endanger school children. One submission contemplates that increased heavy vehicle movement use of the intersection of Wombeyan Caves Road and the Old Hume Highway may compromise its safety.

Comment – As discussed earlier, the modification application does not propose any increase from the currently permitted number of daily vehicle movements associated with the development's operation. It is therefore not expected to significantly reduce the safety of Wombeyan Caves Road, other roads giving access to the land, or other road users.

- ***Noise and vibration***

Six submissions object to the proposed modification on the grounds of noise and vibration arising from vehicle movements to and from the development, particularly at night. It is submitted that heavy vehicle compression braking contributes to these noise emissions, and that vibration from heavy vehicle movements can be felt within surrounding residential receivers.

Comment – the proposed modification's potential noise impacts are discussed earlier with regard to section 4.15 (1) (b) of the Act. The application proposes only the removal of the 12 month trial period restriction imposed with Council's earlier determination of modification application 03/2011.04. That is, it does not propose hours of operation or vehicle movements additional to those permitted within the trial period.

Council's Environmental Health Officer considered a Noise Impact Assessment Report accompanying modification application 03/2011.04, and concluded that noise



emissions could be satisfactorily controlled by a recommended amendment of **condition 5** of the consent. Further, Council has no apparent record of noise complaints regarding the development's operation since Council modified the consent on 14 December 2016.

Provided recommended modified consent conditions are complied with, the proposed modification is not expected to have any significant negative impact by way of noise emissions.

- ***Vehicle headlight glare***

One submission suggests headlight glare from vehicles on Wombeyan Caves Road at night affects residential amenity on adjacent properties.

Comment – If the consent is modified as proposed, condition 5 would continue to restrict the maximum number of daily heavy vehicle movements to and from the development to 12, with no more than four movements to and from the development being permitted between 10:00pm and 7:00am, and no more than two movements to and from the development being permitted within any one hour period between 10:00pm and 7:00am. Provided recommended modified consent conditions are complied with, night time heavy vehicle movements associated with the development are expected to be infrequent, and unlikely to significantly reduce residential amenity adjacent to Wombeyan Caves Road by way of headlight glare.

- ***Water resource security/availability***

Six submissions express concern that the development's operation may compromise the security and availability of water resources. It is submitted that the development exclusively and excessively exploits a water resource at the expense of other potential users and environmental flows. Two submissions suggest the operator of the development should be held responsible in the event of any negative impact by the development upon water supply or quality. Another asserts that ongoing operation of the development 24 hours per day, five days per week will remove any restriction on the volume of water permitted to be extracted.

Comment – The modification application does not propose any change to the quantity or nature of water extraction currently permitted by the consent and associated approval under the Water Act 1912. In this regard, the general terms of approval under the Water Act specify:

- "The instantaneous rate at which water may be extracted from this work shall not exceed 25 litres per second (L/s).
- "The volume of groundwater extracted from the work/s authorised by this licence shall not exceed 91 megalitres in any 12 month period commencing 1st July.
- "The bore to be authorised by 10BL162682 must be modified to seal-off shallow water-bearing zones pressure cementing to a depth of no less than 50 metres below ground level, to protect any nearby dependent ecosystems or other neighbouring water users".

The proposed modification will not cause any change to condition 11 of the consent, which refers to the above general terms of approval, and the development will retain its obligation to comply with those terms of approval, or those of any superseding approval.



- ***Potential impact on fauna***

Five submissions express concern that the modification may increase nocturnal native wildlife injuries and deaths. It is submitted that ongoing night time heavy vehicle movements to and from the land will increase the likelihood of collision with wildlife, including koalas, wallabies, kangaroos and wombats.

Comment – Council's Environmental Projects Officer has confirmed no data are available to indicate whether wildlife road injuries or deaths increased on Wombeyan Caves Road during the 12 month trial period currently specified by condition 5 of the consent, but suggests an increase in vehicular traffic at night may lead to an increase in wildlife collisions.

- ***Potential pollution***

Two submissions suggest the proposed modification may increase air pollution, particularly carbon emissions, from vehicle movements associated with the development.

Comment – As discussed earlier, the modification application does not propose to increase the permitted number of daily vehicle movements associated with the development's operation. It is therefore not expected to cause any increase in vehicle emissions.

- ***Incompatibility with existing/desired land uses in the locality***

Six submissions suggest the proposed modification will exacerbate the development's incompatibility with surrounding land uses. It is submitted that proposed ongoing night time heavy vehicle movements to and from the development are at odds with the locality's rural ambience, character and amenity. It is also suggested that noise from night time vehicle movements to and from the development may compromise potential development of other properties adjacent to Wombeyan Caves Road for tourism-related purposes.

Comment – Many properties adjoining Wombeyan Caves Road between its intersection with Old Hume Highway and the subject land appear to be used for extensive agricultural purposes. Provided recommended modified consent conditions are complied with, night time vehicle movements to and from the development are not expected to be so frequent or intrusive as to cause a significant negative impact on the amenity of properties adjacent to Wombeyan Caves Road.

- ***The public interest***

One submission expresses concern that heavy vehicle movements to and from the development on Wombeyan Caves Road will cause damage to the road, with a resulting maintenance and repair burden to be borne by rate payers.

Comment – The modification application does not propose any change to the permitted number of daily heavy vehicle movements to and from the development on Wombeyan Caves Road, and therefore is unlikely to exacerbate traffic damage to the road. The proposed modification has been reviewed by Council's Traffic Engineer, who has not identified any concerns with respect to either traffic numbers or early life pavement failure.

SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

There are no expected social implications in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no expected cultural issues in relation to this report.

- **Governance**

The modification application has been considered in accordance with the *Wingecarribee Local Environmental Plan 1989* (applicable to the original development application 03/2011), *Wingecarribee Local Environmental Plan 2010* (now applicable), sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018 – 2019: OP181 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

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

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

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- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

RELATED COUNCIL POLICY

An assessment of the proposed modification has been made against the relevant provisions of environmental planning instruments and development control plans that applied to the original development application 03/2011, including *Wingecarribee Local Environmental Plan 1989*, Development Control Plan 12—Off Street Car Parking, Loading Facilities and Vehicular Access, and Development Control Plan 41—Development & Subdivision Engineering Standards & Planning Guidelines. The modification application has also been considered with regard to the now-applicable Wingecarribee Local Environmental Plan 2010 and Wingecarribee Shire Rural Lands Development Control Plan

OPTIONS

The options available to Council are:

Option 1

THAT Council determines by way of approval the modification application 03/2011.05 subject to draft conditions of consent in **Attachment 1**.

Option 2

THAT Council refuse the modification application 03/2011.05 and provide reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

Application 03/2011.05 proposes modification of development consent 03/2011 by removing the 12 month trial period constraint from condition 5 of the consent. Provided recommended modified consent conditions are complied with, the proposed modification is considered satisfactory with respect to the relevant provisions of the Environmental Planning and Assessment Act 1979 and subordinate legislation, as well as the environmental planning instruments and development control plans that applied to the original development application 03/2011, and is not expected to have any significant negative impact on the environment or the character and amenity of the locality.

