

6 December 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 12 December 2018** commencing at **2.00 pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

2.00pm	Council Meeting begins
4.00pm	Questions from the Public to be read out
5.40pm	Closed Council

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018



Time	Item
2.00pm	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 - Mayor Cllr D Gair
2.02pm	Opening Prayer - Pastor Paul Crossman Highlands Christian Church, Mittagong
2.35pm	<ul style="list-style-type: none">• Apologies - nil• Adoption of Previous Minutes• Business Arising• Declarations of Interest• Mayoral Minute• Public Forum• Visitor Items<ul style="list-style-type: none">• Item 10.1 - Development Application 18/0287 - Mixed Use Development (Dwelling House and Medical Centre) Lot 41 DP1048841, 36 Brigadoon Drive, Bundanoon• Item 10.2 - Development Application 17/1638; 444 Moss Vale Road, Bowral: Demolition of Existing Structures And Construction Of Residential Flat Buildings.• Council Reports
4.00pm	Questions from the Public - <i>to be read</i> Continuation of Council Reports General Business Questions Questions with Notice - 13/2018 - Wombeyan Caves Road Notices of Motion
5.40pm	Closed Council
6.00pm	Meeting Closed

Ann Prendergast
General Manager

Business

1. OPENING OF THE MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. PRAYER

4. APOLOGIES

Nil

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Ordinary Meeting of Council held on 28 November 2018

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9. PUBLIC FORUM

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OPERATIONS, FINANCE AND RISK

Nil

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22.1 Tender for Construction of Synthetic Hockey Field No.2, Welby (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.

22.2 Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets (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.

22.3 Tender for Kirkham Road Upgrade, Bowral Stage 1 (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

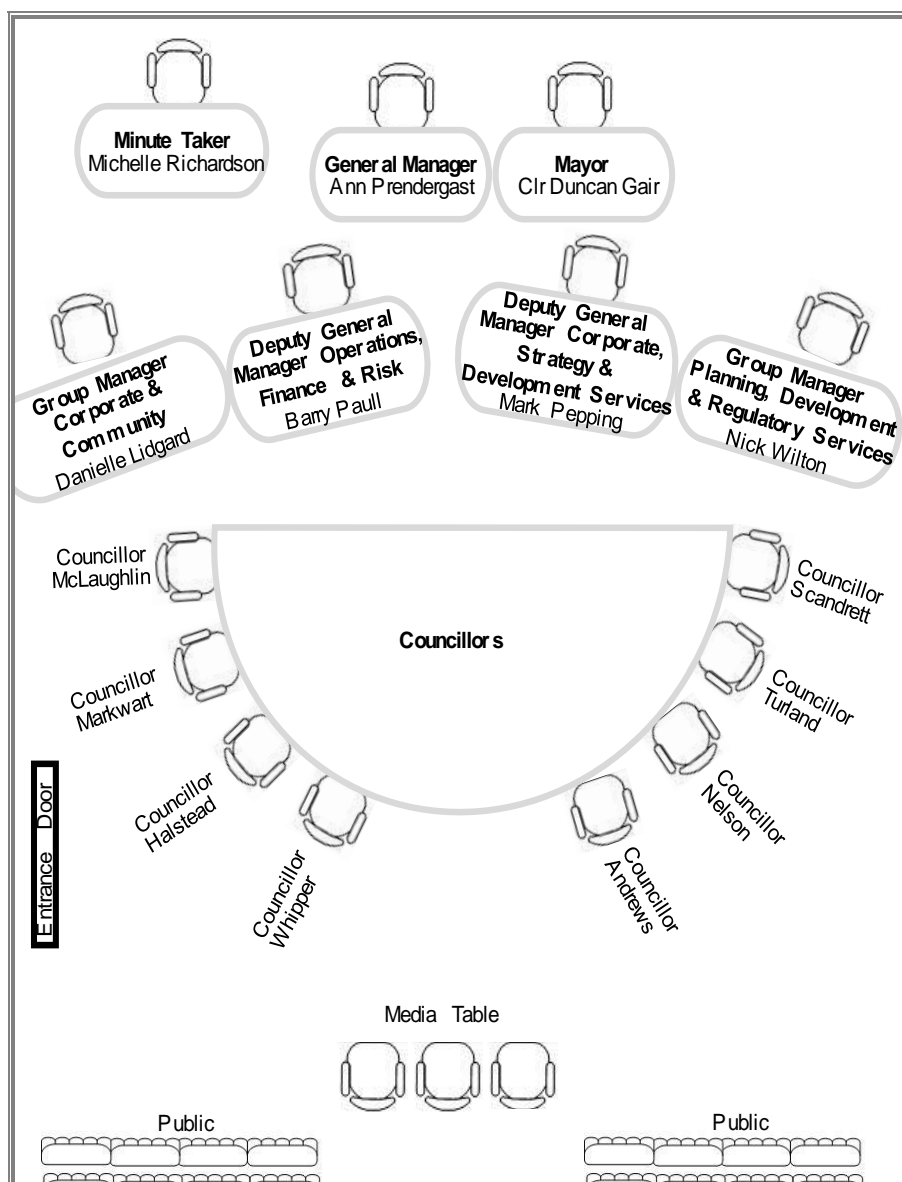
Council Chambers

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

Nil at time of print.

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.

10 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

10.1 Development Application 18/0287 - For the Erection of a Dwelling House and Medical Centre, Lot 41 DP1048841, 36 Brigadoon Drive, Bundanoon

Reference:	18/0287
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Dr Anne Morris
Owner:	Toshio Inui
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 18/0287 which seeks approval for the erection of a dwelling house and medical centre at Lot 41, DP1048841, 36 Brigadoon Drive Bundanoon. This report is prepared for determination and recommends APPROVAL, subject to the attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT development application 18/0287 for the erection of a dwelling house and a medical centre at Lot 41 DP 1048841, No 36 Brigadoon Drive, Bundanoon be **APPROVED** subject to attached conditions of consent as described in **Attachment 1** to the report.

REPORT

Subject Site and Locality

Figures 1 and 2 illustrate the land's location and general layout (see also **Attachment 2**). It is a vacant 4025m² low density residential lot at the southern end of Brigadoon Drive in Bundanoon, around 1.2km east of the town centre. It is accessible by vehicle from the southern side of the Brigadoon Drive cul de sac.

The land falls generally from northwest to southeast, towards the unformed William Street. It slopes steeply in its northwestern portion, and more moderately towards its southeastern rear corner. Vegetation on the land comprises managed lawn, with numerous mature trees in the steep northwestern portion.

Surrounding properties mainly include low density residential developments. It is noted that William Street, mentioned above, adjoins the land's southern boundary and is used to gain pedestrian access to Glow Worm Glen, some 600m east of the land.



Figure 1: Locality map (see also Attachment 2)

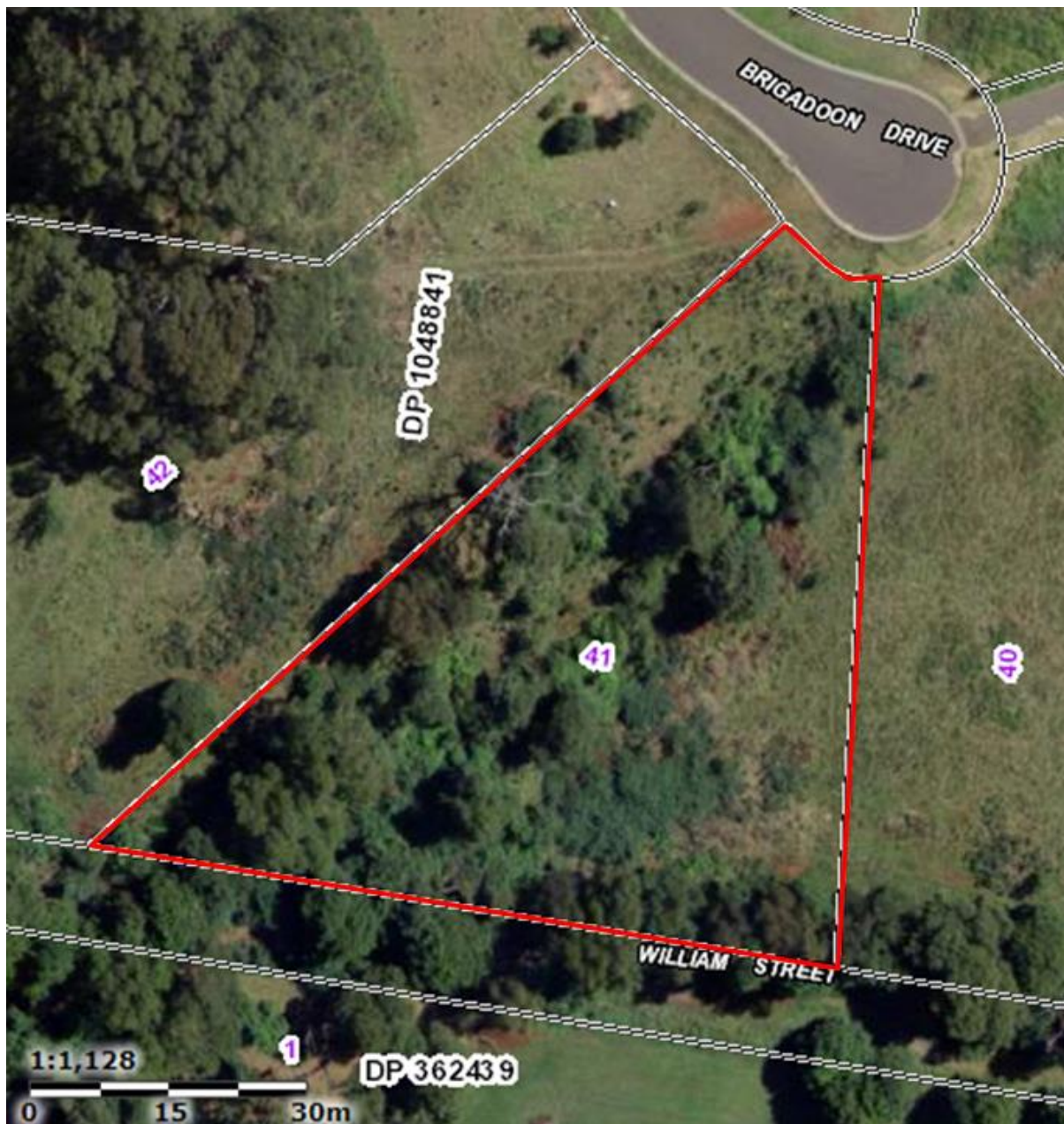


Figure 2: Aerial image (see also Attachment 2)

Background

Under Wingecarribee local Environmental Plan 2010, the land is in Zone R2 Low Density Residential. The lot was created in May 2003 by registration of a subdivision of land the subject of Council's development consent 00/1607. There is no apparent record of any previous development consent being granted in relation to the land.

Proposed Development

The proposed development drawings are included as **Attachment 3**.

The application describes the development as "New dwelling & erection of health consulting rooms".

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The application and its accompanying information are considered to inappropriately categorise the development's components. Firstly, the "health consulting rooms" component is in fact considered consistent with the Wingecarribee Local Environmental Plan 2010 (LEP) definition of *medical centre*. Secondly, the Statement of Environmental Effects (SEE) accompanying the application describes the development's dwelling component as a "secondary dwelling", but it is instead considered consistent with the LEP definition of *dwelling house*. The development's correct categorisation is explained later with regard to clause 1.4 of the LEP.

The proposed one-bedroom dwelling house is accessible by vehicle via an access driveway from the Brigadoon Drive cul de sac. It includes three storeys, one of which is partially below existing ground level and contains a proposed rainwater storage tank. A recommended condition of consent specifies Council's consent does not permit use of the lowermost storey for any habitable purpose (**Condition 3**). The proposed dwelling house is not provided with any garage, nor any clearly designated car parking facility.

The development's single-storey medical centre component is accessible by vehicle via a separate access driveway from the Brigadoon Drive cul de sac. It includes office/reception and patient waiting facilities, three treatment rooms, two consultation rooms, and amenities for patients and staff. It is provided with eight onsite car parking spaces, including one space for use by people with disabilities.

The SEE indicates the medical centre's proposed hours of operation are 9:00am to 5:00pm Mondays to Fridays, and 9:00am to 1:00pm Saturdays. A recommended condition of consent accordingly restricts the medical centre's hours of operation (**Condition 82**).

There is no apparent indication of any proposed signage; a recommended condition of consent specifies Council's consent does not permit erection or display of any signage other than identified by an environmental planning instrument as not requiring consent (**Condition 91**).

STATUTORY PROVISIONS

State Environmental Planning Policies (SEPPs)

The application has been considered with regard to the relevant provisions of applicable SEPPs, including:

- SEPP 44—Koala Habitat Protection
- SEPP 55—Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004 ("the BASIX SEPP")
- SEPP (Infrastructure) 2007 ("ISEPP")
- SEPP (Sydney Drinking Water Catchment) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017 ("the Vegetation SEPP").

State Environmental Planning Policy No 44—Koala Habitat Protection

The site contains vegetation across the site including a number of trees. Potential koala habitat means an area of native vegetation where the feed tree species listed in Schedule 2 of SEPP 44 constitute at least 15% of the total number of trees in the upper and lower strata of the tree component. Of the native species on site, none are Feed tree species listed in Schedule 2 of SEPP 44.

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 (Building Sustainability Index: BASIX) 2004

With respect to the BASIX SEPP, a recommended condition of consent specifies no construction certificate shall be granted for building work in the development's dwelling house component unless information and drawings accompanying the construction certificate application reflect the requirements prescribed by the BASIX Certificate accompanying the development application (**Condition 13**).

State Environmental Planning Policy (Infrastructure) 2007 ("ISEPP")

ISEPP clause 57 effectively specifies that development for the purpose of health services facilities, which includes medical centres, is permitted with consent in Zone R2 Low Density Residential. Section 3.28 (1) (a) of the Environmental Planning and Assessment Act 1979 specifies that in the event of an inconsistency between a SEPP and a local environmental plan, there is a general presumption that the SEPP prevails. Permissibility under ISEPP's provisions thus prevails in the event of a contrary provision of Wingecarribee Local Environmental Plan (WLEP) 2010. In short, the development's medical centre component is permissible on the land with consent even though the purposed of a Medical Centre is a prohibited use under WLEP 2010.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Shoalhaven River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. The proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

With respect to the Vegetation SEPP, the SEE accompanying the application indicates:

"There is no impact upon or loss of any remnant vegetation, habitat or biodiversity values. The two built forms that constitute the development are located to minimise any vegetation loss".

It also indicates:

"The proposed development will have no significant impact upon any existing trees or vegetation on the site. The location of the proposed consulting rooms building is on a cleared levelled portion of the site thus avoiding the vegetated sloping part of the site that occupies the western portion. This will ensure a soft vegetated character of the site is retained".

Proposed development drawings indicate the development in fact involves removal of five trees from the land at the site of the proposed dwelling house. However, given the extent of existing vegetation to be retained, this is considered acceptable. A recommended condition of consent specifies Council's consent does not permit any vegetation removal other than indicated on the consent drawings, necessitated by conditions of consent, or identified by an environmental planning instrument as not requiring consent (**Condition 5**).



Local Environmental Plans

Wingecarribee Local Environmental Plan 2010 (the LEP)

The application has been considered with regard to the LEP's relevant provisions, including:

- Clause 1.4—Definitions
- Clause 1.9A—Suspension of covenants, agreements and instruments
- Clause 2.3—Zone objectives and Land Use Table

Clause 1.4 Definitions

With respect to clause 1.4, and as mentioned earlier, the application and its accompanying information are considered to inappropriately categorise the development's components as a "secondary dwelling" and "health consulting rooms". The LEP defines these terms as follows:

secondary dwelling means a self-contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Firstly, no other dwelling exists or is proposed on the land. The proposed dwelling therefore cannot be categorised as a *secondary dwelling*. Secondly, whilst the development's "health consulting rooms" component is on the same land as the proposed dwelling, it is separately accessible by vehicle, located more than 30m from the dwelling, and physically separated from the dwelling by the land's terrain and vegetation. It is therefore not considered "within the curtilage of" the proposed dwelling, on which basis it should not be categorised as *health consulting rooms*.

Instead, the development is considered to involve erection of buildings and carrying out of works for the purpose comprising a *dwelling house* and a *medical centre*. The LEP defines these terms as follows:

dwelling house means a building containing only one dwelling.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Clause 1.9A—Suspension of covenants, agreements and instruments

The land is burdened by restrictions on the use of land, for the benefit of every other residential lot in DP1048841 – 20 lots in total. Council is not authorised to release, vary or modify the restriction, but also does not strictly have authority to enforce it. Indeed, section 4.15 of the Environmental Planning and Assessment Act does not require a consent authority to consider a restriction on the use of land in assessment of a development application, and clause 1.9A (1) of the LEP provided below effectively provides for such a restriction to be disregarded:

1.9A Suspension of covenants, agreements and instruments

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

Clause 2.3 Zone objectives and land use table

The site is zoned R2 Low Density Residential under the WLEP 2010 and in this zone, a dwelling house is permissible however a Medical Centre is listed as a prohibited use. Notwithstanding as noted above under the commentary clause 57 of the Infrastructure SEPP, effectively specifies development for the purpose of *medical centres* is permitted in Zone R2 with consent, and prevails to the extent of its inconsistency with the LEP's provisions.

The objectives of the R2 Low Density Residential zone, and their consideration, are discussed below.

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

The development's *dwelling house* and *medical centre* components are thus both permitted with consent.

Development Control Plans

Bundanoon Town Plan Development Control Plan (the DCP)

The application has been considered with regard to the DCP's applicable provisions, including:

- Part A—Provisions applicable to all land
 - Section 2—General objectives
 - A2.2—Objectives of this Plan
 - Section 4—Water management
 - A4.3—Development in Sydney's drinking water catchments
 - A4.4—Water cycle management study
 - A4.5—Stormwater management plan
 - A4.6—Erosion and sediment control plans
 - A4.7—Water sensitive urban design
 - Section 6—Vegetation management and landscaping
 - A6.1—Preservation of trees and other vegetation
 - A6.2—Private landscaped open space
 - A6.3—Controls
 - Section 7—Subdivision, demolition, siting and design
 - A7.3—Site analysis
 - A7.4—Cut and fill

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- A7.8—Principles of minimum acceptable design
- Section 8—Safer by design
 - A8.3—Crime prevention through environmental design
 - A8.4—Specific design requirements
- Section 9—Construction standards and procedures
 - A9.5—Subfloor areas of buildings
 - A9.8—Stormwater disposal
 - A9.12—Waste management and disposal
- Part C—Provisions applicable to residential-zoned land
 - Section 1—Introduction
 - C1.2—Objectives
 - C1.5—Height of buildings
 - C1.6—Building materials
 - Section 2—Low density housing
 - C2.2—Objectives of low density housing
 - C2.4—Development density and scale
 - C2.5—Dwelling orientation
 - C2.6—Front setbacks
 - C2.7—Side setbacks
 - C2.8—Rear setbacks
 - C2.9—Building height
 - C2.10—Roof forms
 - C2.12—Garaging and driveways
 - C2.13—Landscaped open space
 - C2.14—Fencing, gates and letterboxes.

The proposed development satisfies the requirements under each of the sections mentioned above. Provided below are comments in relation to certain sections where conditions of consent are recommended or variations considered acceptable.

It is further noted that none of the DCP's applicable provisions is specifically relevant to the development's medical centre component, due to the land's residential zoning (and the consequent inapplicability of Part B), and the omission from Part C of any provisions specifically relating to medical centres which are a prohibited use under WLEP2010 but permissible under the Infrastructure SEPP. Nonetheless, the medical centre is considered in greater detail later with regard to section 4.15 of the Environmental Planning and Assessment Act 1979.

A9.12—Waste management and disposal

With respect to section A9.12, a recommended condition of consent specifies all wastes generated in the carrying out and operation of the development shall be lawfully disposed of to a suitably authorised waste processing/disposal facility (**Condition 80**).

C2.9—Building height

The proposed dwelling house includes three storeys and therefore contravenes section C2.9, which – strictly applied – prescribes a maximum dwelling house height of two storeys. However, the lowermost storey is substantially below natural ground level and contains only a rainwater storage tank. Furthermore, the dwelling house's overall height is 9.84m, which is 840mm higher than a typical two storey building as referenced in section C1.5. On balance, the dwelling house's height is not considered contrary to the building height objectives specified in section 2.9:

- (a) *Retention of a low scale domestic residential character (or appropriate alternative depending on locality)*
- (b) *Minimal loss of privacy for existing development*
- (c) *Minimal overshadowing of neighbouring properties by new development*
- (d) *Minimal disruption to the views of existing development.*

C2.12—Garaging and driveways

Section C2.12 specifies new dwellings shall provide a minimum of two car parking spaces behind the building line, which may include an access way to the side of the dwelling of at least 2.7m width. Submitted drawings of the development do not clearly indicate any designated car parking spaces for the proposed dwelling house. The SEE accompanying the application indicates the proposed dwelling house's access driveway is to be utilised for parking of two vehicles, but this does not satisfy the requirement for parking spaces to be located behind the building line.

The dwelling house is proposed to be located 2.5m from the land's northwestern boundary. It appears practicable to increase this side setback distance to at least 3.7m to facilitate extension of the access driveway, with a minimum 2.7m width and 1.0m distance from the side boundary, between the dwelling house and the boundary so as to allow two vehicles to be parked behind the building line. A recommended condition of consent therefore specifies no construction certificate shall be granted for any building work in the development's dwelling house component unless details of the accordingly amended dwelling house site and car parking arrangements have been submitted to and approved by Council (**Condition 26**).

C2.14—Fencing, gates and letterboxes

Submitted development drawings indicate a stone wall and automated double swing gates are proposed on the land's front boundary to Brigadoon Drive, but provide insufficient detail to allow informed assessment against the provisions of section C2.14. Section 4.16 (4) (b) of the Environmental Planning and Assessment Act 1979 specifies development consent may be granted for the development for which consent is sought, except for a specified part or aspect of that development. A recommended condition of consent therefore specifies that Council's consent does not permit erection of the proposed stone front boundary wall or automated swing gates, nor any other boundary fencing, other than identified by an environmental planning instrument as not requiring consent (**Condition 10**).

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:

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(a) *the provisions of:*

(i) *any environmental planning instrument, and*

The application has been considered with regard to the relevant provisions of applicable environmental planning instruments (SEPPs and the LEP), as discussed above.

(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*

The application has been considered with regard to the relevant provisions of the applicable Bundanoon Town Plan Development Control Plan, as discussed above.

(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,*

Context and setting

In terms of scale, nature and likely intensity of use, the dominant component of the development is the medical centre. The locality is generally characterised by low suburban residential development. The proposed medical centre essentially comprises a significant and isolated commercial development, and may be considered at odds with the locality's established and desired residential character and amenity. However, the development is not considered contrary to the R2 zone objectives specified by the LEP:

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

Further, as discussed earlier, ISEPP clause 57 specifies development for the purpose of *medical centres* – a type of *health services facility* – is permissible in Zone R2 regardless of the LEP's contrary provisions.

Car parking

The development includes eight off street car parking spaces ancillary to its medical centre component, including one space for use by people with disabilities and two spaces for use by staff. The NSW Roads & Maritime Services (RMS) *Guide to Traffic Generating Developments* suggests provision of three car parking spaces per surgery may be adequate for a medical centre. Although the development drawings indicate two consultation rooms and three treatment rooms, the SEE accompanying the application indicates car parking facilities have been provided on the basis of only two consultation rooms. This suggests provision of six car parking spaces would be adequate for the medical centre. On balance, the development is considered to include sufficient car parking spaces for the medical centre, subject to a recommended condition of consent specifying no more than two health care professionals shall be permitted to practice in the medical centre at any given time (**Condition 85**).

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

As discussed above, the development's medical centre component may be considered inconsistent with the locality's suburban residential character, but is not considered contrary to the R2 zone objectives and is permissible with consent in Zone R2.

The proposed medical centre is expected to increase vehicular traffic on Brigadoon Drive. The application was referred to Council's Development Engineer, who raised no concerns regarding the capacity of Brigadoon Drive to carry additional traffic generated by the development.

The land's attributes are considered conducive to the proposed development, provided recommended conditions of consent are adhered to. The land is not subject to any known natural hazards such as flooding, bush fire, subsidence, slip, mass movement or the like. It does not include and is not adjacent to any item or area of recognised heritage significance. The development is not expected to have any significant impact on any critical habitats, nor any threatened species, populations, ecological communities or habitats.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

On balance, the development is not considered contrary to any known federal, state or local government interests, nor any wider community interests.

CONSULTATION

Pre-lodgement Meeting

The development was not discussed at any formal pre-lodgement meeting with Council officers.

External Referrals

The application did not require referral to any external authority.



Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifier	No objection to proposed development; recommended conditions of consent specify relevant requirements.
Development Engineer	Various comments and suggestions that can be conveyed by recommended conditions of consent.

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified/Advertised for a period of 18 days between 22 March 2018 and 9 April 2018, attracting 23 submissions. The issues raised in the submissions are identified and discussed below:

1. Bush fire hazard

Five submissions suggest the proposed medical centre is incompatible with bush fire hazard indirectly affecting the land.

Comment – The land is not mapped bush fire prone land. Whilst Brigadoon Drive is a no-through-road and is partially within mapped bush fire prone land, the development does not include in-patient services and is not expected to create any need for in-patient evacuation in a bush fire event.

2. Impact on local recreation and tourism

Seven submissions express concern that the development may impact on the enjoyment of the adjacent pedestrian track in William Street that leads to Glow Worm Glen. It is submitted that the proposed medical centre's proximity to the track, and consequent visibility, contradicts the natural character of the track.

Comment – The proposed medical centre is located 10.0m from the land's boundary to William Street, and is separated from William Street by extensive existing vegetation including mature trees. The development drawings indicate this existing vegetation is to be retained, and a recommended condition of consent reinforces this (**Condition 5**). On balance, the proposed development is not expected to significantly impact upon users' enjoyment of the path in William Street leading to Glow Worm Glen.

3. Access, traffic & parking

18 submissions expressed concern over vehicular access, traffic and parking associated with the development. It is submitted that the development may generate additional traffic in excess of Brigadoon Drive's capacity and thereby compromise safety of other road users, including pedestrian children. It is also suggested that clients of the proposed medical centre may use Brigadoon Drive for car parking purposes, rather than use on-site car parking facilities in the development. One submission objects to the proposed development's two separate access driveways to the dwelling house and medical centre.

Comment – As discussed earlier, Council's Development Engineer raised no concerns regarding the capacity of Brigadoon Drive to carry additional traffic generated by the development. Given the availability of car parking facilities ancillary to the proposed medical centre, as well as the distance and sloping terrain between the medical centre and the vehicle access point, it is considered unlikely that those attending the medical centre will choose to park vehicles in Brigadoon Drive and walk to and from the medical centre. Council's Development Engineer



raised no concern over the proposed development including two vehicle access points.

4. *Noise*

Two submitters object to the proposed medical centre on the grounds that it may cause unwanted noise emissions.

Comment – The proposed medical centre is located toward the land's south eastern corner, some 60m from its nearest residential noise receivers at 34 and 41 Brigadoon Drive. The application proposes hours of operation from 9:00am to 5:00pm Mondays to Fridays and 9:00am to 1:00pm Saturdays. A recommended condition of consent reinforces these hours of operation (**Condition 82**), and also specify the development shall not cause emission of offensive noise (**Condition 88**). On balance, the medical centre is considered unlikely to have a significant negative impact by reason of noise emissions.

5. *Site suitability*

14 submissions suggest the development is inappropriately located, and/or the land's attributes are not conducive to the development. It is suggested that the proposed medical centre is incompatible with the locality's residential character and amenity, and would be more appropriately located in the Bundanoon town centre. It is also submitted that the land's steep terrain is not conducive to the development.

Comment – As discussed earlier, whilst the proposed medical centre may be considered at odds with the locality's established and desired residential character and amenity, the development is not considered contrary to the R2 zone objectives specified by the LEP, and ISEPP clause 57 specifies development for the purpose of *medical centres* is permissible in Zone R2 regardless of the LEP's contrary provisions.

6. *Need for development*

Two submissions suggest the proposed medical centre is unnecessary, on the basis that a number of similar health services facilities are already established elsewhere in Bundanoon.

Comment – The relevance of necessity of the proposed medical centre in the context of Bundanoon is not relevant against the assessment considerations under the Environmental Planning and Assessment Act, 1979.

7. *Hours of operation*

Four submissions express concern over the medical centre's proposed hours of operation. It is suggested that it will operate outside of the proposed hours of operation for purposes including cleaning and maintenance.

Comment – A recommended condition of consent specifies the hours of operation of the medical centre shall be as proposed: 9:00am to 5:00pm Mondays to Fridays and 9:00am to 1:00pm Saturdays (**Condition 82**). There are considered to be no grounds for speculation that the development will operate in contravention of conditions of consent, and necessary cleaning and maintenance activities carried out outside the permitted hours of operation are not expected to have significantly greater impact in the locality than would be the case in cleaning and maintaining a dwelling house.



8. *Waste management*

Five submissions express concern over management and disposal of waste from the development, including domestic waste from the proposed dwelling house as well as medical and other wastes associated with the medical centre's operation. One submitter suggests the development will lead to excessive placement of waste bins in the Brigadoon Drive cul de sac for kerbside collection.

Comment – Recommended conditions of consent specify all waste generated in the carrying out and operation of the development shall be lawfully disposed of to a suitably authorised waste processing/disposal facility, and no waste from the medical centre shall be disposed of via Council's kerbside collection service (**Condition 80**). Disposal of domestic waste from the proposed dwelling house via Council's kerbside collection service is not expected to have any significant negative impact in the locality.

9. *Residential amenity*

Three submissions suggest the development will have a significant negative impact on residential amenity in the locality, mainly through noise emissions and increased vehicular traffic on Brigadoon Drive.

Comment – As discussed above, Council's Development Engineer raised no concerns regarding the capacity of Brigadoon Drive to carry additional traffic generated by the development, and given the proposed medical centre's distance from residential receivers, as well as its proposed hours of operation, the development is considered unlikely to have a significant negative impact by reason of noise emissions.

10. *Impact on fauna*

Four submissions suggest the development will have a significant negative impact on fauna in the locality.

Comment – The land is located around 450m from the nearest point of Morton National Park. It also adjoins areas of native bushland, including areas of Robertson Basalt Tall Open Forest. However, the land is not identified as including critical habitat and the development is not considered likely to significantly affect any threatened species, populations or ecological communities, or their habitats.

11. *Visual impact*

Five submissions object to the development on the grounds of visual impact, submitting that the proposed dwelling house's design is not in keeping with other dwelling houses in the locality.

Comment – Other residential accommodation developments in the locality are predominantly of single storey construction. However, this in itself does not preclude erection of a dwelling house of more than one storey. Similarly, most other dwelling houses in the locality are traditional or conventional in form, but this does not preclude erection of a dwelling house of more modern contemporary design. On balance, the dwelling house is expected to contribute to a variety of housing styles, and is not expected to have a significant negative visual impact in the locality.

12. *Infrastructure capacity*

One submission suggests the development will place undue additional demands on Council water supply and sewerage services.

Comment – Council's Development Engineer raised no concerns regarding the capacity of Council's water supply or sewerage services to cater for the development's demands. A recommended condition of consent specifies no construction certificate shall be granted for any building work in the development unless approvals have been obtained under section 68 of the Local Government Act 1993 for water supply and sewerage service connections associated with the development (**Condition 18**).

13. Development categorisation

One submission asserts that the application and its accompanying information incorrectly categorise the development as comprising *health consulting rooms* and a *secondary dwelling*.

Comment – The submitter is correct, as discussed earlier regarding clause 1.4 of the LEP. The development should have been categorised a *dwelling house* and a *medical centre*. However, the development is nonetheless permissible with consent, pursuant to clause 2.3 of the LEP and clause 57 of ISEPP.

14. Contravention of restrictions as to user

Four submissions object to the development on the grounds that it contravenes an applicable restriction on the use of the land under section 88B of the Conveyancing Act 1919.

Comment – The land is burdened by restrictions on the use of land, for the benefit of every other residential lot in DP1048841 – 20 lots in total. Council is not authorised to release, vary or modify the restriction, but also does not strictly have authority to enforce it. Indeed, section 4.15 of the Environmental Planning and Assessment Act does not require a consent authority to consider a restriction on the use of land in assessment of a development application, and clause 1.9A (1) of the LEP effectively provides for such a restriction to be disregarded:

1.9A Suspension of covenants, agreements and instruments

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

The above aside, the applicable restriction has been considered in order to establish whether and which of its provisions are contravened by the development. The development may be considered contrary to the following provisions of the covenant:

- I. *Each lot shall contain only one (1) single occupancy residential dwelling.*
- IV. *A dwelling constructed on any lot shall be of single storey design, but a second storey shall be permitted if integrated into the roof structure...*
- V. *No dwelling shall be constructed on any lot unless the dwelling has a minimum floor area (excluding garages, carports, verandahs, patios, decks and the like) of 100m².*

15. Privacy

One submission expresses concern that the proposed dwelling house may impact upon neighbours' privacy.

Comment – The proposed dwelling house is not expected have any significant privacy impact. It is not located immediately adjacent to any neighbouring dwelling, and does not include any upper storey windows facing its nearest side lot boundary, to the west.

SUSTAINABILITY ASSESSMENT

- **Environment**

The development's potential environmental impacts are discussed earlier in this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018–19: 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;

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT GROUP MANAGER PLANNING, DEVELOPMENT AND REGULATORY SERVICES



- 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*, applicable state environmental planning policies, and the Bundanoon Town Plan Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Determine development application 18/0287 by granting consent, subject to the recommended conditions of consent specified in **Attachment 1**.

Option 2

Determine development application 18/0287 by refusal, and provide reasons for Council's determination.

Option 1 is the recommended option to this report.

CONCLUSION

Provided that the recommended conditions of consent are complied with, the development is considered satisfactory with respect to the relevant provisions of applicable environmental planning instruments, development control plans and Council policies, and is not expected to have a significant negative impact on the environment or the character and amenity of the locality.

ATTACHMENTS

1. Recommended conditions of consent
2. Locality Map and Aerial Image
3. Proposed Development Drawings

10.1 Development Application 18/0287 - For the Erection of a Dwelling House and Medical Centre, Lot 41 DP1048841, 36 Brigadoon Drive, Bundanoon

ATTACHMENT 1 Recommended conditions of consent



DRAFT CONDITIONS OF DEVELOPMENT CONSENT

ATTACHMENT 1

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with Council's notice of determination to develop the land for the purpose of a mixed use development comprising a dwelling house and a medical centre, in accordance with relevant definitions specified by Wingecarribee Local Environmental Plan 2010:

***mixed use development** means a building or place comprising 2 or more different land uses.*

***dwelling** house means a building containing only one dwelling.*

***medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Reason: To confirm the use of the approved development.

2. Development in Accordance with Plans and Documents

Except where otherwise permitted or required by conditions of consent, the development shall be carried out in accordance with the information accompanying the development application and the stamped consent drawings set out in the following table, including any notations or amendments marked by Council in red.

Drawing Title	Reference / Version	Prepared By	Dated
Site Plan - Ground Floor in Context	BHR-DA-01	Axel Richter	7 March 2018
Layout	BHR-DA-02		
Roof Plan	BHR-DA-03		
Elevations 1	BHR-DA-04		
Elevations 2	BHR-DA-05		
Secondary Dwelling - Layouts	BHR-DA-06		
Secondary Dwelling Elevations 1	BHR-DA-07		
Secondary Dwelling Elevations 2	BHR-DA-08		

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

3. Limitation on residential use

Council's consent does not permit any occupation, use or adaptation of the dwelling house's lowermost storey for the purpose of residential accommodation or other habitation.

Reason: To ensure development in accordance with the information accompanying the development application.

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4. Signage

Council's consent does not permit the erection or display of any signage other than specified by an environmental planning instrument as not requiring prior development consent.

Reason: *To prevent unauthorised erection or display of signage.*

5. Vegetation removal

Council's consent does not permit any removal of vegetation other than indicated on the consent drawings, necessitated by conditions of consent, or specified by an environmental planning instrument as not requiring consent.

Reason: *To prevent unlawful vegetation removal.*

6. Inconsistency Between Documents

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

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

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

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

(b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

8. Erection of Signs

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

(a) Showing the name, address and telephone number of the principal certifying authority for the work, and

(b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) Stating that unauthorised entry to the work site is prohibited.

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

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

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9. Notification of Home Building Act 1989 Requirements

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

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

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

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

10. Partial Consent

Pursuant to section 4.16 (4) (b) of the Environmental Planning and Assessment Act 1979, Council's consent is granted for the development for which consent is sought, except for the stone wall and gates at the land's front boundary to Brigadoon Drive. However, Council's consent does not restrain construction or installation of a fence specified by an environmental planning instrument as exempt development.

Reason: *The development application is not accompanied by sufficient information or drawings to allow informed consideration of the proposed stone wall and gates.*

11. Compliance with Disability Discrimination Act 1992

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

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

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

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

12. Application for a Construction Certificate (Building Works)

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

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

Note: Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.

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

13. BASIX Certificate

No construction certificate shall be granted for any residential building work in the development unless information and drawings accompanying the construction certificate application reflect all requirements specified by the BASIX Certificate accompanying the development application.

Reason: To ensure residential development is in accordance with the BASIX Scheme.

14. Amendments to Consent Drawings

The applicant shall make the following amendments to the approved drawings prior to the issue of a Construction Certificate:

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- a) The dwelling house shall be relocated to increase its setback from the land's northwestern side boundary from 2.5m to 3.7m
- b) The internal vehicular driveway to the dwelling house shall be extended, with a minimum 2.7m width and 1.0m distance from the land's northwestern side boundary, between the dwelling house and the boundary so as to allow two vehicles to be parked behind the dwelling house's building line

Note: This involves a change to the Development Application plans as submitted to and approved by Council.

Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the proposed development.

Reason: *To confirm and clarify the terms of Council's approval.*

15. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- (a) A Construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

16. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the

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Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

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

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

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

17. Disabled Toilets

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

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

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

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

18. Section 68 Local Government Act 1993 Approvals

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

- Carry out water supply work
- Carry out sewerage work
- Carry out stormwater drainage work.

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

19. Installation Requirements

All sewer and water plumbing and drainage work shall be carried out by a licensed plumber. A Permit in accordance with the NSW Code of Practice Plumbing and Drainage is to be obtained from Council (as the local Water Supply Authority) for the work to be carried out prior to the issue of the Construction Certificate.

Reason: *To comply with legislation.*

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20. Water Management Act - Certificate of Compliance

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

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

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

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

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

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

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

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
To 31 January 2019	\$10,962.74	\$10,627.98	\$2,497.00
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au .			

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

Note: Payment of the above charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e., a minimum of 10 days).

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of **{Construction/Subdivision/Occupation}** Certificate:-

Water \$250.00 + Sewer \$250.00 + Stormwater \$250.00 = \$750.00.

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

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

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

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

21. Construction Management Plan

A Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- (a) Off-street parking for employees, contractors and sub-contractors.
- (b) Site access for construction vehicles and equipment purposes.
- (c) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- (d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (e) Storage of all building materials and equipment wholly within the construction site.
- (f) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (g) External lighting and security alarms proposed for the construction site.
- (h) Fire fighting measures to be available on site during development and construction.
- (i) Sanitary amenities proposed on site during development and construction.
- (j) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.

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

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22. Provision of Works and Services

Prior to the issue of the Construction Certificate the Developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Reason: *Statutory requirement.*

23. Stormwater - Control of Peak Discharge

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

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

24. Detailed Stormwater Drainage System Design

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

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

If any upgrade is required to existing infrastructure, it shall be carried out at no cost to Council.

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

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

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

Reason: *To ensure adequate storm water management.*

25. Disabled Car Parking Spaces

One car parking space adjacent to the medical centre building shall be reserved for use by people with disabilities, with minimum dimensions of 3.2m wide x 5.5m long and located near pedestrian access routes designed for use by people with disabilities. Each space shall be clearly marked for use by people with disabilities in accordance with the Premises Code.

Car parking for people with disabilities shall be provided in accordance with the National Construction Code (NCC), relevant Australian Standards and with regard to the *Disability Discrimination Act 1992* and Premises Code. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

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The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

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

26. Off Street Parking Provision - General

At least eight off-street car parking spaces suitably marked in accordance with the consent drawings (unless elsewhere specified) shall be provided adjacent to the medical centre building. Each space shall have minimum dimensions in accordance with Australian Standard AS2891.1 Off Street Car Parking. Stacked car parking spaces shall not be permitted.

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

Reason: *To ensure adequate parking and access.*

27. Water and Sewer Assets Identification and Location

The site plan as per the water or sewer engineering design shall include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Group Manager Planning, Development and Regulatory Services before any works may commence.

Reason: *Ensure appropriate servicing of sewer and water reticulation.*

28. Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer prior to release of a Construction Certificate shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate or Subdivision Certificate.

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

29. Waste Management Plan

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

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

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

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30. Erosion and Sediment Control Plan

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

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

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

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

31. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.

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

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

32. Disabled Persons Access and Facilities

- (a) Detailed drawings shall be provided to Council for the fit out to the disabled person's facilities with the construction certificate application. Details shall be in accordance with AS 1428.1 Design for Access and Mobility and the Premises Code.
- (b) At least **1** car parking space/s for use by disabled persons shall be provided. These spaces shall be clearly identified by sign posting complying with AS1428.1, and comply with AS2980.6-2009 and the Premises Standard).
- (c) No work is to commence on disabled persons access routes until details of the routes are submitted to and approved by the Principal Certifying Authority. The details shall include a site plan clearly identifying the proposed route for access by disabled persons. It is noted that access from the allotment boundary, carpark and any other building on the allotment which access for people with disabilities is required, to the entrance of the subject building. Access shall be in accordance with AS 1428.1 Design for Access and Mobility.
- (d) Access for people with disabilities shall be provided to and within buildings as set out in Table D3.2 of the National Construction Code (NCC) by means of a continuous path of travel in accordance with AS1428.1:
 - (i) from the allotment boundary at the main points of entry; and
 - (ii) from any carparking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and

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- (iii) from any adjacent and associated accessible building on the allotment; and
- (iv) through the principal public entrance.
- (e) Sanitary facilities must be provided in accordance with Table F2.4 of the National Construction Code (NCC) for:
 - (i) every Class 3, 5, 6, 7, 8 and 9 building that is required by the deemed to satisfy provisions of Part D3 to be accessible to people with disabilities and may be calculated as part of the number of facilities required by Table F2.3; and
 - (ii) The construction and layout of all facilities provided in accordance with Table F2.4 must comply with AS1428.1.
 - (iii) A unisex facility must be located so that it can be entered without crossing an area reserved for one sex only.
- (f) Identification of Accessible Facilities, Services and Features

In every building required to be accessible, clear and legible Braille and tactile signage complying with Specification D3.6 and incorporating the international symbol of access or deafness or other symbol as appropriate in accordance with AS1428.1 must identify all items as specified in Clause D3.6 of the National Construction Code (NCC).

- (g) Hearing Augmentation
 - (a) Where an inbuilt amplification system, other than one used for emergency warning purposes only, is installed, a hearing augmentation system complying with AS1428.1 must be provided in the locations specified in Clause D3.7 of the National Construction Code (NCC).
 - (b) In a Class 9b building, any screen or scoreboard capable of displaying public announcements must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.
- (h) Tactile Indicators
 - (a) For a building required to be accessible, tactile ground surface indicators must be provided to warn people with vision impairment that they are approaching any area as specified in Clause D3.8 of the National Construction Code (NCC).
 - (b) Tactile ground surface indicators required by (a) must be Type B indicators in accordance with AS1428.4.
 - (c) A hostel for the aged, nursing home for the aged or a residential aged care building, need not comply with (a) (i) of D3.8 of the National Construction Code (NCC) if handrails incorporating a raised dome button in accordance with AS1428.1 are provided to warn people with impaired vision that they are approaching a stairway or ramp.

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(i) Braille Signage

In every building required to be accessible, clear and legible Braille and tactile signage complying with Specification D3.6 of the National Construction Code (NCC) and incorporating the international symbol of access or deafness or other symbol as appropriate, in accordance with AS 1428.1 must identify:

(a) each

(i) sanitary facility; and

(ii) accessible space with a hearing augmentation system; and

(b) where an entrance or lift is not accessible, identify each accessible -

(i) entrance; and

(ii) lift or bank of lifts; and

the path of travel from the principal public entrance to these features and facilities where their location is not apparent to the building occupant (see National Construction code (NCC) D3.6 Braille and Tactile Signs).

(j) Accessible Sanitary Facility

The sanitary facility shall be constructed in accordance with the requirements of AS1428.1 *Design for Access and Mobility General Requirements for Access*.

(k) Ambulant Sanitary Facility

In addition to the unisex accessible facility, an ambulant toilet/s for use by both male and female shall be constructed in accordance with the requirements of AS1428.1 *Design for Access and Mobility General Requirements for Access*.

(l) **Advisory Note**

(i) The Applicants/property owner should note that the Commonwealth *Disability Discrimination Act 1992* provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. This may require action to provide or improve access in addition to the minimum requirements of the National Construction Code (NCC), particularly if such work would not cause "unjustifiable hardship" for the proprietors or owners.

(ii) The Human Rights and Equal Opportunity Commission can provide further information on this issue).

Reason: Statutory requirement.

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CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

33. Notice of Commencement

No work shall commence until a notice of commencement (form will be attached with issue of a Construction Certificate or available from Council's website is submitted) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

Reason: *Statutory requirement.*

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

34. Principal Certifying Authority Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Advice: *Where Council is the PCA, signage is available from Council.*

Reason: *Statutory requirement.*

35. Construction Certificate

No work shall commence until a:

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

Reason *Statutory requirement.*

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36. Developers Representative during Construction of Works

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

Details to be submitted include:-

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

Prior to commencing any works on site the representative shall:

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

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

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

Reason: *Statutory requirement.*

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

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

In this regard, driveways within Council's verge shall be upgraded to comply with Council's standard drawings SD107 and SD123.

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

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices

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shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

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

Reason: *Statutory requirement.*

38. Relocation of Existing Services

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

Reason: *Statutory requirement.*

39. Fencing of the Construction Site

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

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

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

40. Developer to advise of damage to Council property

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter, street trees, drainage pits are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

Reason: *Public safety.*

41. Tree Retention (Marking)

All trees shown on the development consent to be "retained" shall be appropriately marked and

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protected prior to the commencement of construction works.

Reason: *To ensure that trees are retained without damage.*

42. Erosion and Sediment Control

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

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

43. Approved Plans to be available on site

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

Reason: *To ensure compliance with approved plans.*

44. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

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45. Ground Levels

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

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

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

46. Excavations and Backfilling

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

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

47. Retaining Walls and Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- (b) adequate provision shall be made for drainage.

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

48. Engineering Inspections by Council

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

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

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

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

Reason: *Statutory requirement.*

49. Stormwater - Connection to Kerb

All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.