ATTACHMENTS

1. Draft conditions of modified development consent - *circulated under separate cover*
2. Locality Map and Aerial Imagery - *circulated under separate cover*



13.4 DA 18/0775 - Farm Building (Shed) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846

Reference:	18/0775
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Ian Morris Scandrett
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 18/0775 which seeks approval for a farming building (shed), at Lot 1 DP 804846, being 144 Mt Broughton Road, Werai. Additionally, Councillors have previously resolved that any applications that have been lodged by a Councillor will be submitted to full Council for determination. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 18/0775 for a proposed Farm Building (Shed) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be **APPROVED** subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site is an irregular shaped large farming lot which slopes from north to south. The site has an existing residence, cottage and farm shed. The existing residence is set near the northern boundary, and has access to Mt Broughton Road. There is a cluster of buildings, including a cottage, dairy and farm sheds.



Proposed Development

Development Application 18/0775 was lodged with Council seeking consent for construction of new Farm machinery Shed attached to the existing dairy.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned E3 Environmental Management and in this zone, a farm building is permissible with development consent. The objectives of the ZONE are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.



Development Control Plans

Rural Lands Development Control Plan

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

The proposed development does comply with the objectives. The development is clearly low scale. Information has been provided to support the farm building – shed is appropriate. There is no likely impact upon the rural amenity of the locality.

Section 4.15 Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

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

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

Not applicable.

(iii) any development control plan, and

It has been demonstrated the development satisfactorily complies with the relevant controls.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

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The proposed development is not expected to result in any significant impacts on the natural and built environment, or detrimental social or economic impacts in the locality. There are no additional impacts anticipated outside of those already addressed elsewhere in this report. The proposal is consistent with the established development pattern in the area.

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

The site is considered suitable for the type, scale and nature development and is not overly constrained. The development can be integrated into the locality without any significant adverse impacts. The site is therefore considered suitable for the proposed development.

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

Refer to the Consultation section of this report.

(e) the public interest.

The proposed development is not contrary to the public interest.

CONSULTATION

Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifier	The application is considered to be satisfactory in relation to building matters subject to conditions being imposed in the notice of determination.

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW has indicated that it is Module 1. A Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality. NORBE Assessment outcome was satisfactory.

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 14 days between 13/07/2018 and 30/07/2018, no submissions were received.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

There are no social issues in relation to this report.



- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 79C of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018 – 2019: OP181 Assess and certify applications relating to development.

COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, SEPP (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy No 55 – Remediation of Land and the Rural Lands Development Control Plan.

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OPTIONS

The options available to Council are:

Option 1

Approve the development application subject to the attached conditions of consent; or

Option 2

Refuse the application

Option 1 is the recommended option to this report.

CONCLUSION

It is considered that Development Application 18/0775 which seeks approval for farm building - shed, at Lot 1 DP 804846, being 144 Mt Broughton Road Werai, be supported subject to conditions.

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

ATTACHMENTS

1. Attachment 1 Draft Conditions 18.0775 - *circulated under separate cover*
2. Attachment 2 Site Location 18.0775 - *circulated under separate cover*
3. Attachment 3 Zoning 18.0775 - *circulated under separate cover*
4. Attachment 4 Site Plan 18.0775 - *circulated under separate cover*
5. Attachment 5 Elevations 18.0775 - *circulated under separate cover*
6. Attachment 6 Floor and Section Plan 18.0775 - *circulated under separate cover*

13.5 Planning Proposal - Development Standards for Dual Occupancy and Medium Density Development

Reference:	5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to enable Council to consider introducing minimum lot sizes for Dual Occupancy and Medium Density development into Wingecarribee Local Environmental Plan (WLEP) 2010.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council prepare a Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to introduce a minimum lot size of 1,000m² for dual occupancy development.
2. **THAT** the Planning Proposal be submitted to the Department of Planning and Environment for Gateway determination.

REPORT

BACKGROUND

Amendments to *State Environmental Planning Policy (Exempt & Complying Development Codes)* (Codes SEPP) to include Low Rise Medium Density Development came into effect on 6 July 2018. The new Codes SEPP provisions apply to Dual Occupancy (either side by side, or one above the other), Manor Houses and Terraces. Two (2) residential zones are affected: R2 Low Density Residential where Dual Occupancies are permitted with consent, and R3 Medium Density Residential where Dual Occupancies, Manor Houses and Terraces are permissible with consent.

In June 2018, Council wrote to the Department of Planning and Environment (the Department) requesting a deferral to the introduction of the Codes SEPP in the Wingecarribee LGA. Council was granted a 12 month deferral from the Codes SEPP in order to update its planning framework to ensure that new development is in keeping with the expectations of Council and the community.



Development under the Codes SEPP does not require any application to Council, therefore it is important to ensure that any opportunity for Council to manage development outcomes needs to be considered. Apart from Heritage Conservation Areas or to individual properties identified as Items of Heritage in WLEP 2010, the Codes SEPP applies to both the R2 Low Density Residential and R3 Medium Density Residential zones both within existing towns and villages as well as in any future residential release area. The implications of each type of development are addressed in the body of the report.

REPORT

Dual Occupancy

Under the Codes SEPP, permissible Dual Occupancy can be either attached or detached and, if attached, can be side-by-side or stacked. The maximum height is two (2) storeys. The site must have a minimum frontage at the property line of 12 metres (for side-by-side development) or 15 metres for stacked development, and each dwelling must have a frontage to a public road. Therefore, under the Codes SEPP, no 'battle axe' Dual Occupancy can be constructed.

Under WLEP 2010, Dual Occupancy is permitted with consent in the R2 Low Density Residential zone as well as the R3 Medium Density Residential zone. Because a Dual Occupancy constructed under the Codes SEPP is capable of either Strata or Torrens subdivision, Council wants to be certain that such development does not detrimentally impact on the prevailing residential amenity of a locality, or set an inappropriate standard of development in any new residential area.

The minimum lot size for a Dual Occupancy development under the Codes SEPP is 400m² or the minimum lot size specified in a Council's Local Environmental Plan, whichever is the greater. It is noted that, currently, under the Development Control Plan (DCP) provisions, construction of a Dual Occupancy is not permitted on a lot less than 1,000m² in area.

To maintain consistency with this current standard, it is recommended that a clause be inserted into WLEP 2010 to set the minimum lot size for Dual Occupancy development at 1,000m². This will maintain the existing standards outlined in Council's DCPs, however, as part of the preparation of a Local Housing Strategy, Council will further consider the appropriateness of a standard lot size in all localities. It may be more appropriate to set different lot sizes in different localities to maintain character and/or meet Council's housing objectives.

It is noted that a lot must be at least 120% of the minimum lot size in order for a Dual Occupancy to be Torrens title subdivided under the Codes SEPP. A minimum lot size of 1,000m² would therefore require a site with an area no less than 1,200m², to create two 600m² lots. A Strata subdivision would result in individual lot sizes of 500m².

Manor Houses

Manor Houses are a form of residential flat building and are, therefore, permitted with consent in the R3 Medium Density Residential zone only. A Manor House is a single building containing up to 4 dwellings in a 'two up, two down' arrangement. A Manor House may be constructed under the Codes SEPP on a lot of at least 600m². Council do not have the ability to set a higher minimum lot size through our LEP provisions.

While the Manor House style of development may be well suited in some areas within the Shire, of particular concern are the parking provisions which require only one (1) parking space per unit. This will likely result in an increase in resident and visitor parking within road reserves in the R3 Medium Density zoned areas.

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Terraces

Terraces are a form of multi-dwelling housing and are, therefore, permitted with consent in the R3 Medium Density Residential zone only. Terraces comprise 3 or more dwellings and each must have a frontage to a public road.

The minimum lot size for a Terrace development under the Codes SEPP is 600m² or the minimum lot size specified for Multi Dwelling Housing in Council's LEP, whichever is the greater.

The Codes SEPP allows for both the Strata and Torrens Title subdivision of terraces where the resulting minimum lot size is 180m² for Strata subdivision and 200m² for Torrens Title subdivision with a minimum frontage of 6m. It is important to note that this minimum lot size applies only to terraces that have been approved as complying development under the Codes SEPP. It does not apply to existing development or development that is approved under a Development Application (DA).

Where Council sets a minimum lot size for Multi Dwelling Housing in the LEP, all terraces under the Codes SEPP as well as any future DA for Multi Dwelling Housing will need to meet the minimum lot size requirements. Currently, Council does not set a minimum lot size for Multi Dwelling Housing in either the LEP or DCP, and introducing a minimum lot size would potentially limit medium density infill development in planned medium density areas; and limit our ability to meet our housing needs.

Council staff and the Demographics and Housing Committee have assessed the merits of introducing a minimum lot size for Multi Dwelling Housing, and it is not recommended to be included in our LEP.

On-site parking

Car parking is a particular concern with all forms of medium density development under the Codes SEPP which specifies a minimum of only one car space per dwelling. Access to public transport sufficient to meet the needs of a working household is generally limited.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no impacts on Council's Fit for the Future resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement has occurred at this stage but would be done in accordance with the Gateway Determination should Council resolve to proceed with a Planning Proposal and should a Gateway Determination be issued.

Internal Communication and Consultation

No internal consultation has occurred at this stage but would occur as part of the progressing of any Planning Proposal resulting from this report.

External Communication and Consultation

External referrals would occur as required under the Gateway Determination should Council resolve to proceed with a Planning Proposal and should a Gateway Determination be issued.

SUSTAINABILITY ASSESSMENT

• Environment

The introduction of low rise medium density development into the Codes SEPP could have a significant impact on the built and natural environments of the Shire unless Council addresses potential concerns through amended statutory controls. The recommendations in this report seek to do this.

• Social

The housing options identified in the low rise medium density development component of the Codes SEPP can provide opportunities for a broader range of housing choice, but could also result in loss of residential amenity if suitable controls are not developed and implemented.

• 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

Should Council resolve to proceed with a Planning Proposal to amend WLEP 2010 to introduce standards designed to manage potential residential development arising from the Codes SEPP provisions, it would be processed in accordance with relevant legislation and Departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

Adopt the recommendation outlined in this report. This will allow Council to maintain the current minimum lot size for dual occupancies throughout the Shire and ensure that new development is in keeping with the expectations of Council and the community.

Option 2

Not adopt the recommendation outlined in this report. If Council does not introduce a minimum lot size for dual occupancy development, the minimum lot size specified in the Codes SEPP (400m²) will come into force on 1 July 2019.

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

CONCLUSION

Development under the Codes SEPP does not require any application to Council therefore it is important to ensure that any opportunity for Council to manage development outcomes needs to be considered. It is recommended that Council amend WLEP 2010 to maintain the current minimum lot size for dual occupancies throughout the Shire and ensure that new development is in keeping with the expectations of Council and the community.

ATTACHMENTS

There are no attachments to this report.

13.6 Draft Development Controls for Equestrian Facilities

Reference:	5700
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to enable Council to consider draft Development Control Plan (DCP) provisions for the assessment and determination of equestrian facilities in the rural and environmental protection zones.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** draft amendments to the Rural Lands Development Control Plan and Rural Living Development Control Plan be placed on public exhibition for a period of 28 days from Wednesday, 24 October 2017.
2. **THAT** a report be presented to Council at the conclusion of the exhibition period.

REPORT

BACKGROUND

Council currently has two (2) separate Development Control Plans (DCPs) that guide development within our rural and environmental protection areas; and are the primary assessment tool for considering Development Applications (DAs) in these areas. The Rural Lands DCP applies to the RU1 Primary Production and RU2 Rural Landscape zones, the E3 Environmental Management zone and the SP3 Tourist zone. The Rural Living DCP applies to the RU4 Primary Production Small Lots and E4 Environmental Management zones.

The Rural Lands and Rural Living DCPs currently allow for non-residential rural buildings up to a maximum area of 600m². The total allowable area for all buildings on a site, including residential buildings, is 1,000m² under the current DCP provisions. While these provisions are considered appropriate for most rural buildings, they do not allow for covered or enclosed equine facilities (i.e. dressage arenas).



Given that equine related activities were identified through the Local Planning Strategy as important land uses that provide employment and tourism opportunities throughout the Shire, it is important to ensure that the DCP provisions facilitate these uses in appropriate locations. This report provides an overview of the proposed amendments to the Rural Lands and Rural Living DCP in this regard.

REPORT

A standard dressage arena requires a minimum area of 1,200m² (60mx20m). Under the current Exempt and Complying Development Codes SEPP (Codes SEPP) a DA is not required for an open air dressage arena unless it exceeds the cut and fill thresholds for exempt development. However, where a dressage arena is proposed to be covered or enclosed, a DA is required and will be assessed in accordance with the Rural Lands and/or Rural Living DCP.

As outlined above, the current DCP provisions set a maximum floor area of 600m² for non-residential buildings which does not meet the minimum size requirements for a dressage arena (1,200m²). The proposed amendments to the Rural Lands and Rural Living DCPs allow a maximum of one (1) covered dressage arena on any site, up to a maximum area of 1,400m². It is also proposed to include provisions which minimise the visual impact of this form of development from public lands and neighbouring properties. The proposed amendments to the DCP are shown below.

PROPOSED AMENDMENTS

To facilitate covered equine facilities, an amendment to the '*Siting of Rural Buildings*' section of the DCP is required with the new text shown in ***bold***.