Reason: *To comply with Council standards.*

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50. Stormwater - Construction

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

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

51. Stormwater - Discharge

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

Reason: *To ensure that stormwater is appropriately disposed of.*

52. Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

53. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

Reason: *Structural safety.*

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54. Disruption of Traffic

During any construction works on the public road that is associated with this approval, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads and the RMS "Traffic Control at Works Sites" manual.

Reason: *Safety and information.*

55. Erosion and Sediment Control Plan Compliance

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

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

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

56. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

Reason: *Health and amenity.*

57. Noise & Vibration

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

Reason: *Safety and amenity.*

58. Dust Control

Small Works

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

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similar material secured to a chain wire fence of the like.

Reason: *Environmental amenity*

59. Tree Removal/Tree Preservation

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of *Wingecarribee Local Environmental Plan 2010* and associated Development Control Plans.

Advice: *Tree removal should be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

Reason: *To comply with the Wingecarribee Local Environmental Plan 2010.*

60. Approved hours of Construction/Demolition

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

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

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

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

61. Construction Management Plan

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

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

Reason: *Compliance with condition of consent.*

62. Maintenance of the site

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

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

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

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During construction:

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

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

Reason: *Environmental amenity.*

63. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

Reason: *To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

64. Protection of Public Places

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 Roads Act 1993 approval (including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

Reason: *Public safety.*

65. Temporary Onsite Toilet

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

Each toilet shall:

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

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ATTACHMENT 1 Recommended conditions of consent



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

66. Waste Management

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

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

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

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

67. Occupation Certificate

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

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

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

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

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

68. Completion Requirements

All of the conditions of this consent shall be at no cost to Council and shall be completed prior to the issuing of an Occupation Certificate (unless stated otherwise).

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

69. Certification of Internal Civil Works

On completion of works and prior to occupation, certification from a practicing appropriately qualified Engineer shall be submitted to Council detailing that all internal civil works (i.e. internal driveways, paths and stormwater drainage systems including any on-site detention) are in accordance with the approved drawings and specifications.

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Reason: *To ensure internal civil works are carried out as approved.*

70. Public Infrastructure

The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of an Occupation Certificate at no cost to Council.

Reason: *To ensure that public infrastructure is protected from damage as a result of the development.*

71. Smoke Alarms

A Compliance Certificate certifying the installation of smoke alarms shall be provided to Council prior to the Occupation Certificate.

Reason: *To ensure compliance in accordance with Australian Standard AS 3786 Smoke Alarms and NCC requirements.*

Advice: *Where there is more than 1 alarm to be installed, the certificate shall state that the alarms have been interconnected.*

72. BASIX Commitments

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

In this condition:

- (a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

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

73. NatHERS Certificate

Commitments listed in NatHERS Certificate number 0002539567 relating to the development shall be fulfilled prior to the issue the Occupation Certificate.

Certification to be provided by the applicant shall be provided prior to issue of the Occupation Certificate demonstrating that compliance has been achieved.

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

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74. Civil Engineering works and services

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

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

75. Vehicle Access (Urban)

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing SD107 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Council's standard specification.*

76. Fire Safety

The fire safety measures as indicated in the attached schedule shall be implemented prior to the issue of the Occupation Certificate.

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

77. Final Fire Safety Certificate

A final fire safety certificate pursuant to clause 172 of the *Environmental Planning & Assessment Regulations 2000* shall be submitted, to the principal certifying authority upon completion of the specified work in the Schedule of Fire Safety Measures. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner; and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

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

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78. Evacuation Plan

Prior to the issue of an Interim or Final Occupation Certificate for the development, an evacuation plan complying with Australian Standard (AS3745) shall be prepared and implemented. The emergency evacuation should consider:

- (a) The mobility of occupants and how this is to be accommodated during an evacuation;
- (b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;

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

79. National Plumbing and Drainage Code

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

Reason: *To comply with legislation.*

80. Medical Waste Disposal

Medical wastes shall be disposed of by an authorised waste disposal contractor. Contractor details are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: *To ensure proper disposal of medical wastes.*

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

81. Use not to Commence

The approved use shall not commence until the proposed development has been completed in accordance with this consent and issue of any other Council approvals which may be required.

Reason: *To ensure that the use of the site is lawful.*

82. Hours of operation

The medical centre's approved hours of operation are:

DAY	HOURS
Monday to Friday	9:00am to 5:00pm
Saturday	9:00am to 1:00pm
Public Holidays	No operation permitted.

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

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Brigadoon Drive, Bundanoon**

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83. Waste Management Plan

The approved Waste Management Plan shall be implemented during the ongoing operation of the development. All wastes generated in the development's operation shall be lawfully disposed of to a suitably authorised waste processing or disposal facility. No wastes from the medical centre shall be disposed of via Council's kerbside waste collection service.

Reason: *To ensure that waste is managed in a sustainable manner.*

84. Erosion Control on Completed Developments

Adequate erosion and sediment control measures shall be maintained in place where necessary until site stabilisation and revegetation is finalised.

Reason: *To protect the environment.*

85. Limitation on number of health car professionals

No more than two health care professionals shall be permitted to practice in the medical centre at any given time.

Reason: *To ensure the development does not demand a greater number of off-street car parking facilities than provided.*

86. Loading/Serviceing

All vehicular loading and unloading shall be carried out within the site to provide for safe off-street loading and unloading of vehicles servicing the site and to prevent interference with the use of the public road by vehicles and pedestrians.

Reason: *Public safety.*

87. Amenity

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

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

88. Noise Control

Operation of the medical centre shall not give rise to the transmission of offensive noise to any place of different occupancy.

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

89. Vehicle Manoeuvring

All vehicles entering and leaving the land in association with the medical centre's operation shall do so in a forward direction to ensure traffic / pedestrian safety. Internal driveways and parking associated with the medical centre shall be designed such that all vehicles are able to manoeuvre and leave the development driving forwards.

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Reason: *Public safety.*

90. Annual Fire Safety Statement

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

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

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

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

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

91. Advertising Signs - Consent required

Unless Exempt Development, before an advertising signage is erected/displayed development consent is required to be issued by Council.

Reason: *To comply with the provisions of the Wingecarribee Local Environmental Plan 2010.*

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

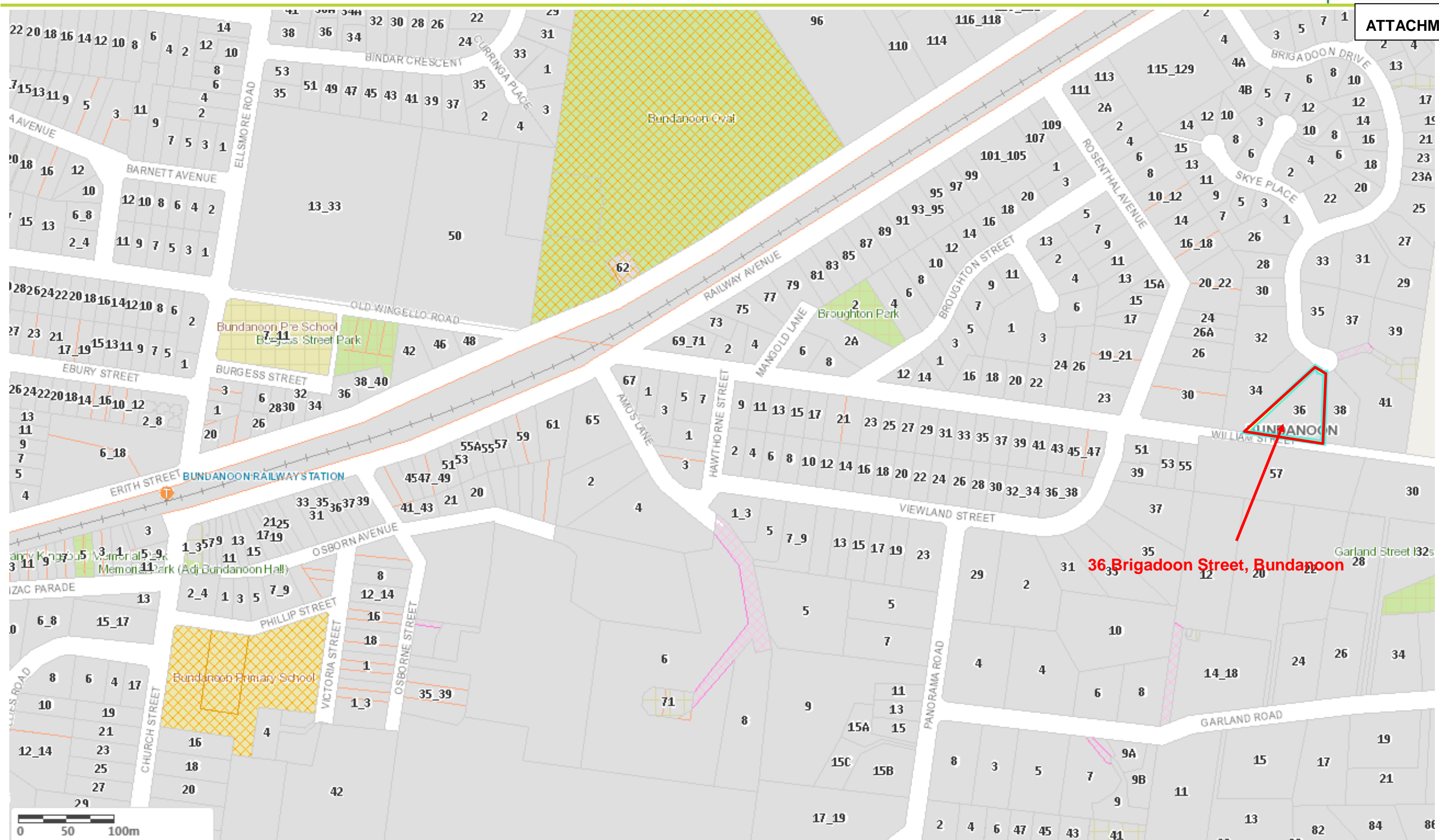
Telecommunications Act 1997 (Commonwealth)

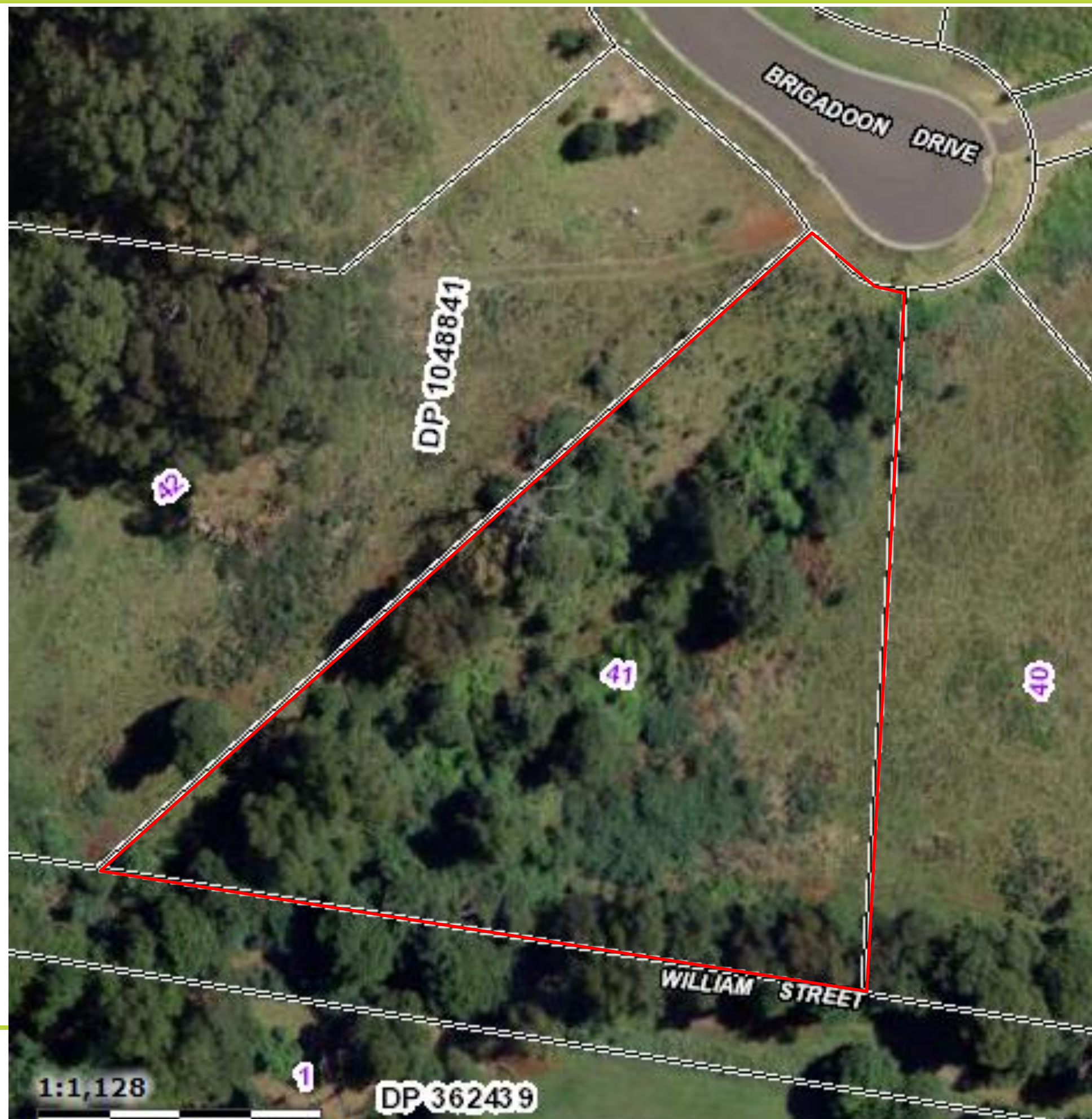
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Commonwealth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

END OF CONDITIONS



ATTACHMENT 2





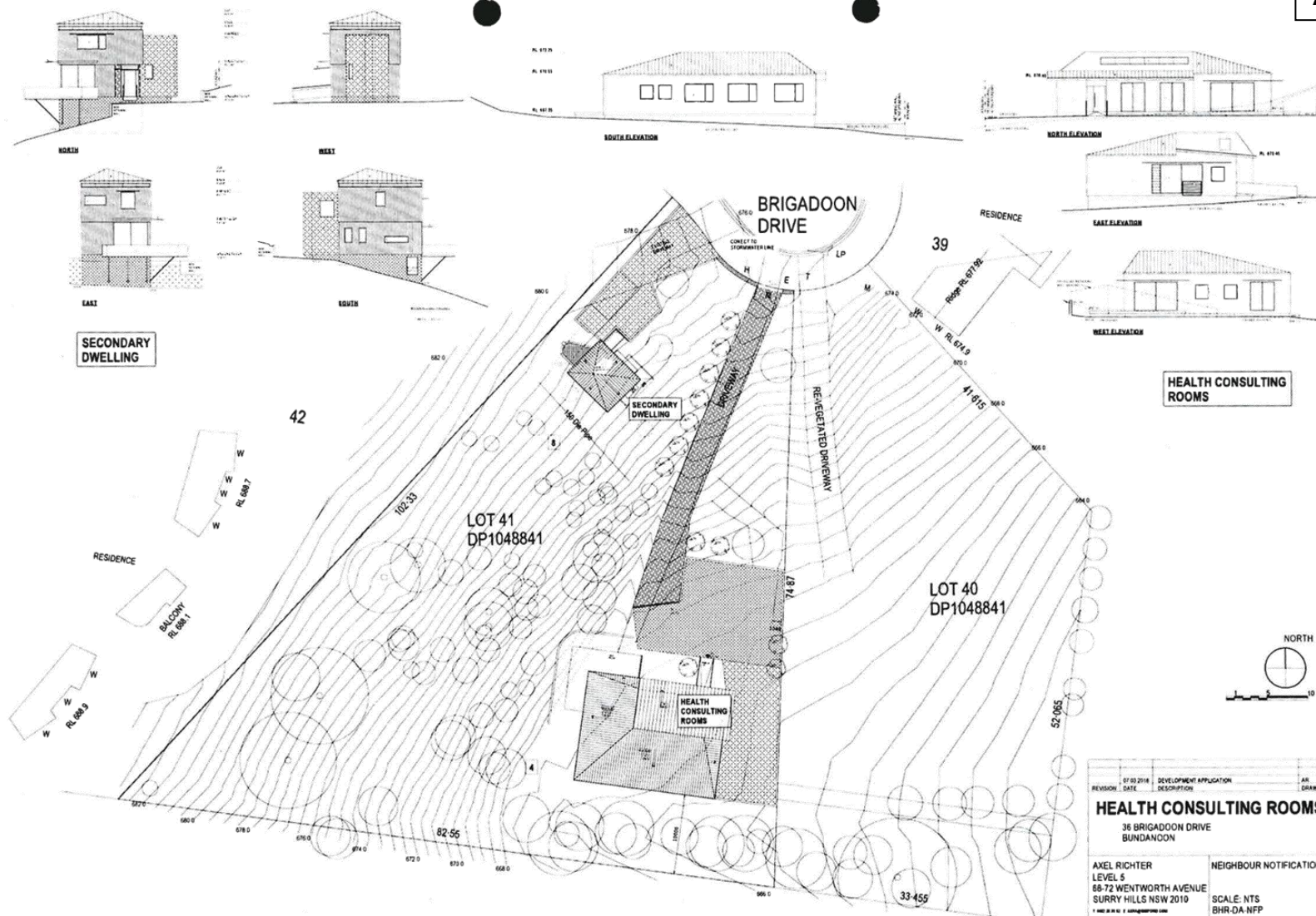
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10.1 Development Application 18/0287 - For the Erection of a Dwelling House and Medical Centre, Lot 41 DP1048841, 36 Brigadoon Drive, Bundanoon ATTACHMENT 3 Proposed Development Drawings

Wednesday 12 December 2018



ATTACHMENT 3



10.2 Development Application 17/1638 444 Moss Vale Road, Bowral - Demolition of existing structures and construction of residential flat buildings

Reference:	17/1638
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Applicant:	Nigel Dickson - Dickson Rothschild
Owner:	A R & G M De Angelis
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

This report provides an assessment of Development Application 17/1638 for the demolition of existing structures, lot consolidation and construction of three Residential Flat Buildings. The application is recommended for **APPROVAL** subject to conditions of consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 17/1638 for the demolition of existing structures, lot consolidation and construction of three Residential Flat Buildings at Lot 1 DP 406617, Lot 15 DP 740276, Lot Section E DP 3807 and Lot 1 DP 513337, 444 Moss Vale Road, Bowral, be **APPROVED** subject to conditions as described in Attachment 1.

REPORT

Subject Site and Locality

The site is made up of four allotments as follows:

Lot 15 DP 740276

Has a site area of 4,419m². This property was previously used as a Garden Supplies Store and Nursery with a frontage to Moss Vale Road and vehicular access via Holmhale Street. An existing brick building is centrally located on the site. The site is currently vacated.

Lot 1 DP 513337

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Has a site area 718.9m². Existing site development comprises a brick dwelling with tile roof and frontage to Moss Vale Road.

Lot 6 Section E DP 3807

Has a site area of 602.9m². Existing site development comprises brick dwelling with tile roof and frontage to Moss Vale Road.

Lot 1 DP 406617

Has a site area of 2,076m². Existing site development comprises a brick dwelling with metal roof. This allotment is positioned on the south-western corner of Bowral and Holmhale Streets.

The subject site forms part of the southern entrance precinct to Bowral. The surrounding area is zoned and used for a mix of commercial, residential and recreational uses. The site has a significant frontage to the southern gateway to Bowral. The site comprises mature vegetation consisting of both native and exotic trees. The existing dwellings on site are largely screened by overgrown landscape.

The site is bound by Holmhale Street to the east, Bowral Street to the north and Moss Vale Road to the west.

Background

On 10 November 2017, DA 17/1638 was lodged with Council seeking consent for the demolition of existing structures, lot consolidation and construction of three three-storey residential flat buildings comprising a total of 43 apartments and enclosed off-street car parking for 95 parking spaces, part in basement and part at ground level.

The third storey of each building is set within a pitched roof form. At the south-east corner of the site, near Holmhale Street, built form reduces to two-storeys. Communal open space is proposed at the centre of the site between each of the buildings. Vehicular access is from Holmhale Street and waste pick-up is proposed to occur on site. The removal of trees and landscape is proposed to be compensated through a new coordinated landscape plan with new tree planting.

A meeting was held with the applicant on 21 March 2018 to discuss the assessment process of the development application. Based on the assessment to date, Council believed that the application was generally in accordance with Council's desire for the site subject to addressing a number of items. Key to this was revising the scheme to more closely align with the scheme presented at pre-lodgement. The pre-lodgement colour scheme, finishes and massing were considered more appropriate for an area at the interface with a heritage precinct and on a southern gateway into Bowral. The following key actions were proposed to allow the application to progress:

A pre-lodgement scheme was provided to Council which sought to provide an overall concept of what the developer was attempting to achieve on the site.

- Revise the development scheme to more closely reflect finishes and massing of the pre-lodgement
- Obtain water and sewer network modelling and undertake modelling
- Complete deferral letter requesting additional information as discussed in the meeting
- The pre-lodgement and DA schemes are shown below.

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Pre-lodgement Meeting Scheme:



DA Scheme:

The elevation below describes the scheme that was originally submitted to Council with DA 17/1738



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The following revisions were made to address Council's concerns over architectural style and bulk of the building:

Bulk

- Reduced GFA from 4689m² (FSR 0.60:1) to 4604m² (FSR 0.59:1)
- Apartments within roof form have been redesigned to facilitate reduced GFA
- Roof pitch has been modified
- Dormers redesigned to reduce height, width and setback to reduce visual impact
- Balcony brickwork columns have been modified to circular columns to reduce bulk
- Proposed planting is now shown on elevations to show truer vision of the building

Architectural style

- Materials modified to show white rendered walls instead of face brickwork
- Entrances modified with incorporation of arched portico balcony canopies modified to be sympathetic in style with entry portico
- Windows to incorporate colonial glazing bars

Revision One:



The revised scheme was reviewed by Council, and a request for further information (RFI) letter was sent to the applicant stating the following:

“Being a Southern Gateway site to Bowral, Council envisages that there would be a higher level of architectural standard applied to the proposed development than that of the amended plans. A revised plan should be provided that is consistent with the earlier version of the concept plans which identified a built form and architectural features that were compatible with the streetscape and other senior living developments in the area”.

“The render has unfortunately not addressed the bulk of the building and this remains a key issue. It is recommended that you reduce the unit yield to that of the previous scheme and

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provide an improved end product that is consistent with the existing and desired future character of the locality”.

It was requested that the applicant provide revised plans in accordance with the following:

- Provide gable ended dormer's and consistent roof pitches for dormer's and roof's for each building
- Modify balcony and portico framing to steel framed
- Balancing dormer size and maximising glazing areas into apartment within the roof
- Demonstrate adequate light penetration into apartment within the roof
- Vehicle access into the basement
- Car park plans showing the dimensions of the parking bays, parking bay aisles (including blind aisle extension) and manoeuvring areas
- Dimensions of the service vehicle (truck) bay
- Internal circulation

Analysis is required to demonstrate the largest vehicle likely to utilise the access can enter and exit in a forward direction.

Proposed Development

The applicant has provided updated plans, sections and elevations in response to Council's requested changes to the scheme. See photomontages provided below.

Revision Two:

The photomontage demonstrates the current scheme that is being considered and is subject to this report.



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The revised site calculations are as follows:

Height (storey)	3
Site Area (m ²)	7,816.8
FSR	0.59:1
Deep Soil Zone	37.98%

The applicant has provided updated plans, sections and elevations in accordance with the agreed approach. They have also prepared a view from the sun to demonstrate the extension of light penetration through the dormers throughout the day.

The updated drawings demonstrate that there is no requirement for commercial vehicles to manoeuvre into the building. Therefore, the clearances required are for standard release clearance only.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

SEPP 65 aims to improve the design quality of residential apartment development in New South Wales. The architectural plans for the proposed development have been prepared by Dickson Rothschild, with an associated SEPP 65 Design Verification Statement in accordance with the design quality principles set out in Schedule 1 of SEPP 65.

The proposal is considered to achieve each of the design principles described in SEPP 65, as well as the relevant criterion of the Apartment Design Guide. A full assessment against these controls is provided in the Assessment Report.

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.

A Preliminary Site Investigation for contamination was prepared in November 2011 and submitted with a previous development application. That investigation has been re-submitted as part of the development application 17/1638. The investigation, although originally scoped for a different application, reviewed the matter of whether residential development was suitable for the subject site. The assessment found that the potential for site contamination was low. Samples taken indicated low levels of lead in the soil which were within the threshold for residential development. Specifically, the assessment states the following:

"The results which were detected included a slightly elevated level of lead in Sample 3. This lead concentration of 260mg/kg complies with residential land use which is 300mg/kg."

The report recommended the following measures be implemented:

- Commissioning of a hazardous building materials (hygienist) inspection prior to demolition works given the age of the existing structures on site with recommendations regarding the management including removal
- Any soil or material excavated and intended for off-site disposal should be inspected by qualified personnel for the presence of obvious contaminants
- Any imported fill should be virgin excavated natural material or excavated natural material
- Preparation of an unexpected finds contingency plan prior to commencing works

The submitted report is considered to adequately assess the site and further contamination investigations are not required.



State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Water NSW completed an assessment of the development application and determined that insufficient information had been provided with the application to enable an adequate assessment of the probable effect of the development of water quality. Particular deficiencies included:

- A Water Cycle Management Study that demonstrates that the proposed development can achieve a sustainable neutral or beneficial effect on water quality.
- A MUSIC stormwater quality model and report.
- A Stormwater Drainage Plan.
- An electronic copy of the MUSIC stormwater quality model.
- A conceptual Soil and Water Management Plan.

The applicant has provided the required documents to the satisfaction of Council. It has been determined that the proposed development will result in a neutral or beneficial effect on water quality, and accordingly WaterNSW has provided their concurrence.

State Environmental Planning Policy (Infrastructure) 2007

The submitted Traffic and Parking Assessment prepared by Positive Traffic has considered SEPP Infrastructure including the RTA Guide to Traffic Generating Development.

Subdivision 2 of SEPP Infrastructure requires that any development on a public road be carried out with consent. The proposal requires works within the classified road reserve for sewer connection. As such, the following conditions have been incorporated into the draft conditions of consent at **Attachment 1** (Condition 12, 40 and 41):

Road Opening Permit

Pursuant to section 138 of the Road Act 1993, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. A Road Opening Permit is to be obtained prior to the issue of the Construction Certificate.

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

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

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

- *A copy of approved design plan related to the development and proposed works to be undertaken.*
- *Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a*

person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

- *Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.*

The proposed development has not been considered in accordance with the SEPP 9 (Infrastructure) to be a traffic generating development.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The site is zoned R3 Medium Density Residential. The proposed development is described as three residential flat buildings which is permissible within the R3 zone. The objectives of the zone are:

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

The objectives are met by the proposal, as the Residential Flat Buildings provide a density consistent with the DCP. The site is considered to be well located, being within easy walking distance of the town centre core and public transport. A mix of housing types are proposed with one, two and three bedroom units. All units are provided with car parking area. Adaptable and accessible units are also provided.

The proposed development provides housing on what is considered to be a highly suitable site in terms of its proximity to goods, services and transport infrastructure. The proposed setbacks of the site are ample and will not restrict the development potential of adjoining sites.

Clause 4.3 Height of Buildings

The LEP does not impose a height limit for the site.

Clause 4.4 Floor Space Ratio

The LEP does not impose a maximum FSR for the site.

Clause 7.9 Flood Planning

The site is not identified on Council's flood mapping. A Flood Report has been prepared in support of the application. The Report found that only a small portion of this site is flood affected at the 100-year storm event along Bowral Street.

The proposed driveway entry is sited outside of the flood affected area and above the applicable Flood Planning Level (FPL). Building C is sited such that there is the potential for flood impacts. The habitable floor level proposed for Building C is above the applicable flood planning level of RL 674.97. The proposed development will not be adversely impacted or give rise to adverse impacts in regard to flooding, either with respect to floodplain storage or floodplain behaviour.

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Development Control Plans

Bowral Town Plan (DCP)

The development is subject to the Bowral Town Plan DCP. An Assessment of the proposal against the relevant sections of the DCP is below.

Part A – Provisions Applicable to All Industrial Zoned Land		Complies
Section 2 - General Objectives		
A2.2.1 Economic Function	The development of medium density housing within close walking distance of the town centre supports the overall function of the commercial land uses within the town centre.	Yes
A2.2.2 Urban Function	The proposed development is located within 600m walking distance of a railway station. This is considered an accessible location, reducing reliance on the private motor vehicle and supporting a more sustainable urban form. The proposed building design places the vehicular access point away from primary pedestrian routes, avoiding potential conflict with pedestrians. The development provides causal surveillance of the public domain	Yes
A2.2.3 Heritage Conservation	The proposed development does not result in the demolition of any building of heritage or cultural value. The subject site is not in the immediate vicinity of a heritage conservation area. The development establishes generous landscape setbacks to adjoining residential developments, as well as along the rear boundary to soften the built form. The materials and finishes proposed are compatible with the mix of historic and contemporary buildings surrounding the subject site. The development is not considered to have an adverse impact on the historical significance of Bowral.	Yes
A2.2.4 Residential Amenity	The development is considered to be sympathetic to its immediate context. The development maintains setbacks to adjoining residential development and does not overshadow adjacent properties. The proposed units have been designed to minimise visual and acoustic impacts on adjoining neighbours through treatments including landscape buffers. The proposed car parking area is enclosed and away from site boundaries.	Yes
A2.2.5 Residential Diversity	The proposed development provides a medium density form of housing in an accessible location, where people have access to a range of goods and services. The medium density typology is considered to add to the general diversity of housing within Bowral. The proposal provides a range of dwelling types including one, two and three bedroom units and includes accessible units and "liveable units" to the "silver level".	Yes

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A2.2.6 Visual Amenity	The proposed development achieves a built form that is considered to generally comply with the provisions of the DCP. The scale of the building and materials proposed are compatible with the character of the local area, with the site being a strategic transitional location. The built form is broken into three buildings, each set within the landscape, to reduce overall bulk. Generous landscape buffers are provided to each public domain interface and within the setback to adjoining neighbours.	Yes
A2.2.7 Public Views and Vistas	The proposed development establishes sufficient building setbacks to each boundary, maintaining vistas within the public domain. The proposal provides a traditional pitched roof which is considered to contribute positively to the existing character of the town. Extensive landscaping is proposed to ensure that significant views and vistas from surrounding properties are maintained.	Yes
A2.2.8 Environmental Sustainability	The proposed development is considered to achieve a sustainable form of housing by increasing density in an accessible location and consequently reducing dependence on motor vehicles. The development achieves a high quality landscape outcome, with building situated to retain significant trees.	Yes
A2.2.9 The Public Domain	The proposed development includes generous setbacks to boundaries, allowing for deep soil landscape. The proposal is considered to contribute to the public domain through high quality landscape planting. The design of the proposed building near to Maynard Park improves natural and casual surveillance of the public open space.	Yes
Section 3 - Ecologically Sustainable Development		
A3.2 Development on land within the Urban Ecological Setting	<p>The proposed development is located within an urban area in the Bowral Town Centre. The site does not contain any ecosystems of significance.</p> <p>The proposed development has incorporated ESD principles including energy efficiency measures, taking advantage of the northern aspect and maintaining setbacks to Maynard Park to sustain its existing landscape qualities. Rainwater reuse is also proposed for landscape irrigation.</p>	Yes
A3.3 Development in Sydney's Drinking Water Catchment	The development application has been assessed by Water NSW and it has been determined that the proposal will have a neutral or beneficial effect on water quality.	Yes
A3.6 Water Sensitive Urban Design	<p>A BASIX Certificate accompanies this application and demonstrates that the proposal achieves water target requirements.</p> <p>The development has proposed landscaping and deep soil setbacks that will contribute to stormwater infiltration.</p>	Yes

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A3.7 Stormwater Management Plans	A Stormwater Management Plan forms part of the application and is in accordance with the provisions of the DCP.	Yes
A3.8 Erosion and Sediment Control Plans	An Erosion and Sediment Control Plan forms part of the application and is in accordance with the provisions of the DCP.	Yes
A3.9 Management of Contaminated Land	The land is not considered to be contaminated. A Preliminary Site Investigation was previously completed for the site which demonstrates that there is low potential for contamination on the site.	Yes
Section 4 – Flood Liable Land		
A4.3.2 (a) Compliance with the requirements of the flood plain matrix as contained in Figure A4.3.	A Flood Risk Report forms part of the application. The proposed design responds to the applicable flood planning level of RL 674.97 derived from the flood plain matrix.	Yes
(c) Proposal for house raising must provide appropriate documentation including: - A report from a suitably qualified engineer to demonstrate that the raised structure will not fail from the forces of floodwaters in a 100 year ARI flood; and - The provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of the area.	A Flood Risk Report addresses 100 year ARI flood. The only significant design element arising from flooding is the ground floor level of proposed Building C, which has been raised above the Flood Planning Level of RL 674.97 (AHD). It is noted the basement entry is at RL 675.88 which is above the flood planning level.	Yes

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Section 5 – Vegetation Management & Landscaping		
A5.1 Preservation of Trees and Other Vegetation	The proposal involves the removal of trees. An Arboricultural Assessment forms part of the application. It is proposed to maintain significant trees on and around the site. There will be no impacts on trees on any neighbouring site.	Yes
A5.2 Private Landscaped Open Space	A Landscape Plan has been prepared by Arcadia Landscape Architects and forms part of the application. The proposed private landscape and open space is considered to comply with the DCP provisions.	Yes
Section 6 – Subdivision, Demolition, Siting and Design		
A6.1.1 Minimum Lot Sizes	The proposed development seeks lot amalgamation, which will achieve the minimum lot size requirement of 700m ² under the DCP.	Yes
A6.1.2 Building Envelopes	The proposed development maintains setbacks to preserve major trees and allow for additional street tree planting. There are no significant views of vistas surrounding the development that would need to be protected through an easement.	Yes
A6.1.3 Noxious & Environmental Weeds	Noxious weeds do not form part of the development scheme and are proposed to be removed if identified on site.	Yes
A6.1.4 Landscape Embellishment	The proposed Landscape Plan indicates an embellishment of the site suitable to the proposed development.	Yes
A6.2 Demolition	No heritage item is located on the site and the site is not a heritage conservation area. As such, heritage will not be impacted by the proposed demolition of existing structures on the site.	Yes
A6.4 Cut and Fill	<p>The subject site has an area of 7816.8m². The proposal seeks a high degree of disabled access and part of the site is proposed for basement parking. As such, there are areas proposed to be excavated.</p> <p>The levels of the proposal have been set to achieve a natural condition at the setbacks of the site and to reduce cut and fill wherever possible by stepping with site topography.</p> <p>At the south west corner of the site a series of low retaining walls are proposed to create a gradual terracing where the existing slope of the site is irregular.</p>	Yes

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A6.6 Design Principles within a Heritage Context	<p>The subject site is not within the vicinity of heritage items and it is not in a heritage conservation area. However, given the heritage attributes of Bowral the applicant has submitted a Heritage Impact Statement.</p> <p>The proposed development has regard to the heritage values of Bowral. The development is considered to contribute to the streetscape through building articulation, high quality materials and finishes, and landscaped setbacks. Proposed demolition, cut and fill and excavation will not impact on the heritage character of the streetscape.</p>	Yes
Section 7 – Safer by Design		
<p>A7.4 Specific Design Requirements</p> <p>(a) Well-defined building entrances which are clearly visible from the street</p> <p>(b) Internal spaces must be open and visible, eliminating hidden corners</p> <p>(c) Walkways and connecting paths must be open with good visibility</p> <p>(d) Signs and vegetation should be located so that they do not create ‘entrapment’ points where people are hidden from view</p> <p>(e) On-site garages must provide clearly defined exit points and be lit at night, both inside the garaging and around the entrance/exit points.</p>	<p>The development includes well defined building entrances. Each residential flat building is provided with a lobby entry which directly accesses the street.</p> <p>The design of the development avoids hidden corners.</p> <p>The site is secure via fencing and secure gates behind the front building line. The proposed design of access allows for good visibility.</p> <p>The proposed signage and landscape design avoids entrapment points.</p> <p>The proposed garages are considered to be well lit and avoid areas of entrapment. A clearly defined entry/exit is proposed.</p>	Yes

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Section 8 – Construction Standards and Procedures		
A8.2 Surveys and Reports	A Survey Plan forms part of the application.	Yes
A8.4 Building over two or more allotments	Consolidation of three lots into one is proposed. Connection to sewer mains is proposed.	Yes
A8.12 Waste Management and Disposal	A Waste Management Plan forms part of the application. Further details can be provided at CC stage.	Yes
Section 4 – Building Design		
Height	The proposal is compliant with the maximum building heights associated with the site.	Yes
Visual Amenity, Materials, Colours and Finishes	The proposal has been subject to ongoing consultation with Council to develop a design that incorporates materials, colours and finishes appropriate for the site and its surrounding context. The final design is considered to complement the current and desired future character of the site.	Yes
Section 5 – Access and Parking		
Access requirements	Proposed car parking and access has been designed in accordance with DCP requirements.	Yes
Loading and Unloading Facilities		
Vehicle/Pedestrian Circulation		
Manoeuvring Area		
Section 6 – Open Areas and Landscaping		
Minimum Landscaped Area	The proposal incorporates a large amount of landscaping to break up the bulk of the proposed buildings. The landscaping is considered suitable for the site and links with the surrounding context.	Yes
Fencing	Proposed fencing is considered suitable for the site and provides a continuation of the proposed landscaping to the surrounding open space.	Yes
Earth Mounds	There are no earth mounds located on site.	N/A
Section 7 – Utilities		
Supply: Water, Electricity, Telecommunications and Effluent Disposal	The proposal will connect into existing utility infrastructure.	Yes

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Drainage, Stormwater and Wastewater Management	The proposed development will be connected to the municipal water supply. The proposed stormwater management plan also connects to the existing municipal water supply. The development includes a sewer diversion due to the existing municipal sewer line that traverses the site. The diversion is to be undertaken to minimise disruptions to the local system and allow for ongoing access to the asset by the appropriate agency. The diversion will also result in new piping which represents an improvement to the existing system and thus is considered to have a generally positive impact.	Yes
Lighting	No detail provided at this stage. To be detailed within the detailed design stage of works	Yes
Section 8 – Environmental Management		
Soil Erosion and Sediment Control	An Erosion and Sediment Control Plan forms part of the application and is in accordance with the provisions of the DCP. Further information will be required to be included within the Detailed Design of the site.	Yes
Noise, Air and Water Quality	The proposal was referred to Water NSW for their concurrence, with the proposal assessed as having a neutral or beneficial effect on water quality.	Yes
Contaminated Land	The proposed development of the site is not considered likely to result in contamination as the site has been identified as having low potential for contamination. As such, no further assessment of contamination is required.	Yes
Waste Minimisation and Management	A comprehensive Waste Management Plan has been provided with the submitted documentation. This details the amount of waste expected to be generated through construction and operation of the site as well as how this waste is to be managed.	Yes

This application is considered compliant with Councils adopted Bowral Town Plan, Development Control Plan

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.
- (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,*

Context & Setting

The subject site forms part of the southern entrance or gateway precinct to Bowral. The surrounding area is zoned and used for a mix of commercial, residential and recreational uses. The site has a significant frontage to the southern gateway of Bowral and is at the interface of the commercial and residential zone. It is within convenient walking distance of town centre amenities and is approximately 500 metres from the railway station. This site is also within walking distance of major medical facilities including the Hospital.

The proposed land use and density is considered to be compatible with its context by providing medium density housing within close proximity of the commercial core of Bowral and significant public transport infrastructure. The proposed height and density of the development is consistent with the applicable planning controls for the site and the residential flat building typology demonstrates a general compatibility with the desired character of the area as indicated by the Bowral Town Plan DCP.

The proposed development responds to its context through the separation of the built form into three buildings with generous landscape treatments open spaces between. Traditional materials are proposed to fit within the existing built form character of the area. The development maintains a human scale being two storeys in height with a smaller third storey set within a pitched roof form. Each building lobby entry directly addresses its street frontage achieving a traditional relationship with the public domain.

The street setback areas are generally reserved for large private gardens which maximises amenity for future residents while also maintaining landscape within street setback zones. Further, landscape design responds to the traditional garden character of Bowral.

As such, the proposal is determined to be within keeping with the surrounding character of the site.

Access, Transport and Traffic

A Traffic and Parking Assessment forms part of the application prepared by Transport and Traffic Planning Associates. The proposed development comprises 43 residential apartments and 95 off-street car parking spaces.

Off-Street Car Parking

The proposed development comprises 95 parking spaces which includes:

- 15 visitor spaces comprising:
 - 3 accessible visitors parking spaces
 - 12 standard visitors parking spaces
- 80 residents parking spaces comprising:
 - 10 designated accessible spaces
 - 70 standard spaces

Car parking provision is in accordance with the minimum rates for car parking on the site outlined in the Bowral Town Plan DCP.

On-Street Car Parking

The proposed development provides adequate off-street car parking which minimises the demand for on-street car parking in the area. The proposed development also minimises disruption to on-street car parking by limiting the driveway entry to one and placing it on Holmhale Street, which is the street furthest from the main street.

Traffic Impacts

The Traffic and Parking Assessment uses a vehicle trips per hour rate of 0.40 for the proposed development. This results in 4 trips in and 13 trips out during the AM peak period, and 13 trips in and 4 trips out during the PM peak period. The assessment of the impact of this generation is stated as follows in the Assessment:

“These minor access movements generated by the proposed development will not present any unsatisfactory traffic capacity, safety or traffic related environmental consequences (and will be similar to or less than that generated by the former nurse on the site.” (TTPA, page 7).

Parking and Driveway Design

The Traffic and Parking Assessment found that the proposed driveway achieves adequate sight lines to and from Holmhale Street. The design of the car park is found to be in accordance with AS2890.1 and 6.

RMS have reviewed the submitted documentation and do not object to the application subject to the following comments being included in the conditions of development consent:



The excavation adjacent to Moss Vale Road must comply with RMS Technical Direction GTD 2012/001 – Excavation adjacent to RMS infrastructure. The developer must submit their proposed plan for managing the excavation adjacent to Moss Vale Road to RMS for concurrence prior to issuing the Construction Certificate.

The plan must address:

- Proposed detailed design and supporting geotechnical report which considers the impact of the excavation on the structural stability of Moss Vale Road and identifies appropriate supporting structures.
- Proposed monitoring of the excavation and supporting structures for settlement and other issues that could compromise the structural stability of Moss Vale Road.

Noise and Vibration

An Acoustic Report has been completed by Acoustic Logic to support the application for the proposed development. To accurately determine the environmental noise a 15-20 minute measurement interval was utilised. Over this period, noise levels were monitored on a continuous basis and statistical and integrating techniques were used to determine noise description parameters. The existing acoustic environment is categorised by moderate background noise levels during the day and evening due to traffic movements along Moss Vale Road and Bowral Street, and low background noise levels during the night due to a decrease in traffic volume.

The Report sets out recommendations for achieving acoustic privacy for apartments facing road noise. This includes the use of Q-lon type acoustic seals and minimum glazing thicknesses. Roof insulation is also specified to mitigate acoustic impacts which include a minimum ceiling cavity thickness. The proposed concrete and masonry walls are considered sufficient to mitigate acoustic impacts.

The Report sets out criteria for plant noise emissions and recommends that compliance with these levels is demonstrated at the Construction Certificate phase.

Services

The proposed development will be connected to the reticulated water supply. The proposed stormwater management plan also connects to the existing municipal water supply. The development includes a sewer diversion due to the existing reticulated sewer line that traverses the site. The diversion is to be undertaken to minimise disruptions to the local system and allow for ongoing access to the asset by the appropriate agency. The diversion will also result in new piping which represents an improvement to the existing system and thus is considered to have a generally positive impact.

Minor disruptions to sewer service are anticipated to occur as the new line is connected, however this is proposed to be minimised by constructing the new infrastructure prior to decommissioning the existing infrastructure.

The applicant has engaged Urban Water Solutions to assess the impact on the existing water and sewerage systems. The modelling results show negligible difference in the performance of the receiving sewerage system between the pre and post development levels. The predicted overflow volume immediately upstream of the WWTP is predicted to increase by 1% due to WWTP inlet flow restrictions.

The water supply analysis showed that there are negligible detrimental effects from the proposed development on the performance of the water supply network.

Accordingly it is not expected that the development will have any unmanageable impacts on Councils reticulated water or sewer systems.

Waste Management

It is proposed that suitable space will be available on the site outside of the nominated basement and building areas during construction for stockpiling and sorting of waste during the demolition and construction phases.

It is also proposed that during demolition, a hazardous materials survey will be undertaken given the age of the existing buildings on site. Demolition and removal of any contaminated waste is to be undertaken in accordance with the applicable Australian Standard.

During construction, the following management strategies will be implemented to minimise the volume of waste that ends up in the landfill (as outlined in the SEE), in the form of a Waste Management Plan:

- All fixtures and fittings will be made to measure;
- All materials will be ordered in accordance with a bill of quantities;
- Recycled materials will be utilised where ever possible;
- Measures will be taken to ensure the demolition contractor appropriately disposes of waste and where possible recycles materials;
- Sorting of different waste streams on site where possible to maximise reuse and recycling opportunities or the nomination of a contractor with comprehensive waste management abilities so that different waste streams are sorted at their facility to minimise landfill waste; and
- Measures will be taken to ensure the construction contractor is aware of the waste management procedures and adheres to appropriate guidelines.

Ongoing Waste

A Waste Management Plan has been prepared by Elephant's Foote as part of the application which address the ongoing management of waste during the operational phase of the development to ensure impacts on the local area are minimised. The proposed Waste Management Plan includes private waste collection on site. Waste chutes are provided in each building for general waste, and a recycle bin on each floor in a dedicated waste cabinet.

Green waste is anticipated to be minimal on the site, with majority of the landscape on site being managed by a private contractor who will be responsible for the removal of any large volumes of green waste which arise from the communal open spaces on the site.

It is considered that the proposed development will not have an adverse impact on the local area arising from waste.

Heritage

The site does not contain any heritage items, is not adjoined by heritage items and is not within a heritage conservation area. However, the site is a gateway to the Bowral town centre and the town centre itself exhibits heritage features. As such, a Heritage Impact Statement has been prepared by NBR Architecture and forms part of the application.

The Impact Assessment found that the proposed development will not have an adverse impact on the local character. The proposed built form, selected materials and finishes are considered to be compatible with the character of the area and do not give rise to unacceptable impacts on the heritage qualities of the locality. The proposal was also considered by Council's Heritage Advisor.

Cumulative Impacts

The proposed development is expected to provide a positive impact for the Southern Highlands community, and is consistent with the statutory controls and desired future character of the area. Provision of housing in a highly accessible location within a strategic centre will have positive social and economic benefits for Bowral.