Siting of rural Buildings

- (a) No single rural building or structure shall generally occupy a ground level building footprint of more than 600 square metres (***except as permitted in Section B6.5.2 – Equine Facilities***). The building footprint excludes any area on which works or structures are carried out or constructed beneath the natural ground level, provided disturbance of the natural ground surface is kept to a minimum and there is no adverse visual or environmental impact.
- (b) The total area of all land occupied by the ground level building footprint of all rural buildings and other structures shall not generally exceed a total ground level footprint of 1000 square metres (***except as permitted in Section B6.5.2 – Equine Facilities***), excluding any area on which works or structures are carried out or constructed beneath the natural ground level.

In addition to the controls outlined above, a new section in the DCP is also proposed specifically for equine facilities as shown below.

Additional Controls for Equine Facilities (covered)

Where an equine facility (i.e. dressage arena) is proposed to be covered and/or enclosed, the following additional controls apply:

Development Siting and Location

- a) Equine facilities shall make use of the existing natural topography and vegetation and be located to minimise the visual impacts when viewed from public places and adjoining properties.

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- b) Equine facilities shall not be located on features such as ridge lines, hill tops, horizons, prominent slopes and topographic features.
- c) Equine facilities shall generally be clustered with existing buildings on the site, to minimise the visibility and bulk of the built form when viewed from public places and neighbouring properties.
- d) Equine facilities and structures shall be set back a minimum of 50 metres from any public road, unless assessed by Council as appropriate due to site constraints.
- e) Equine facilities and structures shall be set back a minimum of 30 metres from any side or rear boundary and shall be located a minimum of 50 metres from any dwelling on adjoining properties.

Built Form and Landscaping

- a) A maximum of one covered or enclosed equine facility (dressage arena) is permitted on any site, and the total ground floor area shall not exceed 1,400 square metres.
- b) The design of structures shall be in keeping with the character and design of typical rural buildings in the area.
- c) Structures shall be constructed from non-reflective materials. Zincalume is not permissible.
- d) Landscaping should be used to minimise the visibility and bulk of the built form when viewed from public places and neighbouring properties in accordance with Section B2.1.6.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There is no impact on Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Public exhibition of the draft DCP provisions will occur for a minimum period of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. Consultation with the local equestrian community will also occur.

Internal Communication and Consultation

The drafting of the provisions occurred in consultation with the Town Planners.

External Communication and Consultation

No external consultation has occurred at this time.

SUSTAINABILITY ASSESSMENT

- **Environment**

The intent of these draft provisions is to provide the opportunity for property owners to pursue their equestrian activities while ensuring that resulting development protects and maintains the character and amenity of the rural landscape.

- **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 drafting and exhibition of the DCP provisions will occur as required under the *Environmental Planning and Assessment Act 1979 and its Regulations 2000*.

COUNCIL BUDGET IMPLICATIONS

The drafting of these provisions is being undertaken by Council Strategic Planning staff.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

Adopt the recommendation and proceed to publicly exhibit the draft amendments to the Rural Lands and Rural Living DCPs.

Option 2

Not adopt the recommendation. If Council choose not to proceed with the draft amendments to the Rural Lands and Rural Living DCPs there will be no approval pathway for equine facilities within our rural and environmental protection areas.

Option 1 is the recommended option to this report.

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CONCLUSION

Equine related activities were identified through the Local Planning Strategy as important land uses that provide employment and tourism opportunities throughout the Shire. It is therefore important to ensure that the DCP provisions facilitate these uses in appropriate locations.

The proposed amendments to the Rural Lands and Rural Living DCPs will facilitate this form of development in a way that minimises the visual impact from public lands and neighbouring properties.

ATTACHMENTS

There are no attachments to this report.

13.7 Councillor Representatives on Committees

Reference:	107
Report Author:	Senior Governance Officer
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

PURPOSE

The purpose of this report is to appoint Councillor representatives to advisory committees.

RECOMMENDATION

1. **THAT** Council appoints Councillor representatives to committees for a two (2) year period.
2. **THAT** Council staff arrange a Councillor briefing session to allow Councillors to consider the future of the Economic Development and Tourism Advisory Committee.

REPORT

BACKGROUND

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

Then, at its meeting on 8 February 2017, Council appointed community, agency and industry representatives to its advisory committees for the 2016-2020 Council term, and adopted the committee, advisory committee and reference group terms of reference for the 2016-2020 Council term as provided in the Wingecarribee Shire Council Committee Manual (MN 18/17). A copy of these terms of reference is provided at **Attachment 1** for information.

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With respect to the Economic Development and Tourism Advisory Committee, Council later resolved at its meeting on 28 February 2018 as follows:

MN 64/18

1. ***THAT Council disband the Economic Development and Tourism Advisory Committee due to a range of structural alignment issues.***
2. ***THAT Council formally thanks the existing committee members for their contribution.***
3. ***THAT Council meet, as soon as possible, with an aim to set Terms of Reference, re-advertise positions and nominate a Chair.***
4. ***THAT the newly appointed Committee be functional by May 2018.***
5. ***THAT existing members of the Economic Development and Tourism Advisory Committee be invited to re-apply.***

With respect to this resolution, Council subsequently passed the following motion at its meeting on 11 April 2018:

MN 135/18

THAT Council not proceed with re-establishing the Economic Development and Tourism Committee until after Council re-appointed Councillors to the Council Committees in September 2018.

REPORT

Following the election of the Mayor and Deputy Mayor at the Council meeting on 26 September 2018, it is necessary for Councillor representatives to be elected to advisory committees for a two year period aligned to the 2018-2020 mayoral term.

The number and position of Councillor representatives on each advisory committee is detailed at **Attachment 2**.

As per the resolution of 23 November 2016, a briefing session was held with Councillors on 3 October 2018 to discuss Councillor representation on committees. Councillors determined in this forum to consider the future of the Economic Development and Tourism Advisory Committee at a separate briefing session.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There is no impact on Council's *Fit for the Future* Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable.

Internal Communication and Consultation

The Executive team and Group Manager Corporate and Community provided advice about the election of Councillor representatives to committees.

External Communication and Consultation

Not applicable.

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**

Informed decision-making assists Council to advance agreed community priorities.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Community Engagement Policy

CONCLUSION

Committees provide a mechanism by which interested residents can provide input into the formulation of Council policy, direction and practice. Committees are an important link in Council's communication and engagement strategies and are supported via other community engagement methods.

ATTACHMENTS

1. Terms of Reference for Committees - *circulated under separate cover*
2. Councillor Representative Positions on Advisory Committees for Election - *circulated under separate cover*

13.8 Register of Returns Disclosing Interests of Councillors and Designated Persons

Reference: 101/3
Report Author: Senior Governance Officer
Authoriser: Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Delivery Program: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To table the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2018, as required by section 449 of the *Local Government Act 1993*.

RECOMMENDATION

THAT the information in the report in relation to the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2018 be received and noted.

REPORT

BACKGROUND

In accordance with section 449 of the *Local Government Act 1993*, a Councillor or designated person holding that position at 30 June in any year must complete and lodge with the General Manager a Disclosure of Interests Return.

Under section 450A of the *Local Government Act 1993*, the General Manager must keep a Register of Returns Disclosing Interests of Councillors and Designated Persons and all completed Returns are required to be tabled at the first meeting of Council held after the lodgement date, 30 September 2018.

Sections 441 and 449 of the *Local Government Act 1993* establish the requirements in relation to who is required to complete Disclosure of Interests Return. Under the *Local Government Act 1993*, a "designated person" is defined as:

- The General Manager;
- Other senior staff of the council;
- Other members of staff and delegates of the council who hold a position identified by the council as the position of a designated person because it involves the exercise of functions under the *Local Government Act 1993* or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest; or

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- A person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under the *Local Government Act 1993* or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

The Disclosure of Interests Return is in the form prescribed at Schedule 3 of the *Local Government (General) Regulation 2005*.

REPORT

The completed Disclosure of Interests Returns of Councillors and Designated Persons are tabled and available to inspect. Returns have been received from all Councillors and designated persons with the exception of those who are not present in the workplace to complete their obligations due to leave arrangements. These individuals will be required to complete their Returns when they are back from leave.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

This report does not impact on Council's *Fit for the Future* Improvement Plan

CONSULTATION

Community Engagement

Not applicable

Internal Consultation

Not applicable

External Consultation

Not applicable

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

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- **Governance**

This report ensures proper governance by adhering to relevant requirements of the *Local Government Act 1993*, in the interests of probity, transparency and open government. Pursuant to section 450A of the *Local Government Act 1993*, the Register of Returns Disclosing Interests of Councillors and Designated Persons kept by the General Manager is to be tabled at the first Council meeting following 30 September annually.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Fraud and Corruption Prevention Policy, Gifts and Benefits Policy

OPTIONS

The only option available to Council is:

Option 1

That the information in relation to the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2018 be received and noted.

CONCLUSION

This report ensures proper governance by adhering to relevant requirements of the *Local Government Act 1993*.

ATTACHMENTS

There are no attachments to this report.



13.9 Request for Financial Assistance from Southern Highlands Domestic Violence Forum Golf Day

Reference: 1800/9 1732/3
Report Author: Coordinator Community Development
Authoriser: Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan: Enhance partnerships to maintain a safe community

PURPOSE

The purpose of this report is to seek Council's position on a request from the organisers of the Southern Highlands Domestic Violence Forum Golf Day for Council's financial assistance and sponsorship.

Recommendation

1. **THAT Council determines its position with regard to the request from the Southern Highlands Domestic Violence Forum and the Local White Ribbon Day Ambassador for financial assistance for organising a golf day to be held at the Highlands Golf Club, Mittagong on 25 November 2018 to raise funds for the Southern Highlands Domestic Violence Forum.**
2. **THAT any financial assistance referred to in 1 above be funded from Council's Contingency Fund.**

REPORT

BACKGROUND

Members of the Southern Highlands Domestic Violence Forum and the local White Ribbon Day Ambassador are organising a Golf Day to be held at the Highlands Golf Club, Mittagong on 25 November 2018. The aim of the Golf Day is to raise funds and awareness in the community about the violence against women.

Under the Contingency Fund Guidelines adopted 1 July 2018, this application is being viewed as a 'one-off' submission.

REPORT

Statistics surrounding domestic violence and non-physical abuse bring to light how prevalent violence against women is in Australia. Key findings show how violence against women impacts the home, workplace and wider community.

- One in three women have experienced physical and/or sexual violence against them by someone known to them.
- One in five women experience harassment within the workplace.

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- Over 12 months, on average, one woman is killed every week by a current or former partner.
- Domestic and family violence is the principal cause of homelessness for women and their children.

The amount requested is \$2,000.

All funds raised will be directed to developing and implementing programs organised by the Southern Highlands Domestic Violence Forum in our local schools that examine, discuss and explore healthy and respectful relationships so that young people can make the right choices for themselves and their relationships that are free from violence and abuse. Love Bites is one example of a program that has been delivered to all Year 10 students in Bowral and Moss Vale High School this year and requires a minimum of 12 staff trained in the program. Funds are provided to develop and purchase the resources to deliver the full day workshop to local young people.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Nil

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

• Social

This event is a collaboration of Police, community organisations, local businesses and our local White Ribbon Day Ambassador. It brings together teams of golf players, who support the campaign and become advocates for a community free of domestic and family violence.

• Broader Economic Implications

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

• Culture

There are no cultural issues in relation to this report.

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- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance in the Contingency budget is \$26,721.00

RELATED COUNCIL POLICY

Contingency Fund Guidelines.

OPTIONS

The options available to Council are:

Option 1

THAT Council approves the sum of \$2,000 to the Southern Highlands Domestic Violence Forum and the local White Ribbon Day Ambassador for organising a Golf Day to be held at the Highlands Golf Club, Mittagong on 25 November 2018 AND THAT funds be allocated from Council's Contingency Fund.

Option 2

THAT Council determines an alternate amount in the sum of \$ to the Southern Highlands Domestic Violence Forum and the local White Ribbon Day Ambassador for organising a Golf Day to be held at the Highlands Golf Club, Mittagong on 25 November 2018 AND THAT funds for the alternate amount be allocated from Council's Contingency Fund.

Option 3

Council not support request for financial assistance.

CONCLUSION

The Golf Day coincides with White Ribbon Day raising awareness and contributing towards the purpose of mobilising communities to end domestic violence.

ATTACHMENTS

There are no attachments to this report.

13.10 Request for a Refund of Development Fees by Uniting Church in Australia Mittagong Congregation

Reference: 17/0294.03
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Work collaboratively to address social disadvantage

PURPOSE

The purpose of this report is to consider a request by the Uniting Church in Australia Mittagong Congregation for a refund of Development Application and Construction Certificate Fees pertaining to DA 17/0294.

As the application relates to a charity organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not for profit organisations are sourced from the mayoral contingency fund.

RECOMMENDATION

THAT Council determine its position with regard to the request by Uniting Church in Australia Mittagong Congregation for a 50% refund of Development Application and Construction Certificate Fees, including inspection fees in the amount of \$963.40.

REPORT

BACKGROUND

The Uniting Church in Australia Mittagong Congregation 'the Uniting Church' provides religious and congregation services to the community and is a registered charity organisation with the Australian Taxation Office. In 2017 the Uniting Church lodged a development application, for the purposes of seeking approval for a detached toilet facility at 1-7 Albert Street Mittagong.

In lodging these applications the Church has paid \$3,147 in application fees associated with the development. A receipt of payment of these fees has been provided in (**Attachment 1**).

The proposed development under DA 17/0294 sought approval to provide toilet facilities to both the congregation and also the Mittagong Markets that also utilise the grounds of the church for intermittent events. The works were undertaken as part of alterations and additions to the existing facility.