Whilst traffic will increase due the proposed development, the minor movements generated by the development are not considered to present any unsatisfactory traffic capacity, safety or traffic related environmental consequences. Further, the provision of off-street parking is considered suitable and is in accordance with the requirements of the Bowral Town Plan DCP.

Other environmental impacts, namely noise and waste management, will be mitigated through a range of mitigation measures designed to reduce the impact on the surrounding area.

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

The site is deemed to be suitable for the site

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

Refer to the Consultation section of this report.

(e) the public interest.

The proposal is deemed to be in the public interest

CONSULTATION

Pre-lodgement Meeting

A pre-lodgement meeting was conducted with Council on 21 March 2018 to discuss the assessment process of the development application. A number have subsequent meetings have occurred with Council to resolve several issues associated with the development and achieve a design that is considered suitable for the site.

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External Referrals

Referrals	Advice/Response/Conditions
Water NSW	<p>Water NSW completed an assessment of the development application and determined that insufficient information had been provided with the application to enable an adequate assessment of the probable effect of the development on water quality. Particular deficiencies included:</p> <ul style="list-style-type: none">• A Water Cycle Management Study that demonstrates that the proposed development can achieve a sustainable neutral or beneficial effect on water quality.• A MUSIC stormwater quality model and report.• A Stormwater Drainage Plan.• An electronic copy of the MUSIC stormwater quality model.• A conceptual Soil and Water Management Plan. <p>The applicant has provided the required documents to the satisfaction of Council. It has been determined that the proposed development will result in a neutral or beneficial effect on water quality.</p>
Roads and Maritime Services (RMS)	<p>RMS has completed an assessment of the development, based on the information provided and focusing on the impact to the State Road Network. RMS will not object to the development application subject to the following comments being included in the conditions of consent:</p> <ul style="list-style-type: none">• Proposed detailed design and supporting geotechnical report which considers the impact of the excavation on the structural stability of Moss Vale Road and identifies appropriate supporting structures.• Proposed monitoring of the excavation and supporting structures for settlement and other issues which could compromise the structural stability of Moss Vale Road.

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	The application was referred to Council's Development Engineer who has no objections subject to conditions of consent.
Tree & Vegetation	The application was referred to Council's Tree and Vegetation Advisor who has no objections to the development subject to conditions of consent.

Neighbour Notification (or Advertising)/Public Participation

The application was initially notified between 6 December and 10 January 2018. The application was then renotified following design changes between 25 October and 22 November 2018. Twelve (12) community submissions were received.

The submissions raised a number of concerns seeking clarity that Council would consider before approval would be granted. These related to the following:

- Additional traffic and parking will further exacerbate issues already experienced in the area
- Loss of amenity to adjacent land owner
- Concern that 43 units in three buildings with underground car parking is an over-development
- Scale of the building will dominate Holmhale Street, Bowral
- The area is not adequately serviced by public transportation
- Apartments on the south of the building would be overlooking the adjacent property owner
- Development would detract from town feel of Bowral

The provided documentation has been assessed both internally within Council and externally by a range of agencies. This assessment process has considered all concerns raised within the received submission, with the proposal deemed to satisfy these concerns. The RMS was one of the external agencies referred to, with this submission considered in respect to all submitted documentation. In summary, the following comments are made in respect to the concerns raised:

- The applicant has worked with Council throughout the duration of the assessment process to provide a final design that is considered to be appropriate for the site and offer a medium density housing product that complements the character of the surrounding locality as well as achieving Council's desired future character for Bowral.
- The applicant has achieved a built form (in terms of bulk, scale and design) that works within the context of the site and is not considered to dominate the streetscape. The proposed finishes complement the historic character of the area and the proposed landscaping provides a connection between the site and surrounding open spaces.

SUSTAINABILITY ASSESSMENT

• Environment

Expected environmental impacts have been discussed within the body of this report.

• Social

There are no expected social issues 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 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 proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, *State Environmental Planning Policy No 55 – Remediation of Land*, *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*, *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* and the *Mittagong Town Plan Development Control Plan*.

OPTIONS

The options available to Council are:

Option 1

Approve Development Application 17/1638 as per the conditions detailed in **Attachment 1**.

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Option 2

Refuse Development Application 17/1638 (Council will be required to provide reasons for refusal).

Option 1 is the recommended option to this report.

CONCLUSION

The development application has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies. The development, as highlighted through the assessment contained above, is considered deficient in a number of areas. It is recommended that the application be determined by way of approval.

ATTACHMENTS

1. 17/1638 Draft Conditions of Consent - *circulated under separate cover*
2. 17/1638 Draft Conditions of Consent Attachment 1 RMS Concurrence - *circulated under separate cover*
3. 17/1638 Draft Conditions of Consent Attachment 2 WaterNSW Concurrence - *circulated under separate cover*
4. 17/1638 Architectural Plans and Elevations - *circulated under separate cover*

Mark Pepping

Deputy General Manager, Corporate Strategy and Development Services

Thursday 6 December 2018

12 OPERATIONS FINANCE AND RISK

12.1 Tender for the Construction of the Synthetic Hockey Field No.2, Welby

Reference:	6330/18.13
Report Author:	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 Construction of Synthetic Hockey Field No.2, Welby.

RECOMMENDATION

1. **THAT** in relation to the report concerning Construction of Synthetic Hockey Field No.2, Welby - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for Construction of Synthetic Hockey Field No.2, Welby - be considered in Closed Council – Item 22.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

Council sought tenders from appropriately qualified and experienced contractors for the construction of Synthetic Hockey Field No.2, Welby.

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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).

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 12 June 2018 to 17 July 2018 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	12 June 2018
Newspaper – Southern Highlands News	13 June 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 eleven (11) tender submissions were received:

Company Name	Location	Postcode
Court Craft (Aust) Pty Ltd	Riverstone	2765
Dobsonei Pty Ltd	Mittagong	2575
Dynamic Sports Facilities	Moss Vale	2577
DSA Contracting Pty Ltd	Glenorie	2157
JBG Civil Pty Ltd	Albion Park Rail	2527
North Shore Paving	Lindfield West	2070
Polytan Asia Pacific Pty Ltd	Dandenong South	3175
Shore Contracting Pty Ltd	Helensburgh	2508
Stefanutti Construction Pty Ltd	Unanderra	2526
Turf One Pty Ltd	Whittlesea	3757
Tuff Turf n Co Pty Ltd	Heathertow	3202

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LATE TENDERS

No tender submissions were received late.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity
Motor Vehicle - Comprehensive
Works Insurance
Compliance with Licences, Trade Certificates

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability	5%
Experience – Relevant	5%
Experience – Past with Council	5%
Quality Assurance	5%
Innovation	5%
Community & Social(including local content)	10%
Work Health and Safety	2.5%
Environment & Sustainability	2.5%
Total	40%

Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	40%
Total Cost Criteria	60%
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 the construction of Synthetic Hockey Field No.2, Welby has been included in Council's adopted Capital Works Program.

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

Extensive consultation has taken place between Council's Buildings and Parks, Assets, Procurement, and Project Delivery areas. This consultation includes, scope, technical requirements, budgeting and operational impacts.

External Consultation

Consultation with members of the Hockey Turf Association has assisted the evaluation panel during the tender and evaluation period.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

Council's 2018/19 Operational Plan includes an allocation for this 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.

12.2 Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets

Reference:	6330/18.20
Report Author:	Electrical Engineer
Authoriser:	Manager Water & Sewer
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets.

RECOMMENDATION

1. **THAT** in relation to the report concerning the Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets, Council adopts the recommendations contained within the Closed Council report - Item 22.2.

OR

2. **THAT** the report concerning the Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets be considered in Closed Council – Item 22.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

Council is responsible for a number of High Voltage assets at water treatment plants and the associated water pumping stations that need to be legally maintained to ensure safety and reliability. Currently, Council does not have an internal resource or the capability to do preventative maintenance or switching operation of these assets, and therefore needs to engage a panel of suitability qualified personnel to perform operation and maintenance of these assets which includes transformers and switchgear.

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REPORT

Council sought tenders for appropriately qualified and experienced contractors for the provision of operation and maintenance services for High Voltage Electrical Assets under a panel arrangement with a maximum of five (5) contractors. The initial term of the contract is for a two (2) year period, with provisions in place for two (2) extension periods of two (2) years respectively, subject to satisfactory performance.

The objective of forming this panel arrangement is for Council to be able to engage Contractors to perform the operation and/or maintenance of high voltage electrical assets, either directly on an ad-hoc basis using the hourly rates submitted at the time of tender or by quotation through Council's Vendor Panel system. The contract period will be for a maximum possible combined total of six (6) years, with the provisional extension options to be exercised at Council's discretion.

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 and recommendation relating to the advertised tender.

ADVERTISING

The tender advertising period was from 11 September 2018 to 9 October 2018.

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	11 September 2018
Newspaper – Southern Highlands News	12 ,19 & 26 September 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 8 tender submissions were received:

Company Name	Location	Postcode
ARA Electrical High Voltage Services Pty Ltd	18 Investigator Drive, Unanderra NSW	2526
Bedrule Pty Ltd	2 Lincoln St, Lane Cove West NSW	2066
Concept Engineering Services Pty Ltd	U1/ 9A Lyell St, Mittagong, NSW	2575
Downer EDI Engineering Power Pty Ltd	3A Investigator Drive, Unanderra, NSW	2526
Integral Power Services Pty Ltd	5/160 Hartley Rd, Smeaton	2567

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	Grange, NSW	
Protech Power International Pty Ltd	890 Boundary Road, Richlands, QLD	4077
RCR O'Donnell Griffin Pty Ltd	Unit 21, 38-46 South Street Rydalmere NSW	2116
UEA Electrical	Unit 5 / 2 Southridge St, Eastern Creek NSW	2175

LATE TENDERS

No tender submissions were received late.

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
Motor Vehicle – Comprehensive
Compliant, Electrician Licence, High voltage switching ticket, Working at height, Supervisor licence (Preferred)

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	30%
Community & Social(including local content)	10%
After hours support structure	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 a total of 1 tender submission was determined to be non-compliant:

Company Name	Reason for Non-Compliance
RCR O'Donnell Griffin Pty Ltd	Mandatory Item working at height ticket

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Operation and Maintenance panel agreement for High Voltage electrical assets has been included in Council's adopted Operational 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

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

External Consultation

External consultation consisted of newspaper advertising and placement on Council website and e-Tendering website. A pre-lodgement tender briefing was held on 25 September 2018. The tender briefing covered Council's tendering process and contractor engagement under each panel arrangement and allowed for questions from respondents to be addressed by Council officers.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

12.3 Tender for Kirkham Road Upgrade, Bowral - Stage 1

Reference:	6330/18.24
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Kirkham Road Upgrade, Bowral Stage 1.

RECOMMENDATION

1. **THAT** in relation to the report concerning Tender for Kirkham Road Upgrade, Bowral Stage 1 - Council adopts the recommendations contained within the Closed Council report – Item 22.3.

OR

2. **THAT** the report concerning the Tender for Kirkham Road Upgrade, Bowral Stage 1 - be considered in Closed Council – Item 22.3. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

Council sought Tenders for the upgrade of Kirkham Road Upgrade, Bowral Stage 1. The works are for the improvement of approximately 950 meters of Kirkham Rd and involves road pavement rehabilitation, road pavement widening, construction of new concrete kerb/footpath, stormwater pipe and pit works, relocation of an existing water main, new street lighting, landscaping and other associated works.

As part of the Deep Dive Review report that was undertaken by Infrastructure NSW into the Station Street project, one of the recommendations was that "Council to proceed with the

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installation of car parking, footpaths and associated lighting on Kirkham Road as a matter of priority.”

REPORT

Council sought tenders for suitable and qualified contractors to provide a tender for the scope of works. The tenders requested were to include a lump sum. 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).

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 16th October 2018 to 6th November 2018 (23 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tuesday, 16 October 2018
Newspaper – Southern Highlands News	Wednesday, 17 October 2018
Newspaper – Southern Highlands News	Wednesday, 24 October 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, NSW	2060
BMD Urban Pty Ltd	Wentworth Point, NSW	2127
Cleary Bros (Bombo) Pty Ltd	Port Kembla, NSW	2505
DSA Contracting Pty Ltd	Glenorie, NSW	2157
SD Civil Engineering Pty Ltd	Riverstone, NSW	2765
Select Civil Pty Ltd	Kembla Grange, NSW	2526
Stefanutti Constructions Pty Ltd	Unanderra, NSW	2526
Strop Pty Ltd	Toongabbie, NSW	2146

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The Civil Experts Pty Ltd	Homebush, NSW	2140
Western Earthmoving Pty Ltd	Seven Hills	2147

LATE TENDERS

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
Motor Vehicle – Comprehensive
Financial Capacity – External Checks (Financial Check to occur following determining preferred Tenderer)

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	5%
Specifications, Service & Support, Fit for Purpose, Methodology	2.5%
Quality Assurance & Innovation	2.5%
Community & Social(including local content)	10%
Work Health and Safety, Environment & Sustainability	5%
Other Clarification Information	5%
Total	30%

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Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	30%
Total Cost Criteria	70%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of three (3) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
Bedrule Pty Ltd	Mandatory Items
SD Civil Engineering Pty Ltd	Mandatory Items
Strope Pty Ltd	Non-attendance at Mandatory Site Inspection

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Kirkham Road Upgrade, Bowral Stage 1 has been included in Council's adopted Capital Works Program.

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

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

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **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.

12.4 Request for Easement over Council property - 142 Mittagong Road, Bowral

Reference:	PN 175600, PN 964700, PN 1750380
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 negotiate the grant of a property right over Council property. An Easement for Stormwater (2 metres wide) is sought by the applicant of an adjoining property over part of the outlying area of the Bowral Pool property, located at 142 Mittagong Road Bowral.

The owner/applicant of the adjoining property 164-178 Mittagong Road, Bowral requires the Easement for Stormwater in order to comply with a deferred commencement condition of development consent.

RECOMMENDATION

1. **THAT** the General Manager be delegated authority to negotiate with the owner/developer of 164-178 Mittagong Road, Bowral in respect of compensation payable to Council for the grant of the Easement for Stormwater (2 metres wide) over Council property Lot 1 in Deposited Plan 85220 being part 142 Mittagong Road, Bowral **AND THAT** the compensation payable to Council be negotiated within a 10% range of the formal valuation obtained.
2. **THAT** it be noted that all costs of creation of the Easement for Stormwater (referred to in resolution 1 above) are borne by the owner/developer of 164-178 Mittagong Road, Bowral.
3. **THAT** Council gives public notice to the end of January 2019 of its intention to grant an Easement for Stormwater over Council property (referred to in Resolution 1 above) as authorised within the Plan of Management for Bowral Swimming Centre adopted by Council on 10 March, 2004.
4. **THAT** Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement for Stormwater referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the Easement for Stormwater referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

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REPORT

BACKGROUND

Council is the owner of the whole of the property known as Bowral Pool located at 142 Mittagong Road, Bowral ("the Council property"). The Council property comprises Lot 1 in Deposited Plan 85220. This is the lot proposed to be burdened by the Easement for Stormwater, which will benefit the adjoining property.

The property to be developed at 164-178 Mittagong Road Bowral is comprised of 6 separate lots. Lot 1 in Deposited Plan 778892, Lot 1 in Deposited Plan 794957, Lot 3 in Deposited Plan 74728, Lot 4 in Deposited Plan 916166, Lot 1 in Deposited Plan 916166 and Lot 1 in Deposited Plan 1091496.

The aerial map (**Attachment 1**) shows the location of the proposed development and the part of the Council property proposed to be effected.

REPORT

The owner/applicant of 164-178 Mittagong Road, Bowral has received deferred commencement approval with a condition of consent requiring that an easement to drain stormwater be secured across the Council property. The proposed development consists of a residential flat building with basement parking.

The area within the Council property proposed to be burdened by the Easement for Stormwater is shown in the surveyor's sketch plan (**Attachment 2**).

The proposed Easement for Stormwater will run from the boundary of the applicant's property to the existing discharge point at the creek within Council's property (which is considered to be a legal point of discharge).

The proposed Easement for Stormwater will be 2 metres wide with a total area of approximately 40 square metres from the boundary of the applicant's land until it reaches the existing discharge point at the creek. The cost of any future maintenance and/or upgrade of pipes must be borne by the owner/applicant; this condition will be incorporated in a Section 88B Instrument registered against the properties.

A valuation has been obtained by Council, assessing compensation payable to Council for the grant of the Easement for Stormwater at \$5,400 exclusive of G.S.T.

In addition to any compensation payable, if Council resolves to grant the proposed Easement for Stormwater with the owner/developer, it should be noted that all costs of the creation of the easement are to be borne by the owner/applicant.

The owner/applicant will be required to prepare a plan of the easement which will either be defined by survey or comply with the Registrar General's requirements for a compiled plan. All standard procedures for the preparation of a deposited plan apply.

LEGISLATIVE REQUIREMENTS

The Council property is classified, pursuant to Section 26 of the *Local Government Act*, 1993, as Community Land. Section 47 of the Act requires Council to give public notice of

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and to exhibit the proposal for a minimum period of 28 days. Given the approaching Christmas-New Year shutdown period, it is recommended that public notice be given until the end of January 2019.

If there are any written objections received in respect of the proposal, Council must then seek the consent of the Minister for Local Government before the easement can be granted.

PLAN OF MANAGEMENT

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

- The plan of management applying to the land;
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- Part 2, Division 2 of the Act.

The Plan of Management for Bowral Swimming Centre adopted by Council on 10 March 2004 incorporates Council's property being 142 Mittagong Road, Bowral. The granting of an easement is permitted under the Plan of Management.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

As the Council property is classified as Community Land, it will be necessary for public notice to be given of the intention to grant an Easement for Stormwater over its property. This will be notified until the end of January 2019.

Internal Communication and Consultation

Assets and Project Delivery

Planning Development and Regulatory Services

Infrastructure Services

External Communication and Consultation

Registered Valuer

Owner/applicant's representative

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

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- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

As is the case in all property matters where the grant of a property right is sought, the matter is referred to Council for formal determination.

COUNCIL BUDGET IMPLICATIONS

An independent valuation has been obtained by Council to determine compensation for the granting of the Easement for Stormwater. Compensation has been assessed at \$5,400, exclusive of G.S.T. In addition to compensation, all costs of creation of the proposed Easement for Stormwater are to be paid by the owner/developer.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

The Council property is Community Land which is used as Bowral pool. The area of the proposed easement is in the outlying area of the property and not part of actual pool complex. To enable the owner/applicant of the adjoining property at 164-178 Mittagong Road Bowral to comply with deferred commencement conditions, it is recommended that Council delegate authority to the General Manager to negotiate the compensation payable to Council as property owner, in exchange for the grant of an Easement for Stormwater (2 metres wide).

ATTACHMENTS

1. Attachment 1 - Aerial map
2. Survey plan

12.4 Request for Easement over Council property - 142 Mittagong

Road, Bowral

ATTACHMENT 1

Attachment 1 - Aerial map



ATTACHMENT 1



Approximate location of easement over Council property

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12.4 Request for Easement over Council property - 142 Mittagong

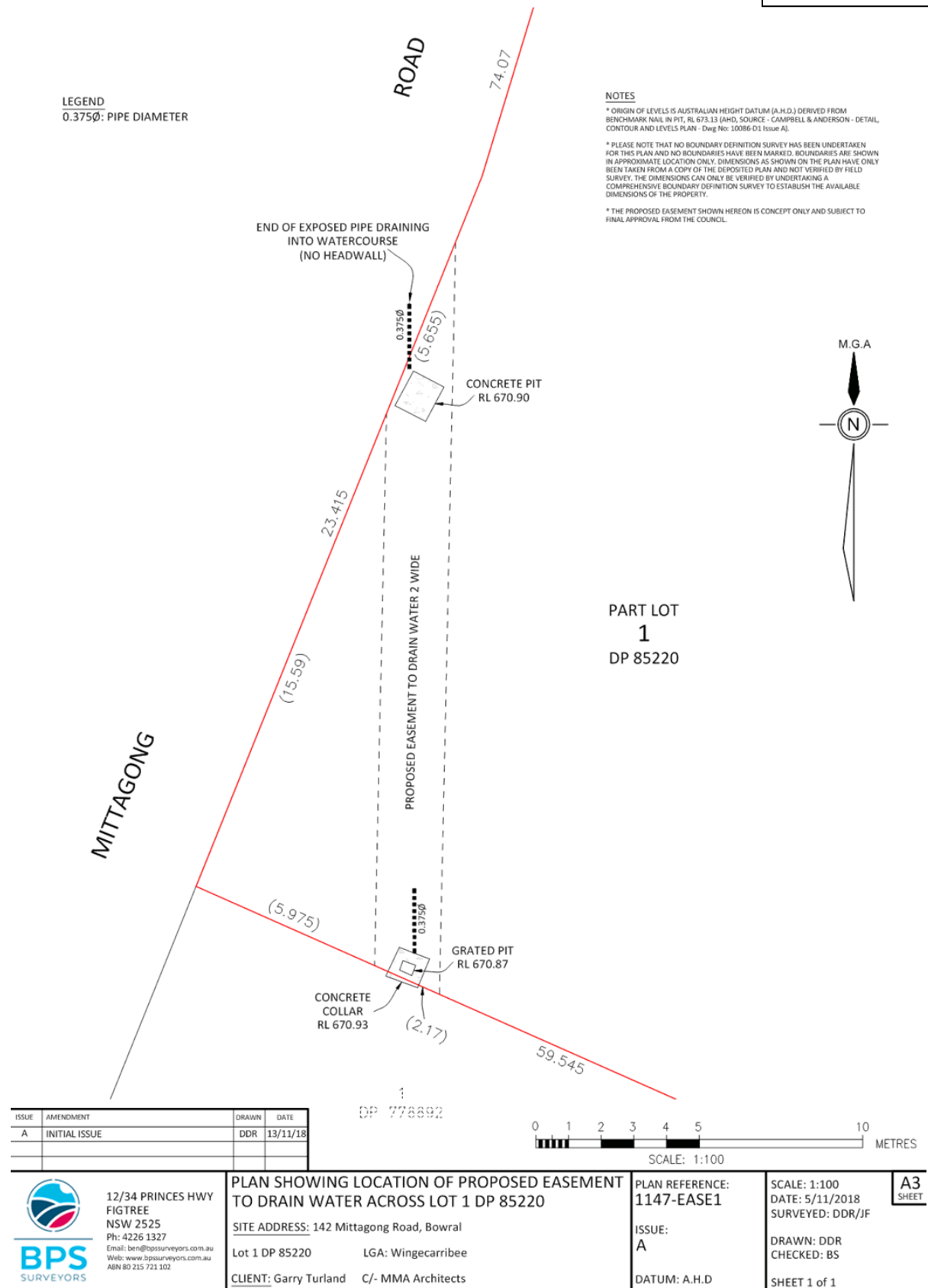
Road, Bowral

ATTACHMENT 2

Survey plan



ATTACHMENT 2



12.5 Proposed Lease, Highlands Golf Course premises, Old Hume Highway Mittagong

Reference:	PN1766240
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 for Council to consider an amendment to the terms and conditions of the proposed lease of the Council property known as Highlands Golf Course, Old Hume Highway Mittagong.

RECOMMENDATION

1. **THAT** in respect of the proposed Lease of the Highlands Golf Course premises, the annual rental shall be increased by the percentage rate set by the Consumer Price Index (Sydney All Groups).
2. **THAT** the current agreement be held over pending execution of the new Lease of the Highlands Golf Course premises Old Hume Highway Mittagong.
3. **THAT** pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease to Highlands Golf Club Limited of the Highlands Golf Course, Old Hume Highway Mittagong until the end of January 2019 **AND THAT** if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.
4. **THAT** if there is any written objection/s to the proposed lease, Council will refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5)(a) of the Local Government Act 1993 **AND THAT** if the Minister does not grant consent to the lease a further report will be forwarded to a future Ordinary Meeting of Council for consideration.

REPORT

BACKGROUND

At its meeting 9 August 2017 Council considered a report regarding the future proposed lease of the golf course premises by the current Lessee. It was resolved (MN 351/17):

1. **THAT** Council notes that the current Licence Agreement to the Highlands Golf Club Limited for the Golf Course premises, Old Hume Highway Mittagong, will expire on 31 December 2018.

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2. THAT Council delegate authority to the General Manager to enter into direct negotiations with Highlands Golf Club Limited for a future proposed Lease of the Golf Course premises Old Hume Highway Mittagong.
3. THAT a further report be forwarded to a future Ordinary Meeting of Council regarding the outcome of negotiations with Highlands Golf Club Limited in respect of a future proposed Lease of the Golf Course premises Old Hume Highway Mittagong AND THAT the matter be brought back to Council for final determination on the conditions of the lease.

At the meeting 22 August 2018 a further report was considered in Closed Council to determine its position with respect to the annual rental payable under the proposed Lease. It was resolved (MN 332/18):

1. THAT Council reconfirms its intention to enter into a new Lease of the Highlands Golf Course premises with the current Lessee for a term of 21 years.
2. THAT the rental to be charged in respect of the Lease of the Highlands Golf Course, Old Hume Highway Mittagong, will be the amount as discussed in Closed Council in the first year, with annual increases of 4% or CPI whichever is greater.
3. THAT pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease to Highlands Golf Club Limited of the Highlands Golf Course, Old Hume Highway Mittagong for a minimum twenty eight (28) day period AND THAT if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.
4. THAT if there is any written objection/s to the proposed lease, Council will refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5)(a) of the Local Government Act 1993 AND THAT if the Minister does not grant consent to the lease a further report will be forwarded to a future Ordinary Meeting of Council for consideration.

REPORT

Since the last report to Council, Council officers have held meetings with the Board of the Lessee with respect to the proposed draft Lease. The only request of the Lessee is to reduce the annual increase of rental from the standard "4% or CPI, whichever is greater" to an increase by CPI only (Sydney All Groups Index).

Highlands Golf Club Limited has been a Lessee of Council at the Highlands Golf Course for many years, with an established, positive and cooperative relationship. There are various factors which have impacted the Lessee's operations over recent years.

In consideration of those factors and the long-term tenure of the golf course premises, the request of the Lessee that the annual rental increase be set at the Consumer Price Index (Sydney All Groups) is not seen to be unreasonable.

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This report recommends that the draft Lease be amended to change the annual rental increase from 4% or CPI whichever is greater to CPI (Sydney All Groups) only. If approved by Council, it is recommended that the draft Lease be publicly notified and exhibited until the end of January 2019.

LEGISLATIVE REQUIREMENTS

The Highlands Golf Course premises are classified as Community Land pursuant to Section 26 of the *Local Government Act 1993*.

As the property is Community Land and the term of the lease is greater than five (5) years, Section 47(1) and (2) of the *Local Government Act 1993* requires that Council give a minimum twenty eight (28) days public notice of the intention to enter into the proposed lease. This requires Council to:

- (a) exhibit notice of the proposal on the land to which the proposal relates, and
- (b) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
- (c) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

The public notice must include:

- information sufficient to identify the community land concerned.
- the purpose for which the land will be used under the proposed lease.
- the term of the proposed lease (including particulars of any options for renewal).
- the name of the person to whom it is proposed to grant the lease.
- a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

Any person may make a written submission in writing to Council during the period specified for the purpose in the notice. Before granting the Lease, the Council must consider all submissions duly made to it. Council must not grant the Lease, except with the Minister for Local Government's consent, if a person makes a submission by way of objection to the proposal.

If it is necessary for Council to apply for the Minister for Local Government's consent, it must forward with its application, among other things:

1. a copy of the plan of management for the land.
2. details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision.
3. a statement setting out all the facts concerning the proposal to grant the lease.
4. a copy of the newspaper notice of the proposal.
5. a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease.

On receipt of the application, the Minister must request the Secretary of the Department of Planning and Environment to furnish a report concerning the application within such period as the Minister specifies. After considering the application and any report of the Secretary of the Department of Planning and Environment, the Minister, if satisfied the relevant

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legislation has been complied with and that such consent would not contravene section 46 of the *Local Government Act 1993*, the Minister may consent to the grant of the Lease in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

The Minister's consent is conclusive evidence that the Council has complied with its legislative requirements.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

If Council resolves to proceed with the Lease to the Highlands Golf Club, then the lease will be publicly exhibited until the end of January 2019.

Internal Communication and Consultation

The relevant branch managers and Council officers have been consulted and invited to comment on this proposal. There are no objections to the proposed Lease to the current Lessee.

External Communication and Consultation

The current Lessee.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The procedures set out within this report accord with the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

The terms and conditions outlined within the Proposed Lease will not result in any significant budget impact for Council.

RELATED COUNCIL POLICY

Policy for Lease & Licence of Council Property (Not-For-Profit and Community-Based Organisations)

The proposed Lease will comply with Council's adopted policy for Lease & Licence of Council Property (Not-For-Profit and Community-Based Organisations).

Specifically, the policy provides benefits to the Council and its residents by:

- defining the general terms and conditions of Leases and Licences to Not-For-Profit Organisations in respect of Council Property;
- ensuring that leasing and licensing of Council Property is consistent, transparent, fair and impartial;
- ensuring that the lease or licence is in accordance with the Local Government Act 1993, Local Government Regulations and Office of Local Government Guidelines;
- encouraging sound management of Council Property.

The policy also requires that a decision to grant a new lease of Council property is to be made by formal resolution of Council.

CONCLUSION

Council has undertaken the necessary processes and completed its due diligence to prepare for a new Lease of the golf course premises. This matter is reported to Council to determine if it will agree to the variation of the proposed annual increase of rental from 4% or CPI whichever is greater, to CPI only.

It is recommended that Council endorse the draft Lease with the annual increase of rental at CPI. If approved, the proposed draft of the Lease will then be publicly exhibited as outlined within this report to comply with legislative requirements. Given the imminent Christmas-New Year shutdown period, the Lease will be publicly exhibited until the end of January 2019.

ATTACHMENTS

There are no attachments to this report.

12.6 Crown Land Management Act 2016 - Initial Categorisation of Crown Land

Reference:	7136
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 formal Council approval for the initial categorisation of Crown Land pursuant to the *Crown Land Management Act 2016*.

RECOMMENDATION

1. **THAT** in accordance with the Crown Land Management Act 2016, Council give written notice to the Minister for Lands and Forestry of the assigned categories of Crown Land managed by Council as Crown Land Manager as listed in Attachment 1 of this report.

REPORT

BACKGROUND

The *Crown Land Management Act 2016* ('CLM Act') came into effect on 1 July 2018. Among other things, the legislation enables Council to manage Crown Land under the *Local Government Act 1993* as if it were Community Land.

Categories must first be assigned to the Crown Land that is managed by Council. This is a procedure that has been undertaken internally by Council staff in accordance with the legislation. Following the categorisation process, Council is then required to draft, and have adopted, compliant Plans of Management within 3 years of 1 July 2018.

REPORT

Council as Crown Land Manager has reviewed the initial categorisations proposed by the Crown, following the implementation of the *Crown Land Management Act 2016* on 1 July 2018. This review has required extensive internal consultation with respect to past and current use of the Crown Land and reviews of Council records.

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The Crown has set the framework for the procedure to be undertaken by Council including:

1. The requirement to categorise in alignment with purpose;
2. Multiple categories may be assigned where the Crown Land is subject to multiple reservation or dedication purposes.

Procedure

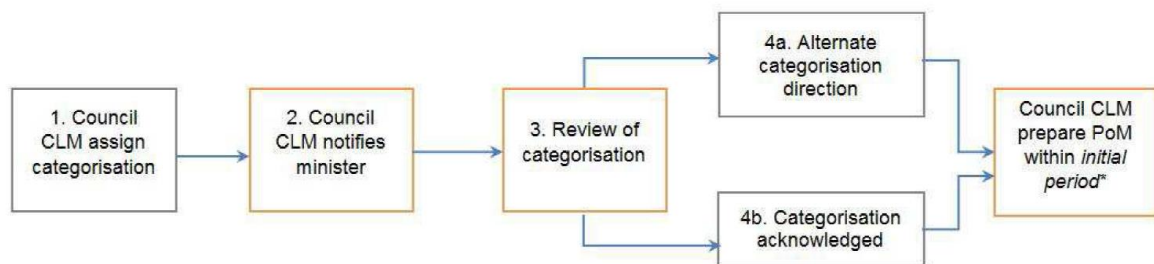


Figure 1. Process map for the categorisation of council-managed land

After assigning categories to the Crown Land, it is necessary for Council to provide written notice of those assigned categories to the Minister as soon as practicable. Upon receipt of the Council's written notice, the Crown will review the assigned categorisation of land undertaken by Council. This will result in one of the two following outcomes:

- Acknowledgement of the categories assigned; OR
- Direction to alter the categories assigned.

If the Crown determines that the assigned categorisation does not require alteration it will issue written notice to Council advising this. Council will then be able to proceed with drafting a Plan of Management for that land without a public hearing being required for categorisation purposes.

However, if the Crown does not agree with the assigned categorisation by Council, it will issue a written direction to alter the assigned categorisation in accordance with section 3.23(5) of the CLM Act, that is, to revert to categorisation proposed by the Crown. A direction from the Crown to alter the category assigned by Council as Crown Land Manager must be adhered to. This effectively means that the land will need to go through a public hearing for categorisation during the drafting of the Plan of Management.

A list of all Crown Land managed by Council as Crown Land Manager, with the recommended categorisation to be submitted to the Minister for Lands and Forestry is provided in **Attachment 1**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Council has not factored in the cost of preparing Plans of Management for all Crown Reserves into its Long Term Financial Plan.

The funding provided by the NSW State Government of \$30,000 falls well below the level of funding which will be required to comply with the timeframe to complete plans of management within the next three years.

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Council will need to consider prioritising the preparation of Plans of Management for Crown Reserve in line with its strategic and infrastructure requirements to ensure that this does not result in the diversion of budget funding from essential community services and infrastructure projects.

COMMUNICATION AND CONSULTATION

Community Engagement

The initial categorisation of Crown Land managed by Council as Crown Land Manager is procedural in nature and does not require community engagement. There will be consultation and engagement with the community with respect to the development of the draft Plans of Management for each respective Crown Reserve.

Internal Communication and Consultation

Council's Crown Land Implementation Team

Heritage Planner (in respect of Heritage listed items and listings of Crown Land)

Business Service Officer (in respect of cemeteries on Crown Land)

External Communication and Consultation

NSW Department of Trade & Investment – Crown Lands

Council's panel solicitors

SUSTAINABILITY ASSESSMENT

- **Environment**

Council's Environment & Sustainability team have provided guidance during the initial categorisation process with respect to natural areas and bushland reserves.

- **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**

Council's Heritage Planner has provided guidance during the initial categorisation process with respect to heritage matters and areas of cultural significance.

- **Governance**

Council has followed the procedure set by the Crown to undertake the assignment of categories with respect to the land managed by Council as Crown Land Manager.

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COUNCIL BUDGET IMPLICATIONS

Council has not factored in the cost of preparing Plans of Management for all Crown Reserves into its Long Term Financial Plan.

The funding provided by the NSW State Government of \$30,000 falls well below the level of funding which will be required to comply with the timeframe to complete plans of management within the next three years.

Council will need to consider prioritising the preparation of Plans of Management for Crown Reserve in line with its strategic and infrastructure requirements to ensure that this does not result in the diversion of budget funding from essential community services and infrastructure projects.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

To ensure compliance with the CLM Act, it is recommended that written notice be provided to the Minister for Lands & Forestry of the categories assigned to the Crown Land managed by Council as Crown Land Manager as shown in Attachment 1 of this report.

ATTACHMENTS

1. Table comparing categorisations assigned by Crown and Council - *circulated under separate cover*

12.7 Highlands Golf Course premises, Old Hume Highway Mittagong

Reference:	PN1766240
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 direction with respect to the estimated clean-up cost of the asbestos contamination which has been recently discovered on the Council property known as the Highlands Golf Course premises.

RECOMMENDATION

Submitted for Council Determination.

REPORT

As part of its asset management program, Council engaged a specialist contractor to undertake asbestos inspections on a number of Council buildings in late October/early November 2018. One of the routine inspections undertaken was of the Highlands Golf Course premises.

During the inspection of the golf course premises, the contractor reported to the Club and to Council that an area adjacent to the utility sheds was found to be contaminated with an Asbestos Containing Material ('ACM'). Asbestos occurs in both bonded and un-bonded forms. Bonded asbestos is where an asbestos material is mixed with other materials, such as cement. In this form, it is non-friable, that is, less likely to crumble or break into pieces. The ACM located on the site of the Highlands Golf Course is considered to be non-friable.

On receipt of the hazard advice from the contractor, Council took immediate action to ensure that an appropriate exclusion zone was created around the area of contamination. Council staff attended on-site with the Licensee and Council's specialist contractor. The area was securely fenced and appropriate signage was installed on site in consultation with the contractor. Council directed the Lessee to take the necessary steps to ensure that any equipment and/or tools were relocated and to ensure that the Licensee's staff, members, visitors and guests did not enter the exclusion zone until such time as further notice was provided by Council. Council has notified the NSW Environment Protection Authority ('EPA') of the identification of the hazard and the actions taken; in accordance with its adopted Asbestos Management Policy.

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A Scope of Works has been received from Council's contractor, estimating that the removal, control and disposal of the ACM and remediation of the site will cost approximately \$60,000.

This includes:

- Removal of asbestos at surface level;
- Scrape and remove (removal of 50-100mm depth until the ACM is removed (may be deeper, depending on site); and
- Encapsulate (a geofabric is rolled out and then covered with at least 300mm of clean fill).

Responsibility of Licensee

In accordance with the terms of the current licence agreement, the Club shall "as the occasion may require and at reasonable times properly maintain the Golf Course". This gives Council as Licensor the right to enter the property and to serve upon the Club a notice in writing requiring certain works to be completed within a reasonable time.

Failing those works being completed by the Club, Council as Licensor may enter the property and effect the necessary repairs and then recover the cost of those works from the Club as a liquidated debt. The current agreement expires on 31 December 2018 and, as reported to Council on this same Agenda, it is recommended that the agreement be held over pending public notice and execution of the new Lease of the Highlands Golf Course premises.

Status of Licensee

Highlands Golf Club Limited is an Australian Public Company – Limited by Guarantee (Sub-class: Unlisted public - Non-profit company). As a not-for-profit organisation, it may be appropriate for Council to consider options to potentially assist the Licensee:

a. Provision of Financial Assistance

Council may consider offering financial assistance to the Licensee to assist with part or all of the costs of removal, control and disposal of the ACM and the remediation of the site.

b. Provision of Interest Free Loan

Council has provided interest free loans to a number of community groups in the past to assist with improvements to sporting and community facilities throughout the Shire. These loans have generally been for large-scale infrastructure improvements, where in the absence of any support by Council, these groups would have incurred significantly higher costs if they had been required to seek borrowings through a commercial lender.

There is no impediment to Council offering an interest free loan to the Highlands Golf Club for the remediation works.

In the event that Council elects to offer an interest free loan, it is recommended that the terms of the loan be on the basis of a repayment schedule over a period of 5

years, with quarterly repayments commencing 90 Business Days after the loan is provided to the Licensee.

The source of any proposed loan would be the Capital Projects Reserve.

c. *Decline any form of Financial Assistance*

Council may decline to provide any form of financial assistance to the Licensee. This option will leave the financial liability for the remediation of the site solely with the Licensee.

This matter is submitted for Council determination.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

This is an administrative matter between Council as property owner/Licensors and the Highlands Golf Club Limited as Licensee.

Internal Communication and Consultation

The relevant branch managers and Council officers have been consulted in respect of the identification of the asbestos fragments and the immediate make-safe of the Council property.

External Communication and Consultation

Highlands Golf Club Limited (the Licensee of the golf course premises).

Council's specialist contractor

NSW Environment Protection Authority

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

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- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

This is a matter for Councillor determination.

RELATED COUNCIL POLICY

Asbestos Management Policy adopted by Council on 23 May 2018 (MN198/19).

OPTIONS

The options available to Council are:

Option 1

Provide financial assistance (amount to be determined by Council) to the Licensee, Highlands Golf Club Limited, which could be partly-funded from the Councillor Contingency Fund or another identified source of funding.

Option 2

Provide an interest free loan (amount to be determined by Council) to the Licensee, on the basis of repayment terms and conditions as outlined in this report.

Option 3

Decline to provide any form of financial assistance to the Licensee to assist with the costs of remediation of the site.

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CONCLUSION

In accordance with its adopted Asbestos Management Policy, Council has taken immediate action following notification of the ACM hazard identified on site at the golf course premises.

Council as Licensor of the property has the right to require the Licensee to remediate the contamination and to pay all costs associated with that remediation.

This matter is submitted for determination.

ATTACHMENTS

There are no attachments to this report.

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Thursday 6 December 2018

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 6 November 2018 to 5 December 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 6 November 2018 to 5 December 2018

RECOMMENDATION

THAT the information relating to Development Applications Determined for the period 6 November 2018 to 5 December 2018 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date range: 6 November 2018 to 5 December 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	19/0773	22 Elsworth Avenue Balaclava NSW 2575 Lot 23 Sec 3 DP 841	R Millburn	Residential Alterations and Additions (Garage)	14/11/2018	0	8	8	22/11/2018
2	18/0745	35 Railway Parade Balmoral NSW 2571 Lot 210 DP 1240094	CM Lucaci, N Lucaci	Residential Alterations and Additions (Shed)	22/06/2018	64	80	144	13/11/2018
3	19/0059	35 Railway Parade Balmoral NSW 2571 Lot 210 DP 1240094	CM Lucaci N Lucaci	Dwelling House	12/07/2018	63	59	122	13/11/2018
4	19/0096	32-34 Victoria Street Balmoral NSW 2571 Lot 25 Sec 1 DP 2500 Lot 26 Sec 1 DP 2500	LD Munro, KL Munro	Dwelling House	19/07/2018	0	129	129	26/11/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	15/0888.02	581 Greenhills Road Berrima NSW 2577 Lot 31 DP 597610	BC Kennedy, KR Nott	Section 4.55 Modification (Extend period of consent for events from 3 to 6 calendar years)	03/08/2018	0	110	110	Approved by Council 14/11/2018
6	18/0743	3020 Old Hume Highway Berrima NSW 2577 Pt Lot 3 DP 584423 Farm	Antikvorem Pty Ltd	Function Centre	22/06/2018	114	37	151	Approved by Council 14/11/2018
7	19/0425	1 Compton Park Road Berrima NSW 2577 Lot 3 DP 262334	GS Thomas, M Thomas	Demolish existing dwelling. Construct new Dual Occupancy	13/09/2018	0	56	56	08/11/2018
8	17/1361.07	1 Kirkham Road Bowral NSW 2576 Lot 3 DP 747518	MD Hughes	Section 4.55 Modification (Extend laundry & cellar. Change windows from timber to aluminium)	06/11/2018	0	17	17	24/11/2018
9	17/1773	Southern Highlands Botanic Gardens 1 Old South Road Bowral NSW 2576 Lot 1 DP 1231536	Wingecarribee Shire Council	Plant Nursery	18/12/2017	221	122	343	26/11/2018
10	18/0618	12-14 Bundaroo Street Bowral NSW 2576 Lot 31 Sec B DP 975353	M Miller, E Miller	Continued use of premises for remedial massage	28/05/2018	0	169	169	14/11/2018
11	19/0200	65 Sir James Fairfax Circuit Bowral NSW 2576 Lot 305 DP 1234848	DA Alvaro	Dwelling House	08/08/2018	17	92	109	26/11/2018
12	19/0305	2 Bloomfield Close Bowral NSW 2576 Lot 12 DP 1231895	TDR Collins, M Collins	Dwelling House	24/08/2018	28	50	78	10/11/2018
13	19/0450	176 Merrigang Street Bowral NSW 2576 Lot 1 DP 773732	V Furfaro, MLE Furfaro	Subdivision (2 Lots)	19/09/2018	0	47	47	06/11/2018
14	19/0475	445 Moss Vale Road Bowral NSW 2576 Lot 910 DP 1029860	MHJ Kroon, G Kroon	Commercial Alterations and Additions (2nd Storey addition to existing office building)	24/09/2018	0	45	45	09/11/2018
15	19/0524	3 Betty Close Bowral NSW 2576 Lot 321 DP 1234848	MC Monkcom, JR Monkcom	Dwelling House	03/10/2018	0	39	39	12/11/2018
16	19/0527	5 Bloomfield Close Bowral NSW 2576 Lot 3 DP 1231895	Associated World Investments Pty Ltd	Dwelling House	03/10/2018	0	47	47	20/11/2018
17	19/0550	151 Merrigang Street Bowral NSW 2576 Lot 7 DP 1240587	A Swift, SM Swift	Dwelling House	05/10/2018	17	30	47	23/11/2018
18	19/0552	31 Price Street Bowral NSW 2576 Lot 87 DP 24267	E Donnelly	Residential Alterations and Additions (Front Veranda & Galvanised Iron Roof)	08/10/2018	0	38	38	15/11/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19	19/0583	16 Caroline Avenue Bowral NSW 2576 Lot 114 DP 1231974	S Sell	Residential Alterations and Additions (Detached Garage)	12/10/2018	0	26	26	07/11/2018
20	19/0646	106 Old South Road Bowral NSW 2576 Lot C DP 103641	JA Newell, G Newell	Residential Alterations and Additions (Extension – Sun Room)	24/10/2018	0	25	25	19/11/2018
21	19/0658	26 Mansfield Road Bowral NSW 2576 Lot 104 DP 1227641	S Wright, JC Bradley	Residential Alterations and Additions (Swimming Pool)	25/10/2018	0	14	14	08/11/2018
22	19/0692	19 Ayrshire Parade Bowral NSW 2576 Lot 215 DP 1239600	J Prugovecki, CM Prugovecki	Dwelling House	01/11/2018	0	21	21	23/11/2018
23	18/0716	Tyree Place Braemar NSW 2575 Lot 10 DP 1142634	Pennells Property Group Pty Limited	Industrial Units (2)	19/06/2018	141	13	154	21/11/2018
24	19/0165	20 Gantry Place Braemar NSW 2575 Lot 4 DP 818473	Lyons Holdings Mittagong Pty Ltd	Industrial Shed	01/08/2018	95	8	103	14/11/2018
25	19/0554	Braemar Avenue Braemar NSW 2575 Lot 23 DP 569435	R Arki, MC Arki	Secondary Dwelling	08/10/2018	6	39	45	23/11/2018
26	17/1163.01	Solar Springs Osborn Avenue Bundanoon NSW 2578 Lot 4 DP 577219	Southern Highlands Hotel Holdings Pty Ltd	Section 4.55 Modification (Amend Condition 5 of RFS letter relating to ember protection)	30/04/2018	0	210	210	26/11/2018
27	18/0570.05	59 Greasons Road Bundanoon NSW 2578 Lot 2 DP 1241467	WS Donnelly, M Donnelly	Section 4.55 Modification (Remove 4 trees & replace with 8)	06/11/2018	0	11	11	17/11/2018
28	19/0598	60 Garland Road Bundanoon NSW 2578 Lot 27 DP 263668	PR Lawrence, NA Lawrence	Residential Alterations and Additions (Deck)	16/10/2018	0	23	23	08/11/2018
29	18/0653	25 Werrington Street Burradoo NSW 2576 Lot 311 DP 1064000	N Waks, MC Williams	Subdivision (2 Lots)	05/06/2018	0	155	155	07/11/2018
30	18/0670	12 Patchway Place Burradoo NSW 2576 Lot 56 DP 793882	SA Kennedy- Green, A Kennedy- Green	Subdivision (2 Lots)	08/06/2018	89	76	165	21/11/2018
31	19/0135	7 St Denis Close Burradoo NSW 2576 Lot 142 DP 1241759	M Bell, GA Bell	Two Storey Dwelling and Secondary Dwelling	25/07/2018	35	82	117	21/11/2018
32	19/0499	12 Sutherland Park Drive Burradoo NSW 2576 Lot 17 DP 1220167	Y Athanasopoulou, S Marvello	Dwelling House & Home Business	27/09/2018	0	59	59	26/11/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
33	19/0530	Crown Street Burrawang NSW 2577 Lots 16-17 Sec3 DP2660	M Di Marino	Residential Alterations and Additions (Extensions)	03/10/2018	0	40	40	13/11/2018
34	18/0272	Old Coowong Road (Priv.) Canyonleigh NSW 2577 Lot 4 DP 1183492	M Prentice, A Prentice	Dwelling House, Detached Garage, Swimming Pool and Tennis Court	15/03/2018	145	103	248	19/11/2018
35	19/0575	181 Old Coowong Road Canyonleigh NSW 2577 Lot 18 DP 1152535	S De Nooy	Subdivision (Boundary Adjustment)	10/10/2018	0	47	47	26/11/2018
36	19/0468	16 Beech Street Colo Vale NSW 2575 Lot 9 Sec 23 DP 2944	K Stevens	Residential Alterations and Additions (New Sun Room, Patio and Enclose Front Veranda)	21/09/2018	0	46	46	07/11/2018
37	19/0538	4 Geebung Close Colo Vale NSW 2575 Lot 213 DP 1245987	J Flemming, SA Riley	Dwelling House	04/10/2018	0	48	48	22/11/2018
38	19/0627	10 Geebung Close Colo Vale NSW 2575 Lot 210 DP 1245987	P Jackson, S Burgess	Dwelling House	22/10/2018	0	22	22	13/11/2018
39	19/0739	7 Stringybark Close Colo Vale NSW 2575 Lot 220 DP 1245987	I Walker, M Walker	Dwelling House	08/11/2018	0	6	6	15/11/2018
40	19/0740	19 Colo Road Colo Vale NSW 2575 Lot 24 Sec 5 DP 2389	S Majewski, J Bow	Residential Alterations and Additions (Shed)	08/11/2018	0	14	14	22/11/2018
41	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	0	38	38	06/11/2018
42	18/0296	60 Ringwood Lane Exeter NSW 2579 Lot 4 DP 1183141	Ade Lungershausen	Equine Facility - Covered Arena & Stables Complex	19/03/2018	0	240	240	Approved by Council 15/11/2018
43	19/0601	861 Nowra Road Fitzroy Falls NSW 2577 Lot 2 DP 777480	Toromont Pty Ltd	Residential Alterations and Additions (Carport and Covered Deck)	16/10/2018	0	27	27	12/11/2018
44	19/0509	55 Sproules Lane Glenquarry NSW 2576 Lot 81 DP751282 Lot 1 DP1054254	Pym Equipment Pty Limited	Farm Dam	28/09/2018	0	59	59	26/11/2018
45	16/0009.02	Clear Hills 230 Medway Road Medway NSW 2577 Lot 12 DP 1245786	Tkmmg Pty Limited	Section 4.55 Modification Function Centre & Restaurant Alterations (Alter internal layout, windows and roof)	20/08/2018	0	78	78	06/11/2018

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46	18/0382	1036 Meryla Road Meryla NSW 2577 Lot 100 DP 792840	M Gorman, J Gorman	Farm Building	06/04/2018	180	40	220	13/11/2018
47	15/0173.03	Zenith 225 Oxley Drive Mittagong NSW 2575 Lot 47 DP 15496	J Lapidos	Section 4.55 Modification (Extension. New Deck)	08/10/2018	0	30	30	08/11/2018
48	15/0425.03	11a Webb Street Mittagong NSW 2575 Lot 4 DP 1174965	W Scott, S Edwards	Section 4.55 Modification (Reduce floor area. Simplify roof design. Relocate pool)	17/10/2018	0	27	27	14/11/2018
49	17/1674.01	31 Mary Street Mittagong NSW 2575 Lot 14 Sec 1 DP 1847 Lot 15 Sec 1 DP 1847	S Gruesser	Section 4.55 Modification (Alter easements for 4 Lot Subdivision)	10/09/2018	0	66	66	16/11/2018
50	19/0342	19 Nero Street Mittagong NSW 2575 Lot 1 DP 1245206	S Rumbachs, W Day	Dwelling House	30/08/2018	22	63	85	24/11/2018
51	19/0352	8 Evans Street Mittagong NSW 2575 Lot B DP 347883	M Thompson, R Thompson	Residential Alterations and Additions (Extensions)	03/09/2018	16	51	67	10/11/2018
52	19/0363	17 Ferguson Crescent Mittagong NSW 2575 Lot 24 DP 1155258	C Constantine, F Constantine, E Nicolau, M Grieco	Subdivision (2 Lots)	04/09/2018	0	63	63	06/11/2018
53	19/0547	14 Payten Street Mittagong NSW 2575 Lot 52 DP 1102673	N Parkes, B Parkes	Residential Alterations and Additions (Shed, Carport & Retaining Wall)	05/10/2018	5	42	47	22/11/2018
54	19/0703	19 Sedgman Avenue Mittagong NSW 2575 Lot 40 DP 26716	J Downie, A Downie	Residential Alterations and Additions (Shed)	02/11/2018	0	23	23	26/11/2018
55	16/0416.01	4/274-276 Argyle Street Moss Vale NSW 2577 Lot 4 S/P 58453	A C Bennett Pty Ltd	Section 4.55 Modification (Strata Subdivision of existing strata Lot. 4 into 2 Strata Lots)	30/08/2018	0	78	78	16/11/2018
56	16/1312.03	6180 Illawarra Highway Moss Vale NSW 2577 Lot 318 DP 1226539	R Morrison, T Bowman	Section 4.55 Modification Dwelling House	25/09/2018	0	53	53	17/11/2018
57	18/0508.03	36 Valetta Street Moss Vale NSW 2577 Lot 1 DP 1071732	S Reynolds, R Reynolds	Section 4.55 Modification (New Garage & Rumpus)	12/10/2018	0	26	26	08/11/2018
58	18/0782	377 Nowra Road Moss Vale NSW 2577 Lot 2 DP 1125424	B Hill, J Malcolm, Tk Hill	Subdivision (2 Lots)	29/06/2018	95	45	140	16/11/2018

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59	19/0025	2 Throsby Park Road Moss Vale NSW 2577 Lot 1 DP 513113	L Daenell	Residential Alterations and Additions (Extend to north & west. New roof. Changes to internal layout.)	05/07/2018	76	57	133	15/11/2018
60	19/0161	27 Torulosa Drive Moss Vale NSW 2577 Lot 129 DP 1232222	M Furness, R Furness	Residential Alterations and Additions (Shed)	01/08/2018	58	58	116	26/11/2018
61	19/0173	6 Fitzroy Road Moss Vale NSW 2577 Lot 132 DP 1232222	H Ku	Dwelling House	02/08/2018	43	55	98	08/11/2018
62	19/0244.04	45 Narellan Road Moss Vale NSW 2577 Lot 134 DP 1232222	C Young, L Young	Section 4.55 Modification (Removal of detached garage and second driveway)	02/11/2018	0	10	10	12/11/2018
63	19/0453	24 Montgomery Way Moss Vale NSW 2577 Lot 4045 DP 1242576	SM Green, N Green	Dwelling House	20/09/2018	0	49	49	08/11/2018
64	19/0491	14 Watson Road Moss Vale NSW 2577 Lot 3 DP 1232365	SP Gordon	Secondary Dwelling	26/09/2018	5	54	59	26/11/2018
65	19/0492	4 Torulosa Drive Moss Vale NSW 2577 Lot 114 DP 1232222	B Becker, T Becker	Dwelling House	26/09/2018	1	48	49	16/11/2018
66	19/0507	13 Torulosa Drive Moss Vale NSW 2577 Lot 122 DP 1232222	S Francis, C Francis	Dwelling House	28/09/2018	11	33	44	12/11/2018
67	19/0607	74 Broughton Street Moss Vale NSW 2577 Lot 4008 DP 1242576	A Fair, K Fair	Dwelling House	17/10/2018	0	20	20	06/11/2018
68	19/0614	86 Broughton Street Moss Vale NSW 2577 Lot 4061 DP 1242576	C Campbell	Dwelling House	18/10/2018	0	26	26	13/11/2018
69	12/0267.02	3923 Illawarra Highway Mount Murray NSW 2577 Lot 2 DP 808992	A Legisa	Section 4.55 Modification (Garage & Pool House)	31/10/2018	0	11	11	12/11/2018
70	19/0285	641 Penrose Road Penrose NSW 2579 Lot 3 DP 1097100	K Hines, J Hines	Residential Alterations & Additions (Detached Habitable Outbuilding)	21/08/2018	31	62	93	23/11/2018
71	18/0379	Renwick Drive Renwick NSW 2575 Lot 902 DP 1210273	Minister For Community Services & Assistant Minister For Health For Her Most Gracious Majesty Queen Elizabeth II	Subdivision (15 Lots)	05/04/2018	161	69	230	22/11/2018

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72	18/0751.05	6 Allen Avenue Renwick NSW 2575 Lot 142 DP 1221206	M Warn, M Gates	Section 4.55 Modification (Extend cut to 300mm from rear and side boundaries)	24/10/2018	0	27	27	20/11/2018
73	19/0381	18 Allen Avenue Renwick NSW 2575 Lot 148 DP 1221206	B Kirby	Dwelling House	06/09/2018	14	47	61	07/11/2018
74	19/0395	9 Jefferis Avenue Renwick NSW 2575 Lot 57 DP 1221206	P Cameron	Dwelling House	07/09/2018	0	75	75	22/11/2018
75	19/0411.04	32 Maxted Street Renwick NSW 2575 Lot 1219 DP 1221207	T Wang	Section 4.55 Modification (Change to Roof Pitch)	12/11/2018	0	1	1	13/11/2018
76	19/0466	33 Maxted Street Renwick NSW 2575 Lot 50 DP 1221206	S Mathew, A Marasery	Dwelling House	21/09/2018	0	48	48	08/11/2018
77	19/0498	14 Allen Avenue Renwick NSW 2575 Lot 146 DP 1221206	G Sotirios, P Sotirios	Dwelling House	27/09/2018	13	41	54	21/11/2018
78	19/0531	5 Allen Avenue Renwick NSW 2575 Lot 105 DP 1221206	K Halstead, G Halstead	Dwelling House	03/10/2018	28	13	42	Approved by Council 15/11/2018
79	19/0560	10 George Cutter Avenue Renwick NSW 2575 Lot 139 DP 1221206	S Lim	Dwelling House	09/10/2018	0	34	34	12/11/2018
80	19/0573	11 Green Street Renwick NSW 2575 Lot 95 DP 1221206	G O'toole	Dwelling House	10/10/2018	0	33	33	12/11/2018
81	19/0629	24 George Cutter Avenue Renwick NSW 2575 Lot 112 DP 1221206	G Iveson	Dwelling House	22/10/2018	0	23	23	15/11/2018
82	19/0636	10 Allen Avenue Renwick NSW 2575 Lot 144 DP 1221206	C Gratsounas	Dwelling House	23/10/2018	0	23	23	15/11/2018
83	19/0649	46 George Cutter Avenue Renwick NSW 2575 Lot 67 DP 1221206	B Dickinson, S Dickinson	Dwelling House	24/10/2018	0	26	26	20/11/2018
84	19/0671	7 Green Street Renwick NSW 2575 Lot 97 DP 1221206	S Coffee, A Coffee	Dwelling House	29/10/2018	0	21	21	20/11/2018
85	19/0679	14 George Cutter Avenue Renwick NSW 2575 Lot 107 DP 1221206	C Hines	Dwelling House	30/10/2018	0	23	23	23/11/2018
86	19/0697	12 De Lauret Street Renwick NSW 2575 Lot 2022 DP 1167491	K Dunnohew	Residential Alterations and Additions (Shed)	02/11/2018	0	20	20	23/11/2018

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87	18/0438	67-69 Hoddle Street Robertson NSW 2577 Lot 2 Sec 13 DP 758882	M Williams, G Williams	Café, Bar & 6 x one bedroom tourist cabins & residential accommodation unit for on-site manager within existing building.	19/04/2018	112	103	215	21/11/2018
88	18/0758.05	Quiet Hills 1 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 126614	Southern Land Holdings Pty Ltd	Section 4.55 Modification Farm Buildings (machinery shed, stock feed shed, amenity building and carport)	16/10/2018	0	29	29	14/11/2018
89	19/0471	52 Charlotte Street Robertson NSW 2577 Lot 8 DP 702184	D Gair, J Gair	Residential Alterations and Additions (Internal Alterations)	21/09/2018	17	41	58	20/11/2018
90	19/0493	102 Yeola Road Robertson NSW 2577 Lot 6 DP 244159	J Peel, G Miles	Residential Alterations and Additions (Shed)	26/09/2018	0	51	51	17/11/2018
91	19/0540	271 Gordons Track Robertson NSW 2577 Lot 4 DP 843560	B Davis	Demolish existing shed. New barn style shed and garage /storage shed.	04/10/2018	0	49	49	23/11/2018
92	19/0687	53 Shierlaw Road Robertson NSW 2577 Lot 192 DP 751302 Lot 1 DP 821765	M Holmes	Section 4.55 Modification (Delete condition 7 relating to power connection)	31/10/2018	0	9	9	10/11/2018
93	18/0727	54 Village Road Sutton Forest NSW 2577 Lot 6 DP 815530	M Anstee, K Alvis	New Dwelling & Secondary Dwelling	20/06/2018	104	36	140	09/11/2018
94	19/0448	630 Oldbury Road Sutton Forest NSW 2577 Lot 1 DP 860654	P Cape, M Lefterys	Residential Alterations and Addition (Studio)	18/09/2018	0	50	50	08/11/2018
95	09/1157.05	144 Mt Broughton Road Weraí NSW 2577 Lot 1 DP 804846	I Scandrett, J Scandrett	Section 4.55 Modification Residential Alterations and Additions (Internal, Extensions)	14/09/2018	0	61	61	Approved by Council 15/11/2018
96	18/0788	421 Myra Vale Road Wildes Meadow NSW 2577 Lot 1 DP 725832 Lot 14 DP 661321 Lot 14 DP 1080826	Lasovase Pty Ltd	Building Envelope for future Dwelling House	29/06/2018	96	40	136	13/11/2018
97	19/0429	32 Cordeaux Street Willow Vale NSW 2575 Lot 41 DP 1237681	P Worner, K Worner	Dwelling House	14/09/2018	0	62	62	15/11/2018
98	19/0497	2610 Old Hume Highway Woodlands NSW 2575 Lot 1 DP 999273	M Hinton, K Hinton	Residential Alterations and Additions (Garage and Pool House)	27/09/2018	0	55	55	22/11/2018
99	19/0247	20 Links Avenue Yerrinbool NSW 2575 Lot 20 DP 246522	M Toth	Subdivision (2 Lots)	15/08/2018	0	84	84	07/11/2018

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100	19/0553	20 Kiandra Crescent Yerrinbool NSW 2575 Lot 21 DP 1041344	B Todd, A Reid	Residential Alterations and Additions (Shed)	08/10/2018	0	36	36	13/11/2018
101	19/0650	14 Links Avenue Yerrinbool NSW 2575 Lot 14 DP 246522	E Gault, J Collins	Residential Alterations and Additions (Shed)	24/10/2018	0	20	20	14/11/2018
102	19/0217	72 Woodbine Street Bowral NSW 2576 Lot 10 DP 996069	V Webb	Residential Alterations and Additions (Extension)	10/08/2018	59	49	108	27/11/2018
103	11/0724.06	96 Erith Street Bundanoon NSW 2578 Lot 1 DP 1071067	R.G. Capital (Australia) Pty Limited	Section 4.55 Modification (Remove Condition)	04/07/2017	0	510	510	LEC Approved 12/11/2018
104	08/1042.03	24 Exeter Road Exeter NSW 2579 Lot 1 DP 596495 Lot A DP 927745 Lot 4 DP 660174	Malcolm Holdings Pty Limited	Section 4.55 Modification (Subdivision Access Road)	19/05/2017	0	557	557	LEC S34 Approved 23/11/2018
105	19/0746	440 Medway Road Medway NSW 2577 Lot 10 DP 879079	P Rose, M Rose	Residential Alterations and Additions (Shed)	09/11/2018	0	18	18	27/11/2018
106	18/0565	3020 Old Hume Highway Berrima NSW 2577 Pt Lot 3 DP 584423 Farm	Antikvorem Pty Ltd	Tourism and Accommodation Concept Development Application (Master Plan)	15/05/2018	0	196	196	Approved by Council 14/11/2018
107	18/0744	Civic Centre 68 Elizabeth Street Moss Vale NSW 2577 Part Lot 3 DP 1108992	Wingecarribee Shire Council	Public Administration Building (Alterations and Additions)	22/06/2018	0	158	158	Approved by Council 14/11/2018
108	18/0565	3020 Old Hume Highway Berrima NSW 2577 Pt Lot 3 & Lot 2 DP 584423	Antikvorem Pty Ltd	Tourism and Accommodation Concept Development Application (Master Plan)	15/05/2018	0	182	182	Approved by Council 14/11/2018
109	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	0	65	65	29/11/2018
110	19/0605	52 Bendooley Street Bowral NSW 2576 Lot 1 DP 119351 Lot 2 DP 119351 Lot 3 DP 119351	A Zink, M Zink	Residential Alterations and Additions (Extensions)	16/10/2018	0	42	42	28/11/2018
111	19/0606	22 Caroline Avenue Bowral NSW 2576 Lot 116 DP 1231974	E Ergaver	Dwelling House, Residential Alterations & Additions (Swimming Pool, Shed)	17/10/2018	14	29	43	30/11/2018
112	19/0654	66 Sir James Fairfax Circuit Bowral NSW 2576 Lot 317 DP 1234848	K Faul, J Faul	Dwelling House	25/10/2018	0	35	35	29/11/2018

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113	18/0698	4 Tyree Place Braemar NSW 2575 Lot 2 DP 1149654	Bunnings Properties Pty Ltd	Demolish Existing Commercial Building. Alterations and Additions to Warehouse.	15/06/2018	141	24	165	28/11/2018
114	19/0514	7 Elmswood Court Bundanoon NSW 2578 Lot 11 DP 1029284	T Day, M Day, D Day	Subdivision (2 Lots)	02/10/2018	0	61	61	03/12/2018
115	19/0596	9 Yean Street Burradoo NSW 2576 Lot 14 DP 550978	PD Morris, JA Morris	Residential Alterations and Additions (Extension & Garage)	15/10/2018	0	43	43	28/11/2018
116	19/0870	33 Sunninghill Avenue Burradoo NSW 2576 Lot 23 DP 1010864	KA Hart, G Hart	Residential Alterations and Additions (Extension, Carport and Shed)	29/11/2018	0	0	1	30/11/2018
117	19/0615	3 Geebung Close Colo Vale NSW 2575 Lot 202 DP 1245987	TA Bentley, JB Bentley	Dwelling House	18/10/2018	0	42	42	29/11/2018
118	19/0784	9 Geebung Close Colo Vale NSW 2575 Lot 205 DP 1245987	JW Tiebosch	Dwelling House	15/11/2018	4	8	12	28/11/2018
119	18/0519	35 Faraday Street Mittagong NSW 2575 Lot 29 DP 871148	I Ballard	Subdivision (Boundary Adjustment)	04/05/2018	0	212	212	03/12/2018
120	19/0452	4 Victoria Street Mittagong NSW 2575 Lot 1 DP 354018	G Di Corpo, A Di Corpo	Demolition of Existing Dwelling, Dwelling House	20/09/2018	25	43	68	28/11/2018
121	19/0852	6 Devon Street Mittagong NSW 2575 Lot 411 DP 1236827	AG Neill, GV Neill	Residential Alterations and Additions - Extension	26/11/2018	0	2	2	29/11/2018
122	18/0744	Civic Centre 68 Elizabeth Street Moss Vale NSW 2577 Part Lot 3 DP 1108992	Wingecarribee Shire Council	Public Administration Building (Alterations and Additions)	22/06/2018	0	144	144	Approved by Council 14/11/2018
123	19/0701	96 Darraby Drive Moss Vale NSW 2577 Lot 4012 DP 1242576	J McKenna, K McKenna	Dwelling House	02/11/2018	8	19	27	30/11/2018
124	19/0323	58 George Cutter Avenue Renwick NSW 2575 Lot 43 DP 1221206	M Murtagh, MC Murtagh	Dwelling House	28/08/2018	49	44	93	30/11/2018
125	19/0735	44 Green Street Renwick NSW 2575 Lot 1303 DP 1234992	D Francis, J Francis	Dwelling House	08/11/2018	0	21	21	29/11/2018
126	19/0736	20 Challoner Rise Renwick NSW 2575 Lot 8 DP 1221206	JR Aquilina, E Aquilina	Dwelling House	08/11/2018	2	19	21	30/11/2018
127	19/0748	11 Oldfield Road Renwick NSW 2575 Lot 130 DP 1221206	D Turner, E Turner	Dwelling House	09/11/2018	4	15	20	29/11/2018

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128	19/0818	4491 Illawarra Highway Robertson NSW 2577 Lot 8 DP 877138	PF McDonnell	Residential Alterations and Additions (Extensions)	21/11/2018	0	7	7	28/11/2018
129	19/0433	14 Ritchie Road Willow Vale NSW 2575 Lot 4 DP 1240585	D Wilson, CM Wilson	Dwelling House	14/09/2018	15	59	74	28/11/2018
130	19/0477	14 Ritchie Road Willow Vale NSW 2575 Lot 4 DP 1240585	D Wilson, CM Wilson	Residential Alterations and Additions (Shed)	24/09/2018	0	65	65	29/11/2018
131	17/1702	Fermoy 62-70 Camden Street Wingello NSW 2579 Lot 199 DP 751298	RG Cadman, JA Murphy	Residential Subdivision (10 Lots)	01/12/2017	329	32	361	28/11/2018
132	17/0462.01	16-18 The Falls Road Yerrinbool NSW 2575 Lot 13 DP 20659	D Johanson	Section 4.55 Modification (Alter Conditions 10 - Stormwater & Condition 44 - Section 88B Instrument restrictions)	15/01/2018	290	31	321	03/12/2018
133	09/0055.07	The Old Rectory Quarry Street Berrima NSW 2577 Lot 8 DP 80581 Lot 9 DP 80581 Lot 10 DP 80581 Lot 11 DP 80581 And 1 More	E Triguboff	Section 4.55 Modification (Alter cladding. New Laundry. Delete storage building)	18/09/2018	0	78	78	05/12/2018
134	18/0443	23 Loftus Street Bowral NSW 2576 Lot 3 Sec 3 DP 976973	Dirty Janes Property Pty Ltd	Commercial Premises (Warehouse)	19/04/2018	93	137	230	05/12/2018
135	18/0555.03	25-29 Station Street Bowral NSW 2576 Lot 1 DP 855131 Railway Land	2529 Custodians Pty Ltd	Section 4.55 Modification (Relocate lunch room and sterilizing room)	12/10/2018	0	54	54	05/12/2018
136	19/0516	16 Kimberley Drive Bowral NSW 2576 Lot 23 DP 749890	I Finlayson, J Nyberg	Dual Occupancy (Attached). Swimming Pool, Cabana	02/10/2018	17	44	61	04/12/2018
137	19/0883	Parry Drive Bowral NSW 2576 Lot 17 DP 586172	DP Malyn, A Malyn	Residential Alterations and Additions (Carport)	03/12/2018	0	2	2	05/12/2018
138	18/0332	30 Toongoon Road Burradoo NSW 2576 Lot 62 DP 734673	D Ellis	Subdivision (2 Lots)	23/03/2018	229	27	257	05/12/2018
139	19/0135	7 St Denis Close Burradoo NSW 2576 Lot 142 DP 1241759	M Bell, G Bell	New Dwelling and Detached Secondary Dwelling	25/07/2018	49	82	131	04/12/2018
140	17/1794	71-73 Colo Road Colo Vale NSW 2575 Lot 1 DP 709251	F Colavito, C Colavito	Child Care Centre	19/12/2017	335	14	350	Approved by Council 28/11/2018
141	19/0491	14 Watson Road Moss Vale NSW 2577 Lot 3 DP 1232365	S Gordon	Secondary Dwelling	26/09/2018	7	61	69	04/12/2018

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142	19/0507.05	13 Torulosa Drive Moss Vale NSW 2577 Lot 122 DP 1232222	Sm Francis, C Francis	Section 4.55 Modification (Amend Condition Pertaining to Landscaping)	04/12/2018	0	0	1	05/12/2018
143	19/0602	7 Torulosa Drive Moss Vale NSW 2577 Lot 119 DP 1232222	R Shields, M Gordon	Dwelling House	16/10/2018	12	36	48	04/12/2018
144	17/0757.03	53 Brisbane Street New Berrima NSW 2577 Lot 399 DP 15995	C Eccleston	Section 4.55 Modification (Extend Living Area)	27/11/2018	0	7	7	05/12/2018
145	19/0777	34 Windeyer Street Renwick NSW 2575 Lot 1306 DP 1234992	F Cassar, A Cassar	Dwelling House	15/11/2018	0	19	19	05/12/2018
146	19/0778	26 Windeyer Street Renwick NSW 2575 Lot 1358 DP 1234992	A Cassar	Dwelling House	15/11/2018	0	19	19	05/12/2018
147	19/0780	60 George Cutter Avenue Renwick NSW 2575 Lot 44 DP 1221206	S Wooldridge	Dwelling House	15/11/2018	0	19	19	05/12/2018
148	19/0781	19 Allen Avenue Renwick NSW 2575 Lot 98 DP 1221206	P Beazley, M Beazley	Dwelling House	15/11/2018	1	18	19	05/12/2018
149	19/0790	12 George Cutter Avenue Renwick NSW 2575 Lot 140 DP 1221206	C Gal, M Sturevski	Dwelling House & Garage (Detached)	16/11/2018	0	19	19	05/12/2018
150	19/0845	25 Challoner Rise Renwick NSW 2575 Lot 1231 DP 1221207	J Herrmann, D Herrmann	Dwelling House	26/11/2018	7	2	9	05/12/2018
151	19/0858	17 Plumb Street Renwick NSW 2575 Lot 1388 DP 1234992	A Flegg, D Flegg	Dwelling House	28/11/2018	0	6	6	04/12/2018
152	18/0710	368 Exeter Road Sutton Forest NSW 2577 Lot 1 DP 1213201	Totomo Pty Ltd atf Morgan Family Trust	3 Dams & Bore	18/06/2018	0	170	170	05/12/2018
153	17/1228.05	2680 Old Hume Highway Woodlands NSW 2575 Lot 10 DP 776861	V Scanlan, D Scanlan	Section 4.55 Modification (Delete replacement dwelling)	31/10/2018	0	34	34	04/12/2018

REFUSED APPLICATIONS

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17/1679	2 Walker Street Bowral NSW 2576 Lot 2 DP 625407	KND Nominees Pty Ltd	Boarding House	28/11/2017	190	154	344	09/11/2018

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Reasons for Refusal

1. The proposal is deemed to not be located within an accessible location as defined within the State Environmental Planning Policy (Affordable Rental Housing) 2009. As such, concessions offered to accessible locations cannot be relied upon. The proposal seeks to only provide 4 car parking spaces based on accessible location car parking rates. The proposal should be providing car parking based on non-accessible locations as is therefore 4 spaces deficient in this regard as required by Clause 29(e).

(Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)

2. Insufficient information has been provided to demonstrate that minimum gross floor area for individual rooms has been achieved throughout the entire scheme. Assessment indicates that a number of rooms will not achieve the minimum space requirement of 12m² as required by Clause 29(f)(i) and 30(1)(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

(Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)

3. Insufficient bicycle parking spaces have been provided in accordance with Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009. Five spaces are required to be provided, with only four shown within submitted documentation.

(Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)

4. The proposed boarding house is not in character with the existing or desired future character of the surrounding area in accordance with Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009. B15 of the Bowral Town Plan DCP details the desired future character of the Southern Entrance Precinct. Recent commercial development to north of the site is single storey in form, with zero to shallow setbacks from street. Car parking is set off to the side, with hipped or gabled roofs and parapets dominant. The proposed 3 storey building form is not consistent with the recent commercial development, nor the existing low density residential character located to the south of the site.

(Section 4.15(1)(a)(i) and Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979)

5. The design does not respond to the site conditions, with extensive earthworks proposed, comprising excavations up to a depth of 3 meters to achieve height controls. Insufficient information has been provided to enable Council to adequately satisfy the matters for consideration required under Clause 7.3 of the Wingecarribee Local Environmental Plan 2010 or controls detailed at A6.4 of the Bowral Town Plan DCP.

(Section 4.15(1)(a)(i) and Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979)

6. Insufficient information in the form of a geotechnical report has been provided to inform substrate conditions and hence the design of footings and structure.

(Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979)

7. The impacts of the development on the surrounding land uses are not supported. The design of the site, with the building setback 20m from street with car parking in front, will not create a positive interface between the site and the public domain resulting in an adverse precedent for the remainder of Walker Street.

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

8. The site is not suitable for the proposed development. The development will result in traffic impacts, does not achieve the desired local character and includes excessive excavation.

(Section 4.15(1)(c) Environmental Planning and Assessment Act 1979)

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9. Numerous public submissions were received in regards to the proposed development that align with the numerous deficiencies identified throughout Council's assessment. The application has not adequately addressed these concerns.

(Section 4.15(1)(d) Environmental Planning and Assessment Act 1979)

10. Approval of the proposal would not be in the public interest as:
- The proposal will create adverse impacts due to a lack of car parking both within the site and in the surrounding area
 - The proposal significantly impacts on the existing and desired future character of the area
 - There is potential for excessive excavations to negatively impact on adjoining properties and the public domain.

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

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
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	0	65	65	29/11/2018

Reasons for Refusal

1. Proposed signage is not located on the land upon which the advertised activity or development is carried out, therefore contrary to Section A10.3 of Bowral Town DCP.

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

2. Propose signage adds unnecessary visual clutter and does not make a positive contribution to the Bowral Town Centre, which is contrary to Section A2.2.6 of Bowral Town DCP.

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

3. The proposed signs have compromised the contribution, both individually and collectively, that building and other streetscape features make towards the established urban character and environment quality of the locality. It has created an unacceptable level of density and proliferation of signage.

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

4. The proposed signage is not in the public interest.

(Section 4.15(1)(d) Environmental Planning and Assessment Act 1979)

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17/1640	59 Old Mandemar Road Berrima NSW 2577 Lot 422 DP 751252 Lot 423 DP 751252 Lot 1 DP 653010	G Chen, Y Mao	Subdivision (3 Lots)	20/11/2017	357	23	380	05/12/2018

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Reasons for Refusal

1. The present subdivision layout is of particular heritage significance to Berrima because the village follows the historic 1831 Hoddle Town Plan. The Hoddle plan would be compromised by amalgamation of the former Crown Road Lot 1 DP 653010 into new lots. All trace of the early town plan would be obliterated in the proposed configuration. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
2. The proposed subdivision adjoins the Berrima Landscape Conservation Area and would result in unacceptable impact on the conservation area. Road access would require the removal 13,620m² corridor of bushland, impacting on views to and from the conservation area. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
3. The proposal relies on access to a track which currently transverses Crown Lands up to Old Mandemar Road which is not supported. The proposed extension of the unformed Fountain Street to Oxley Street require extensive removal of remnant native vegetation which has not been assessed for impacts. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
4. Connecting the unformed Fountain Street to Oxley Street would require the removal of remnant vegetation along a 450m X 30m (13,620m²) corridor which has not been assessed for impacts. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
5. The impacts in the removal of remnant vegetation within the current proposal have been unstated by the Ecologist who describes this area as a "small strip". (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
6. Submitted plans lack any detail in terms of required tree removals to allow for road construction on both public and private lands. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
7. Internal road layout would require the removal of a large number of trees, including *Eucalyptus macarthurii* and old growth trees containing many hollows. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
8. The ecologist has incorrectly identified *Eucalyptus macarthurii* as only being a Vulnerable Species when in fact it is listed as an Endangered Species under both State and Federal Legislation. As such the findings and conclusions regarding impacts on these trees incomplete. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
9. The Ecologist has identified Threatened *microchiropteran* bats, however has not considered the loss of Hollow Bearing Trees as increasing a Key Threatening Process. As such the findings and conclusions regarding impacts on these Threatened Species is incomplete. (S4.15(1) (a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).
10. The proposal is inconsistent with the general principles of **Rural Living DCP A3.1, particularly (a)**, must be applied and in doing so Council must apply the precautionary principle to ensure the objectives of A3.2.1 are satisfied.
11. The proposal is inconsistent with the general principles of **Rural Living DCP A3.1, particularly (c)**, the proposal is not consistent with the principles of Ecologically Sustainable Development (ESD) in that there is a net loss from the development. No attempt has been made or is proposed to conserve or minimize the impacts on biodiversity and ecological integrity nor have offsets been proposed.
12. The proposal is inconsistent with the general principles of **Rural Living DCP A4.2** – the proposal is inconsistent with the objectives of this clause in that impacts on Biodiversity and threatened species are increased and there is a net, being a total, loss of remnant vegetation which includes threatened ecological communities.
13. The proposal is inconsistent with the general principles of **Rural Living DCP A4.7** – Objectives of the clause and control 4.7.2(a) are not satisfied in that external and internal roadways are sited such that removal of remnant native vegetation and Endangered trees species has not been minimized.

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14. The proposal is inconsistent with the general principles of **Rural Living DCP A4.10** – native vegetation within unformed road is of high quality and the construction of the road will require removal for not only the physical location of the road, but additional clearing to achieve acceptable grades and service trench lines. Retained trees will have root zone impacts which will ultimately impact in tree health and stability and require removal.

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
18/0083	33-37 Bowral Street Bowral NSW 2576 Part Lot 100 DP 1144699	Reverse Signage Pty Ltd	Business Identification Sign	29/01/2018	0	308	308	04/12/2018

1. Proposed signage is not located on the land upon which the advertised activity or development is carried out, therefore contrary to Section A10.3 of Bowral Town DCP. (*Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979*)
2. Propose signage adds unnecessary visual clutter and does not make a positive contribution to the Bowral Town Centre, which is contrary to Section A2.2.6 of Bowral Town DCP (*Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning & Assessment Act 1979*)
3. The proposed signs have compromised the contribution, both individually and collectively, that building and other streetscape features make towards the established urban character and environment quality of the locality. It has created an unacceptable level of density and proliferation of signage. (*Section 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
18/0222	81a Main Street Mittagong NSW 2575 Lot A DP 28806	M Anstee, K Alvis	Retail and Storage Premises	05/03/2018	258	16	274	04/12/2018

1. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979 (the Act):
 - (a) Noting the land is in a heritage conservation area, the proposed development's design is considered unsympathetic to, and incompatible with, the heritage significance of the locality and nearby heritage items, and therefore contrary to the particular aims specified at clause 1.2 (2) (a), (d) (iii), and (j) of Wingecarribee Local Environmental Plan 2010 (the LEP):
 1. (a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee,
 2. (b) to provide opportunities for development and land use activities that:
 - i. retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,
 3. (a) to conserve the Aboriginal and European cultural and environmental heritage of Wingecarribee.
 - (b) Information accompanying the application indicates the proposed development is for the purpose of storage ancillary to an existing *business premises* on the land. On that basis, the development cannot be considered to be for the purpose of *storage premises* as defined by the LEP, nor for the purpose of or *self-storage units* (a type of *storage premises*), which are prohibited uses in Zone B2 Local Centre. Further, the proposed development is not considered subordinate or subservient to

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any lawful use of the land for the purpose of *business premises*, and is therefore not considered ancillary to that use. The proposed development is consequently considered to be for the purpose of a *depot* as defined by the LEP. On that basis, the LEP Land Use Table specifies the development is for a purpose prohibited in Zone B2 Local Centre, within which the land is located.

- (c) The development is considered inconsistent with the heritage conservation objectives specified at clause 5.10 (1) (a) and (b) of the LEP:

4. (a) *to conserve the environmental heritage of Wingecarribee,*
5. (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

- (d) The development is considered likely to have a significant negative impact on the heritage significance of the locality and nearby heritage items, and is therefore considered unsatisfactory with respect to clause 5.10 (4) of the LEP.

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

2. Having regard to section 4.15 (1) (a) (iii) of the Act:

- (a) The development is considered inconsistent with the heritage conservation objectives specified at section A2.2.3 of the Mittagong Town Plan Development Control Plan (MDCP):

6. (a) *Preserve and protect buildings of heritage and cultural value.*
7. (b) *Ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings.*
8. (c) *Ensure that redevelopment within or immediately adjacent to Conservation Areas reflects the high heritage value of the Area and contributes to that value.*

- (b) The development is considered inconsistent with the visual amenity objectives specified at section A2.2.6 of MDCP:

9. (a) *Demonstrate an appreciation of the existing streetscape.*
10. (b) *Enhance the character of individual streets within the town through appropriate built form design.*
11. (c) *Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.*

- (c) The development is considered inconsistent with the private landscaped open space objectives specified at section A6.2.1 of MDCP:

- 12 In assessing a Land Use Application Council shall consider the extent to which the following Landscape objectives are met:
- 13 (a) *Provides a pleasant, vegetated environment for users of the site (workers or residents).*
- 14 (b) *Contributes to the urban streetscape.*
- 15 (c) *Provides a visual buffer between development and the surrounding neighbourhood.*
- 16 (d) *Contributes to existing tree canopies and wildlife habitats.*
- 17 (e) *Provides adequate ground cover to prevent erosion and assist stormwater infiltration.*
- 18 (f) *Contributes where possible to the enhancement of key vegetation and topographical features.*

- 19 The development is considered unsatisfactory with respect to the provisions of section 7.10 of MDCP regarding new development within the vicinity of heritage items.

- 20 The development is considered to make inadequate provision for vehicle entry/exit, manoeuvring, parking and loading/unloading facilities, and is therefore considered unsatisfactory with respect to the on-site car parking objectives specified at section B4.2 (a), (c), (d) and (e) of MDCP:

- 21 (a) To ensure that adequate off-street parking is provided in conjunction with development in order to discourage the use of streets for the parking of vehicles associated with additional traffic generated by new developments.

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- 22 (c) To ensure that car parking areas are safe and functional.
- 23 (d) To ensure that car parking areas are visually attractive.
- 24 (e) To ensure that vehicular access points to the site are located to minimise danger or disruption to vehicles and pedestrians on the public street system.
- 25 The development makes no provision for off street loading/unloading of vehicles, and its garbage storage component would be obstructed by any vehicle parked in the proposed adjoining off-street car parking spaces. The development is therefore considered unsatisfactory with respect to the provisions of section B5 of MDCP regarding loading facilities and waste & resource recovery storage and collection.
- 26 The development is not considered consistent with the preferred development outcomes specified at section B8.2 of MDCP regarding the Mittagong Commercial Core Heritage Precinct.

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

- 3. Having regard to section 4.15 (1) (b) of the Act, the development is considered likely to have significant negative impacts with respect to the locality's context and setting, access, transport and traffic, heritage, and site/internal design.

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

- 4. Having regard to section 4.15 (1) (c) of the Act, the land is not considered suitable for the proposed development.

28 *(Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979).*

- 5. Having regard to section 4.15 (1) (e) of the Act, granting of consent for the development is not considered in the public interest.

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

ATTACHMENTS

There are no attachments to this report.