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REPORT

The Uniting Church has made written request to Council dated the 28th August 2018 seeking to have the development fees associated with 17/0294 refunded in the amount of \$3147.00 (**Attachment 2**).

Council's adopted policy position for refund of development fees associated with charities is prescribed within its Revenue Policy (Fees and Charges 2018/2019) under clause 23.5 which provides inter alia:

Registered Charities and not for profit organisations may be refunded the following fees subject to Council resolution:

(a) Development Application Fee:

- (i) Half the development Application fee.*

(b) Construction Certificate Fee:

- (i) Half the construction certificate fee.*
- (ii) Half the inspection fees.*

The applicant is required to pay all other fees associated with the development including statutory fees (LSL and PlanFirst levies), provision of section 68 costs and connections that are not listed above.

Application fees are required to be paid in full at the time of lodgement of the application and requests for refunds in accordance with this clause need to be made in writing and will be presented to a Council meeting for consideration and if resolved a refund may be made in accordance with the provisions of this section. Associated fees would be paid from Council's contingency fund if resolved to be supported.

Evidence of Registered Charities and / or not for profit organisations shall be provided to Council upon application.

On the basis of the policy position, the applicant has paid the development fees in full at time of lodgement and is now seeking a refund of the full amount \$3,147.00. The calculated eligibility for refund based on clause 23.5 is:

- (i) 50% of the DA Fee (\$455) being \$225.
- (ii) 50% of the CC Fee (\$731.36) being \$365.68
- (iii) 50% of the Inspection Fees (\$745.41) being \$372.72

The eligible refund amount totals \$963.40.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

The requested partial refund of development fees is not expected to impact on Council's fit for the future proposal.

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CONSULTATION

Community Engagement

No community consultation has taken place in relation to this request.

Internal Consultation

Internal consultation has taken place with the Group Manager Planning Development and Regulatory Services.

External Consultation

No external consultation has taken place in relation to this request.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no expected environmental issues in relation to this report.

- **Social**

There are no expected social implications in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance of the Contingency Fund as at the 3 October 2018 was \$26,721.00. Should Council approve the allocation of funds requested at Item 13.9, then the balance of the Contingency Fund will be \$25,757.60.

RELATED COUNCIL POLICY

Revenue Policy (Fees and Charges - 2018/2019).

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OPTIONS

1. THAT Council resolve to refund \$963.40 in development fees to the Uniting Church in accordance with section 23.5 of the Revenue Policy (Fees and Charges 2018/2019).
2. THAT Council resolve not to refund \$963.40 in development fees to the Uniting Church.

It is recommended:

THAT Council determine its position with regard to the request by Uniting Church in Australia Mittagong Congregation for a 50% refund of Development Application and Construction Certificate Fees, including inspection fees in the amount of \$963.40.

CONCLUSION

The application for the partial refund of development fees by the Uniting Church complies with the requirements of section 23.5 of the Revenue Policy (Fees and Charges 2018/2019) and the request is submitted to Council for determination.

ATTACHMENTS

1. 17/0294.03 Receipt
2. 17/0294.03 Applicant Refund Request

Nicholas Wilton

Acting Deputy General Manager Corporate, Strategy and Development Services

Thursday 4 October 2018

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13.10 Request for a Refund of Development Fees by Uniting Church in

Australia Mittagong Congregation

ATTACHMENT 1

17/0294.03 Receipt



Wingecarribee Shire Council

EMAIL: mail@wsc.nsw.gov.au
WEBSITE: www.wsc.nsw.gov.au
Cashier: KGRUNDY

ATTACHMENT 1

ABN: 49 546 344 354

Receipt No: 668395

Receipt Date: 13/03/2017

PAYER: UNITING CHURCH IN AUSTRALIA & MITTAGONG
UNITING CHURCH
ADDRESS: PO Box 761
BOWRAL NSW 2576

To create & nurture a vibrant & diverse community.

RECEIPT

escription	Property	Application	Reference	Narrative/Qty	Amount
eceipt	8700	RAMS	17/0294		\$78.00
				22.8.4(a) - Application,Registration, Record Chg	
eceipt	8700	RAMS	17/0294		\$61.50
				22.8.4(b) - Asset Protection and Reinstatement Fee	
eceipt	8700	RAMS	17/0294	** 50% Refund Requested	\$455.00
				22.1.2.3 - Application Fees Other	
eceipt	8700	RAMS	17/0294		\$102.50
				22.1.1 - Neighbour Notification	
eceipt	8700	RAMS	17/0294.01	** 50% Refund Requested	\$731.36
				22.6.2 - CC Fee Residential,Dwellings,Outbuildings	
eceipt	8700	RAMS	17/0294.01		\$745.45
				22.7.1 - Inspections	
eceipt	8700	RAMS	17/0294.01		\$73.14
				GST Construction Certificate	
eceipt	8700	RAMS	17/0294.01		\$74.55
				GST on DA Inspections	
eceipt	8700	RAMS	17/0294.02		\$164.00
				22.8.12 - Section 68 Residential - Sewer	

ounts Tendered

Cash	Cheque	Db/Cr Card	Money Order	Agency	Tot
\$0.00	\$3,147.00	\$0.00	\$0.00	\$0.00	\$3,147.00
				Rounding:	\$0.00
				Change:	\$0.00
				Nett:	\$3,147.00

REPRINTED

**13.10 Request for a Refund of Development Fees by Uniting Church in
Australia Mittagong Congregation
ATTACHMENT 1 17/0294.03 Receipt**



Receipt	Code	Name	Amount	Balance
		22.8.12 - Section 68 Residential - Stormwater		
Receipt	8700	RAMS	17/0294.02	\$164.00
		22.8.12 - Section 68 Residential - Water		
Receipt	8700	RAMS	17/0294.02	\$128.50
		22.8.6 - Supply of Plan of Drainage		
Receipt	8700	RAMS	17/0294.03	\$186.36
		22.7.3 - Occupation Certificate		
Receipt	8700	RAMS	17/0294.03	\$18.64
		GST on DA Inspections		
To RAMS: CHURCH 1-7 ALBERT STREET MITTAGONG NSW 2575				
Total Value:				\$3,147.00

Amounts Tendered

Cash	Cheque	Db/Cr Card	Money Order	Agency	Total
\$0.00	\$3,147.00	\$0.00	\$0.00	\$0.00	\$3,147.00
					REPRINTED
					Rounding: \$0.00
					Change: \$0.00
					Nett: \$3,147.00



Illawarra Presbytery.
Southern Highlands Zone

Uniting Church in Australia
Mittagong Congregation
ABN 27 643 535 955

4-7 Albert Street, Mittagong.

ATTACHMENT 2

Chairperson:

Ron Schofield
Tel: 4872 3717

Secretary:

Mrs. Marilyn Horton
Tel: 4871 2268

Correspondence to:

PO Box 840
MITTAGONG NSW 2575

28th August, 2018.