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13.2 Development Applications Received from 6 November 2018 to 5 December 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 6 November 2018 to 5 December 2018

RECOMMENDATION

THAT the information relating to Development Applications Received from 6 November 2018 to 5 December 2018 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 6 November 2018 to 5 December 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	19/0773	22 Elsworth Avenue Balaclava NSW 2575 Lot 23 Sec 3 DP 841	R Millburn	Residential Alterations and Additions (Garage)	14/11/2018		#APPROVED	22/11/2018	
2	19/0803	1 Scarlet Street Balaclava NSW 2575 Lot 402 DP 1234924	SM Strangman	Residential Alterations and Additions (Shed)	19/11/2018		#PENDING		
3	19/0774	3 Truro Place Balmoral NSW 2571 Lot 202 DP 1240094	JA Hurley	Dwelling House	14/11/2018		#PENDING		
4	16/0232.04	38 Oldbury Street Berrima NSW 2577 Lot 2 DP 1213372	P Piccione	Section 4.55 Modification (Alter Carport)	06/11/2018		#PENDING		
5	17/1124.04	40 Oldbury Street Berrima NSW 2577 Lot 5 DP 1213372	AH Young-Whitford	Section 4.55 Modification (Alter cut and fill. Detach	06/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
				carport from dwelling)					
6	19/0775	23 Jellore Street Berrima NSW 2577 Lot 5 Sec 5 DP 758098 Lot 6 Sec 5 DP 758098	FA Sofield	Dual Occupancy (Detached)	14/11/2018	✓	#PENDING		
7	17/1338.04	1/68-74 Bowral Street Bowral NSW 2576 Lot 16 S/P 88052	Fassifern Pty Limited	Section 4.55 Modification (Internal Alterations)	16/11/2018		#PENDING		
8	17/1361.07	1 Kirkham Road Bowral NSW 2576 Lot 3 DP 747518	MD Hughes	Section 4.55 Modification (Extend laundry & cellar. Change windows from timber to aluminium)	06/11/2018		#APPROVED	24/11/2018	
9	19/0730	18 Bundaroo Street Bowral NSW 2576 Lot A DP 164978	D Clark	Commercial Alterations and Additions (New entry, waiting area, meeting room & toilet)	08/11/2018		#PENDING		
10	19/0753	73a Bendooley Street Bowral NSW 2576 Lot 13 DP 541820	GCL Robinson, G Larter	Residential Alterations and Additions (Extension & Internal Alteration)	09/11/2018		#PENDING		
11	19/0787	210-224 Bong Bong Street Bowral NSW 2576 Lot 100 DP 1194183	Roloz Pty Ltd	Change of Use (Food and Drink Premises)	16/11/2018		#PENDING		
12	19/0806	Oxleys Hill Road Bowral NSW 2576 Part Lot 10 DP 701530	Wingecarribee Shire Council	Telecommunications Facility (Install emergency backup power generator)	20/11/2018		#PENDING		
13	19/0814	4 Ellis Court Bowral NSW 2576 Lot 8 DP 1042661	RA Bradley	Residential Alterations and Additions (Extensions)	20/11/2018		#PENDING		
14	19/0836	23 Gladstone Road Bowral NSW 2576 Lot 1 DP 84446	C Mcculloch	Residential Alterations and Additions (Extensions)	23/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
15	10/0437.04	90 Bendooley Street Bowral NSW 2576 Lot 1 DP 831681	JW Hutchinson, J Bowers	Section 4.55 Modification (Alter roof of carport and terraces)	09/11/2018		#PENDING		
16	19/0770	28 Railway Parade Braemar NSW 2575 Lot 22 DP 1233367	RC Russell, D Russell	Dwelling House	14/11/2018		#PENDING		
17	18/0570.05	59 Greasons Road Bundanoon NSW 2578 Lot 2 DP 1241467	W Donnelly, M Donnelly	Section 4.55 Modification (Remove 4 trees & replace with 8)	06/11/2018		#APPROVED	17/11/2018	
18	19/0741	43a Eridge Park Road Burradoo NSW 2576 Lot 31 DP 1128611	P Hickey, L Hickey	Residential Alterations and Additions (Extensions)	08/11/2018		#PENDING		
19	19/0791	Cooliatta 10 Railway Road Burradoo NSW 2576 Lot 2 DP 1012113	A Tomkins	Road (Remove existing, unmanaged railway crossing. Upgrade secondary crossing)	16/11/2018		#PENDING		
20	19/0831	12 Hurlingham Avenue Burradoo NSW 2576 Lot 39 DP 81761	P Vanderschaar, VEB Heaton	Residential Alterations and Additions (Extension & Internal Alterations)	22/11/2018		#PENDING		
21	19/0717	Murringully 980 Tugalong Road Canyonleigh NSW 2577 Lot 2 DP 261422	R Wilson, R Gordon	Dwelling House	06/11/2018		#PENDING		
22	19/0723	9 Acacia Street Colo Vale NSW 2575 Lot 1 DP 1230986	I Bethel	Dwelling House	07/11/2018		#PENDING		
23	19/0739	7 Stringybark Close Colo Vale NSW 2575 Lot 220 DP 1245987	IB Walker, MA Walker	Dwelling House	08/11/2018		#APPROVED	15/11/2018	
24	19/0740	19 Colo Road Colo Vale NSW 2575 Lot 24 Sec 5 DP 2389	S Majewski, J Bow	Residential Alterations and Additions (Shed)	08/11/2018		#APPROVED	22/11/2018	
25	19/0783	12 Geebung Close Colo Vale NSW 2575 Lot 209 DP 1245987	ME Faulkner, E Faulkner	Dwelling House	15/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
26	19/0784	9 Geebung Close Colo Vale NSW 2575 Lot 205 DP 1245987	JW Tiebosch	Dwelling House	15/11/2018		#PENDING		
27	19/0837	2 Orchid Street Colo Vale NSW 2575 Lot 2 DP 1241233	MT Graham, KM Graham, JG Graham, GI Graham	Seniors Housing (4 dwellings)	23/11/2018		#PENDING		✓
28	19/0763	31 Middle Road Exeter NSW 2579 Lot 5 Sec 6 DP 3373	M Blair	Residential Alterations and Additions (Extensions)	13/11/2018		#PENDING		
29	19/0771	64-66 Ringwood Road Exeter NSW 2579 Lot 19 DP 13527 Lot 20 DP 13527	RJ Pulham, SE Barden	Residential Alterations and Additions (Garage)	14/11/2018		#PENDING		
30	19/0809	Ten Bob 65 School Lane Exeter NSW 2579 Lot 7 DP 653768	JM Scott	Secondary Dwelling	20/11/2018		#PENDING		
31	14/0668.08	Cablesgrey 662 Wombeyan Caves Road High Range NSW 2575 Lot 14 DP 713511	J Richards, LM Richards	Section 4.55 Modification (Revise Stormwater Management Plan)	21/11/2018		#PENDING		
32	17/0152.03	166 Wilson Drive Hill Top NSW 2575 Lot 23 Sec 1 DP 6221	Roundel Pty Limited	Section 4.55 Modification (Amend staging of dual occupancy construction and subdivision)	12/11/2018		#PENDING		
33	19/0747	161 Kia-Ora Lane Kangaloon NSW 2576 Lot 1021 DP 1070448	Angus Property And Development Pty Ltd	Dwelling House & Secondary Dwelling	09/11/2018		#PENDING		
34	19/0746	440 Medway Road Medway NSW 2577 Lot 10 DP 879079	P Rose, M Rose	Residential Alterations and Additions (Shed)	09/11/2018		#PENDING		
35	17/1149.03	153 Oxley Drive Mittagong NSW 2575 Lot 2 DP 1151426	MP Quirk, MP Quirk	Section 4.55 Modification (Extension & Internal Alterations)	23/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
36	19/0729.01	11-13 Cook Street Mittagong NSW 2575 Lot 4 Sec 6 DP 111201 Lot 1 DP 728069	A Vance	Residential Alterations and Additions (Shed)	07/11/2018		#PENDING		
37	19/0758	21 Leopold Street Mittagong NSW 2575 Lot 2 DP 806402	KA Graham, M Obuchowski	Residential Alterations and Additions (Extensions)	12/11/2018		#PENDING		
38	19/0764	25-29 Bowral Road Mittagong NSW 2575 Lot 50 DP 841886	McDonalds Properties Australia Ltd	Restaurant / Cafe Alterations and Additions (Extension and Internal Alteration)	13/11/2018		#PENDING		✓
39	19/0816	27 Lyell Street Mittagong NSW 2575 Lot C DP 390215	ST Lee, MT Lee	Industrial (Mechanical Repair Building)	21/11/2018		#PENDING		
40	19/0821	21 Hood Street Mittagong NSW 2575 Lot 15 Sec 9 DP 111201	R Paterson	Secondary Dwelling	21/11/2018		#PENDING		
41	19/0825	16 Southey Street Mittagong NSW 2575 Lot 2 DP 1213476	MS Froud	Dwelling House	22/11/2018		#PENDING		
42	16/1229.08	386 Argyle Street Moss Vale NSW 2577 Lot 1 DP 119716	Efstathiou Investments Pty Ltd	Section 4.55 Modification Change of Use (Small Bar)	21/11/2018		#PENDING		
43	19/0743	65 Beaconsfield Road Moss Vale NSW 2577 Lot 2 DP 1246549	C Sidorenko, R Sidorenko	Dwelling House. Farm Shed. Swimming Pool. Garage.	08/11/2018		#PENDING		
44	19/0776	10/312-316 Argyle Street Moss Vale NSW 2577 Lot 10 S/P 32499	KR Sparke	Change of Use & Shop Fit Out (Laundromat)	15/11/2018		#PENDING		
45	19/0812	404 Nowra Road Moss Vale NSW 2577 Lot 1 DP 1125424	Kaj Hill, E Hill	Residential Alterations and Additions (Shed)	20/11/2018		#PENDING		
46	19/0829	15 Suttor Road Moss Vale NSW 2577 Lot 1 DP 842690	PW Gardiner, JM Gardiner	Residential Alterations and Additions (Extension)	22/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
47	19/0843	Broughton Street Moss Vale NSW 2577 Lot B DP 164379	DA Dickson, SD Glase	Secondary Dwelling	23/11/2018		#PENDING		
48	19/0745	2 McGuinness Drive Mount Murray NSW 2577 Lot 2 DP 627558 & Enclosure Permit 159997	JM Delhaas, CA Delhaas	Residential Alterations and Additions (Extension, Patio)	09/11/2018		#PENDING		
49	05/1125.02	Kallaroo 1775 Tourist Road Mount Murray NSW 2577 Lot 1 DP 713226	D Makin, SI Makin	Section 4.55 Modification (Extension & Internal Alteration))	14/11/2018		#PENDING		
50	19/0411.04	32 Maxted Street Renwick NSW 2575 Lot 1219 DP 1221207	T Wang	Section 4.55 Modification (Change to Roof pitch)	12/11/2018		#APPROVED	13/11/2018	
51	19/0735	44 Green Street Renwick NSW 2575 Lot 1303 DP 1234992	D Francis, J Francis	Dwelling House	08/11/2018		#PENDING		
52	19/0736	20 Challoner Rise Renwick NSW 2575 Lot 8 DP 1221206	J Aquilina, E Aquilina	Dwelling House	08/11/2018		#PENDING		
53	19/0748	11 Oldfield Road Renwick NSW 2575 Lot 130 DP 1221206	D Turner, E Turner	Dwelling House	09/11/2018		#PENDING		
54	19/0777	34 Windeyer Street Renwick NSW 2575 Lot 1306 DP 1234992	F Cassar, A Cassar	Dwelling House	15/11/2018		#PENDING		
55	19/0778	26 Windeyer Street Renwick NSW 2575 Lot 1358 DP 1234992	A Cassar	Dwelling House	15/11/2018		#PENDING		
56	19/0780	60 George Cutter Avenue Renwick NSW 2575 Lot 44 DP 1221206	S Wooldridge	Dwelling House	15/11/2018		#PENDING		
57	19/0781	19 Allen Avenue Renwick NSW 2575 Lot 98 DP 1221206	P Beazley, M Beazley	Dwelling House	15/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
58	19/0790	12 George Cutter Avenue Renwick NSW 2575 Lot 140 DP 1221206	C Gal, M Sturevski	Dwelling House	16/11/2018		#PENDING		
59	19/0792	21 Challoner Rise Renwick NSW 2575 Lot 1215 DP 1221207	R Fawkes, J Fawkes	Dwelling House	16/11/2018		#PENDING		
60	19/0824	28 Challoner Rise Renwick NSW 2575 Lot 12 DP 1221206	D Wills, V Wills	Dwelling House	22/11/2018		#PENDING		
61	19/0838	12 Solomon Street Renwick NSW 2575 Lot 1325 DP 1234992	PS Group Of Companies Pty Ltd	Dual Occupancy (Detached)	23/11/2018		#PENDING		
62	19/0742	4980 Illawarra Highway Robertson NSW 2577 Lot 6 DP 739043	CM Vickers, C Vickers	Residential Alterations and Additions (Shed)	08/11/2018		#PENDING		
63	19/0761	Foxglove Farm 1 Lees Road Robertson NSW 2577 Lot 1 DP 380502	M Fuhrmann, M Fuhrmann	Residential Alterations and Additions (Garage, Stables & Equestrian Arena)	13/11/2018		#PENDING		
64	19/0818	4491 Illawarra Highway Robertson NSW 2577 Lot 8 DP 877138	P Mcdonell	Residential Alterations and Additions (Extensions)	21/11/2018		#PENDING		
65	19/0842	39 Hoddle Street Robertson NSW 2577 Lot 4 Sec 15 DP 758882	J Cauchi	Residential Alterations and Additions (Internal Alterations)	23/11/2018		#PENDING		
66	19/0828	231 Mt Broughton Road Werai NSW 2577 Lot 4 DP 630402	A Larkin	Dual Occupancy (Detached)	22/11/2018		#PENDING		
67	19/0738	14-16 Cascade Avenue Yerrinbool NSW 2575 Lot 165 DP 11780	R Martin, S Arts	Residential Alterations and Additions (Shed)	08/11/2018		#PENDING		
68	19/0848	28 Railway Parade Braemar NSW 2575 Lot 22 DP 1233367	RC Russell, D Russell	Residential Alterations and Additions (Shed)	26/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
69	19/0851	1 Ashley Place Hill Top NSW 2575 Lot 3 DP 778055	A Gow, J Gow	Residential Alterations and Additions (Shed)	26/11/2018		#PENDING		
70	19/0844	193-203 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1142703	Bieson Pty Ltd	Commercial Alterations and Additions	26/11/2018		#PENDING		
71	19/0852	6 Devon Street Mittagong NSW 2575 Lot 411 DP 1236827	A Neill, G Neill	Residential Alterations and Additions (Extension)	26/11/2018		#PENDING		
72	19/0853	3 Edward Lane Mittagong NSW 2575 Lot C DP 377284	L Nias	Residential Alterations and Additions (Internal alterations & extension)	27/11/2018		#PENDING		
73	19/0855	61 Bong Bong Road Mittagong NSW 2575 Lot 3 DP 811730	E Schilling	Residential Alterations and Additions (Extension)	27/11/2018		#PENDING		
74	17/0757.03	53 Brisbane Street New Berrima NSW 2577 Lot 399 DP 15995	C Eccleston	Section 4.55 Modification (Extension)	27/11/2018		#PENDING		
75	19/0845	25 Challoner Rise Renwick NSW 2575 Lot 1231 DP 1221207	J Herrmann, D Herrmann	Dwelling House	26/11/2018		#PENDING		
76	19/0846	24 Windeyer Street Renwick NSW 2575 Lot 1357 DP 1234992	R Southan, P Southan	Dwelling House	26/11/2018		#PENDING		
77	19/0847	Kenwood Blencowes Lane Wildes Meadow NSW 2577 Lot 1 DP 784292	I Irving	Dwelling House	26/11/2018		#PENDING		
78	19/0878	Monaro 562 Wilson Drive Balmoral NSW 2571 Lot 2 DP 701917	YA Hayes	Dwelling House	30/11/2018		#PENDING		
79	19/0882	25 Shepherd Street Bowral NSW 2576 Lot A DP 158355	Sn Weekes	Dwelling House	30/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
80	19/0883	Parry Drive Bowral NSW 2576 Lot 17 DP 586172	DP Malyn, A Malyn	Residential Alterations and Additions (Carport)	03/12/2018		#PENDING		
81	19/0870	33 Sunninghill Avenue Burradoo NSW 2576 Lot 23 DP 1010864	K Hart, G Hart	Residential Alterations and Additions (Extension, Carport and Shed)	29/11/2018		#APPROVED	30/11/2018	
82	19/0880	114 Burradoo Road Burradoo NSW 2576 Lot 10 DP 270382	T Phillips, J Phillips	Residential Alterations and Additions (Internal)	30/11/2018		#PENDING		
83	19/0884	6 Loyalty Lane (Priv) Burradoo NSW 2576 Lot 3 DP 829328	A Burniston, J Burniston	Secondary Dwelling	03/12/2018		#PENDING		
84	19/0861	"Wombat Hollow" 300 Kirkland Road East Kangaloon NSW 2576 Lot 2 DP 791235	MR Yabsley, SM Yabsley	Continued temporary use for functions.	28/11/2018	✓	#PENDING		✓
85	17/0529.04	50 George Emery Lane Glenquarry NSW 2576 Lot 9 DP 633513	H Treweeke	Section 4.55 Modification (Extend garage & minor internal alterations)	30/11/2018		#PENDING		
86	19/0866	17 Robinson Street Mittagong NSW 2575 Lot 132 DP 1247015	G Biasi, SE Biasi	Dwelling House	29/11/2018		#PENDING		
87	19/0879	11 Nero Street Mittagong NSW 2575 Lot 241 DP 1246385	MA Bissett, P Crook	Dwelling House	30/11/2018		#PENDING		
88	19/0867	5 Torulosa Drive Moss Vale NSW 2577 Lot 118 DP 1232222	WM Chesterfield	Dwelling House	29/11/2018		#PENDING		
89	19/0858	17 Plumb Street Renwick NSW 2575 Lot 1388 DP 1234992	AH Flegg, DH Flegg	Dwelling House	28/11/2018		#PENDING		
90	19/0860	27 George Cutter Avenue Renwick NSW 2575 Lot 1349 DP 1234992	BR Jack, J Jack	Dwelling House	28/11/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
91	19/0868	18 Roty Avenue Renwick NSW 2575 Lot 120 DP 1221206	Brooklyn Asset Holdings Pty Ltd	Dwelling House	29/11/2018		#PENDING		
92	19/0869	20 Roty Avenue Renwick NSW 2575 Lot 121 DP 1221206	Brooklyn Asset Holdings Pty Ltd	Dwelling House	29/11/2018		#PENDING		
93	19/0876	5 Roty Avenue Renwick NSW 2575 Lot 81 DP 1221206	KM Kearney	Dwelling House	30/11/2018		#PENDING		
94	19/0873	53 Shierlaw Road Robertson NSW 2577 Lot 192 DP 751302 Lot 1 DP 821765	MF Holmes	Section 4.55 Modification (Amend conditions pertaining to power supply)	30/11/2018		#PENDING		
95	19/0864	70-72 Old Hume Highway Welby NSW 2575 Lot 2 DP 579231	NM Ferguson	Dual Occupancy (Detached)	29/11/2018		#PENDING		
96	19/0890	10 Gordon Road Bowral NSW 2576 Lot A DP 398693	Linton Developments Pty Ltd	Demolish existing dwelling & shed. Multi Dwelling Housing (5 Dwellings) and Strata Subdivision	04/12/2018		#PENDING		✓
97	19/0894	11 Bloomfield Close Bowral NSW 2576 Lot 6 DP 1231895	L Watson, J Watson	Dwelling House	04/12/2018		#PENDING		
98	19/0888	30 Indigo Lane Exeter NSW 2579 Lot 8 DP 1180426	M Magill, K Magill	Residential Alterations and Additions (Swimming Pool)	04/12/2018		#PENDING		
99	19/0887	480 Medway Road Medway NSW 2577 Lot 12 Sec 10 DP 758665	M Stephenson, A Whalan	Residential Alterations and Additions (Extensions)	04/12/2018		#PENDING		
100	11/1150.03	Tall Timbers 74 Liebmans Road Medway NSW 2577 Lots 1-2 DP1159810 & Part Lot 7302 DP1133155	Harmony Greenland Pty Limited	Section 4.55 Modification (Internal alteration & external covered area)	04/12/2018		#PENDING		

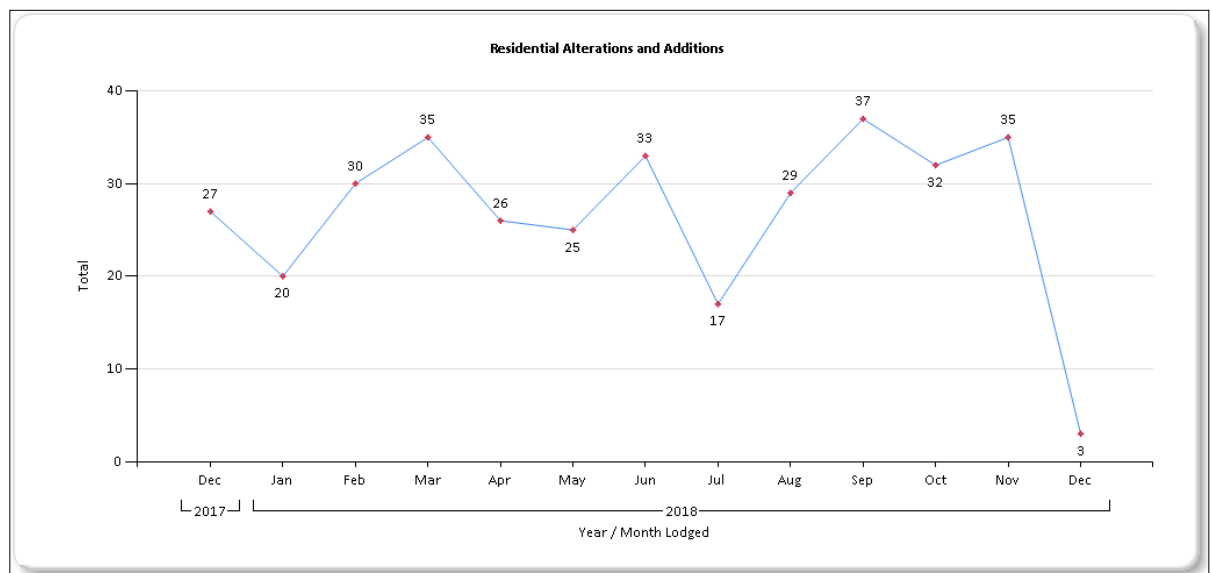
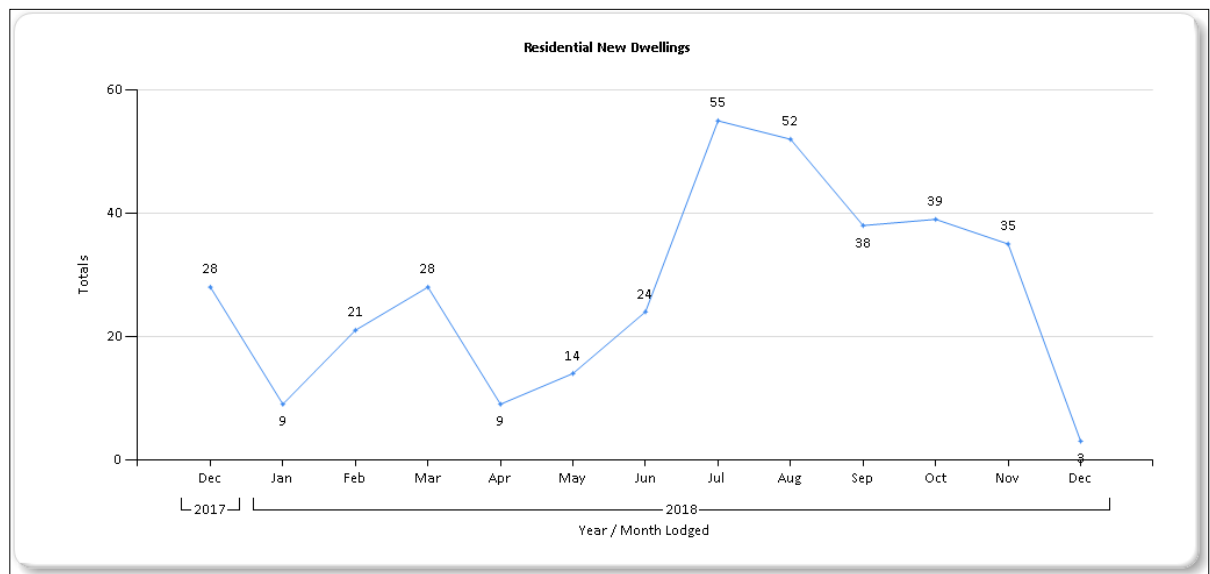
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
101	19/0507.05	13 Torulosa Drive Moss Vale NSW 2577 Lot 122 DP 1232222	S Francis, C Francis	Section 4.55 Modification (Amend Condition pertaining to Landscaping)	04/12/2018		#APPROVED	05/12/2018	
102	19/0899	25 Green Street Renwick NSW 2575 Lot 53 DP 1221206	C Larkin, L Larkin	Dwelling House	05/12/2018		#PENDING		



ATTACHMENTS

There are no attachments to this report.

13.3 Planning Proposal to rezone Mt Ashby, 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist

Reference:	5901/49, PN1050100
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

PURPOSE

The purpose of this report is to enable Council to consider finalisation of an exhibited Planning Proposal to amend WLEP 2010 to rezone land at 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist for the purposes of enabling ongoing use of the subject site for tourism activities.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 7 DP 632169 (Mt Ashby, 140 Nowra Road Moss Vale) from E3 Environmental Management to SP3 Tourist be ADOPTED and finalised in accordance with s.3.36 of the *Environmental Planning and Assessment Act 1979*.

REPORT

BACKGROUND

In June 2016 Council received a Planning Proposal to rezone land known as Mt Ashby at 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist. The site covers an area of over 40 hectares and is located as indicated in **Figure 1** below.

The site has been operating for several years as a cellar door premises with an associated food preparation room by means of an existing consent (DA03/1879) under WLEP 1989. These uses are prohibited in the E3 Environmental Management zone under WLEP 2010, but remain permissible on the site under existing use rights. If the proposed rezoning proceeds, these uses will become consistent with the land use table in the SP3 Tourist zone.

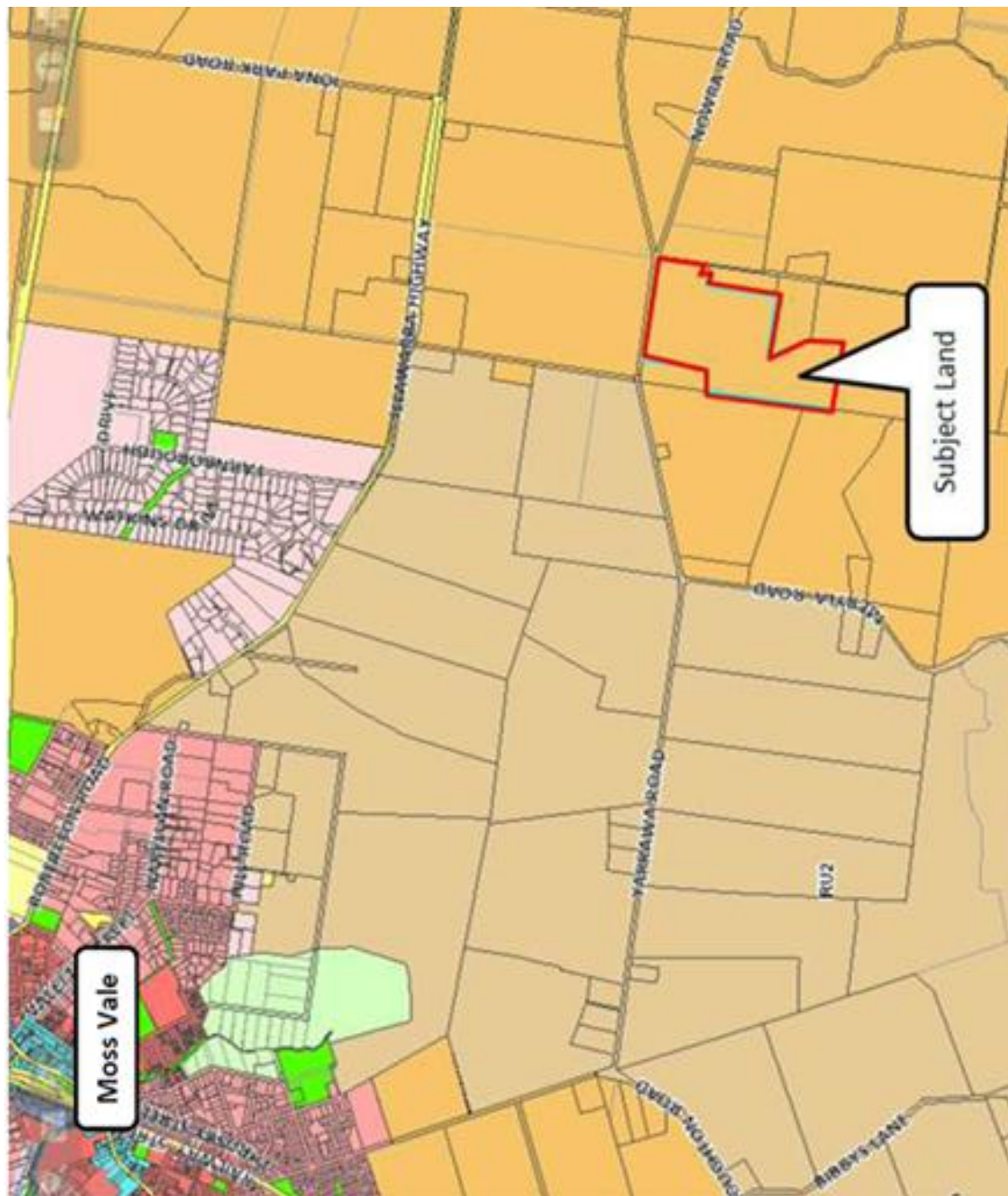


Figure 1 Location of Subject Land (enlarged at Attachment 1)

On 15 April 2016 Council issued a three (3) year development consent (DA15/1138) for functions, a new farm building and alterations and additions to an existing cellar door. This consent is valid until 15 April 2019.

The Planning Proposal seeks to rezone the property to SP3 Tourist to align previous approvals under WLEP1989 with the SP3 Tourist land use table and to enable the ongoing use of the site for functions currently permitted on a temporary basis under Development Approval 15/1138.

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The objectives of the SP3 Tourist zone are:

- (a) *to provide for a variety of tourist-oriented development and related uses, and*
- (b) *to ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity.*

The Planning Proposal was considered and reported to the Ordinary meeting of Council on 11 October 2017 at which time it was resolved as follows:

THAT a Planning Proposal be prepared to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 7 DP 632169, 140 Nowra Road Moss Vale (Mt Ashby), from E3 Environmental Management to SP3 Tourist and forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the relevant Departmental guidelines.

It is noted that in the review of the Planning Proposal, the strategic merits of the proposal were addressed as determined by the Department of Planning & Environment's (the Department) heads of consideration as set out in the Department's *A Guide to Preparing Planning Proposals* (2016) and incorporated into Council's Planning Proposal template.

It is further noted that, in the preparation of WLEP 2010, criteria specific to the assessment of SP3 Tourist zoned land were developed and adopted by Council's LEP Steering Committee. The intent of these criteria was to supplement general strategic criteria within the Department's *Guidelines* which specifically addressed the aim of the SP3 Tourist zone, being *"to ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity."* These criteria were then used as a basis to identify three (3) SP3 Tourist sites for inclusion in the new LEP prepared under the state government's Standard Instrument LEP. The criteria were:

- 1) Covers an area of at least 20 Hectares
- 2) Has been operating as a tourist establishment for three (3) years
- 3) Is within 2km of residential development
- 4) Is adjacent to or near major access road
- 5) Has access to adequate water and sewerage infrastructure (not necessarily reticulated)
- 6) Is free of extensive Endangered Ecological Community (EEC)
- 7) Is free of significant bushfire or flood threat which cannot be addressed through design considerations
- 8) Is free of any other environmentally sensitive constraints.

Since 2010, a further four (4) sites have been zoned SP3 Tourist using the general strategic and SP3 Tourist specific criteria, bringing the total number of such sites to seven (7). These sites are indicated by the red stars in **Figure 2** below. The subject land is marked with an orange star.

With some minor exceptions considered by Council to not be of such significance as to eliminate the site from consideration for the SP3 Tourist zone, all current SP3 Tourist sites comply with these assessment criteria. The subject site also meets all of the above criteria as discussed in the body of the report.

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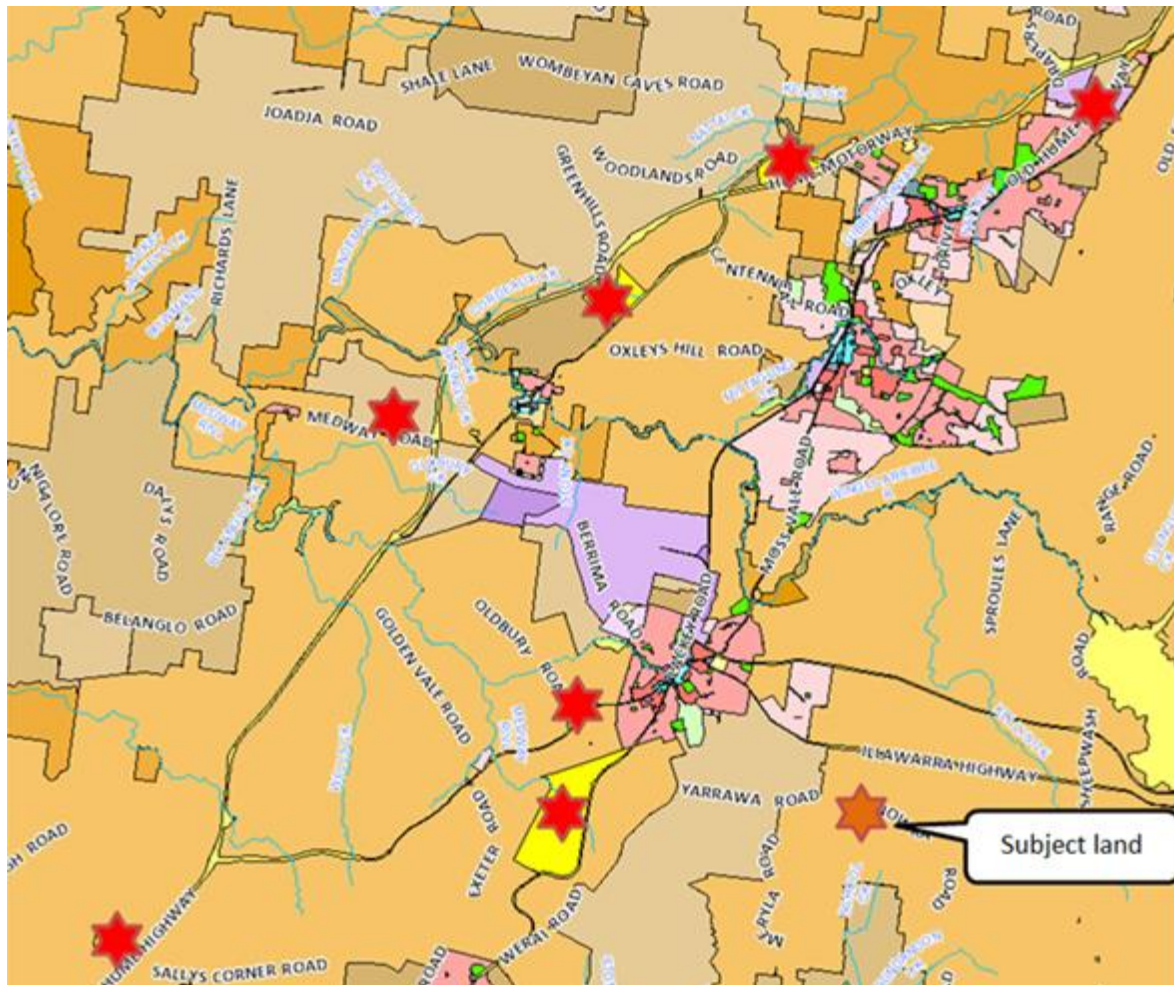


Figure 2 Location of SP3 Tourist Zones (enlarged at Attachment 2)

REPORT

Agency Referrals and Community Consultation

A Gateway Determination to proceed with the Planning Proposal was issued by the Department of Planning and Environment on 21 December 2017. The Gateway Determination required referral to Water NSW and the NSW Rural Fire Service prior to public exhibition of the Planning Proposal. This was completed and it is noted that neither agency had any objection to the Planning Proposal progressing. Agency responses were included in the exhibition material.

Three (3) periods of community consultation were undertaken as follows:

1. Wednesday 30 May to Friday 29 June 2018
2. Wednesday 11 July to Friday 10 August 2018
3. Wednesday 24 October to Friday 23 November 2018

The consultation process included:

- Providing adjoining premises with neighbour notification correspondence,
- Notifying the Planning Proposal on the Community Update page of the Southern Highland News during each week of each exhibition period,

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- Notification of the exhibition was also included in the E-Newsletter distributed to 1,255 recipients with a further 2,268 members of Your Say Wingecarribee receiving notification, and
- Making the exhibition material available on Council's website via the 'What's On Exhibition' link, as well as at the Customer Service and at the Moss Vale library.

In response to the exhibition, seven (7) submissions were received, three (3) in support of the proposal, one (1) raising specific concerns. Three (3) submissions of objection were also lodged by a legal firm on behalf of the same property owner.

Submissions

The three (3) submissions in support of the proposal made the following comments:

- 1) *The proposal is in a good location and would be a win for tourism on the Southern Highlands.*
- 2) *The proposal allows the operators to confirm their business plan and develop activities which provide local employment.*
- 3) *The current Cellar Door and Restaurant are well respected destinations for both tourists and residents.*
- 4) *Access to and parking on the site are very good.*
- 5) *The site would provide a venue for future Chelsea Gardens residents without traffic impacting on Argyle Street.*

The following comments were made in the one (1) non-legal submission:

#	Comment	Council response
1	The main purpose presented by Council is that the Planning Proposal will regularise existing uses without offering any opportunity for review of those uses. Nor is there much detail on what proposed land uses might result from the rezoning.	<i>Approved existing land uses under WLEP1989 do not need to be reviewed as part of any Planning Proposal to rezone land. If there are concerns with such uses sufficient to argue against a rezoning, this information should be included in the submission. No specific issues with current uses were identified in the submission.</i>
2	There was not much information of future potential land uses which the zone might allow. The fact that Cllr Gair refrained from voting on the report suggests other land uses may be under consideration.	<i>The Planning Proposal noted that the rezoning could result in a range of land uses as permitted in the SP3 Tourist zone. The submission noted that such land uses would be the subject of future DA assessment.</i> <i>The report to Council addressed potential future land uses, noting that permissibility does not automatically mean approval, and that DCP controls specifically address the fact that most SP3 Tourist zoned land and resulting activities occur in a largely rural context.</i>
3	It would have been useful to have more detail on the	<i>This comment is noted. The draft Rural Tourism Policy which Council resolved to place on public</i>

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#	Comment	Council response
	applicant's future plans for the site.	<p><i>exhibition at its ordinary meeting of 28 November 2018 includes the provision to include a concept master plan with any Planning Proposal seeking to rezone land from E3 to SP3.</i></p> <p><i>In the view of the fact that the Planning Proposal has already been exhibited three times, it is proposed that a concept master plan be prepared and accompany any development application should rezoning of the land be finalised.</i></p>
4	The reference to "sufficient strategic merit" does not appear to contain a proper review of potential benefits and advantages.	<p><i>The intent of the 'strategic merit' test is to determine whether the proposal is consistent with relevant State, Regional and Council Strategic Plans. The Destination Sydney Surrounds South Destination Management Plan (2018) places high value on the tourism potential of the Southern Highlands. The South East & Tablelands Regional Plan specifically requires that local strategies align with the relevant Destination Management Plan. It is noted that the Mt Ashby Estate Winery Function Centre is referenced in this Plan.</i></p> <p><i>The Southern Highlands Tourism Strategy adopted by Council in 2012 details the strategic approach to maximising tourism's contribution to the local economy.</i></p> <p><i>The current Wingecarribee Community Strategic Plan, adopted June 2017, includes recognition of the benefits of tourism while also seeking to ensure that tourism balances the economic benefits with impact on environment and community (Strategy 5.1.3). Council is currently developing a draft Rural Tourism Policy to achieve this balance.</i></p>
5	WaterNSW's response indicates a low risk from retail or commercial development, but a high or extreme risk for residential development. Tourist and Visitor Accommodation would fall into this category.	<p><i>Should an application for tourist and visitor accommodation be proposed for the site, WaterNSW would be consulted as part of the DA assessment process. If a high risk were identified this may result in such an application being modified, or refused, depending on the scale and type of development proposed.</i></p>

The following issues are addressed based on objections raised in the three (3) legal letters received on behalf of one (1) objector.

#	Comment	Council response
1	The initial exhibition material accompanying the first exhibition of the Planning Proposal did not	<p><i>Concerns about material exhibited with the Planning Proposal were noted and the response to the 3rd exhibition period did not include any issues</i></p>

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#	Comment	Council response
	<p>contain documents relied upon in the Planning Proposal, namely development consents 15/1138 and 03/1897, and the Acoustic Impact Assessment and Waste Water Management Plan accompanying application 15/1138. The Planning Proposal should be re-exhibited for a further 28 days with this information provided.</p> <p>The Planning Proposal relies on DA approval 03/1879 to demonstrate that Mt Ashby has been operating continuously as a vineyard and cellar door for at least three years.</p>	<p><i>regarding the exhibition of the Planning Proposal or the material provided.</i></p> <p><i>It is therefore considered that these issues have been satisfactorily addressed.</i></p>
4	<p>The Planning Proposal does not satisfy all of the rezoning criteria, specifically those highlighted below and, therefore, the Planning Proposal should not be supported.</p> <ol style="list-style-type: none"> 1) Covers an area of at least 20 Hectares 2) Has been operating as a tourist establishment for three (3) years 3) Is within 2km of residential development 4) Is adjacent to or near major access road 5) Has access to adequate water and sewerage infrastructure (not necessarily reticulated) 6) Is free of extensive Endangered Ecological Community (EEC) 7) Is free of significant bushfire or flood threat which cannot be addressed through design considerations 8) Is free of any other environmentally sensitive constraints. 	<p><i>As stated in the background to this report, the criteria were developed by Council to provide assessment consistency with the SP3 Tourist zone objective that tourism development be “sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity.” Subsequently, as a basis for development of a Rural Tourism Policy, the assessment criteria were recommended for inclusion in the Wingecarribee Local Planning Strategy 2015-2031, adopted by Council on 23 March 2016.</i></p> <p><i>However, while these criteria have provided, and will continue to provide, consistency in the assessment of potential SP3 Tourist sites, they will not, and cannot, override any goal or land use in the SP3 Tourist zone. On their own they cannot be used to prohibit consideration of the Planning Proposal if broader strategic assessment supports the objectives of the SP3 Tourist zone.</i></p> <p><i>Each criterion addressed in the submission is considered below.</i></p>
4a	Objection re Criterion (2) - Has been operating as a tourist	<i>The term ‘tourist establishment’ was used by Council in the development of the assessment</i>

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#	Comment	Council response
	<p>establishment for three (3) years</p> <p>1) The operation of the site as a vineyard and cellar door does not constitute a 'tourist establishment'. Cellar door premises are a form of retail premises, and do not constitute a 'tourist establishment'.</p> <p>2) The property relies on land uses for which it does not have development consent, namely the <i>La Palette Café</i> which operates more as a restaurant than as a café ancillary to a cellar door.</p> <p>3) Only one function has been held since DA consent 15/1138 was issued. Therefore, assessment criterion (2) is not satisfied.</p>	<p><i>criteria and was never intended to replace specific land use terms as identified in the Standard Instrument Dictionary. It is further noted that no property seeking to be rezoned to SP3 Tourist is going to be able to demonstrate that they operate key 'tourist facility' land uses such as a function centre, or tourist and visitor accommodation, as these are only permitted in the SP3 Tourist zone, so could not operate in another zone unless some previous approval under WLEP1989, or temporary approval under WLEP 2010, were in place.</i></p> <p><i>The term 'tourist establishment' is intended to convey that the property attracts tourists to it, be they living locally or elsewhere. Additional information provided by the proponent forms Attachment 3 to this report and notes that the Mt Ashby Estate cellar door has been operating since 2006. A separate letter from Destination Southern Highlands (DSH), the peak tourism body for the Southern Highlands, confirms that the Mt Ashby Estate has been a financial and active member of DSH, for the past 10 years and forms Attachment 4 to this report.</i></p> <p><i>The proponent's response advises that the establishment maintains a website and has consistently advertised in key local tourism magazines since opening, all indicating a consistent business presence. The venue is located on social media 'apps'.</i></p> <p><i>The proponent's response advises that the venue averages one function of 60 guests per month and that, to date, there have been eight (8) functions in 2018. If this is the case, the submission comment that only one (1) event has been held since 2016 suggests that these functions do not cause any adverse impact on neighbour amenity when they do occur.</i></p> <p><i>The permissibility of individual components of the tourism operation of the site are compliance matters and beyond the scope of matters relevant the Planning Proposal.</i></p> <p><i>The information provided in the proponent's response, referenced above and attached to this report, together with confirmation from DSH, demonstrates to Council's satisfaction that the property does, and has been, operating to serve tourists on a regular basis for several years and</i></p>

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#	Comment	Council response
		<i>therefore is considered to meet criterion (2).</i>
4b	Objection re Criterion (3) - Is within 2km of residential development	<p><i>The submission states that the site is more than 2 kilometres from residential development, being some 2.7 kilometres from Farnborough Drive.</i></p> <p><i>Council's measure indicates that the site is just under two (2) kilometres from Farnborough Drive, by road, as indicated in Figure 3 of this report.</i></p>
4c	Objection re Criterion (5) - Has access to adequate water and sewerage infrastructure (not necessarily reticulated)	<p><i>The submission notes that the Planning Proposal states there is no reticulated water or sewer infrastructure on the site. The submission acknowledges this statement to be correct. However, the submission also notes that the Waste Water Management Report which accompanied DA15/1138 states that there is reticulated water, which is not a correct statement. The submission also states that the inclusion of criterion (5) in the list of assessment criteria is intended to ensure that infrastructure is adequate prior to rezoning and should not be left to the DA stage.</i></p> <p><i>The error in the waste water management report is noted but it is also noted that the Planning Proposal is not seeking development approval but rather the rezoning of land so that a subsequent DA might be lodged and assessed. At that DA stage, a new Waste Water Management Report will be required, which specifically addresses the proposed development, and the previous report will not apply and at that time a professional assessment can be made by a qualified development engineer and infrastructure conditions applied accordingly if the application is supported.</i></p> <p><i>Criterion (5) does not require that reticulated services be provided to the site, but rather that adequate onsite provision can be made. WaterNSW's assessment of the site advised there would be low risk to water quality from the proposed development. The report further noted that any future Application for development consent would need to meet the 'NORBE' (Neutral or Beneficial Effect) test prior to any approval.</i></p> <p><i>Although the assessment of criteria (6), (7) and (8) was not challenged in the submissions of objection, in order to provide a complete strategic response the following comments are provided:</i></p> <p><i>Criteria (6), (7) and (8) are included to ensure that</i></p>

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#	Comment	Council response
		<p><i>there are no obvious specific site constraints which might prevent adequate water and sewer infrastructure from being able to be provided. It is noted that there is minor bushfire affectation on a portion of the eastern boundary consistent with remnant Endangered Ecological Community (EEC) of National and State significance (Southern Highlands Shale Woodland) on the adjoining property.</i></p> <p><i>Council now has available mapping of high value environmental and agricultural lands maps both provided by the NSW Office of Environment and Heritage.</i></p> <p><i>These maps provide an objective and independent assessment framework for addressing criteria (6), (7) and (8) in particular. Applying these maps to the subject land, it is noted in Figure 4 of this report that the site is free of all but minimal environmental constraints. There is a section of Endangered Ecological Community and associated (draft) potential koala habitat on the south east border of the site representing the north west extremity of a much larger and extensive sensitive area beyond the southern boundary of the site.</i></p> <p><i>A portion of the site is also mapped as Category 3 agricultural land covering the area of the vineyards on the site. Both affectations are addressed in the report.</i></p>

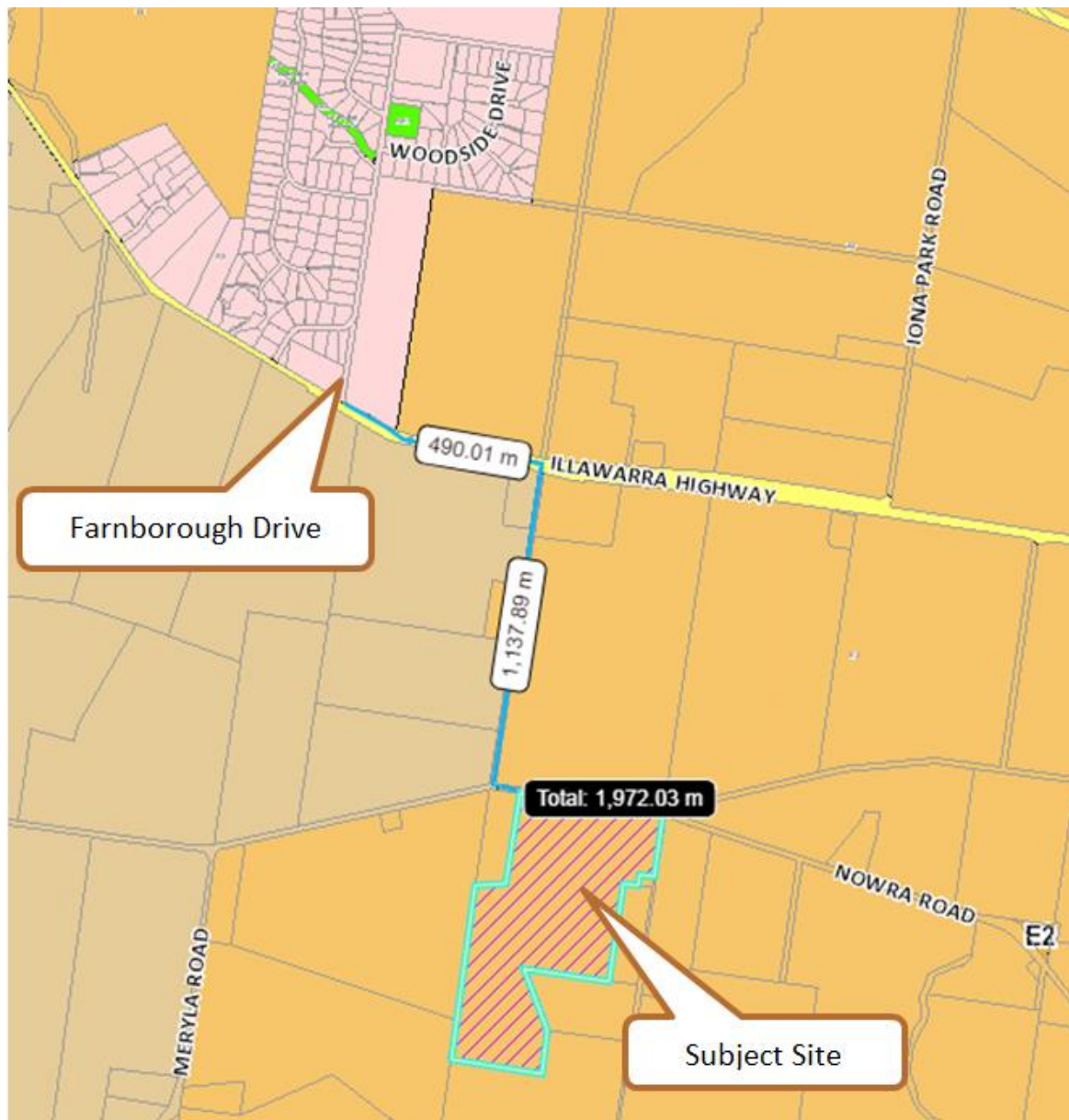


Figure 3 – Location of site from nearest residential development (enlarged at Attachment 5)

Draft Rural Tourism Policy

Since the initial assessment of the Planning Proposal, a draft Rural Tourism Policy has been prepared and supported by Council at its Ordinary meeting of 28 November 2018 to proceed to community exhibition and consultation.

A key feature of the draft Policy is a methodology for addressing Planning Proposals to rezone E3 Environmental management zoned land to SP3 Tourist. The draft Policy proposes that the E3 Environmental Management land which will be considered for rezoning to SP3 Tourist, are those E3 sites which fall outside of an 'exclusion zone', as determined by the mapping of high value environmental and agricultural lands maps provided by the NSW Office of Environment and Heritage. Applying these maps to the subject land, it is noted in **Figure 4** below that there are minimal environmental constraints.