Clr Ken Halstead
Mayor
Wingecarribee Council
MOSS VALE NSW 2577

Dear Sir.

REQUEST FOR REFUND OF DA FEES.

Mittagong Uniting Church respectfully requests a refund of DA fees of \$3,147 paid on 13 March 2017 for DA 17/0294.03 via a donation from Council.

The building in question was a rather complicated detached brick toilet to replace an ageing Superloo which was well past its use by date. The project was very costly as it needed specific planning and building materials to sympathetically blend with the adjacent heritage building.

Mittagong Uniting Church has previously provided council with the necessary paperwork confirming our charity status.

Yours sincerely,

Ron Schofield
Chairperson.
Mittagong Uniting Church Council.

COUNCIL MATTERS

18 COMMITTEE REPORTS

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

It was noted that apologies were received from the General Manager Ms Ann Prendergast and Mayor K J Halstead.

Item 3 Adoption of Minutes of Previous Meeting

AR 25/18

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 22 June 2018 AR 12/18 to AR 24/18 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

Item 7 Committee Actions Update

The Committee was apprised of the progress of action items previously requested by the Committee.

AR 26/18

THAT the report in relation to the Committee Actions Update be noted.

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COMMITTEE REPORTS



Item 8.1 Corporate Risk Program Update

The Committee was notified that the Business Continuity Plan (BCP) Working Group met on a number of occasions during the reporting period to discuss various issues relating to the BCP, such as training requirements for BCP participants.

The report also explained that Statewide Mutual (Council's insurer) has undertaken a verification audit of Council Risk Management Action Plan (RMAP) for 2017/18 and has indicated verbally that all of the requirements identified in the RMAP were met.

Meanwhile, the Committee was informed that a review of Council's Corporate Risk Register has commenced with the assistance of InConsult, Council's contract internal audit firm, and that a Corporate Risk Group meeting took place on 10 August 2018 where a number of key issues were discussed including the findings of NSW Audit Office local government performance audit reports.

Finally, the report advised the Committee that the General Manager has recently approved a number of new work health and safety related procedures to ensure Council staff comply with all WHS legislative requirements and have a consistent way of managing hazards and risks identified in the workplace.

AR 27/18

THAT the report in relation to the Corporate Risk Program update be noted.

Item 9.1 Internal Audit Performance Report

The Committee was provided with a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee was advised that its contract internal auditor (InConsult) has successfully met all key performance indicators during the 2017/18 financial year, while the current status of outstanding internal audit recommendations is a standing agenda item for the Committee.

AR 28/18

THAT the report in relation to Internal Audit Performance be noted.

Item 9.2 Internal Audit Report

The Committee was presented with the Development Engineering Internal Audit Report. The audit reviewed Council's protocols, systems, processes and practices relating to the development engineering function.

The internal audit report found that Council has in place generally sound systems and processes to deliver the development engineering function, and that further enhancements could be made by implementing 12 recommendations for improvement arising from the seven findings that were identified. No recommendations were rated at extreme or high importance.

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COMMITTEE REPORTS



AR 29/18

THAT the report in relation to the Internal Audit Report be noted.

Item 9.3 Progress Report on Outstanding Internal Audit Recommendations

The Committee was provided with an overview of progress on the implementation of outstanding recommendations from previous internal audits. A total of 29 recommendations remain open, while 13 recommendations have been closed since the previous Committee meeting.

AR 30/18

THAT the Outstanding Audit Recommendations Progress report be noted.

Item 10.1 External Audit – Interim Audit 2017/18

The Committee was provided with the Management Letter issued by Council's external auditors, the NSW Audit Office, for the interim audit conducted for the 2017/18 Financial Year. The Committee was informed that the recommendations contained within the Management Letter have been included in Council's audit improvement plan, and that the progress on implementing these recommendations will be reported on to future meetings of the Audit, Risk and Improvement Advisory Committee.

AR 31/18

THAT the Committee notes the contents of the Management Letter for the interim audit conducted for the 2017/18 Financial Year and the comments provided by Management.

Item 10.2 External Audit – Management Letter Recommendations Update

The Committee was provided with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

AR 32/18

THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

RECOMMENDATION

THAT recommendations Nos AR 25/18 to AR 32/18 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018



ATTACHMENT 1



MINUTES

of the Audit, Risk and Improvement Advisory Committee Meeting

held in

Nattai Room Civic Centre, Elizabeth Street, Moss Vale

on

Friday 14 September 2018

The meeting commenced at 9.00 am

File No. 2102/3

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 14 September 2018



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2. ACKNOWLEDGEMENT OF COUNTRY	
3. ADOPTION OF MINUTES OF PREVIOUS MEETING	
4. BUSINESS ARISING FROM THE MINUTES	
Audit, Risk and Improvement Advisory Committee Meeting held on 22 June 2018	
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**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING**

Friday 14 September 2018



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE
MEETING OF WINGECARRIBBEE SHIRE COUNCIL HELD IN NATTAI ROOM CIVIC
CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 14 SEPTEMBER 2018
COMMENCING AT 9.00 AM.**

Present:

Councillors: Clr T D Gair
Clr I M Scandrett
Clr G M Turland (in attendance)

Community Ms Jan Edwards *Chair*
Representatives: Mr Paul Jeffares
Dr Jason Young

In Attendance: Mr Mark Pepping *DGM Corporate, Strategy and Development
Services*
Mr Barry Paull *DGM Operations, Finance and Risk*
Ms Danielle Lidgard *Group Manager Corporate and Community*
Mr Richard Mooney *Chief Financial Officer*
Mr Nicholas Wilton *Group Manager Planning, Development and
Regulatory Services*
Mr Andrew Lynch *Senior Governance Officer*
Ms Ivana Vidovich *Internal Audit and Legal Support Officer*

Also In Mr David Nolan *Audit Office NSW*
Attendance: Mr Steve Hrdina *Audit Office NSW*
Mr Mitchell Morley *InConsult*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from the General Manager Ms Ann Prendergast and Mayor K J Halstead.

2. ACKNOWLEDGEMENT OF COUNTRY

Ms Jan Edwards acknowledged country:

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

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE
MEETING HELD ON FRIDAY 22 JUNE 2018

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 14 September 2018

**AR 25/18****MOTION** moved by Cllr T D Gair and seconded by Ms J Edwards**THAT** the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 22 June 2018 AR 12/18 to AR 24/18 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.**PASSED****4. BUSINESS ARISING**

The Chair referred to item 6.2 of the minutes and asked when the Committee would receive more detailed reporting about Council's risk management framework. The Group Manager Corporate and Community advised that the additional reporting would be provided from 2019 onwards once the current review of Council's risk register has been completed.

The Chair referred to item 6.5 of the minutes and asked for an update on Council's initiatives for improved communications on service delivery. The Chief Financial Officer and Group Manager Corporate and Community addressed the meeting, and the Committee was advised that an update will be provided at the next ordinary meeting.