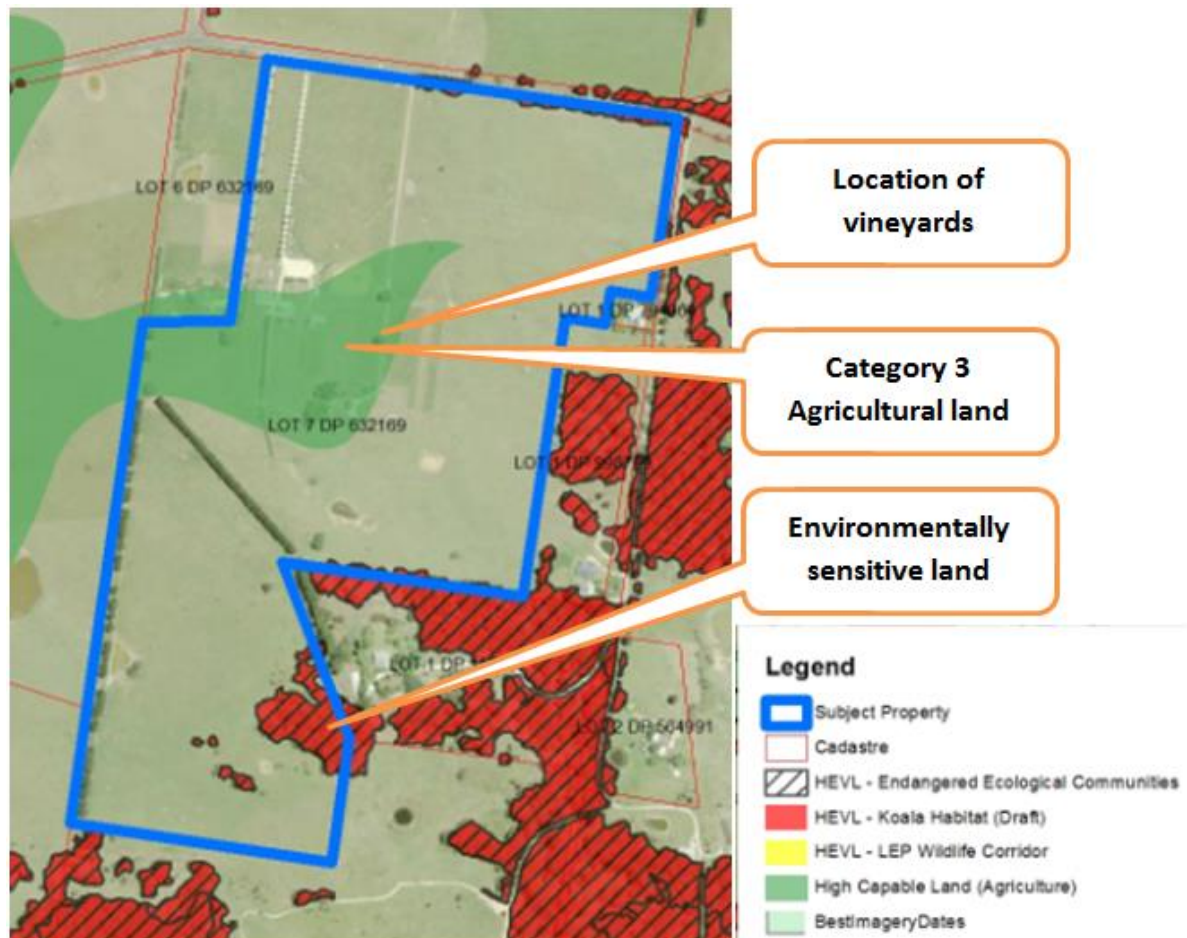


Figure 4 – High Value Environmental and Agricultural Lands Mapping in relation to the Subject Land (enlarged at Attachment 6)

There is a section of Endangered Ecological Community and associated with (draft) potential koala habitat on the south east border of the site which in turn represents the north west extremity of a much larger and extensive sensitive area to the south of the site.

It is further noted in **Figure 4** that a portion of the site is mapped as Category 3 agricultural land, much of it containing vineyards. It is therefore concluded that the subject site would be eligible for consideration for rezoning to SP3 Tourist under these provisions of the draft Rural Tourism Policy.

The draft Policy also recommends that a Concept Master Plan be prepared and exhibited with the Planning Proposal. As the Planning Proposal has already been exhibited on three (3) separate occasions, it is recommended that, instead, a Concept Master Plan be included with any Development Application arising from the rezoning of the site should Council resolve to proceed with amending WLEP 2010.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement was undertaken in accordance with the Gateway Determination as discussed in the body of this report.

Internal Communication and Consultation

Internal communication was undertaken with Development Engineers with regard to water and sewer infrastructure, with Environmental Sustainability with regard to environmental and agricultural land values and with Legal Counsel with regard to the exhibition of the Planning Proposal.

External Communication and Consultation

External consultation was undertaken in accordance with the Gateway Determination which required referral to WaterNSW and the NSW Rural Fire Service. Neither organisation had any objection to the Planning Proposal. Referral responses were included in the exhibition material.

SUSTAINABILITY ASSESSMENT

- **Environment**

One of the objectives of the SP3 Tourist zone is to ensure development is sympathetic with the rural setting and landscape features of the site and minimise impact on the scenic values of nearby development and land use activity. Controls for assessing tourist related development within rural settings particularly address this objective and have already been applied in assessing and approving the current temporary uses on the site.

- **Social**

The updated Community Strategic Plan recognises the need to balance the economic benefits of tourism with the potential community impacts of such activities. This report seeks to address those issues.

- **Broader Economic Implications**

The updated Community Strategic Plan recognises the need to balance the economic benefits of tourism with the potential community impacts of such activities. This report seeks to address those issues.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Planning Proposal has been processed in accordance with the relevant sections of the *Environmental Planning and Assessment (EP&A) Act 1979* and Departmental Guidelines. Should Council resolve to proceed with the finalisation of the Planning Proposal, it would be undertaken as prescribed in s.3.36 of the *EP&A Act 1979* and relevant regulations.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications arising from this report.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report.

Option 2

Resolve to not proceed with finalising the Planning Proposal and amending WLEP 2010.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal seeks to rezone land from E3 Environmental Management to SP3 Tourist to align previous approvals under WLEP1989 with the SP3 Tourist land use table and to enable the ongoing use of the site for functions currently permitted on a temporary basis under Development Approval 15/1138.

The Planning Proposal has been exhibited in accordance with the Gateway Determination and issues raised in submissions have been addressed.

The draft Rural Tourism Policy has also been applied to the Planning Proposal and is considered to be consistent with it.

This report concludes that the rezoning of the site to SP3 Tourist is the appropriate mechanism to enable ongoing use of the site as currently permitted. Any future land uses would require a Development Application and would be assessed against relevant Development Control Plan controls.

ATTACHMENTS

1. Attachment 1 - Figure 1 - Location of subject land - *circulated under separate cover*
2. Attachment 2 - Figure 2 - Location of existing SP3 Tourist zones - *circulated under separate cover*
3. Attachment 3 - Letter from proponent regarding tourism establishment' on subject land - *circulated under separate cover*
4. Attachment 4 - Letter from Destination Southern Highlands regarding membership of Mt Ashby - *circulated under separate cover*
5. Attachment 5 - Figure 3 - Location of Site from Nearest Residential Development - *circulated under separate cover*
6. Attachment 6 - Figure 4 - High Value Environmental and Agricultural Lands Mapping in relation to the subject Land - *circulated under separate cover*

13.4 Planning Proposals to reduce the minimum lot size of land in north-west Moss Vale

Reference:	PN125700, PN1700395, PN1748440
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
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 enable Council to consider three (3) Planning Proposals to amend WLEP 2010 to rezone and reduce the minimum lot size of land to the north-west of Moss Vale in order to permit residential development.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** the proposed zoning and minimum lot size plan for the north-west Moss Vale study area be adopted.
2. **THAT** in accordance with the plan adopted at 1 above, a Planning Proposal be prepared and submitted to the NSW Department of Planning & Environment for a Gateway Determination to:
 - A) Rezone Lots 1-6 & 8 DP502535 and Lot 2 DP502535, 77 Beaconsfield Road, Moss Vale and that part of Lot 11 DP1084421, 74-76 Beaconsfield Road Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, and
 - B) Rezone Lot 1 DP812628, 69 Bulwer Road Moss Vale currently zoned RU4 Rural Landscape to E4 Environmental Living and apply a minimum lot size of 1 hectare.

REPORT

BACKGROUND

During the preparation of the Wingecarribee Local Planning Strategy 2015-2031 Council received three (3) Planning Proposals seeking to reduce the minimum lot size of land to the

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north-west of Moss Vale (the study area). The location of the study area is indicated in **Figure 1** below.

The northern portion of the study area is zoned RU2 Rural Landscape under Wingecarribee Local Environmental Plan (WLEP) 2010 with a minimum lot size of 40 hectares. The remainder of the site is zoned RU4 Primary Production Small Lots with a minimum lot size of 2 hectares.

The study area is surrounded by IN1 General Industrial zoned land to the north and west and IN3 Heavy Industrial zoned land across Lackey Road to the east. To the south lies predominantly R2 Low Density Residential zoned land with a minimum lot size of 700m² although the south-eastern portion of the subject land is bordered by IN1 General Industrial zoned land.

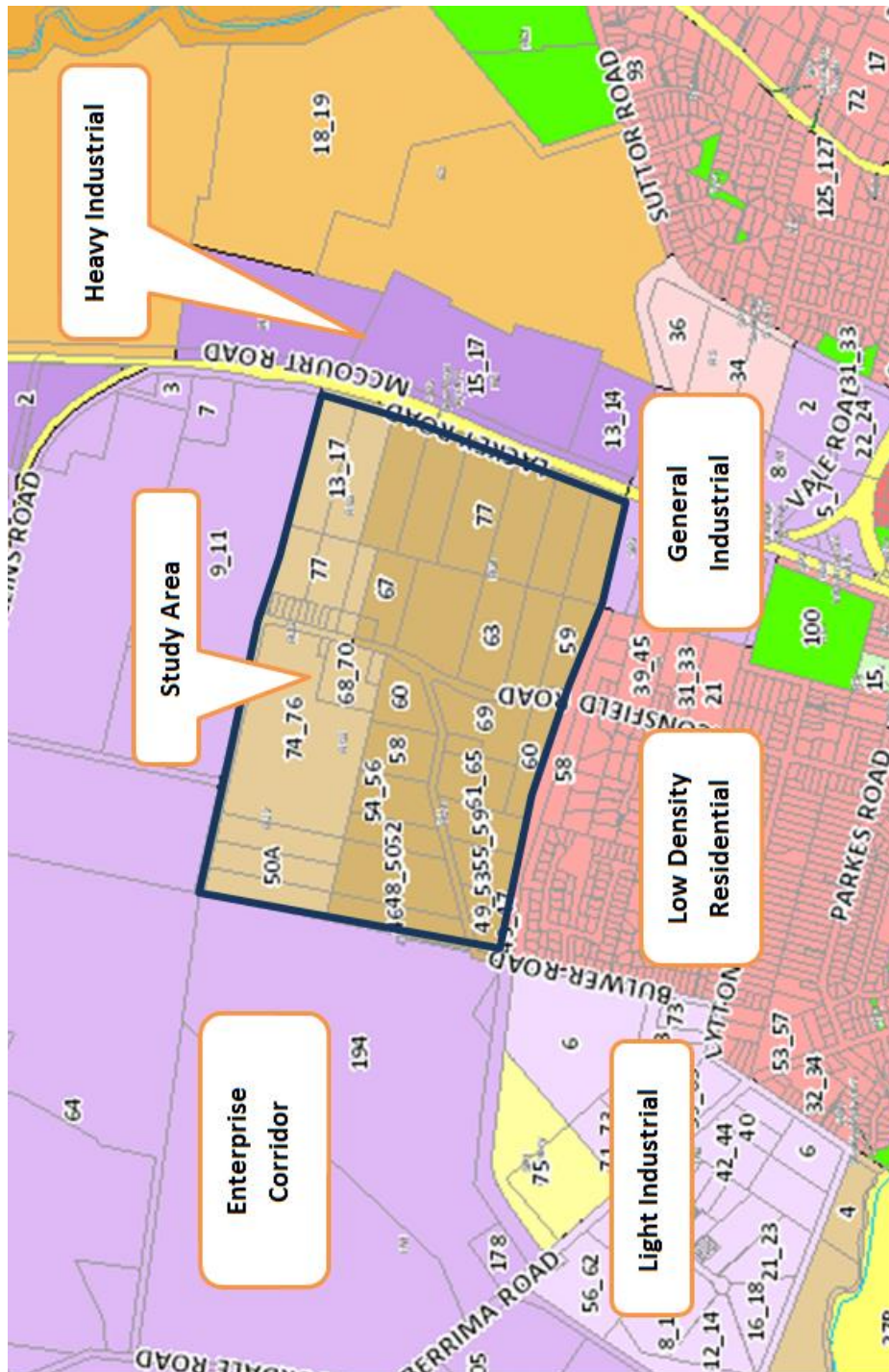


Figure 1 Location of subject land (enlarged at Attachment 1)

The three sites are as follows:

Site 1 - 77 Beaconsfield Road (Lots 1-6 & 8 DP502535 and Lot 2 DP502535) & 71 Beaconsfield Road (Lot 1 DP 502535) – No 77 covers an area of some 15.9 ha and No 71 covers an area of some 2.4 ha. The site is zoned RU2 Rural landscape with a minimum lot size of 40 ha.

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Site 2 - 74-76 Beaconsfield Road (Lot 11 DP1084421) - comprises two portions separated by an unformed road. The northern portion is zoned IN1 General Industrial. The southern portion, covering an area of some 11.7 ha, is zoned RU2 Rural Landscape. To facilitate the subdivision of the IN1 portion from the RU2 land, Amendment 4 to WLEP 2010 on 11 May 2012 reduced the minimum lot size of the whole site to 10 hectares. This subdivision has yet to occur.

Site 3 - 69 Bulwer Road (Lot 1 DP812628) - covers an area of approximately 2.6ha and is zoned RU4 Primary Production Small Lots with a minimum lot size of 2ha.

The location of each site within the study area is indicated in **Figure 2** below.

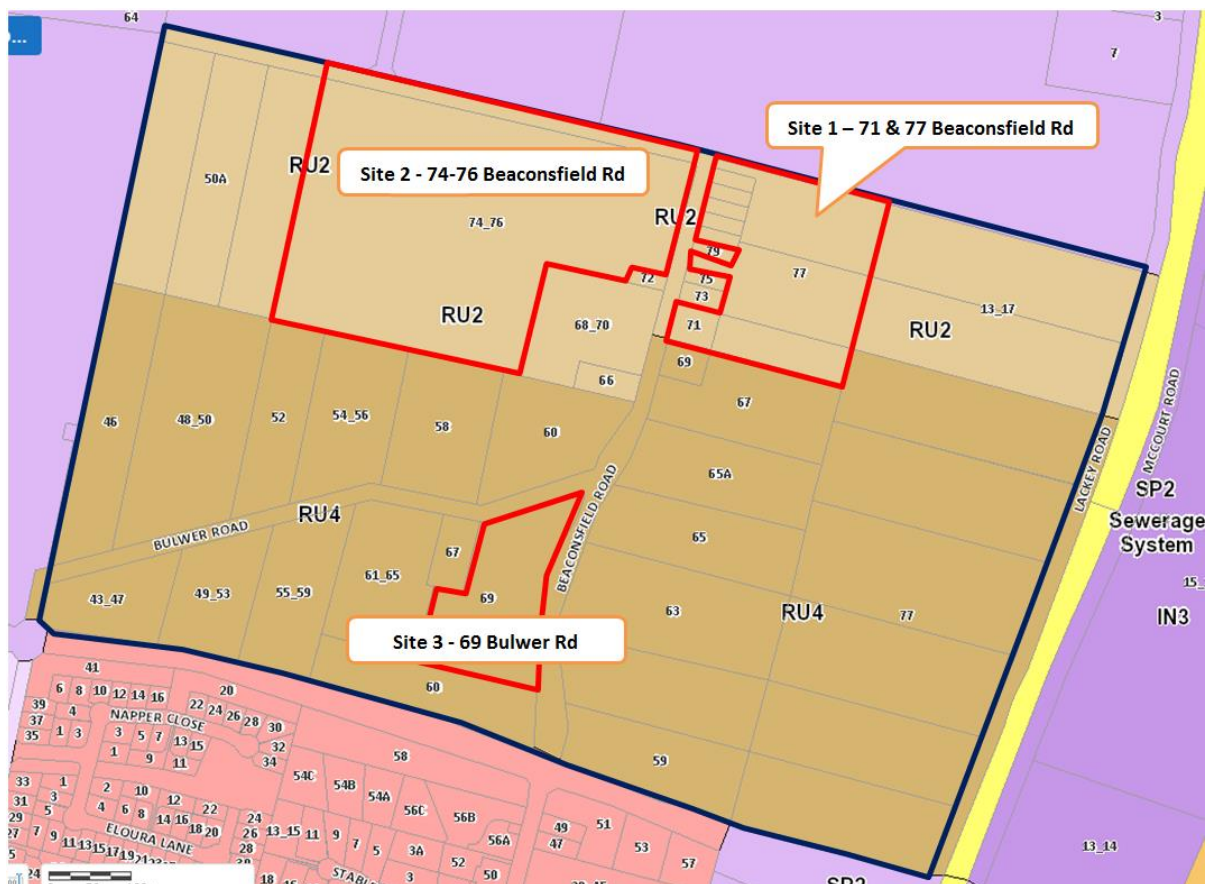


Figure 2 Location of Subject Sites (enlarged at Attachment 2)

The Planning Proposals were assessed and ultimately included in the Moss Vale Precinct Plan of the Wingecarribee Local Planning Strategy 2015-2031 when it was adopted by resolution of Council of 23 March 2016 as follows:

- 1) ***THAT the rezoning of Lots 1-6 & 8 DP502535, 71 Beaconsfield Road and Lot 2 DP502535, 77 Beaconsfield Road, Moss Vale to RU4 Primary Production Small Lots with a minimum lot size range from 2000m² to 4000m², be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***

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- 2) ***THAT the rezoning of Lot 11 DP1084421, 74-76 Beaconsfield Road, Moss Vale, to RU4 Primary Production Small Lots with a minimum lot size range from 4000m2 to 8000m2, be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***
- 3) ***THAT a reduction in the minimum lot size to part 2000m2 and part 4000m2 of Lot 1 DP812628, 69 Bulwer Road, Moss Vale, be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***

In response to the inclusion of these sites in the Wingecarribee Local Planning Strategy, a new Planning Proposal for each site was submitted to Council seeking to progress amendments to WLEP 2010. However, the new Proposals sought to vary the outcome from that supported under the Strategy. It is further noted that although a subsequent submission was received for No 77 Beaconsfield Road, no submission to amend WLEP 2010 has been received for No 71 Beaconsfield Road and it has, therefore, been omitted from this report.

In summary, the new Planning Proposals seek:

Site 1 - 77 Beaconsfield Road - Rezone from RU2 Rural Landscape to RU4 Primary Production Small Lots zone and apply a minimum lot size of 2000m2 (compared with 2000m2 to 4000m2 supported in the Local Planning Strategy).

Area 2 - 74-76 Beaconsfield Road - Rezone the RU2 Rural Landscape portion of the site to RU4 Primary Production Small Lots and apply a minimum lot size of 4000m2 to create the potential for 23 allotments (compared with 4000m2 to 8000m2 supported in the Local Planning Strategy).

Area 3 - 69 Bulwer Road - Rezone the site to R2 Low Density Residential and apply a minimum lot size of 2000m2 to achieve 9 lots with a 10th lot at some 5,000m2 containing the existing dwelling (compared with part 2000m2 and 4000m2 supported in the Local Planning Strategy).

These variations prompted Council to adopt a more strategic approach to the future development of the whole study area to determine the extent to which each lot size proposed should apply. As a consequence, Council resolved at its Ordinary Meeting of 12 July 2017:

THAT the Planning Proposals currently before Council pertaining to 74-76 and 77 Beaconsfield Road and 69 Bulwer Road Moss Vale not be supported at this time, but that a northwest Moss Vale Residential Study be drafted by Strategic Planning staff in consultation with property owners for further consideration by Council.

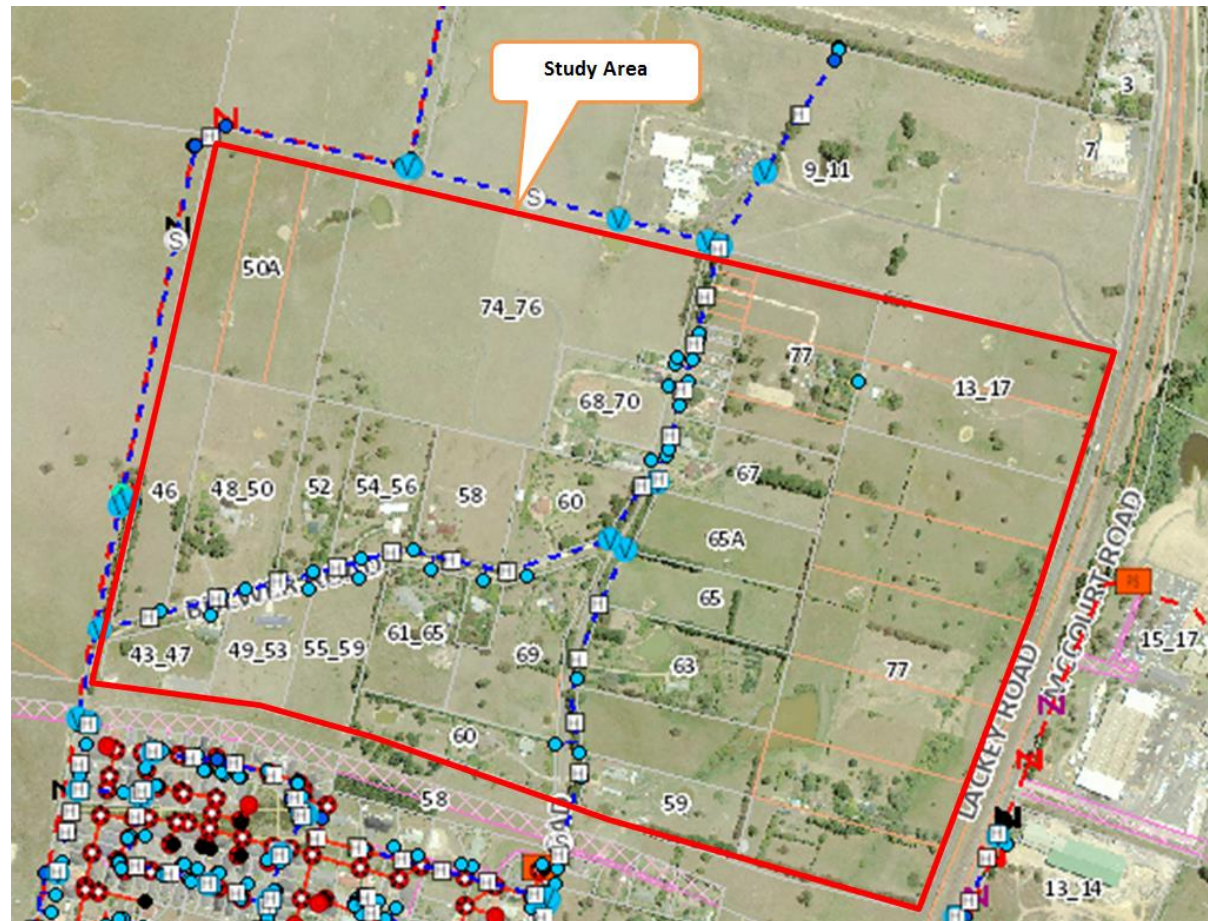
This report addresses that resolution.

REPORT

Council was initially concerned from a strategic perspective that the isolated consideration of three (3) individual sites would not ensure the best strategic outcome for the study area. These concerns led to the recommendation that the study area as a whole be considered. Preliminary strategic assessment of the study area has identified three (3) key constraints which will impact on determining the best strategic outcome for the subject land – the water & sewer infrastructure capacity, the extent of flood liable land and the proposed Moss Vale by-pass.

Water & Sewer Infrastructure

As indicated in **Figure 3** below, while reticulated water is available through the study area along Bulwer and Beaconsfield Road, the only sewer infrastructure currently available is along the western boundary of the study area.



Water Infrastructure (blue) Sewer infrastructure (red)

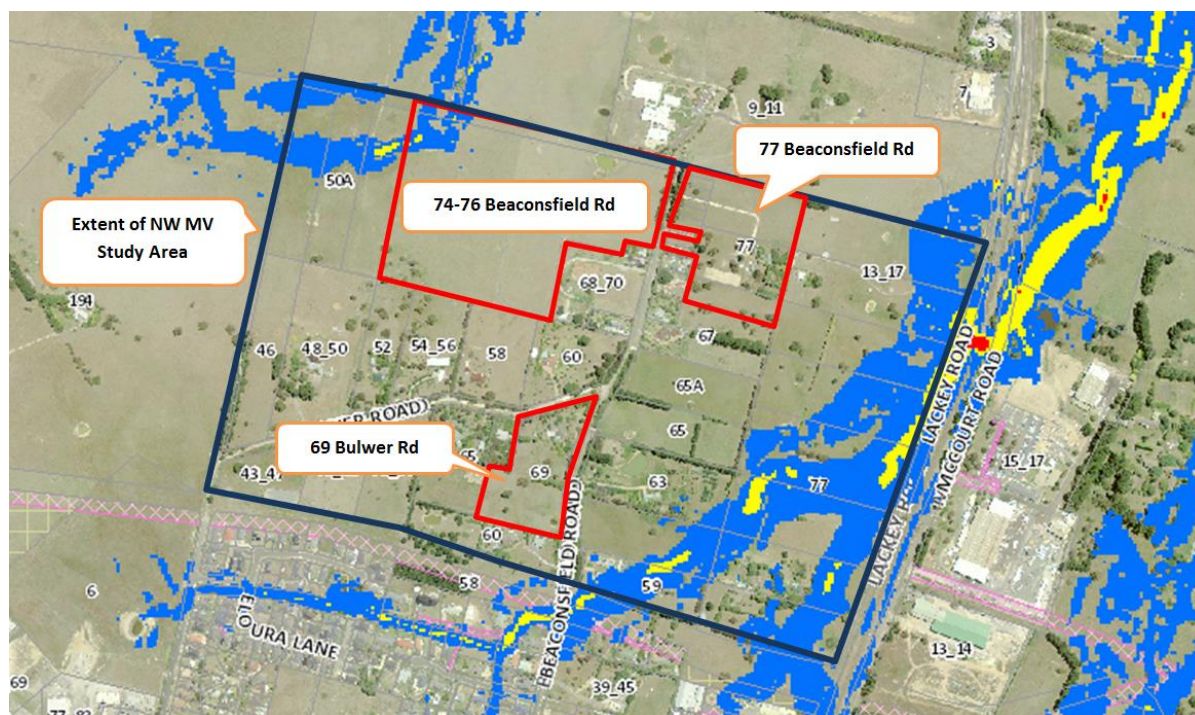
Figure 3 Water & Sewer Infrastructure (enlarged at Attachment 3)

Advice from Assets and Project Delivery Branch is that the elevation of the study area is at the highest that the Hill Road reservoir, which supplies it, can service. Consequently, the area suffers significant pressure loss during peak demand.

Preliminary modelling indicates that the subdivision potential of the study area may well be impacted by limited ability to provide water and sewer infrastructure and the associated costs. As part of any future development application for subdivision, the study area would need to be modelled against Council's future model to determine which mains may require upsizing or duplicating to supply adequate pressure. Sewer modelling would also be required to determine how the area could be serviced as the area is currently not sewered. The proximity of the study area to the enterprise zone may also impact on future demand and supply capacity. A servicing strategy for supplying water to these lots would be developed within the framework of Council's Shire wide plan.

Flood Risk

Across the study area generally, a low to medium level of flood risk is indicated for the north western corner and down much of the eastern side area. Only Site 2 of the three subject sites appears directly impacted, but there are broader potential impacts for land on the eastern edge. **Figure 4** below indicates the mapped flood prone land within the study area.



Red = High flood prone Yellow = Medium flood prone Blue = Low flood prone

Figure 4 Flooding context of the subject land (enlarged at Attachment 4)

Proposed Moss Vale By-pass

A further potential impact on the future development of the study area is the development of the proposed Moss Vale by-pass. Its proposed location is indicated in **Figure 5** below with the current proposed staging plan, subject to funding, indicated in **Figure 6** below. The primary concern at this stage is to avoid higher density subdivision within the study area closest to the proposed route which could occur through a reduction to the minimum lot size.

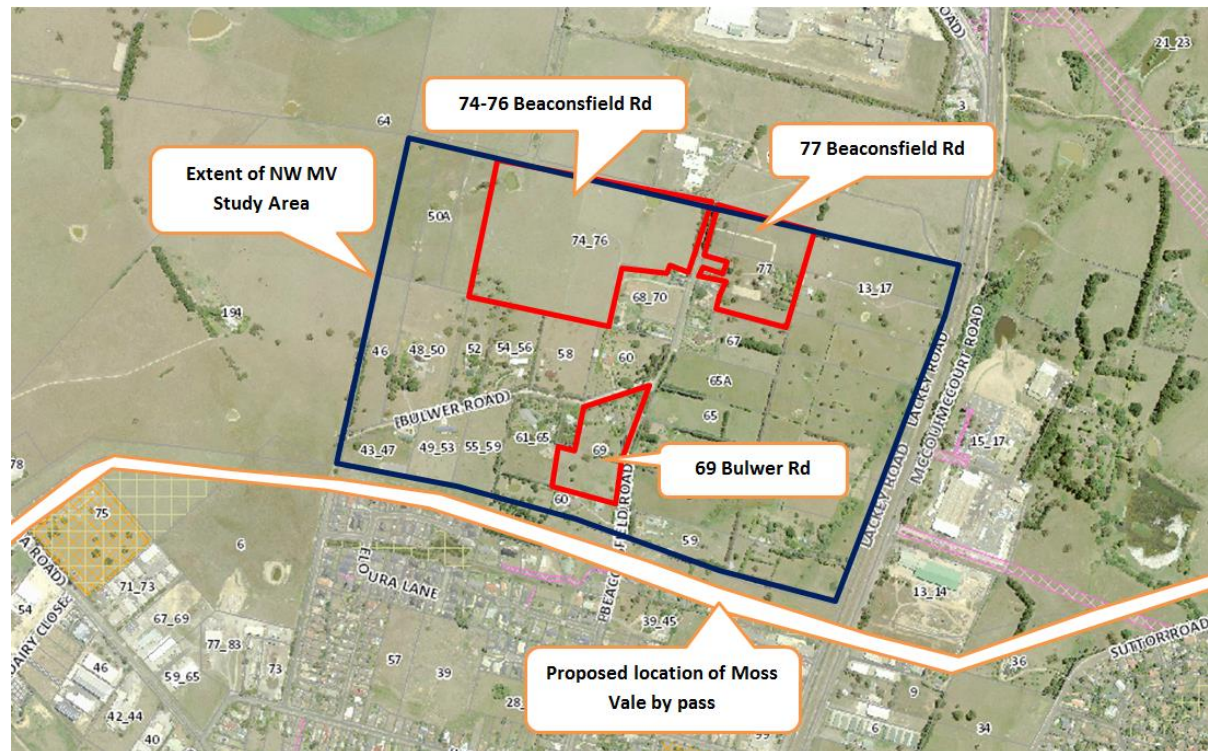


Figure 5 Location of the Proposed Moss Vale By-pass (enlarged at Attachment 5)

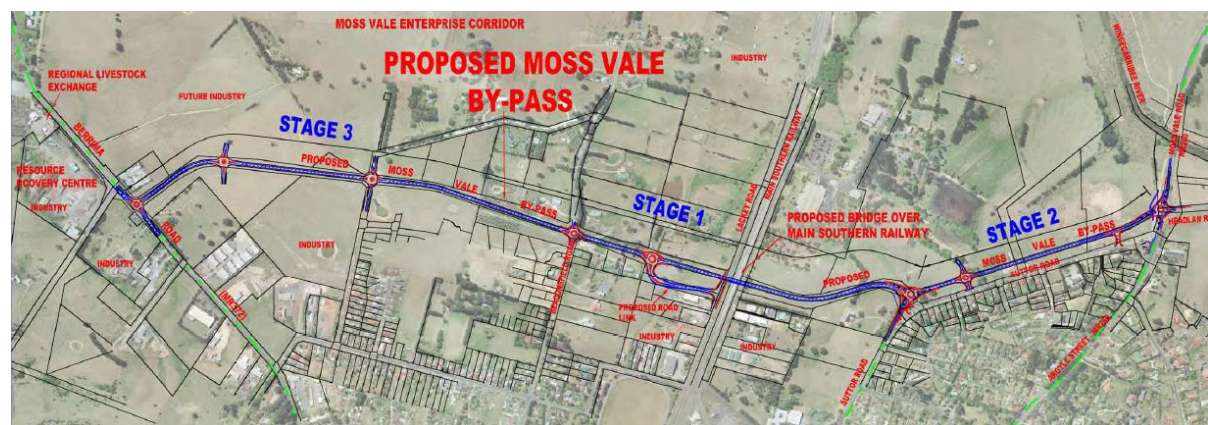


Figure 6 Staging Plan for the Proposed Moss Vale By-pass (enlarged at Attachment 6)

Endangered Ecological Community

While not a major impediment to future development in the study area, it is noted that an area of Southern Highlands Shale Woodland threatened ecological community exists in the western portion of the study area as indicated in **Figure 7** below. This community extends into Site 2. A second area of TEC is located to the east of the study area. Southern Highlands Shale Woodland is listed as threatened on both state and national registers. There does not appear to be any other environmental sensitivities impacting the study area.

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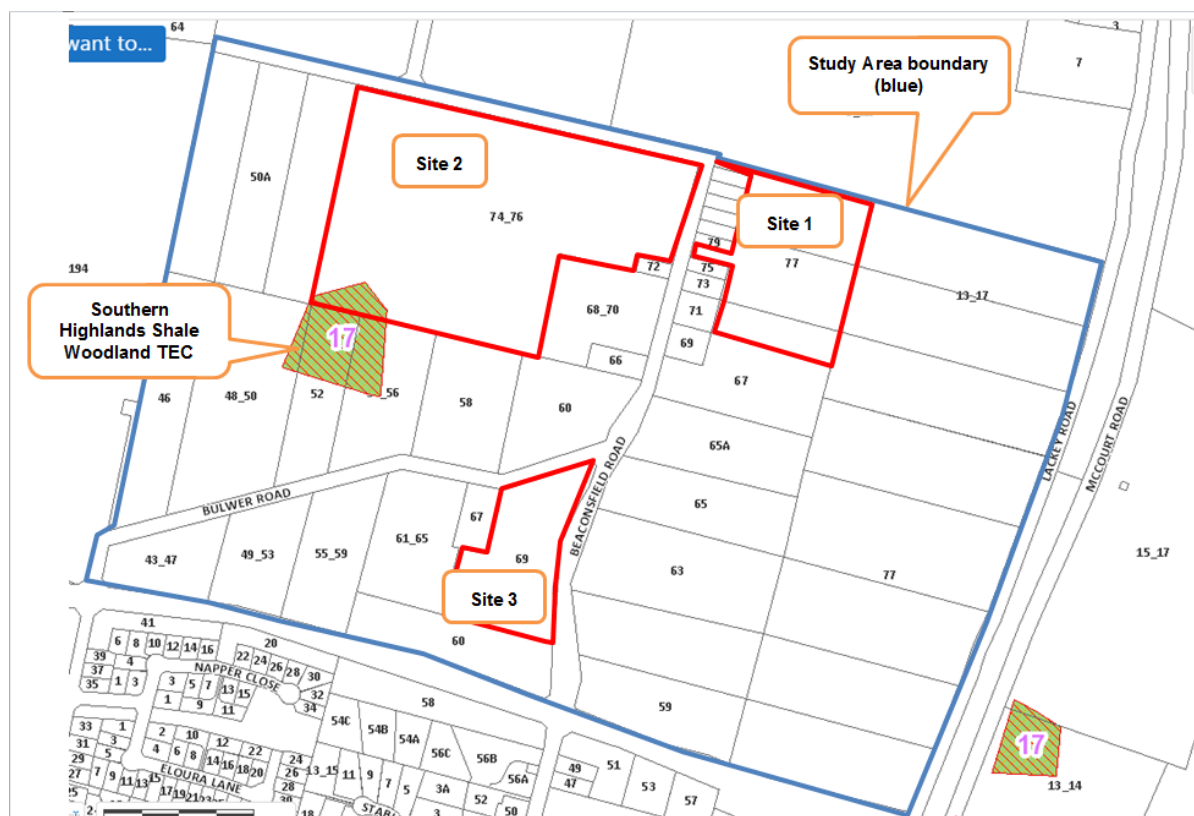


Figure 7 Identified Threatened Ecological Community (enlarged at Attachment 7)

Future Zoning & Minimum Lot Size Recommendations

As a consequence of considering these constraints, it is proposed that a local area plan be adopted which supports the following land use planning controls for the north-west Moss Vale study area. These will enable each of the three Planning Proposals supported in the Local Planning Strategy to progress in accordance with this plan although it is noted that none will achieve a lot potential as originally supported in the Local Planning Strategy or requested in their Planning Proposals. It will however enable some level of potential subdivision consistent with water and sewer infrastructure and access constraints.

Future Minimum Lot Size

It is proposed that the local area plan support the application of a minimum lot size of 2 ha to the RU2 Rural Landscape zoned land in the northern part of the study area. The current minimum lot size is 40 ha for Site 1 (77 Beaconsfield Road) and 10 ha for Site 2 (74-76 Beaconsfield Road). This would extend the 2 ha minimum lot size current applying across the RU4 Primary Production Small Lots portion of the site to provide a consistent minimum lot size across the whole study area. The 2 ha minimum also reflects the predominant existing lot size across much of the study area.

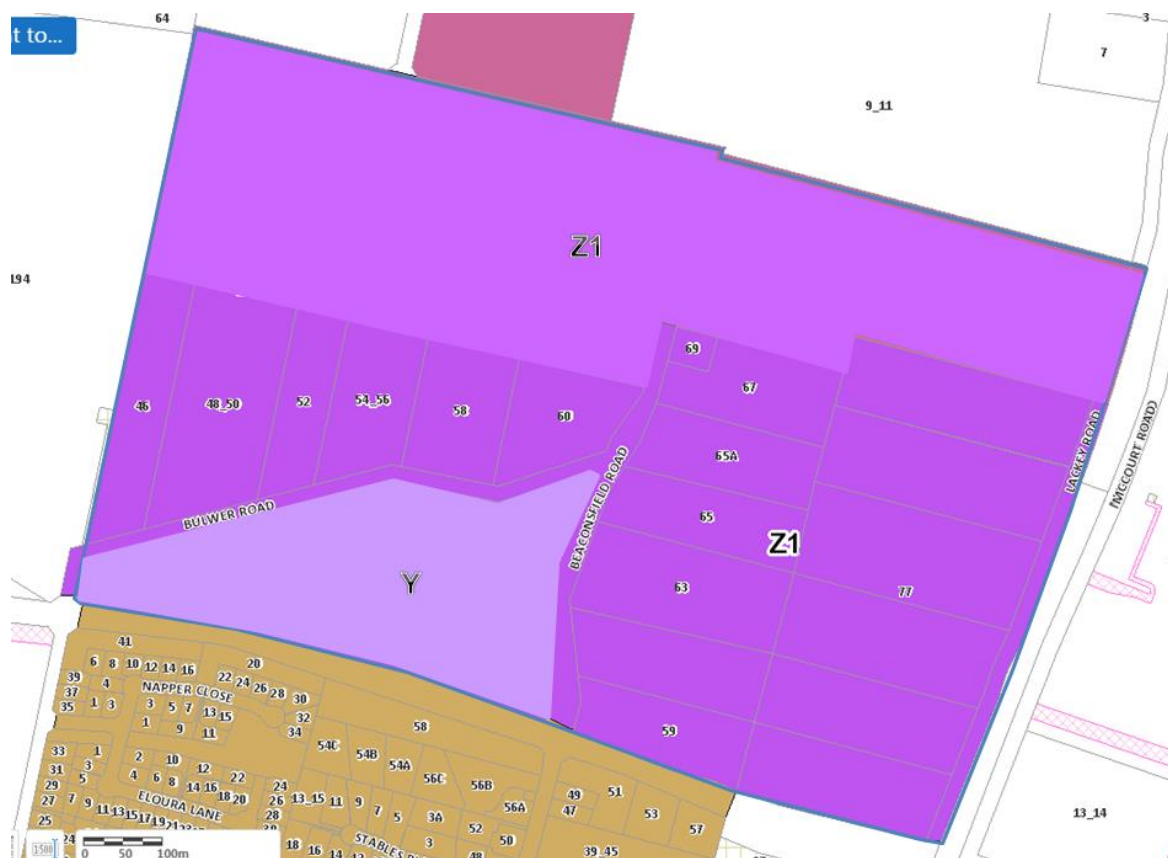
A 2 ha minimum lot size in this northern portion would provide the opportunity for Sites 1 and 2 to progress a revised Planning Proposal which would enable them to apply for subdivision to that minimum, subject to satisfactory provisions for water and sewer infrastructure and road access. Site 1 (77 Beaconsfield Road) could achieve a potential lot yield of seven (7) or eight (8) lots and the RU2 portion of Site 2 (74-76 Beaconsfield Road) could achieve a potential four (4) or five (5) lots. The subdivision potential of Site 2 is particularly dependent on the creation of adequate road access to the site.

Within the area bounded by Beaconsfield Road and Bulwer Road it is proposed to nominate a minimum lot size of 1 ha in the local area plan. Site 3 (69 Bulwer Road) is the largest lot in this portion (2.6 ha) of the study area and a 1 ha minimum would enable a revised Planning Proposal to be prepared to provide the potential for a two-lot subdivision, i.e one (1) additional lot. No other lot would have subdivision potential within this portion of the study area, all being below the 2 ha minimum required to achieve a 1 ha subdivision.

In addition to a potential yield of 14 lots from the three sites within the study area included in the Local Planning Strategy, the proposed minimum lot size pattern could potentially yield an additional four (4) lots, two (2) on land to the west of Site 2, and two (2) on land to the east of Site (1). It is noted that the latter area (east of Site 1) is already subdivided into two lots. It is also noted that this site has access to Lackey Road. Therefore the potential total lot yield from this minimum lot size amendment would be in the order of 18 lots.

The final lot yield from any of the subject sites or any future Planning Proposal would be dependent on full assessment at the development application stage which would specifically address adequate water and sewer servicing and flood potential.

This minimum lot size pattern proposed for the local area plan, is indicated in **Figure 8** below, where Z1 is 2 ha and Y is 1 ha.



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three sides (west, north and east) by industrial zoned land and on the south by R2 Low Density Residential with a minimum lot size of 700m².

The key objectives of the RU2 Rural Landscape zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.

And the key objectives of the RU4 Primary Production Small Lots are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

The study area is no longer an area of active primary production and is now a rural-residential area where the E4 Environmental Living zone may be more appropriate. The objectives of the E4 Environmental Living zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development 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 provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture and other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.

While these objectives do not preclude any rural land use activity, the E4 Environmental Living zone is focussed more on rural-residential lifestyle development while affording ongoing protection of existing rural and environmental sensitivities. It is therefore proposed that the local area plan support the E4 Environmental Living across the whole area.

The proposed rezoning and minimum lot size amendments will enable a level of rural-residential development appropriate to the infrastructure constraints of the area while continuing to provide a buffer between the low density residential development to the south and the industrial zones to the west, north and east.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation has occurred at this stage but will be undertaken should the Planning Proposal receive a positive Gateway Determination.

Internal Communication and Consultation

Consultation has occurred with the Assets and Project Delivery Branch and Council's Traffic & Transport Planning Engineer.

External Communication and Consultation

No external consultation has occurred.

SUSTAINABILITY ASSESSMENT

- **Environment**

The proposed zoning and minimum lot size amendments to the subject area take into account its environmental sensitivities.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications arising from this report.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

Support the recommendations contained in the report.

Option 2

Not support the recommendations.

Option 1 is the recommended option to this report.

CONCLUSION

Planning Proposals for three individual sites were received by Council following the inclusion of these sites in the Wingecarribee Local Planning Strategy 2015-2031. Following further investigation it was determined that significant water and sewer infrastructure constraints apply to the area and future development of the area should be undertaken within a broader strategic framework. It is proposed that a local area plan support extending the predominant minimum lot size of 2 ha into the northern portion of the study area to provide some development potential for Sites 1 and 2 without overburdening infrastructure capacity.

It is also proposed that the local area plan support a minimum lot size of 1 ha in the portion of the study area bounded by Beaconsfield Road and Bulwer Road. This would enable Site 3, which is the largest site in this portion and enjoys access to both Beaconsfield and Bulwer Roads, to achieve one (1) additional lot.

It was also recognised that the land use focus of this area was no longer on primary production, but rather on rural residential living and it is further proposed that the local area plan support the application of the E4 Environmental Living zone, recognising this shift in land use focus while still providing a buffer between the low density residential land to the south and the industrial zoned land to the west, north and east.

ATTACHMENTS

1. Figure 1 - Location of subject land - *circulated under separate cover*
2. Figure 2 - Location of subject sites - *circulated under separate cover*
3. Figure 3 - Water & Sewer Infrastructure - *circulated under separate cover*
4. Figure 4 - Flooding context of subject land - *circulated under separate cover*
5. Figure 5 - Location of the proposed Moss Vale by-pass - *circulated under separate cover*
6. Figure 6 - Staging Plan for the proposed Moss Vale by-pass - *circulated under separate cover*
7. Figure 7 - Identified Threatened Ecological Community - *circulated under separate cover*
8. Figure 8 - Proposed minimum lot sizes - *circulated under separate cover*

13.5 Post exhibition report on Planning Proposal to rezone land at Penrose Road, Penrose

Reference:	PN1742820 5901/62
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

To enable Council to consider a post-exhibition report on a Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to enable the provision of some infill residential lots on Penrose Road, Penrose.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone to R2 Low Density Residential and apply a minimum lot size of 2000m² to:

- Lot 41 DP 1058534, 873 Penrose Road, Penrose
- Lot 22 DP 11288, 871 Penrose Road, Penrose
- Part of Lot 42 DP 1058534, 46 Koolilabah Road, Penrose fronting Penrose Road between Lot 13 DP 11288 and Lot 41 DP1058534 being approximately 4000m² in area,

be **ADOPTED** and finalised in accordance with s3.36 of the Environmental Planning and Assessment Act, 1979 and Regulation 2000.

REPORT

BACKGROUND

The subject land comprises several lots on Penrose Road Penrose. The village of Penrose is located some 6 kilometres from Bundanoon and 5 kilometres from Wingello in the southern part of the Shire as indicated in **Figure 1** below.

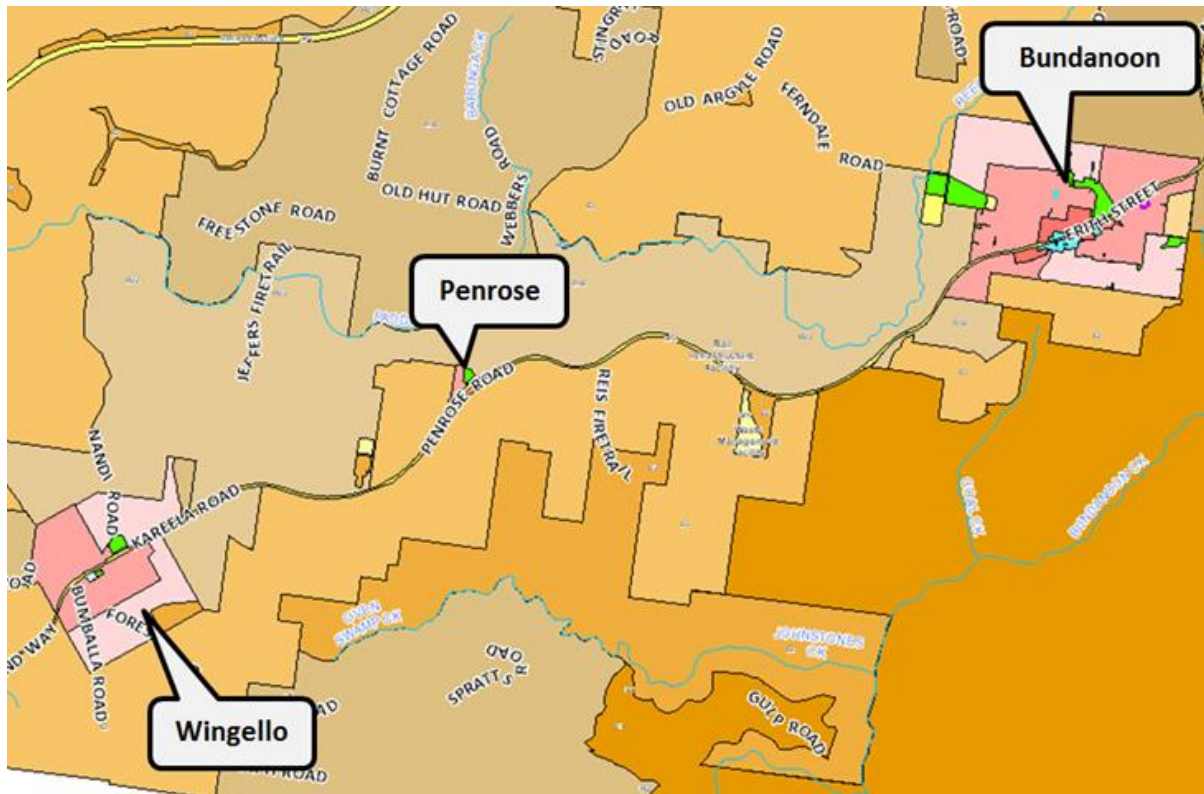


Figure 1 Location of Penrose Village (enlarged at Attachment 1)

The proposal to enable the provision of some infill residential lots was initiated by a Planning Proposal submission to the Wingecarribee Local Planning Strategy 2015-2031. The Planning Proposal focussed on rezoning and applying a 2000m² minimum lot size to land at 46 Koolilabah Lane, Penrose (Lot 43 DP1234556). The Proposal was supported and included in the Local Planning Strategy.

Subsequently, a Planning Proposal to amend WLEP 2010 as supported in the Strategy was considered by Council. At that time Council identified the neighbouring lots which should also be rezoned to R2 Low Density Residential to reflect their existing size and use. All lots considered are indicated in **Figure 2** below.

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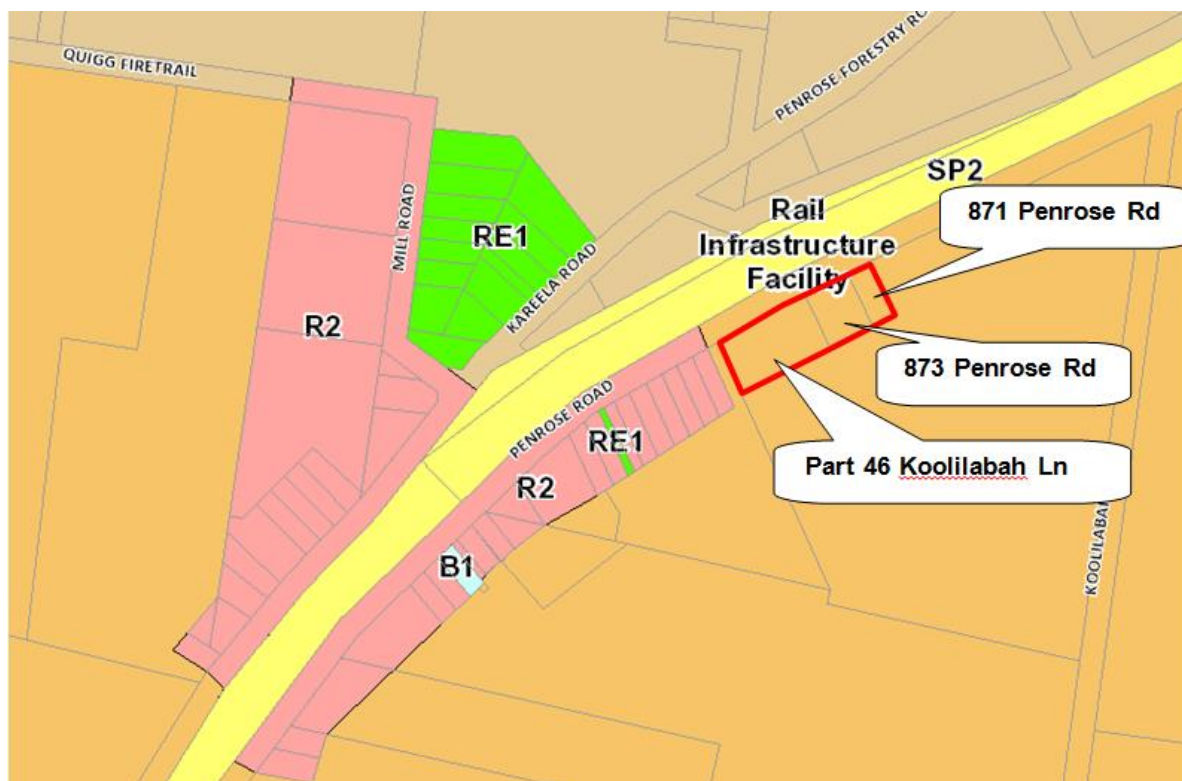


Figure 2 Location of lots included in Planning Proposal (enlarged at Attachment 2)

These additional lots were included in the resolution of Council at it's the Ordinary Meeting of 12 July 2017 THAT:

Wingecarribee Local Environmental Plan 2010 be amended to rezone to R2 Low Density Residential and apply a minimum lot size of 2000m2 to Lot 41 DP 1058534, 873 Penrose Road, Penrose and Lot 22 DP 11288, 871 Penrose Road, Penrose and to that part of Lot 42 DP 1058534, 46 Koolilabah Road, Penrose fronting Penrose Road between Lot 13 DP 11288 and Lot 41 DP1058534 being approximately 4000m2 in area.

A Planning Proposal was prepared by Council and submitted to the Department of Planning and Environment for a Gateway Determination which was issued on 18 September 2018. Referrals and public consultation occurred as required under the Gateway Determination, details of which are contained in the following report.

REPORT

In accordance with the Gateway Determination the Planning Proposal was referred to Water NSW and NSW Rural Fire Service. NSW Rural Fire Service raised no objections to the Proposal provided future development complied with *Planning for Bushfire Protection 2006*. Consideration of this requirement would occur with the lodgement of any subsequent Development Application for the subject land.

Water NSW also raised no objection to the Proposal subject to meeting certain requirements applicable at the Development Application stage.

The Planning Proposal was updated to include the referral responses and placed on public exhibition for a period of 29 days from Wednesday 7 November to Wednesday 5 December 2018. No submissions were received.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Community consultation occurred as discussed in this report.

Internal Communication and Consultation

No internal consultation was undertaken.

External Communication and Consultation

External referral to WaterNSW and NSW Rural Fire Service occurred as required in the Gateway Determination. Responses are included in the report.

SUSTAINABILITY ASSESSMENT

- **Environment**

The extent of the proposed residential infill is consistent with the current limited level of infrastructure consistent with environmental protection.

- **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 Planning Proposal has been progressed in accordance with legislative requirements.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Support the recommendation in this report.

Option 2

Not support the recommendation and thereby not proceed with the Planning Proposal.

Option 1 is the recommended option to this report.

CONCLUSION

Council is supportive of enabling a modest increase in residential development along Penrose Road. The Planning Proposal achieves that outcome. It is noted that the Gateway Determination authorises Council to exercise its functions as the local plan-making authority under s3.36(2) of the *Environmental Planning and Assessment Act 1979* subject to Council's satisfaction on certain matters. These matters have been addressed to Council's satisfaction and it is recommended that the Planning Proposal progress to finalisation and the proposed amendments to WLEP 2010 be made.

ATTACHMENTS

1. Figure 1 - Location of Penrose Village - *circulated under separate cover*
2. Figure 2 - Location of lots included in Planning Proposal - *circulated under separate cover*

13.6 Post Exhibition Report - Draft Equine Facilities Development Control Plan Amendments

Reference:	5700
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to enable Council to consider the outcomes of the public exhibition of the draft Development Control Plan Amendments for equine facilities, and to recommend the Amendments be formally adopted by Council.

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 adopted as exhibited with minor changes as outlined within the Report, and
2. **THAT** amended Development Control Plans be notified in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and its Regulations.

REPORT

BACKGROUND

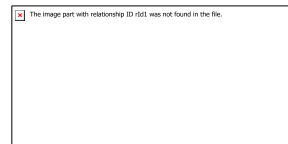
Council currently has two (2) separate Development Control Plans (DCPs) that guide development within our rural and environmental protection areas, and are the primary assessment tool for considering Development Applications (DAs) in these areas. The Rural Lands DCP applies to the RU1 Primary Production 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

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are considered appropriate for most rural buildings, they do not allow for covered or enclosed equine facilities (i.e. dressage arenas).

On 10 October 2018, Council resolved to exhibit draft amendments to the Rural Lands and Rural Living DCPs to facilitate covered or enclosed equine facilities in appropriate locations. The draft amendments were publicly exhibited from 24 October to 23 November 2018 (inclusive) and this report provides an update on the outcomes of the public exhibition period.

REPORT

The draft amendments to the Rural Lands and Rural Living DCPs were publicly exhibited between 24 October and 23 November 2018, at Council's Civic Centre in Moss Vale and also via Council's website during the exhibition period. Details of the exhibition were placed in the Southern Highland News and on Council's website.

One (1) submission was received during the exhibition period. The submission was supportive of the draft amendments, however, raised concerns about the 30m setbacks, and argued that locating structures closer to the boundary can provide a better outcome by positioning structures adjacent to boundary vegetation.

It is recommended that Council maintain the 30m setback as exhibited, to minimise any impacts on adjoining owners. However, Council could consider a variation to the minimum set back requirements on a case-by-case basis, where it is sufficiently justified as part of a Development Application.

The details of the draft amendments to the DCPs as exhibited are shown below.

DRAFT AMENDMENTS

To facilitate covered equine facilities, the '*Siting of Rural Buildings*' section of the DCP is proposed to be amended 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:

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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.
- 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. Zinalume 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

The draft amendments to the Rural Lands and Rural Living DCPs were publicly exhibited between 24 October and 23 November 2018 (inclusive), at Council's Civic Centre in Moss Vale and on Council's website. One submission was received during the exhibition period as outlined above.

Internal Communication and Consultation

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

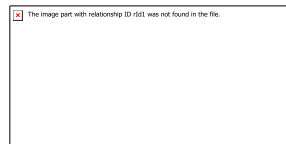
External Communication and Consultation

No external consultation occurred.

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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.

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 draft amendments to the Rural Lands and Rural Living DCPs as exhibited.

Option 2

Not adopt the draft amendments to the Rural Lands and Rural Living DCPs.

Option 3

Propose further amendments to the Rural Lands and Rural Living DCPs as exhibited. Depending on the nature of the changes, Council may be required to re-exhibit the draft amendments.

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.

Council recently exhibited draft amendments to the Rural Lands and Rural Living DCPs to facilitate covered or enclosed equine facilities (dressage arenas). It is recommended that the draft amendments be adopted as exhibited, to 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 Request for a Refund of Development Fees by Bundanoon Men's Shed Inc.

Reference: 19/0438
Report Author: Senior Town Planner
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 Bundanoon Men's Shed Inc for a refund of Development Application Fees pertaining to DA 19/0438.

As the application relates to a not for profit 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 Council Contingency Fund.

RECOMMENDATION

THAT Council with regard to the request by Bundanoon Men's Shed Inc for a refund of Development Application Fees refund \$130 being 50% of Development Application fee amount by way of a donation sourced from the Council's Contingency Fund.

REPORT

BACKGROUND

The Bundanoon Men's Shed Inc is a not for profit community organisation which advances the health and wellbeing of its members, including the pursuit of hobbies, skills, and mentoring. In 2018 the Bundanoon Men's Shed Inc lodged a development application, for the purposes of seeking an extension at the Bundanoon Men's Shed facility at 7-11 Burgess Street Bundanoon.

In lodging this application, Bundanoon Men's Shed Inc paid \$657 in application fees associated with the development. A receipt of payment of these fees has been provided in (**Attachment 1**).

REPORT

The Bundanoon Men's Shed Inc has made written request to Council dated 5 October 2018 (received 8 November 2018) seeking to have the development fees associated with 19/0438 refunded (**Attachment 2**).

Council's adopted policy position for refund of development fees associated with not for profit community organisation is prescribed within its Revenue Policy (Fees and Charges 2018/2019) under clause 23.5 which provides inter alia:

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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.*

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 \$657.00. The calculated eligibility for refund based on clause 23.5 is 50% of the DA Fee (\$260) being \$130.

The eligible refund amount totals \$130.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

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 broader economic implications in relation to this report.

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- **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 3 October 2018 was \$26,721. This balance does not take into account financial commitments made as part of any other reports contained within this business paper.

RELATED COUNCIL POLICY

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

OPTIONS

The following options are available for Council:

Option 1

That Council approve a refund to Bundanoon Men's Shed Inc of \$130 being 50% of Development Application fee amount, by way of a donation sourced from Council's Contingency Fund.

Option 2

That Council refund an alternate amount to Bundanoon Men's Shed Inc nominated by Council, by way of a donation sourced from Council's Contingency Fund.

Option 3

That Council resolve not to refund any of the development fees to the Bundanoon Men's Shed Inc.

Option 1 is recommended

CONCLUSION

The application for the partial refund of development fees by the Bundanoon Men's Shed Inc 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. 19/0438 Receipt
2. 19/0438 Applicant request for refund

13.7 Request for a Refund of Development Fees by Bundanoon Men's Shed Inc.

ATTACHMENT 1

19/0438 Receipt



ATTACHMENT 1

Fee Quote Estimate

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



Applicant: BUNDANOON MENS SHED
BURGESS STREET
BUNDANOON NSW 2578

Quote No: QUO18/1959**Date Issued:** 7 September 2018**Expiry Date:** 30 June 2019**CSO:****Estimated Cost:** \$ 1.00**Property:**

Group: Development Applications
Category: Community Facility

Charge Description	Quantity	Amount	GST	Total
22.8.4(a) - Application, Registration, Record Chg	1.00	\$82.00		\$82.00
22.1.2.3 - Application Fees Other	1.00	\$110.00	260	\$110.00
22.1.1 - Neighbour Notification	1.00	\$110.00		\$110.00
22.1.13 NORBE Assessment Fee	1.00	\$205.00		\$205.00
Total:		\$507.00		\$507.00

Grand Total: **\$507.00** **\$507.00**

\$657



30,000

13.7 Request for a Refund of Development Fees by Bundanoon Men's Shed Inc.

ATTACHMENT 2

19/0438 Applicant request for refund



ATTACHMENT 2



Bundanoon Men's Shed Incorporated
 ABN387 496 219 00
 11 Burgess St
 Bundanoon NSW 2578
bundanoonmemsshed.asn.au

The General Manager
 Wingecarribee Shire Council
 PO Box 141 Moss Vale NSW 2577

5/10/18

REFUND OF DA FEES

Bundanoon Men's Shed submitted a development application on 14 September for developments on land leased from Council at Burgess Street Bundanoon.

The allocated tracking number was DA 19/0438 and the total fee paid was \$657.

We understand that registered charities and non profit organisations may have these fees refunded, subject to Council resolution.

In this case a refund would appear to be wholly appropriate as the Men's Shed is a non profit community organisation with the objects set out in our constitution being:

To advance the health and well-being of its members by providing a safe and happy environment where men can, in the company of other men,

- i) Pursue hobbies, pastimes and interests
- ii) Learn new skills, practise and pass on old skills
- iii) Promote their own and other men's health and well being
- iv) By their efforts, benefit their families, their friends, The shed and their community
- v) Promote the mentoring of younger men

The proposed development is located on Council land formerly used as a works depot and is now subject to a lease jointly to the Bundanoon Men's Shed, the Bundanoon Community Association and the Bundanoon Highland Gathering. The lease was originally granted in 2010 for a period of five years and is subject to periodic renewal by Council.

We would appreciate your favourable consideration of this request and if any further information is required please do not hesitate to contact me.

Yours Sincerely

John Desmond
 Shed President

Phone 0417 202 291
john@desmonds.com.au

WINGECARRIBEE SHIRE COUNCIL		
Classification	MAILING	
File No		
DA No	19/0438	
Date	- 8 NOV 2018	
Officer	ACTION	INFO
P. Malley	✓	



13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong

Reference:	1826/14
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose of this report is to advise Council of the outcomes of the consultation on the future lease for Aboriginal Community Cultural Centre, 1A Rainbow Road, Mittagong.

RECOMMENDATION

THAT Council note the report “Community and Stakeholder Consultation on the Future Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Road, Mittagong” dated December 2018 (Attachment 1), which contains the following recommendations:

1. The community, stakeholders and other interested local Gundungurra people and local Aboriginal people are invited to meet and have an informal get together (Yarning up) with councillors and other invited guests
2. That ILALC attends the informal get together (Yarning up) to discuss the establishment of a new advisory group for working on stipulations associated with the lease of ACCC
3. That Council encourage and support the wider community and various stakeholders to appoint a new advisory that is inclusive and representative of the diversity with interest relating to the ACCC and leasehold arrangements
4. That the advisory group work with the ILALC and an independent Aboriginal property lawyer to include stipulations that are needed to ensure that the local community has control and self-determination over the running and ongoing use of the centre
5. That once the stipulations have been agreed upon, they are drafted for a community wide meeting for comments. Then ratified and accepted under the advice of a property lawyer as stated
6. A special event be held for the signing of the lease.

REPORT

BACKGROUND

At its meeting held on 27 June 2018, Council considered the submissions received during the period of public notice of intention to issue a long term lease for 1A Rainbow Road, Mittagong to Illawarra Local Aboriginal Land Council (ILALC). It was resolved by Council MN238/18:

1. *THAT any decision regarding the leasing to the Illawarra Local Aboriginal Land Council, of property known as 1A Rainbow Street, Mittagong be deferred for a period of three months to permit consultation between key local Aboriginal organisations with the aim of reaching a mutually agreed position, if possible on the future lease for the property referred to above.*
2. *THAT representatives of the Yamanda Aboriginal Association, Wingecarribee Reconciliation Group (WRC), the Illawarra Local Aboriginal Land Council, the S355 Committee for the Aboriginal Cultural Centre, local elders and other key Aboriginal people be invited to take part in the consultative process.*
3. *THAT Council support, administer and fund the consultative process, employing an independent facilitator who has comprehensive knowledge of Aboriginal issues to manage the consultation process.*
4. *THAT the General Manager (or her delegate) and Cllr L A C Whipper and Cllr G Markwart be delegates to attend meetings as observers only, unless invited to participate into discussions by the facilitator.*
5. *THAT subsequent to the conclusion of the consultation period, a written report on the conclusion drawn by the facilitator be forwarded to a future Ordinary Meeting of Council for determination.*

REPORT

Following the resolution by Council on 27 June 2018, Council staff invited proposals from suitably qualified consultancies, eventually engaging Proper Business Consulting (PBC) to undertake the consultation regarding the proposed long term lease of 1A Rainbow Street, Mittagong, also known as the Aboriginal Community Cultural Centre (ACCC), to the Illawarra Local Aboriginal Land Council (ILALC).

Consultation commenced early September and was finalised early November. The consultation was held with Traditional Gundungurra peoples and other local Aboriginal people within the Shire, including Yamanda, the 355 committee, the Wingecarribee Reconciliation Group, agency and service providers and ILALC. Stakeholders were advised of the consultation via email and advertisements were placed in the local newspaper.

A multi-phased approach to the consultation was undertaken with stakeholders with objectives to:

- Undertake consultation concerning the proposed lease of the ACCC to the ILALC
- Conduct the consultation from a non-partisan position using appropriate mixed methods to reach agreements to the proposed lease arrangement
- Produce an outcome that will outline findings and make recommendations based on these findings.

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The multi-phased consultation was designed using Indigenous research methodologies involving a narrative participatory approach, this included:

- Phase 1 – Narrative / Yarning Process
- Phase 2 – Workshop 1 and Survey
- Phase 3 – Workshop 2 and Evaluation

The final step in the consultation process involved validation of the Draft Report by those stakeholders who had participated in the consultation process. The draft report was sent to all participants to review and provide feedback.

Key findings from the consultation process included:

- Agreement that the ACCC is for future generations
- Majority agreement to lease the ACCC to ILALC for an extended period with stipulations
- Majority of participants wanted further meetings with Council, ILALC, Yamanda, 355 Committee and other stakeholders to develop stipulations around the lease to ILALC
- Need for healing.

Based on the key findings from the consultation PBC outlined the following recommendations:

1. The community, stakeholders and other interested local Gundungurra people and local Aboriginal people are invited to meet and have an informal get together (Yarning up) with councillors and other invited guests
2. That ILALC attends the informal get together (Yarning up) to discuss the establishment of a new advisory group for working on stipulations associated with the lease of ACCC
3. That Council encourage and support the wider community and various stakeholders to appoint a new advisory that is inclusive and representative of the diversity with interest relating to the ACCC and leasehold arrangements
4. That the advisory group work with the ILALC and an independent Aboriginal property lawyer to include stipulations that are needed to ensure that the local community has control and self-determination over the running and ongoing use of the centre
5. That once the stipulations have been agreed upon, they are drafted for a community wide meeting for comments. Then ratified and accepted under the advice of a property lawyer as stated
6. A special event be held for the signing of the lease.

Further information on the consultation methodology, findings and recommendations are detailed in **Attachment 1**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Details of engaging with the community on the proposed lease have been outlined in the report.

Internal Communication and Consultation

Executive

External Communication and Consultation

No communication or consultation with external government departments or agencies other than the ILALC has occurred.

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**

This multi-phased consultation process was designed using Indigenous research methodologies involving a narrative participatory approach. This process also adheres to the protocols within communities, meetings with Elders and other known stakeholders.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Community Engagement Policy

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OPTIONS

That the report be noted.

CONCLUSION

This report outlines the outcomes of the consultation for the future lease for Aboriginal Community Cultural Centre, 1A Rainbow Road, Mittagong.

ATTACHMENTS

1. Report on Community and Stakeholder Consultation for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong

13.8 Outcomes of Consultation on the Proposed Lease for the
Aboriginal Community Cultural Centre, 1A Rainbow Street,
Mittagong

ATTACHMENT 1 Report on Community and Stakeholder
Consultation for the Aboriginal Community Cultural Centre, 1A
Rainbow Street, Mittagong



ATTACHMENT 1

PROPER BUSINESS

Wingecarribee Shire Council

Report Community and Stakeholder Consultation

December 2018

PREPARED: by Samia Goudie



**13.8 Outcomes of Consultation on the Proposed Lease for the
Aboriginal Community Cultural Centre, 1A Rainbow Street,
Mittagong**

**ATTACHMENT 1 Report on Community and Stakeholder
Consultation for the Aboriginal Community Cultural Centre, 1A
Rainbow Street, Mittagong**



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**13.8 Outcomes of Consultation on the Proposed Lease for the
Aboriginal Community Cultural Centre, 1A Rainbow Street,
Mittagong****ATTACHMENT 1 Report on Community and Stakeholder
Consultation for the Aboriginal Community Cultural Centre, 1A
Rainbow Street, Mittagong**

Company Profile

1.1 About Proper Business

Proper Business Consulting (Proper Business) is a 50% Aboriginal Australian owned consultancy delivering high quality consulting, research and advisory services in the health, education, environment, arts and cultural competency sectors. Proper Business is a new collaboration built on a solid foundation of experience, between Samia Goudie, a proud Bundjalung woman, and Sustineo, a social research and evaluation consultancy firm with an extensive portfolio of applied research, and social and economic development projects delivered across Australia and the Asia Pacific.

Proper Business' approach is underpinned by our commitment to doing business the Proper Way – by our clients, partners, and the community. To ensure the best possible outcomes, we maintain rigorous performance standards, which include working with real respect and deep understandings of diversity and community knowledge.

At Proper Business, we work with outstanding Aboriginal and Torres Strait Islanders to ensure the best possible team of expertise from around the country. Our team experience comes from public, private and community sectors, ensuring that we can craft crosscutting evaluations of complex and dynamic social issues that deliver outcomes that are clear, practical and actionable. Proper Business recognises the diversity of Aboriginal and Torres Strait Islander peoples, while drawing on shared experiences to build common understandings. Our team members are skilled relationship brokers, forming open, collaborative and productive relationships with clients and stakeholders.

**13.8 Outcomes of Consultation on the Proposed Lease for the
Aboriginal Community Cultural Centre, 1A Rainbow Street,
Mittagong**

**ATTACHMENT 1 Report on Community and Stakeholder
Consultation for the Aboriginal Community Cultural Centre, 1A
Rainbow Street, Mittagong**



2. Background

Proper Business Consulting (PBC) was engaged by the Wingecarribee Shire Council to undertake a community consultation with the Traditional Gundungurra peoples and other local Aboriginal people within the shire. This consultation would include Stakeholders such as Yamanda, the 355 committee, the Wingecarribee Reconciliation Group, Illawarra Local Aboriginal Land Council (ILALC) and others as identified throughout the project.

A previous motion had been put forward by Council to make notice of the lease intentions with the ILALC and responses from community members were received with only 1 response in favour of the motion.

As a result Council responded by engaging PBC to bring the various stakeholders together and through a variety of methods explore the possibility for a lease arrangement with the ILALC going ahead.

3 September 2018 - Inception Meeting.

Background information was received from Council and read by PBC and then was followed by a face-to-face meeting with representatives of Council with PBC for clarifications concerning the overall project and propose aims and objectives and the methods that would be used.

The consultant's aims were to find out if the communities and other stakeholders within the local area could come to an agreement about leasing the property at 1a Rainbow Street to the ILALC. This building has been and is being used as an Aboriginal Community Cultural Centre by Gundungurra peoples and other local Aboriginal people and relevant groups within the shire.

Consultation Question		
	Option 1	Option 2
	Proceed with negotiations with ILALC to lease, lot 1 Rainbow Street, Mittagong for 99 years	Proceed with negotiations with ILALC to lease lot 1A Rainbow Street, Mittagong for 25 years
Council	Recommended this option (pre consultation)	
Community	Only one person in favour pre - consultation of either proposal	Ongoing decision making
ILALC	Supports this proposal as per documentation provided	

13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong**ATTACHMENT 1 Report on Community and Stakeholder Consultation for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong****3. Space Project Objectives****The fundamental approach for this project was to:**

- Respect and maintain Aboriginal Protocols and stakeholder relationships within the project.
 - Ensure Local Elders are contacted and that the consultant is introduced as a foundation of the process
 - Cultural knowledge's, cultural safety and self-determination sit at the core of exchanges and decisions made by the community stakeholders involved.
 - Ensure relationships are sustained where possible throughout the process, with active follow-up (there was an open invitation to contact PBC at any time throughout the assignment)
 - Mitigate risk of conflicts through personal and confidential contact as needed.
 - Undertake a consultation concerning the possible lease, lot 1 Rainbow Street, Mittagong to the ILALC.
 - Conduct the consultancy from a non-partisan position using appropriate mixed methods to reach agreements to the proposed lease arrangement.
 - Produce an outcome that will outline findings and make recommendations based on the findings.
-
1. Undertake a consultation concerning the possible lease, lot 1 Rainbow Street, Mittagong to the ILALC.
 2. Conduct the consultancy from a non-partisan position using appropriate mixed methods to reach agreements to the proposed lease arrangement.
 3. Produce an outcome that will outline findings and make recommendations based on the findings.

4. Methodology

Undertaking a consultation with Aboriginal /First Nations peoples, requires an understanding of Indigenous research methodologies. These can be summarized as being working with respect, listening first and following the process as it unfolds (snowball effect).

The methodology used sought to triangulate findings by using a mixed methods approach.

Using a Narrative participatory action approach.

For this consultancy we chose to use 3 main ways to elicit as much information as possible.

We also kept track of the demographics (numbers) of people participating in each action.

It is also important to note that not everyone will participate in all of activities, however, by using these 3 processes, we have a statistically higher chance of including as many views as possible.

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1. A narrative, Yarning process. Including face-to-face, phone calls and emails: unlimited within time frame.
2. Workshop and meetings x 2 – reflect, revise, follow-up, findings
3. Evaluation and questionnaire x 2 -analysis findings

5. Approaches**5.1 The Narrative Approach**

A narrative approach involves taking time to listen. Aboriginal people will often refer to this as Yarning. It is a legitimate way of undertaking a consultancy and is essential to achieve engagement from Stakeholders. This process also adheres to the protocols within communities, meetings with Elders and other known stakeholders and introducing oneself.

Acknowledging the country we are working on is important and instils the reminder to communities that their decisions should be self-determined. This approach allows people to feel they can build relationships that are trustworthy and that information will remain confidential unless otherwise requested. We chose to leave an open invitation to phone or email us throughout the process and where possible meet in person.

Approach objectives

The objectives of using this approach are as follows

1. Make personal contact and introductions with relevant people in the community
2. Make time to meet with people individually as a group, give unlimited time, and access to the consultants in person, via phone or by email throughout the process.
3. Consider the conversations and main themes
4. Note main issues arising to address
5. Design the process leading to the next steps of workshop 1

Action:

We spoke with groups, individuals, and group representatives including Yamanda, representatives from the 355 committee, and representatives from Wingecarribee Reconciliation Group, various agency heads and service people. We also spoke to a number of individual Councillors and various local community members.

Most of the conversations ranged from half an hour to 2 hours. In total, we spoke with 35 people in the first round of meetings and discussions.

Some of the people we spoke with from 1-5 times and received emails from at least 3 regularly.

1. The majority were women, with roughly 2/3rds being woman and ages ranged from mid-teens, to mid-80's years of age.

13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong**ATTACHMENT 1 Report on Community and Stakeholder Consultation for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong****5.2 Workshops /meetings approach**

This approach moves from the initial one on one meetings (narrative yarning method) and brings people together to talk in a group. This way people have a chance to speak in public and be seen. This may be the only way some people participate. A workshop can form relationships and support people to ask questions, explore topics and problem solve. This is an opportunity to also identify threats and seek solutions together.

Surveys were distributed at this meeting, which sought to build on the conversations we had started to inform the process for the next workshop. A long time frame was offered so people could take enough time to return the surveys and follow-up with phone calls or emails. The data was analysed for the next meeting.

First workshop /meeting-

September 25, 2018 5.30-8.30 pm

Quantitative - 20 people attended, 12 female and 8 male

Most people were in the 20-80's age range.

In-group work these are often called the "storming and forming" stage, especially if group dynamics are difficult. The aim always is always to move from difficulties and deficit discourses towards having a group vision and seeing opportunities that are in best interest for all the stakeholders.

Workshop 1 and discussion

The pre- discussion and planning for workshop 1 focused on addressing issues that had become evident through the face-to-face and other conversations held.

It was clear to us that as is common in many communities that different stakeholders and members of the local community held conflicting views and also that past histories both personal and historical would have an impact on the consultation.

For this reason we acknowledged that it was likely that some comments and concerns would be uncomfortable might be aired. We decided that where possible we would allow things to be aired to help people feel that they could be heard and to show transparency.

It was clear to us that this was a risk, however based on the communications we had with people we felt the without allowing and acknowledging differences achieving an outcome would prove difficult. Lateral violence is a response to trauma and shutting down trauma responses only feeds violence and does not allow for healing.

We aimed to address these issues in the first workshop so we could move forward together.

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To do this we planned the first workshop by using a SWOT Plan

Intentions

- Strengths for the whole community
- Weakness for the community
- Opportunities for the community
- Threats to the community

First and foremost we sought to address the following:

Proper Business was contracted to provide consultation to the Aboriginal community members within the Wingecarribee Shire Council to identify recommendations with the lease of Lot 1 Rainbow Street, Mittagong (Aboriginal Centre). There has been a large opposition to the 99-year lease proposal to ILALC, as proposed in the public notice. The lease is being proposed to access a grant from PMC for expansion of the Aboriginal Centre, eligibility requires an Indigenous led management and ownership of the organization to provide administration of the grant. Current local management regimes such as the 355 Committee under the Council do not meet requirements. Consultation is being provided now to seek recommendation on how to move forward.

AGENDA

Acknowledgement of Country

Introductions

Our Understanding

Direction

Background

Talk about peoples visions

SWOT - Strength, weakness, opportunities and threats.

The Aim:

The first workshop was to bring people together to begin the work of moving towards a shared vision and process to come to a decision concerning the possible lease agreements.

Objective:

Encourage transparency in communications,

Move towards forming a group,

Engage and encourage investment in self-determination.

To strive for inclusion and renewal of the community

Bring out peoples best intentions.

Come to self determined decisions.

**13.8 Outcomes of Consultation on the Proposed Lease for the
Aboriginal Community Cultural Centre, 1A Rainbow Street,
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Reflection:

Unfortunately, in the first meeting 3 people had felt threatened, or spoken to with disrespect. The consultants acknowledge this could have been managed better. A number of communications were undertaken to address this issues. We also looked at how to mitigate any further conflicts and reassured people that the workshop would be working towards an outcome and focused on forming as cohesive a group as possible to come to a majority decision or recommendations for the next steps concerning the lease. There was however in post conversations also a sense of new beginnings and opportunities. It was also expressed that it would have been near impossible to not have difficult issues arise. We were very happy to have the numbers that attended 20 people attended, 12 female and 8 male.

Most people were in the 20-80's age range that attended and a good representation of groups. Introduction's at the beginning was also not done well and the facilitator made assumption's that people knew each other.

Second Workshop/meeting –

November 5 2018 5.30-8.30

Quantitative- 15 attended – 7 female and 7 men and myself (Samia Goudie)

4 people were apologies.

Agenda

Acknowledgement of country

Introduction to process for meeting and overview of consultation to dates findings

Overview of meeting

Introductions of people attending

Discussion feedback on survey, issues and open discussion concerning the cultural centre and lease

Opportunity to yarn, get a cuppa or clear your minds.

Introduction by Paul Knight from ILALC

Presentation concerning the leasehold -99 year lease; as proposed by Council.

7.30 Group Discussion

Discuss main points from discussions.

1. Options of accepting lease agreement with ILALC- 99 year or 25 year
2. Accepting lease as presented
3. Possibility of MOU or stipulations with lease arrangement
4. Who and what organisation should be responsible
5. Formation of a new wider representative /advisory committee to incorporate
6. Not accepting lease hold at this time
7. Recommendations for next steps if new body should be formed
8. Recommendations if accepting lease

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9. Recommendations if not accepting lease at this time
10. Recommendation's for Council
11. Issues concerning Council and community engagement and processes

7.45- 8 .30 pm

Main options voted on with majority numbers noted – 3 undecided

Recommendations to be put forward after evaluation and further comments assessed.

In the second meeting, we sought to build on the material collected in the first survey given in the workshop/meeting. We had also received a number of phone calls and emails relating to the process and acted in a positive way to respond.

This data from the responses sent to us from the survey was then used to gauge the strengths and visions people had indicated. The responses indicated a need to still use time to help bring the individuals together as a group and to break down barriers.

Aim:

Ensure safe and open meetings

Ensure each participant would be able to speak and comment at the beginning.

Workshop the positives people could identify in the community.

Elicit positive reflections on what people wanted for a community cultural centre.

Explore what is in the way and how to move forward.

Objectives:

Speak directly to the lease options

Offer options

Discuss and brainstorm

Reach a majority decision to recommend to Council and ILALC

Reflection:

The meeting opened well and people spoke freely and introduced themselves and whom they represented. People were also encouraged to say something about how they felt about the issues they had and then asked to re frame issues to answer the question: what would the best outcome to your issues look like?

A unanimous response was that the centre really is for the next generations and that this is a true desire and heartfelt wish of all involved.

Other issues remained based on unresolved historical and personal issues, which it had been made clear that they would not be able to be solved in this meeting. It was noted however that these things are all-important and if left unresolved are passed down to the next generations and block positive self-determined actions to make decisions.

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It was also noted that language relating to legal terminology and clauses proposed if the lease is signed off on to the ILALC is difficult for some members of the group to understand. This also may be that those who responded in the evaluation to feeling unheard or unable to get their point across need more time and discussion before an agreement can be reached.

The majority, with the exception of 3 -4 people, expressed that a lease of 99 years would be considered with stipulations that would be worked out to the satisfaction of the stakeholders.

It was also noted that a recommendation for a new broader and inclusive advisory be formed with respect to the traditional Gundungurra Elders and descendants, whilst recognising the need to be inclusive.

5.3 Surveys and evaluations approach

Aboriginal Community, Wingecarribee Shire Council /ILALC lease agreement discussion

The purpose of the surveys and evaluations as a method is to gain other information to build onto the narratives and the workshops. The first survey was used to ascertain strengths and visions.

Survey: 1.

This survey provides opportunity for recommendations to the Wingecarribee Shire Council for this consultation with the Aboriginal community. Please fill this survey and provide response back to Tim from Proper Business at timstevenson269@gmail.com by October 27, 2018. Your input is vital to the future investments into community. If you have any questions, please do not hesitate to contact Samia (samia@properbusiness.com.au) or Tim.

Quantitative

7 people responded to the survey

3 people followed up with phone calls

Survey Questions:

1. What is your vision for your local Aboriginal community?
2. What strengths can you bring to the community? Please list up to 5
3. What is one event in your community that stood out for you as being successful?
Why?
4. What are the weaknesses and challenges that the community currently faces? Please list up to 5
5. What do you see as opportunities for the community? Please list up to 5 –
6. What do you see as threats that could impact programming and service delivery?
7. What is needed to address these issues, please list up to 5?
8. Is there anything else you would like to add? Up to a page response please

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Survey 2 / Evaluation

Quantitative:

12- 15 responses on each question.

Note this will be anonymous so people can answer freely.

1.You felt you had time to be heard and have your views heard.

Yes: 11- No: 4

2. Did you feel the consultants made significant effort in the time allocated to consider the various options put forward

Yes: 10- No: 5

3.Do you feel that through the consultation and meetings that you have been fairly represented?

Yes: 9 -No: 4 -NA: 1

4. Did you feel safe during the process?

Yes: 10 -No: 3

5. Did you feel council through this process has made significant efforts to improve decision-making and agency for the community.

Yes: 7- No: 6

Do you feel that this process has helped the community to move forward towards a decision that will benefit the community as a whole?

Yes: 9 -No: 3

6. Word clouds: Qualitative Data

Word clouds are an excellent tool to capture comments and themes. Based on analysing the comments made in the survey/ evaluations / group work comments from meetings the main themes emerging have been compiled.

The larger words are words that appeared most often and the smaller ones capture words that appeared less often. To protect participant's best interests I am presenting it in this way to convey issues and background taken from the discussions and surveys. It is important that as many themes as possible are represented to ensure the self-determination of the community to be heard.

I have designed the clouds to be reflective of stages of the consultation and of themes running throughout.

Themes for word clouds

1. These words appeared most commonly in the first stage of one on one meeting and from notes taken and themes in the first meeting.



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13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong**ATTACHMENT 1 Report on Community and Stakeholder Consultation for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong****7. Findings discussions and reflections**

Throughout this process, there have definitely been ups and downs. At times things were very difficult for people and our task was to as gently and honesty as possible encourage stakeholders and community members to come together and trust the process and trust us.

This is a big ask of anyone, we however reasserted continually the need to be sure that community members claim their self-determination and make actions. It is not our job as consultants to make decisions.

We gave space as much as we could for people to connect, talk things through and did so with an open and active listening approach. Feeding back what we understood and often clarifying where possible throughout the process points to re visit that seemed stuck.

In any group process, there are un- said things and said things. Historical issues often cloud peoples thinking, so it is imperative and we took this seriously, that people in the community should be given as much attention as possible to be heard and feel that we understood their concerns. As human beings, we have done our best in this and can only hope this has shown to be an authentic intention.

We recognised one of our biggest flaws was in relation to the first meetings, where stronger direction was needed to allow peoples voice but not to leave people feeling disrespected. This is learning for us as consultants. We hope in the future engagements this was addressed sufficiently to allow people to move on.

This is a work for the next steps is in progress and not solved overnight.

Of course not all people will feel this has happened, however we can only report on the findings of the consultancy steps and report back based on what we have received.

I would also note that we gave ample time for people to reach out or call us for any clarifications and some people certainly did.

The overall process went well and from comments it felt that people had moved past some historical issues and were able to meet together and focus on a positive future being created together. The theme of “for the Next Generation “ was a reoccurring united theme and I would suggest this be continually returned to.

It is not only for us that we need to heal, but it is for our future generations to have the richness in culture and language they deserve, the sense of identity that is strong and proud and a welcoming cultural community centre for all.

This was the main overarching message that as a consultant I have reflected on and shows up clearly throughout the process

It is not my place to say how, or when, it is not my country. I have simply been a visitor as a Bundjalung woman. I hope however that I have ben respectful and shown appropriate understanding of local protocols and that my own behaviour has helped in this journey for the self-determination of the community living on Gundungurra country.

13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong**ATTACHMENT 1 Report on Community and Stakeholder Consultation for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong****8. Recommendations - Where to from here?**

1. The community, stakeholders and other interested local Gundungurra people and local Aboriginal people are invited to meet and have an informal get together (Yarning up). This will give people a chance to be seen and heard and build relationships that will support future relationships between the Elders and descendants of the Gundungurra people's other local Aboriginal/ first Nations community and the wider local community. It will allow councillors and other invited guests to meet face to face and engage in taking steps in creating a positive future together for everyone.
2. Importantly that the ILALC is integral to this process and the agreements will be made solely between the local advisory and the ILALC and signed off as appropriate. Discuss how an advisory will be nominated, what will be the process.
Council request the ILALC attends the meet and greets and has a small agenda of business. How, who and when do people want to set up an advisory for working on the stipulations.
3. That the councillors encourage and support the wider community and various stakeholders to appoint a new advisory that is inclusive and representative of the diversity with interest relating to the Community Cultural Centre and leasehold arrangements.
4. That the advisory group work with the ILALC and an Independent Aboriginal property lawyer to include stipulations that are needed to ensure that the local community has control and self-determination over the running and ongoing use of the centre. Some of these suggestions have already been noted as follows, but are just a beginning.
5. That once the stipulations have been agreed upon that they are drafted for a community wide meeting for comments. Then ratified and accepted under the advice of a property lawyer as stated.
6. I would then suggest a special event, but of course, this is up to the community to decide. I would however personally suggest that this would be a momentous achievement and lead to really positive and good work in the community. People, especially Elders and others who have worked tirelessly in the community should also be thanked and appreciated for all their hard work to get to this outcome. I would hope this can happen as it's often the work of others that goes on that brings things to fruition. Without tireless efforts of our Elders and all those before us, none of us would be here; we should never forget whom we are and where we have come from.

13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong**ATTACHMENT 1 Report on Community and Stakeholder Consultation for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong****8.1 Notes on stipulations:****These stipulations have already been proposed.**

Ensure the lease stipulates that the management and any negotiation's concerning the centre are handled via the Advisory with the ILALC. Protection within the lease safe guarding changes of CEO's or ILALC / council personal.

That employment regarding the centre is first offered to local Aboriginal people.

Agreements are made concerning the day-to-day running and programming of activities.

Programming and details such as WHS and maintenance discussed and agreed upon.

The process be instigated and supported by Council with resources such as food / venue and advertising.

9. Renewal of other issues arising who will take this on?

- Reconciliation Action Plan (RAP), Cultural heritage employment of another Aboriginal local person if possible at Council, service provision, housing and health. A RAP should be a document made with the local community. It should be robust and have statements with actions and accountability. Ideally designed professionally with consultants. It should not be rushed, most take a year to really develop. Reconciliation Australia can help with this as also the local Reconciliation action team if they wished to do so.

Consultants note on Cultural Safety.

Cultural safety, or navigating difference is something we all need to take on board. It is not one sided and its ok to get it wrong and try again. It is learning and sharing experience that should and does enrich everyone's lives for the future benefit of all our children and for the integrity of a united Australia that recognises and embraces the richest longest continual culture on the planet. Something we should all be proud of.

10. Note from PBC Lead consultant Samia Goudie

First and foremost I would like to extend my acknowledgement and pay my respect to the Ancestors, Elders and descendants of the Gundungurra people's. I also pay my respects and acknowledge all other Aboriginal and First Nations peoples who have made Gundungurra lands their home.

I would like to thank the good will and intention of all the Councillors and the hard working team that makes up the workings at Council.

Especially acknowledging community advisor Mel Wiya who as a proud Bundjalung woman has shown discretion, integrity and a willingness to extend herself in supporting this process.

Thanks also to Danielle Lidgard and Cath Brennan who supported the navigation of Council processes and who were very generous with requests.

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And lastly and very importantly I wish to thank each and every one of the people we have met and had the opportunity to listen to and learn from and be on your beautiful lands. I only wish we had more time to explore and sit down by a fire, share stories and listen to country.

I apologise if in anyway, my behaviour or any action has not met your expectations, but rest assured I am reporting on this process to the best of my ability and look forward to staying in touch.

There is now an opportunity for you to make additional comments, preferably in track changes or in paragraphs or dot points on a separate word document. Please think carefully about what you really need heard or if you feel un-represented in some way, please let us know.

The turnaround time to send comments is by Thursday the 22nd by COB.

Please send to samiagoudie@gmail.com

Alternatively, you can call me on 0407925176 if you wish to yarn about anything at all.

The final submission will be edited and submitted to council by Tuesday 27th COB.

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13.9 Mittagong Airfield

Reference:	7300/3
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide Council with the outcomes of a meeting between representatives of the Mittagong Airfield Committee and Council in resolving subdivision matters involving the Mittagong Airfield.

RECOMMENDATION

THAT Council notes that a development application will be lodged for the subdivision of the northern section of the Mittagong Airfield runway from the existing privately owned land.