Cllr I M Scandrett referred to item 9.1 of the minutes and advised that he had written to the Chair requesting that the Committee investigate project cost overruns with particular emphasis on the Mittagong Pool, Station Street Upgrade and Moss Vale Pedestrian Overbridge projects. The Chair advised that she had investigated the request, including a review of relevant Finance Committee and Council agendas and minutes, a review of the recent internal audit recommendations into project management, discussions with the Mayor and the Executive, a review of the independent expert report provided on the Station Street project and consultation with Audit, Risk and Improvement Advisory Committee members on the matter, and determined that due process relevant to project, financial and reputational risks had been followed. The matter was instead within the remit of the Finance Committee and Council meetings, and in addition the scope and cost of the projects has been addressed through regular and detailed reports provided to the Executive, Finance Committee and ordinary meetings of Council.

5. DECLARATIONS OF INTEREST

Mr Mitchell Morley declared an interest in Item 9.1 – Update on Internal Audit Services – as he is a Director of InConsult which is currently contracted to undertake Council's internal audit services. He advised that should it be required, he would be absent from the room.

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Friday 14 September 2018



6. AGENDA REPORTS

Nil

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**7. COMMITTEE ACTION LIST****7.1 Committee Actions Update**

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide an update on the progress of action items previously requested by the Committee.

The Group Manager Corporate and Community and Deputy General Manager Corporate, Strategy and Development Services addressed the meeting.

The Chair enquired about the timeframe for a 360 degree review of Council's risk framework. The Group Manager Corporate and Community informed the Committee that the review has commenced and will be completed by the end of 2018.

AR 26/18

MOTION moved by Dr J Young and seconded by Mr P Jeffares

THAT the report in relation to the Committee Actions Update be noted.

PASSED

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MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
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Friday 14 September 2018



8. RISK MANAGEMENT

8.1 Corporate Risk Program Update

Reference: 2102/3
Report Author: Workplace Systems Coordinator

PURPOSE

The purpose of this report is to provide the Committee with an update on Council's Risk Management Program.

The Group Manager Corporate and Community, Deputy General Manager Corporate, Strategy and Development Services and Deputy General Manager Operations, Finance and Risk addressed the meeting.

Dr Jason Young asked about the timeframe for the review of Council's Corporate Risk Register. The Group Manager advised that this would be finalised by the end of 2018.

AR 27/18

MOTION moved by Cllr T D Gair and seconded by Ms J Edwards

THAT the report in relation to the Corporate Risk Program update be noted.

PASSED

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 14 September 2018

**9. INTERNAL AUDIT****9.1 Internal Audit Performance Report**

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

This performance report is a requirement of the Audit, Risk and Improvement Advisory Committee Charter for the first Committee meeting after 30 June each year.

The Group Manager Corporate and Community addressed the meeting, and noted that it was not necessary for Mr Mitchell Morley to be absent from the room while the item was discussed.

AR 28/18

MOTION moved by Ms J Edwards and seconded by Mr P Jeffares

THAT the report in relation to Internal Audit Performance be noted.

PASSED

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee
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ATTACHMENT 1 Minutes of the Audit, Risk and Improvement
Advisory Committee Meeting held on Friday, 14 September 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
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Friday 14 September 2018



9.2 Internal Audit Report - Development Engineering

Reference:	2102/3, 2102/18.3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Senior Governance Officer
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the Committee with the Development Engineering Internal Audit Report and provide a brief overview of the scope of the Records Management internal audit scheduled for the next quarter.

Mr Mitchell Morley provided a summary of the Development Engineering Internal Audit Report. The Group Manager Planning, Development and Regulatory Services, Deputy General Manager Corporate, Strategy and Development Services and Deputy Manager Operations, Finance and Risk addressed the meeting.

AR 29/18

MOTION moved by Dr J Young and seconded by Ms J Edwards

THAT the report in relation to the Internal Audit Report be noted.

PASSED

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

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**9.3 Progress Report on Outstanding Internal Audit Recommendations**

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to update the Audit, Risk and Improvement Advisory Committee on the implementation of outstanding recommendations from previous internal audits.

The Group Manager Corporate and Community, Deputy General Manager Corporate, Strategy and Development Services, Deputy General Manager Operations, Finance and Risk and Mr Mitchell Morley addressed the meeting.

It was agreed that the due date of recommendation 6.5 of the Fraud Control Health Check internal audit report would be reviewed for alignment with a comparable external audit recommendation regarding the development of an ICT Strategy.

It was also agreed that relevant Council staff would liaise with Mr Mitchell Morley regarding the progress report for recommendation 3.1 of the Project Management internal audit report, to ensure that the recommendation is adequately addressed.

The Chair noted the improvement in the timely implementation of internal audit recommendations in recent years.

AR 30/18

MOTION moved by Cllr T D Gair and seconded by Ms J Edwards

THAT the Outstanding Audit Recommendations Progress report be noted

PASSED

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**10. EXTERNAL AUDIT****10.1 External Audit - Interim Audit 2017/18**

Reference:	2102
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report provides the Audit, Risk and Improvement Advisory Committee with a copy of the Management Letter issued by Council's external auditors, the NSW Audit Office, for the interim audit conducted for the 2017/18 Financial Year.

Mr David Nolan, Deputy General Manager Corporate, Strategy and Development Services and Deputy General Manager Operations, Finance and Risk addressed the meeting.

The Chair noted that there is a risk that if Council underinvests in the prospective upgrade of its information technology (IT) systems then a 'best fit' approach might result, when instead an appropriate investment in IT systems is critical to ensure that Council's IT needs are met long term.

AR 31/18

MOTION moved by Cllr I M Scandrett and seconded by Mr P Jeffares

THAT the Committee notes the contents of the Management Letter for the interim audit conducted for the 2017/18 Financial Year and the comments provided by Management.

PASSED

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018

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10.2 External Audit - Management Letter Recommendations Update

Reference: 2102
 Report Author: Chief Financial Officer
 Authoriser: Deputy General Manager Operations, Finance and Risk
 Link to Community
 Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report provides the Audit, Risk and Improvement Advisory Committee with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

The Chief Financial Officer addressed the meeting.

AR 32/18

MOTION moved by Dr J Young and seconded by Cllr I M Scandrett

THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

PASSED

**18.1 Minutes of the Audit, Risk and Improvement Advisory Committee
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**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
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11. DATE OF NEXT MEETING

The next meeting will be held on Monday 22 October 2018 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00 am.

12. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.23 AM

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 Old Kangaloon Road Water Pipeline - Supply and Construction

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Old Kangaloon Road Water Pipeline – Supply and Construction.

- 22.2 Civic Centre - Principal Design Consultant Tender - Closed

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Civic Centre Refurbishment – Principal Design Consultant.

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

Ann Prendergast
General Manager

Thursday 4 October 2018