REPORT

BACKGROUND

Council at its meeting held on 28 November 2018 considered a Notice of Motion in relation to a request by the Mittagong Airfield Committee for a subdivision of part of the land on which the airfield has been constructed. In considering the Notice of Motion, Council resolved MN521/18:

1. ***THAT Council staff and Council's legal representative meet with the representatives of the Mittagong Airfield Committee and their legal representative to work through the most economical and efficient solution to resolve this matter.***
2. ***THAT Council staff bring back to Council for the Council meeting of 12 December a mutually acceptable resolution by all parties if possible, for Council consideration.***

REPORT

In accordance with the Council resolution, a meeting between Council's legal representatives and representatives of the Mittagong Airfield Committee and their legal representative was held on Thursday 6 December 2018. The meeting was chaired by the Mayor.

A consensus was reached in regard to the circumstances for the subdivision and facilitating the runway on a separate allotment. At the conclusion of the meeting, it was agreed that a

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Development Application is required for the proposal and would be lodged for the boundary adjustments.

COMMUNICATION AND CONSULTATION

Community Engagement

No Community Engagement has been undertaken on the matter to date.

Internal Communication and Consultation

Council's Planning Development and Regulatory Services Branch and Panel Solicitor Shaw Reynolds Lawyers have been involved.

External Communication and Consultation

No external communication or consultation apart from representatives of the Mittagong Airfield Committee has occurred.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications in relation to this matter

RELATED COUNCIL POLICY

Nil

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OPTIONS

The option for Council is to note the contents of the report and that a development application will be lodged with Council.

CONCLUSION

Given the context of the proposed subdivision, it is concluded that the only way to deal with the proposal is via development application and not through State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

ATTACHMENTS

There are no attachments to this report.

13.10 State Government Changes to Parking Fines

Reference:	7450
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to inform Council of the NSW State Government's actions in reducing a range of State Government issued parking fines and for Council to determine its position on implementing a reduction in the parking fine amount administered within the Wingecarribee Local Government Area.

RECOMMENDATION

THAT Council determine its position as to whether it wishes to opt into reducing parking infringement fines.

REPORT

On 4 December 2018, the Mayor received correspondence from The Hon Dominic Perrottet MP, NSW Treasurer and Minister for Industrial Relations. A copy of the correspondence is included in **Attachment 1** to the report.

In summary, the letter advises that the State Government in June 2018 announced plans to make parking fines fairer for residents across the state. As a first step, State Government issued parking fines were reduced by 25%. However, the current \$112 minimum parking fine imposed by local councils is stipulated under State legislation.

The NSW State Government has now made the regulatory changes in legislation to enable Councils to reduce their parking fines. Under the framework, Council can reduce their fines from \$112 to \$80. These concessions do not apply automatically. To make the change, Councils must opt in by advising the Treasurer in writing by 1 January 2019. If Council does agree to the fine reduction, the reduced amount would be effective from 1 March 2019.

It is noted that if Council does not make a decision by 1 January 2019 further opportunities to opt in as a Council to reduce the minimum fine will be offered at later points in 2019.

In addition to the above, it is noted that the State Government receives a processing fee of approximately \$20 per infringement notice for the processing of fines through the Revenue NSW. There is no indication whether the processing fee currently retained for parking fines will also be reduced.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

No Community Engagement on this matter has been undertaken.

Internal Communication and Consultation

Consultation has occurred with Council's Chief Financial Officer and Group Manager Planning Development and Regulatory Services.

External Communication and Consultation

No external consultation has been undertaken.

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

For the 17/18 Financial Year, Council issued approximately \$290,000 in parking fines. To date the 18/19 financial year is tracking similarly. This amounts to approximately 2,680 fines. A reduction in fines of \$32.00 amounts to a reduction in revenue of \$85,800 to Council's General Fund over the course of a year. If Council resolves to opt in to the reduction in fines, adjustments will need to be made for the remainder of the 2018/19 Financial Year as well as the predicted revenue estimate for the 2019/20 Financial Year.

RELATED COUNCIL POLICY

Nil

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

THAT Council resolve to opt in to reducing parking infringement fines and inform the NSW Treasurer prior to 1 January 2019.

Option 2

THAT Council defer consideration of reducing parking infringement fines until early in 2019.

Option 3

THAT Council not opt in to reducing parking infringement fines.

CONCLUSION

The State Government has recently altered legislation in order for Council to be able to opt into reducing the fine amount for parking infringements. In order for Council to reduce the value of parking fines, the NSW Treasurer needs to be informed.

ATTACHMENTS

1. Letter from The Hon Dominic Perrottet MP NSW Treasurer

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 6 December 2018

13.10 State Government Changes to Parking Fines

ATTACHMENT 1

Letter from The Hon Dominic Perrottet MP NSW

Treasurer



The Hon Dominic Perrottet MP
Treasurer and Minister for Industrial Relations

ATTACHMENT 1

Clr Duncan Gair
Mayor
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

WINGECARRIBEE SHIRE COUNCIL	
Classification	Amount
7450	
- 4 DEC 2018	
L. Stratford	✓
B. Gordon	✓
H. Williamsen	✓
N. Wilton	✓
B. Rawson	✓

Dear Mayor,

ACT NOW TO TAKE ADVANTAGE OF PARKING FINE CONCESSIONS FOR YOUR CONSTITUENTS

In June this year the NSW Government announced plans to make parking fines fairer for residents across the state.

Parking fines play an important role in maintaining order and safety on our streets. But the penalty should not be out of proportion to the offence. At present, parking fines in NSW are much higher than in many cities in Australia and overseas, including Melbourne, Brisbane, London, and New York.

So we are taking action.

As a first step we reduced a range of State Government issued parking fines by 25 per cent.

Many Councils have noted they have no power to reduce parking fine amounts, which are set at a \$112 minimum under State legislation, and the Government has committed to providing Councils the freedom and flexibility to reduce their parking fines too.

Following broad consultation which revealed overwhelming support from the community for fine reductions, I am pleased to advise that the Government has now made the regulatory changes necessary for Councils to reduce their fines.

What are the changes?

Under the new framework, Councils can reduce their fines from \$112 to \$80. These concessions do not apply automatically. To make this change Councils must opt in, by advising me in writing by 1 January 2019. You can do this by completing the slip enclosed.

Councils that opt in by 1 January 2019 to reduce their fines will be recorded in the relevant regulation, which will be published on the NSW Government Legislation website, and will be able to charge lower fine amounts from 1 March 2019. A list of Councils who have opted in will be made public after 1 January 2019.

13.10 State Government Changes to Parking Fines

ATTACHMENT 1

Letter from The Hon Dominic Perrottet MP NSW

Treasurer



If you do not opt in by 1 January 2019, you will have further opportunities to opt in at later points in the next year, but the benefits to your constituents will be delayed.

The current arrangements for parking fines to be indexed annually will continue.

Grace Period

As well as reducing fines, I am pleased to advise that the Government will introduce a 10 minute grace period for paid parking of more than one hour, commencing on 31 January 2019.

The new grace period, which has also received overwhelming public support, will apply to all fining authorities, including Councils, and will be subject to certain exceptions in the interests of safety and preventing congestion (such as at the commencement of a clearway zone).

You should advise your parking inspectors of the grace period by 1 January 2019, as the grace period is required to be implemented by all parking issuing authorities from 31 January 2019.

More information about the changes to parking fines can be found in the enclosed attachments, and online at nswfinesreview.com.au. If you have any questions about the changes, please contact Claudia Solomon at NSW Treasury on 02 9228 4774 or FinesReview@treasury.nsw.gov.au.

The NSW Government's reforms to fines will make NSW a fairer place for the people who live and work here, and will reduce the financial burden on citizens across the state.

While Councils have previously been unable to reduce parking fines, there is now an opportunity to do the right thing by constituents and opt in to the new regulations.

I strongly encourage you to fill in the slip provided and return to me by 1 January 2019 so we can put the changes into effect as soon as possible.

Yours sincerely,

Dominic Perrottet MP
Treasurer
Minister for Industrial Relations

*Attached:**Return Slip to Opt In to Lower Parking Fines**Attachment A – Administrative Arrangements to be listed in Schedule 5A**Attachment B – Parking offences**Attachment C – Grace period for certain parking offences**cc: General Manager of your Council*



FILL IN THIS SLIP AND RETURN BY 1 JANUARY 2019

Yes, my council has agreed to opt in to charge lower parking fine amounts of \$80 instead of \$112, indexed annually as per current practices.

I understand that by advising you before 1 January 2019, the changes will take effect from 1 March 2019.

Name of Mayor _____

Name of Council: _____

Date of Council decision/resolution: _____

Signature: _____

Date: _____

RETURN TO:

The Hon. Dominic Perrottet MP
Treasurer
GPO Box 5341
SYDNEY NSW 2001

Or

office@perrottet.minister.nsw.gov.au

13.10 State Government Changes to Parking Fines

ATTACHMENT 1

Letter from The Hon Dominic Perrottet MP NSW

Treasurer

**Administrative Arrangements to be listed in Schedule 5A****Attachment A**

As per clause 123B (2) of the Road Transport (General) Amendment (Parking Fine Flexibility and Grace Period) Regulation 2018, Councils must advise the Treasurer in writing if they wish to opt in to charge \$80 instead of \$112 for penalty notices issued by its enforcement officers in relation the relevant offences.

Those Councils who opt in will then be listed in Schedule 5A as a Council which has opted in to the lower fines. If a Council has not opted in, then they will not be listed in Schedule 5A and the higher penalty of \$112 will continue to apply.

Note that the current indexation arrangements for parking fines will continue. Thus, as annual indexation occurs, the reduction in parking fines will be from, for example, \$114 to \$82 in 2019-20 (compared with \$112 to \$80 in 2018-19).

Arrangements to opt in to Schedule 5A	
Due date for written advice to Treasurer to opt in:	Implementation date for opt in:
For 2019	For 2019
1 January 2019	1 March 2019
1 April 2019	1 June 2019
1 July 2019	1 September 2019
1 October 2019	1 December 2019
From then on annually	From then on annually
1 April 2020	1 July 2020
1 April 2021	1 July 2021
Arrangements to opt out of Schedule 5A	
Due date for written advice to Treasurer to opt out:	Implementation date for opt out:
On an annual basis	On an annual basis
1 April 2020	1 July 2020
1 April 2021	1 July 2021

Note that the lead time between opting in and the implementation date reflects the time needed for the NSW government to make system changes, along with the time needed for both NSW government and Councils to update relevant manuals for parking issuing authorities.

13.10 State Government Changes to Parking Fines

ATTACHMENT 1

Letter from The Hon Dominic Perrottet MP NSW

Treasurer



Parking Offences

Attachment B

The NSW government reduced ten level 2 parking offence amounts from 1 July 2018 (excluding those offences which might impact road safety), when issued by NSW Government authorities. The Government will reduce a further 42 level 2 parking offences with effect from 1 January 2019.

When Councils choose to opt in to charge lower parking fines for the initial ten level 2 parking offences from 1 July 2018, they will be also opting in to charge \$80 instead of \$112 for the additional 42 level 2 parking fines from 1 January 2019.

Currently Reduced Parking Fine Offences

Item	Law	Description
	ROAD RULES 2014	
1	Rule 168-1 (1)	Stop/park in restricted parking area
2	Rule 205	Park continuously for longer than permitted
3	Rule 207-1 (6)	Park without paying meter fee
4	Rule 207-1 (11)	Park after meter expired
5	Rule 207-3 (1)	Park without current ticket displayed
6	Rule 207-3 (4)	Park after ticket expired
7	Rule 179-1 (1)	Park without current loading zone ticket
8	Rule 179-1 (5)	Park after loading zone ticket expired
	LOCAL GOV'T ACT 1993	
9	Sec 650 (1)	Stand vehicle in area longer than allowed
10	Sec 650 (4)(a)	Not stand vehicle in marked parking space

Further Reduced Parking Fine Offences

Item	Law	Description
	ROAD RULES 2014	
		ANGLE PARKING
11	Rule 210 (1)	Not park at 90° angle
120	Rule 210 (1)	Not park at 45° angle
13	Rule 210 (1)	Not park as on parking control sign/road marking
14	Rule 210 (1)	Not position vehicle correctly - front/rear (90° angle parking)
15	Rule 210 (1)	Not position rear of vehicle correctly (45° angle parking)
		PARKING BAYS
16	Rule 211 (2)	Not park wholly within parking bay
17	Rule 211 (3)	Use more parking bays than necessary
		MINIBUS ZONE
18	Rule 184 (1)	Stop in minibus zone (other)
		METER PARKING

13.10 State Government Changes to Parking Fines

ATTACHMENT 1

Letter from The Hon Dominic Perrottet MP NSW

Treasurer



19	Rule 207-1 (1)	Park outside metered space
20	Rule 207-1 (12)	Park for longer than allowed by metered signs
21	Rule 207-2 (a)	Park in occupied metered space
22	Rule 207-2 (b)	Park across markings of metered space
		TICKET PARKING
23	Rule 207-3 (5)	Park for longer than allowed by ticket signs
24	Rule 207-4 (a)	Park in occupied ticket space
25	Rule 207-4 (b)	Park across marking of ticket space
		COUPON PARKING
26	Rule 207-5 (1)	Park without current coupon
27	Rule 207-5 (4)	Display more than 3 coupons at a time
28	Rule 207-5 (5)	Park after coupon expired
29	Rule 207-5 (6)	Park for longer than allowed by coupon signs
30	Rule 207-6 (a)	Park in occupied coupon space
31	Rule 207-6 (b)	Park across markings of coupon space
32	Rule 207-7	Park in pay parking area or space that is closed
		PARKING IN PHONE PARKING AREAS/SPACES
33	Rule 207-8 (1)	Park in phone parking area not pay parking fee as prescribed
34	Rule 207-8 (4)	Remain parked in phone parking area paid period expired
35	Rule 207-8 (5)	Remain parked in phone parking area beyond permissible
36	Rule 207-9 (1)(a)	Park in phone parking space while other vehicle in space
37	Rule 207-9 (1)(b)	Park in phone parking space not wholly inside markings
		TICKET LOADING ZONE
38	Rule 179-1 (4)	Display more than one loading zone ticket
39	Rule 179-1 (6)	Replace expired loading zone ticket
40	Rule 179-1 (7)	Park in discontinued ticket loading zone
	LOCAL GOV'T ACT 1993	PARKING
41	Sec 650 (1)	Stand vehicle in area other than time permitted
42	Sec 650 (4)(b)	Stand vehicle in occupied marked parking space
43	Sec 650 (4)(c)	Not stand vehicle wholly in marked parking space
44	Sec 650 (5)	Fail to comply with parking direction
45	Sec 650 (5)	Fail to comply with vehicle movement direction
46	650A (1)	Park vehicle in strata parking area etc contrary to sign
47	650A (1)	Park vehicle strata parking area etc not at times permitted
48	650A (1)	Park vehicle strata parking area etc not for time permitted
49	650A (4)(a)	Park vehicle not in marked parking space
50	650A (4)(b)	Park vehicle in marked parking space with other vehicle
51	650A (4)(c)	Park vehicle not wholly in marked parking space
52	650A (5)	Not comply with direction regarding parking or movement of vehicle

13.10 State Government Changes to Parking Fines

ATTACHMENT 1

Letter from The Hon Dominic Perrottet MP NSW

Treasurer

**Grace period for certain parking offences****Attachment C**

A grace period of ten minutes will apply to paid parking of least one hour, where a coupon or ticket is purchased for the hour immediately before the grace period commences, from 31 January 2019.

To avoid adverse impacts on road safety or congestion, the grace period will not be available in the following circumstances:

(1) shared zones within the meaning of the *Road Rules 2014*; and

(2) where a prescribed parking control sign applies to the same length of road or area as that in which the relevant vehicle is parked for a:

- bus lane
- transit lane
- no stopping
- clearway
- loading zone
- bus zone
- mail zone
- special event parking.

It should be noted that the grace period does not apply to free parking, or where paid parking is at a meter (due to the additional complexity of determining whether a full hour of paid parking occurred before the meter expired).

COUNCIL MATTERS

14 GENERAL MANAGER

14.1 Code of Conduct Complaints - 1 September 2017 to 31 August 2018

Reference:	101/15
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This purpose of this report is to advise Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2017 to 31 August 2018.

RECOMMENDATION

THAT the information in relation to the Code of Conduct Complaints – 1 September 2017 to 31 August 2018 be received and noted.

REPORT

BACKGROUND

Under clause 12.1 of Council's Procedures for the Administration of the Code of Conduct ("Procedures"), the complaints coordinator must report certain statistics to Council regarding Code of Conduct complaints received and the outcome of complaints during the period from 1 September 2017 to 31 August 2018. Council must also provide these statistics to the Office of Local Government under clause 12.2 of the Procedures.

REPORT

Attachment 1 to this report is the information on Code of Conduct complaints required under clause 12.1 of the Procedures for the period 1 September 2017 to 31 August 2018. Pursuant to the confidentiality requirements of clause 13 of the Procedures, the detail of individual complaints is not included in this report.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This report has no impact on Council's Fit for the Future Improvement Plan.



CONSULTATION

Community Engagement

Nil

Internal Consultation

Nil

External Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Clause 12.1 of the Procedures mandates annual reporting of Code of Conduct complaints.

COUNCIL BUDGET IMPLICATIONS

The total amount paid to conduct reviewers who dealt with Code of Conduct complaints during the reporting period was \$28,369 with appropriate provisions made as a part of the 2017/18 Budget.

RELATED COUNCIL POLICY

Code of Conduct and Procedures for the Administration of the Code of Conduct.

OPTIONS

Council is required to receive and adopt the annual complaints report.

CONCLUSION

This report advises Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2017 to 31 August 2018.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT GENERAL MANAGER



ATTACHMENTS

1. Code of Conduct Complaint Statistics 1 September 2017 to 31 August 2018

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT GENERAL MANAGER



Page 4 of 5

Model Code of Conduct Complaints Statistics Wingecarribee Shire Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	6
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	5
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	4
	b The number of complaints referred to the Office of Local Government under a special complaints management arrangement	1
	c The number of code of conduct complaints referred to a conduct reviewer	1
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	1
	g The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h The number of finalised complaints investigated where there was found to be no breach	0
	i The number of finalised complaints investigated where there was found to be a breach	1
	j The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k The number of complaints being investigated that are not yet finalised	2
	l The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	28,369

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT GENERAL MANAGER



Preliminary Assessment Statistics

- 3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
- a To take no action 0
 - b To resolve the complaint by alternative and appropriate strategies 0
 - c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies 0
 - d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police 0
 - e To investigate the matter 1
 - f To recommend that the complaints coordinator convene a conduct review committee to investigate the matter 0

Investigation Statistics

- 4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:
- a That the council revise its policies or procedures 0
 - b That a person or persons undertake training or other education 0
- 5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:
- a That the council revise any of its policies or procedures 0
 - b That the subject person undertake any training or other education relevant to the conduct giving rise to the breach 0
 - c That the subject person be counselled for their conduct 0
 - d That the subject person apologise to any person or organisation affected by the breach 0
 - e That findings of inappropriate conduct be made public 0
 - f In the case of a breach by the GM, that action be taken under the GM's contract for the breach 0
 - g In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 1
 - h In the case of a breach by a councillor, that the matter be referred to the Office for further action 0
- 6 Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures 0

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT GENERAL MANAGER



Page 222

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	0
b Conflict of interest (Part 4)	1
c Personal benefit (Part 5)	0
d Relationship between council officials (Part 6)	0
e Access to information and resources (Part 7)	0
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	1
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

14.2 Code of Conduct Matter - Legal Costs

Reference:	880/2
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To consider reimbursement of legal costs incurred by a Councillor related to a Code of Conduct complaint.

RECOMMENDATION

THAT Council determine its position on the reimbursement of legal costs incurred by Councillor McLaughlin in relation to a Code of Conduct matter.

REPORT

BACKGROUND

Section 7.1 of Council's *Expenses and Facilities for the Mayor and Councillors Policy* (the Policy) includes the following provision for the reimbursement of reasonable legal expenses incurred by Councillor in relation to a Code of Conduct matter:

"... legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct and that the findings are substantially favourable to the Councillor."

In addition, Section 7.4 the Policy also specifies:

"Authorisation of the payment or reimbursement of legal expenses for a Councillor will be subject to approval by Council, following consideration of the relevant matters, including this policy, via a report to open Council."

REPORT

The General Manager has received a request from Councillor McLaughlin relating to reimbursement of legal expenses incurred by him relating to a Code of Conduct matter. The Itemised Bill of Costs is set out in **Confidential Attachment 1** to this report.

The Code of Conduct Reviewer's Report is at Confidential Attachment 2 which is, as are all Code of Conduct matters, and therefore reports relating thereto, to be treated as strictly confidential.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Also attached is a “Private and Confidential” letter from the Office of Local Government relating to this matter. This letter is a confidential attachment as it is pertinent to Councillors’ evaluation of the Reviewer’s findings in the report and the conclusion drawn by the Reviewer.

The Code of Conduct to which this request relates was not required to be reported to Council as the recommendations did not reach the threshold set out in the *Procedures for the Administration of the Code of Conduct for reporting to Council*.

The request from Councillor McLaughlin is submitted for Council determination

IMPACT ON COUNCIL’S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Discussions were held with the General Manager.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Section 7.1 of Council’s *Expenses and Facilities for the Mayor and Councillors Policy* includes the following provision for the reimbursement of legal costs:

“... legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



into that matter in accordance with Council's Code of Conduct and that the findings are substantially favourable to the Councillor."

The Policy also requires that *"Authorisation of the payment or reimbursement of legal expenses for a Councillor will be subject to approval by Council, following consideration of the relevant matters, including this policy, via a report to open Council."*

COUNCIL BUDGET IMPLICATIONS

Council's budgetary processes (including quarterly reviews) ensure appropriate provisions are in place for the reimbursement of Councillor expenses in accordance with the *Expenses and Facilities for the Mayor and Councillor Policy*.

RELATED COUNCIL POLICY

Wingecarribee Shire Code of Conduct and Procedures

Expenses and Facilities for the Mayor and Councillors Policy

OPTIONS

Council determine its position on the reimbursement of legal costs incurred by Councillor McLaughlin in relation to a Code of Conduct matter.

ATTACHMENTS

1. Itemised Bill of Costs - *circulated under separate cover - confidential*
2. Code of Conduct Reviewer's Report - *circulated under separate cover - confidential*
3. "Private and Confidential" Letter from the Office of Local Government - *circulated under separate cover - confidential*

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 6 December 2018

18 COMMITTEE REPORTS

18.1 Minutes of the Heritage Advisory Committee Meeting held on Friday 7 September 2018

Reference: 107/16.2

Report Author: Strategic Land Use Planner - Heritage

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday, 7 September 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

HAC 42/18

THAT the apologies of Councillor G McLaughlin, Mr I Stapleton and Ms C Webb be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

HAC 43/18

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 02 March 2018 MN HAC 35/18 to MN HAC 41/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Resignation and New Members of Committee

HAC 44/18

THAT the report be noted AND THAT Council formally acknowledge the efforts of Mr Dennis McManus and Ms Sarah Farnese and write to thank them for their contribution to the Heritage Advisory Committee.

Item 6.2 Joadja conservation Management Community Reference Group Update

HAC 45/18

THAT the information on the Joadja Conservation Management Community Committee Reference Group informal meeting be noted.

Item 6.3 Strategic Heritage Program Update

HAC 46/18

THAT the information on the Strategic Heritage Program Update be noted.

Item 6.4 Strategic Land Use Planning Update

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

COMMITTEE REPORTS



HAC 47/18

THAT the information on the Strategic Land Use Planning Update be noted.

Item 6.5 Committee project – Radiata Pines in Burradoo

HAC 48/18

1. *THAT the information in the report and presented by Ms L Cheetham on the project be noted.*
2. *That Ms L Cheetham be thanked for her work on the project.*
3. *THAT the report and its recommendations be forwarded to Council's Infrastructure Services Division for its information and consideration in its Assets management plans and operational projects for applicable roads and open space lands.*
4. *THAT the report and its recommendations be considered in the development of the local character statement for Burradoo in the review of strategic plans required by the Department of Planning and Environment in the recent changes to the NSW planning system.*

RECOMMENDATION

THAT recommendations Nos HAC 42/18 to HAC 48/18 – as detailed in the Minutes of the Heritage Advisory Committee Meeting held on Friday 7 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 Heritage Committee meeting on Friday 7 September 2018



ATTACHMENT 1



MINUTES

of the Heritage Advisory Committee Meeting

held in

Gibraltar Room

Civic Centre, Elizabeth Street, Moss Vale

on

Friday 7 September 2018

The meeting commenced at 3.00pm

File No. Enter File No 107/16.2

**18.1 Minutes of the Heritage Advisory Committee Meeting held on
Friday 7 September 2018**

**ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018**



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Friday 7 September 2018



- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
- 4. BUSINESS ARISING FROM THE MINUTES**
Heritage Advisory Committee Meeting held on 2 March 2018
- 5. DECLARATIONS OF INTEREST**

- 6. AGENDA REPORTS ERROR! BOOKMARK NOT DEFINED.**
- 7. DATE OF NEXT MEETING ERROR! BOOKMARK NOT DEFINED.**
- 8. MEETING CLOSURE ERROR! BOOKMARK NOT DEFINED.**

18.1 Minutes of the Heritage Advisory Committee Meeting held on
Friday 7 September 2018

ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Friday 7 September 2018



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING OF
WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE,
ELIZABETH STREET, MOSS VALE ON FRIDAY 7 SEPTEMBER 2018 COMMENCING AT
3.00PM.

Present:	Clr P W Nelson	<i>Alternate Chair</i>
Community Representatives:	Nil	
Agency	Ms Linda Emergy	<i>Berrima District Historical & Family History Society</i>
Representatives:	Ms Laurel Cheetham Mr Simon Bathgate	<i>Australian Garden History Society The National Trust of Australia (NSW)</i>
In Attendance:	Mr Michael Park Ms Fiona Mann	<i>Coordinator Strategic Land Use Planning Strategic Land Use Planner - Heritage</i>

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Councillor Graham McLaughlin, Mr Ian Stapleton and Ms Charlotte Webb.

HAC 42/18

MOTION moved by Clr P Nelson and Ms L Cheetham and Clr P Nelson.

THAT the apologies of Councillor G McLaughlin, Mr I Stapleton and Ms C Webb be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr Peter Nelson 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 HERITAGE ADVISORY COMMITTEE MEETING HELD ON FRIDAY
2 MARCH 2018

18.1 Minutes of the Heritage Advisory Committee Meeting held on
Friday 7 September 2018

ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING

Friday 7 September 2018



HAC 43/18

MOTION moved by Ms L Cheetham and Cllr P Nelson.

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 02 March 2018 MN HAC 35/18 to MN HAC 41/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

There was no business arising.

5. DECLARATIONS OF INTEREST

There was no Declarations of Interest declared at this meeting.

**18.1 Minutes of the Heritage Advisory Committee Meeting held on
Friday 7 September 2018****ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018****MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING**
Friday 7 September 2018**6. AGENDA REPORTS****6.1 Resignations and New Members of Committee**

Reference: 107/16
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to advise the Committee of membership changes since the last meeting, being the:

- Resignation of Dennis McManus as a community representative on the committee (28 May 2018),
- Resignation of Sarah Farnese, as a representative of the National Trust of Australia (Southern Highlands Branch) on the committee (29 May 2018), and
- Appointment of Simon Bathgate, as the new representative of the National Trust of Australia (Southern Highlands Branch), as advised by The National Trust (Southern Highlands Branch) on 21 August 2018.

The vacant community member of the Committee will be filled through Council's recruitment process for Council Committees over the coming period.

Councillor members are appointed to the committee on a biennial basis and Council will consider Councillor member appointments at its meeting on 10 October 2018.

HAC 44/18

MOTION moved by Ms L Cheetham and seconded by Ms L Emery.

THAT the report be noted AND THAT Council formally acknowledge the efforts of Mr Dennis McManus and Ms Sarah Farnese and write to thank them for their contribution to the Heritage Advisory Committee.

PASSED

**18.1 Minutes of the Heritage Advisory Committee Meeting held on
Friday 7 September 2018****ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018****MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING**
Friday 7 September 2018**6.2 Joadja Conservation Management Community
Reference Group Update**

Reference: 107/16
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to provide the Committee with an update on the Joadja Conservation Management Community Reference Group (Joadja Reference Group), along with the Joadja Trust and the Conservation Management Plan for the Joadja heritage item site.

The Strategic Land Use Planner - Heritage advised the Committee that the Joadja Conservation Management Community Reference Group met informally prior to this Committee meeting, as a quorum for a formal meeting was not possible due to advised absence of members. The informal meeting discussed:

- (a) An updated approach to the Joadja Conservation Management Plan (Joadja CMP) where it is to be prepared by the property owner and beneficiary of funds of the 'Joadja Trust'. Previously there had been thought that Council should be involved in the preparation of the Joadja CMP, which would appear to be contrary to the operation of the Joadja Trust deed.
- (b) that is a condition of Development Consent No. 06/09994, and
- (c) Council staff is reviewing the setup of the Joadja Trust under the 'Deed – Joadja Heritage Site (dated 26 June 2009) that is a Condition of Development Consent No. 06/0994 (11 lot subdivision) and the operation of Council's Joadja Reference Group. The purpose of the reviews is to ensure the Joadja Trust operates and meets as the trust.

HAC 45/18

MOTION moved by Ms L Emery and seconded by Ms L Cheetham.

THAT the information on the Joadja Conservation Management Community Committee Reference Group informal meeting be noted.

PASSED

**18.1 Minutes of the Heritage Advisory Committee Meeting held on
Friday 7 September 2018**

**ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018**



MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING
Friday 7 September 2018



6.3 Strategic Heritage Program Update

Reference: 107/16
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to update the Committee on a number of projects within the Heritage Program, including:

- (a) Wingecarribee Heritage Awards program,
- (b) Wingecarribee Heritage Assistance Grants program,
- (c) Heritage Near Me Program (Office of Environment & Heritage),
- (d) Issued and requested Interim Heritage Orders (by Council),
- (e) Proposed State Heritage Item listings (Office of Environment & Heritage),
- (f) Housekeeping review of Schedule 5 of Wingecarribee Local Environmental Plan 2010,
- (g) Review and assessment of the heritage significance of some properties and their possible heritage item listing via a planning proposal, in conjunction with (f) above,
- (h) Utilisation of Clause 5.10(3) (Heritage Conservation – When consent not required) of Wingecarribee Local Environmental Plan 2010.

The Coordinator Strategic Land Use Planning and the Strategic Land Use Planner – Heritage addressed the Committee on this matter.

In regard to (b) above, the heritage assistance grants program budget is \$23,500.00 for the 2018-19 financial year and Council staff have allocated all funds to seven of eight applications for funding assistance. Heritage assistance grant funding was offered to the projects listed in Table 1. Funding assistance funds are required to be matched or exceeded by the funding recipients. Funding recipients must accept Council's funding assistance by 11 September 2018, and works are to be completed and final funding claims received by 31 March 2019. Council staff are working with funding recipients to progress their Heritage Assistance Grants projects.

In regard to (h) above, the Strategic Land Use Planning team has processed about 15 written requests for exemptions from seeking development consent for minor nature and maintenance type developments to heritage items since the Committee last meet. The majority of Exemptions were supported and included:

- Access to local heritage items (road reserves) for the National Broadband Network build,
- Activities on Council owned assets that are local heritage items – notice boards, culverts),

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- Activates on privately owned local and State heritage items (re-roofing, painting, solar panels, garden shed, steps, internal fit out of shop space).

Table 1. Wingecarribee Heritage Assistance Program – 2018-19 – funding allocation

App. No.	Project Name	Property Address	Total Project Cost	Amount Requested	Amount Granted
WHG18 01	Mt Gibraltar Heritage Reserve Stone Stairway Repairs	Mt Gibraltar Heritage Reserve, Oxley Dr, Bowral	\$106,000.00	\$5,000.00	\$5,000.00
WHG18 03	Remedial foundation repairs	27 Spring St, Moss Vale	\$21,935.00	\$5,000.00	\$4,000.00
WHG18 04	Headstone Restoration	St Patrick's Catholic Church, 7461 Illawarra Hwy, Sutton Forest	\$9,500.00	\$4,750.00	\$4,750.00
WHG18 05	Hume House brickwork repointing	Hume House, 84 Main St, Mittagong	\$15,850.00	\$5,000.00	\$5,000.00
WHG18 06	Restoration of stone work	14 Albert St, Mittagong	\$35,400.00	\$5,000.00	\$1,575.00
WHG18 07	Roof repairs	47 Merrigang St, Bowral	\$9,988.00	\$4,994.00	\$1,575.00
WHG18 08	Painting of Rift Estate Coach House	8 Carlisle St, Bowral	\$33,000.00	\$16,000.00	\$1,600.00
WHG18 09	Empire Cinema - painting maintenance	325-327 Bong Bong St, Bowral	\$10,780.00	\$10,000.00	\$0
TOTAL			\$242,453.00	\$55,744.00	\$23,500.00

Ms L Cheetham and Ms L Emery enquired about the overall purpose of the Heritage Advisory Committee and in particular raised the Committee's previous involvement in development matters before Council where the Committee provided comment on development applications.

Clr P Nelson reminded members of the Committee's Terms of Reference that outline the purpose of the Committee, which were adopted by Council on 23 May 2016 at the start of the current Council Term (2016-20). The purpose of the Committee and its role and responsibilities are.

Purpose

- *Promote and raise the community's awareness of heritage*
- *Provide advice to Council, as required, on the management of heritage within the Shire*
- *Support the development, promotion and implementation of heritage activities and events throughout the Shire.*

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Roles and Responsibilities

- *To provide advice to other committees, the community and relevant staff and sections of Council on heritage matters, including the development and implementation of heritage policy, plans, strategies and programs*
- *to provide heritage input into development applications, council policies, plans of management, strategic plans, delivery plans and master plans, where relevant.*
- *To provide advice, comments and feedback to staff about heritage issues affecting the Wingecarribee Shire.*
- *To contribute to the review of heritage listings, as required.*

The Coordinator Strategic Land Use Planning advised the Committee that Council staff has to operate with regard to the Committee's Terms of Reference, which has a focus on strategic heritage matters in this Council Term. The Strategic Land Use Planning Team wishes to work with the Committee to better address strategic heritage matters in Council's strategic land use planning activities and projects.

HAC 46/18

MOTION moved by Mr S Bathgate and seconded by Ms L. Cheetham.

THAT the information on the Strategic Heritage Program Update be noted.

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Friday 7 September 2018****ATTACHMENT 1 Minutes of the Heritage Committee meeting on
Friday 7 September 2018****MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING**
Friday 7 September 2018**6.4 Strategic Land Use Planning Update**

Reference: 107/16
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to update the Committee on strategic land use planning projects that are of relevance to the Heritage Program, including:

- (a) Recent changes to the Environmental Planning & Assessment Act 1979 that introduce Local Strategic Planning Statements amongst other things,
- (b) Review of Wingecarribee Development Control Plans.

Council Officers provide a verbal report on the above projects at the meeting.

The Coordinator Strategic Land Use Planning advised the Committee that the NSW Department of Planning and Environment (Department) is making a number of changes to the planning system to address development types that meet the growing needs of NSW and which have regard to the local place context, so that better places are made for everyone. For this to happen, the Department requires Council to formally consider local character in strategic planning and in plans for places (local strategic planning statements), like in Wingecarribee Local Environmental and Wingecarribee development control plans. Council staff will review and preparing these new strategic planning statements and plans over the coming year and within resources. It is considered that the Committee would be a valuable contributor to developing the local character statements for our area, which would likely draw on the established heritage and historical development patterns of our area.

HAC 47/18

MOTION moved by Mr S Bathgate and seconded by Ms L. Cheetham.

THAT the information on the Strategic Land Use Planning Update be noted.

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Friday 7 September 2018MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING
Friday 7 September 2018**6.5 Committee project - Radiata Pines in Burradoo**

Reference: 107/16
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is for Committee members working on the project to update the Committee on the project's progress.

Ms L Cheetham spoke on the item summarising the conclusion and recommendations of the tabled report. The recommendations are:

- Refer to pines as part of historic landscape in character statements for Burradoo to indicate their importance.
- Record pines photographically as part of landscape.
- In street tree planting for Burradoo, consider new forms of pines that would give canopy shade.
- Select street trees and space street trees to allow shady off road parking between.
- Take no further action "to save Burradoo pines"

Ms L Cheetham tabled a report on the item entitled, "Pinus Radiata in Burradoo – Some Recommendations for discussion" by Laurel Cheetham (7 September 2018).

HAC 48/18

MOTION moved by Ms L Cheetham and seconded by Ms L Emery

1. ***THAT the information in the report and presented by Ms L Cheetham on the project be noted.***
2. ***That Ms L Cheetham be thanked for her work on the project.***
3. ***THAT the report and its recommendations be forwarded to Council's Infrastructure Services Division for its information and consideration in its Assets management plans and operational projects for applicable roads and open space lands.***
4. ***THAT the report and its recommendations be considered in the development of the local character statement for Burradoo in the review of strategic plans required by the Department of Planning and Environment in the recent changes to the NSW planning system.***

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7. DATE OF NEXT MEETING

The next meeting will be held on Friday 7 December 2018 in Gibraltar Room
Civic Centre, Elizabeth Street, Moss Vale commencing at 3.00pm.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.00 PM

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday 22 November 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 6.1 Road Safety Officer Report

TC82/18

☐ *NSW Bike Week 2017 BBT Bike Ride /Bike Safety*

Conducted the NSW Bike Week Community BBT Bike Ride supported by Transport for NSW, Sunday 31 September. The ride took place along the 9km stretch of the Bong Bong shared cycle path. The event supports NSW Bike Week, helping to promote safe cycling as a fun and healthy recreational activity in the Southern Highlands. The ride was attended by 88 cyclists (see photo end of report).

☐ *Safe Seniors*

Initiated, coordinated and conducted a 65 Plus Senior Driver information session at the Aboriginal Cultural Centre Mittagong, 23 October. Reported to be the first 65 Plus workshop to be held in NSW, specific for Aboriginal community. 'Elders Art of Road Safety' attended by 23 participants from Yamanda Aboriginal Association and Yanma Walking Group. In attendance RMS Aboriginal Project Officer and RMS Acting Aboriginal Cultural Heritage Officer (see photos, end of report).

The free workshops for residents aged 65 years plus explore the many aspects of ageing, driving and safe road use.

☐ *U Turn the Wheel*

In conjunction with Moss Vale Rotary conducted the third day of the 2018 'U Turn the Wheel' program. The event was attended by 178 Year 11 students from Chevalier College, 31 October. Working with the community to help reduce incidence of road trauma for young, high risk road users.

☐ *Motorcycles*

Conducted a Roads and Maritime Services (RMS) motorcycle hazard identification evening with the 'Classic and Enthusiast Motorcycle Club' at Mittagong RSL, 12 November.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

COMMITTEE REPORTS



Motorcycle club members were invited to attend the interactive session to discuss and specifically target high risk crash locations and road side hazards in Wingecarribee Shire. 43 members participated. Further investigation to continue, regarding the sites identified.

Item 6.2 Triple Zero Challenge

TC83/18

THAT there is no objection to the traffic and parking arrangements proposed for the Triple Zero Challenge event on Wednesday 16 January 2019 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.

Item 6.3 2019 Australia Day Parade at Berrima

TC84/18

THAT there is no objection to the traffic and parking arrangements proposed for the Australia Day event on Saturday 26 January 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

Item 6.4 2019 Bundanoon Highland Gathering

TC85/18

THAT there is no objection to the traffic arrangements for the Bundanoon Highland Gathering on 6 April 2019 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

Item 6.5 2019 Burrawang Easter Saturday Fair

TC86/18

THAT there is no objection to the traffic arrangements proposed by the Burrawang Easter Market Committee to conduct the Burrawang Easter Saturday Fair on 20 April 2019 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

COMMITTEE REPORTS



Item 6.6 Re-establishment of Alcohol Free Zones and Alcohol Prohibition Areas

TC87/18

1. *THAT the existing Alcohol Free Zones in Moss Vale, Bowral and Mittagong be re-established for a further four years.*
2. *THAT Rotoract Park in Moss Vale be added to the list of parks with a time limit on the consumption of alcohol.*
3. *THAT the signage for the Alcohol Free Zones be updated to reflect the new time period of Dec 2018 to Dec 2022.*

Item 6.7 Give Way Signs on Ivy Street at the Intersections of Jasmine Street and Azalea Street, Colo Vale

TC88/18

1. *THAT Give Way signs and line marking be installed on Ivy Street at its intersection of Jasmine Street in Colo Vale.*
2. *THAT Give Way signs and markings be installed on Ivy Street at its intersection with Azalea Street in Colo Vale.*

Item 6.8 No Left Turn signs at the Intersection of Station Street and Regent Street, Mittagong

TC89/18

THAT the installation of a No Left Turn with supplementary plate indicating vehicle length is not supported.

Item 6.9 No Stopping Restrictions – Station Street, Bowral

TC90/18

THAT No Stopping signage and line marking be installed on both sides of Station Street (Lane) in Bowral as shown in the plan.

Item 6.10 Proposed U-turn Facility – Old Hume Highway, Berrima

TC91/18

THAT the proposed U-turn facility to be located approximately 300 metres north of the northern boundary of the Bendooley Estate property, Berrima be approved subject to the submission of completed working drawings in accordance with relevant Australian Standards and guidelines.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

COMMITTEE REPORTS



Item 6.11 Parking Restrictions in Bessemer Street, Mittagong

TC92/18

THAT a "No Parking" zone 'not' be supported on the southern side of the driveway to the SES on Bessemer Street.

Item 6.12 Speeding and Sight Line Issues on Oxley Drive, Mittagong

TC93/18

THAT traffic classifiers be deployed in Oxley Drive, Mittagong in the vicinity of 198 Oxley Drive and that the data be presented to the next meeting of the Traffic Committee for consideration.

Item 6.13 Traffic Committee Action Sheet

TC94/18

THAT the information be received and noted.

RECOMMENDATION

THAT recommendation Nos TC82/18 to TC94/18 - as detailed in the Minutes of the Traffic Committee meeting held on Thursday, 22 November 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 Traffic Committee Meeting held on 22 November 2018



ATTACHMENT 1



MINUTES

of the Traffic Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Thursday 22 November 2018

The meeting commenced at 9:32am

File No. 107/6

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held on 22 November 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 November 2018



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **BUSINESS ARISING FROM THE MINUTES**
5. **DECLARATIONS OF INTEREST**

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6.3 2019 Australia Day Parade at Berrima	5
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6.7 Give Way Signs on Ivy Street at the Intersections of Jasmine Street and Azalea Street, Colo Vale	9
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Thursday 22 November 2018

**MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 22 NOVEMBER 2018 COMMENCING AT 9:32AM.****Present:****Councillors:**

Clr Ken Halstead

Mrs Jayd Marsh

Sergeant Matt Hoffman

Mrs Katherine Wood

Chair

Roads and Maritime Services

Representing NSW Police Force

Representing Member for Goulburn

In attendance:

Clr Garry Turland

Council Staff:

Mr Terry Pailing

Mr Frank Iacono

Ms Melanie Lausz

Acting Traffic Engineer

Transportation Planning Engineer

Road Safety Officer

Agency representative: Mr Chris Moule**Minutes:**

Mrs Liz de Graaf

Administration Assistant

1. WELCOME AND APOLOGIES

No apologies received.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 30 AUGUST 2018

RECOMMENDATION

THAT the minutes of the Traffic Committee Meeting held on Thursday 30 August 2018 TC 52/18 to TC 81/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

4. BUSINESS ARISING

Nil

5. DECLARATIONS OF INTEREST

Nil

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MINUTES OF THE TRAFFIC COMMITTEE MEETING

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6. AGENDA REPORTS

6.1 Road Safety Officer progress report

Reference:	7410/5
Report Author:	Road Safety Officer
Authoriser:	Traffic Engineer
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

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

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

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MINUTES OF THE TRAFFIC COMMITTEE MEETING

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RECOMMENDATION

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

☐ **NSW Bike Week 2017 BBT Bike Ride /Bike Safety**

Conducted the NSW Bike Week Community BBT Bike Ride supported by Transport for NSW, Sunday 31 September. The ride took place along the 9km stretch of the Bong Bong shared cycle path. The event supports NSW Bike Week, helping to promote safe cycling as a fun and healthy recreational activity in the Southern Highlands. The ride was attended by 88 cyclists (see photo end of report).

☐ **Safe Seniors**

Initiated, coordinated and conducted a 65 Plus Senior Driver information session at the Aboriginal Cultural Centre Mittagong, 23 October. Reported to be the first 65 Plus workshop to be held in NSW, specific for Aboriginal community. 'Elders Art of Road Safety' attended by 23 participants from Yamanda Aboriginal Association and Yanma Walking Group. In attendance RMS Aboriginal Project Officer and RMS Acting Aboriginal Cultural Heritage Officer (see photos, end of report).

The free workshops for residents aged 65 years plus explore the many aspects of ageing, driving and safe road use.

☐ **U Turn the Wheel**

In conjunction with Moss Vale Rotary conducted the third day of the 2018 'U Turn the Wheel' program. The event was attended by 178 Year 11 students from Chevalier College, 31 October. Working with the community to help reduce incidence of road trauma for young, high risk road users.

☐ **Motorcycles**

Conducted a Roads and Maritime Services (RMS) motorcycle hazard identification evening with the 'Classic and Enthusiast Motorcycle Club' at Mittagong RSL, 12 November.

Motorcycle club members were invited to attend the interactive session to discuss and specifically target high risk crash locations and road side hazards in Wingecarribee Shire. 43 members participated. Further investigation to continue, regarding the sites identified.

TC82/18

Unanimous support

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**6.2 Triple Zero Challenge**

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

PURPOSE

Reporting on the traffic arrangements for the Triple Zero Challenge.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the Triple Zero Challenge event on Wednesday 16 January 2019 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.

TC83/18

Unanimous support

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6.3 2019 Australia Day Parade at Berrima

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

PURPOSE

Reporting on the 2019 Australia Day Parade through Berrima

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the Australia Day event on Saturday 26 January 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC84/18

Unanimous support

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6.4 2019 Bundanoon Highland Gathering

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

PURPOSE

Reporting on traffic arrangements for the 2019 Bundanoon Highland Gathering

RECOMMENDATION

THAT there is no objection to the traffic arrangements for the Bundanoon Highland Gathering on 6 April 2019 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC85/18

Unanimous support

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6.5 2019 Burrawang Easter Saturday Fair

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

PURPOSE

Reporting on traffic arrangements for the Burrawang Easter Saturday Fair in 2019

RECOMMENDATION

THAT there is no objection to the traffic arrangements proposed by the Burrawang Easter Market Committee to conduct the Burrawang Easter Saturday Fair on 20 April 2019 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC86/18

Unanimous support

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6.6 Re-establishment of Alcohol Free Zones and Alcohol Prohibition Areas

Reference: 5402, 1806/6
 Report Author: Traffic Engineer
 Authoriser: Manager Assets
 Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the re-establishment of Alcohol Free Zones and Alcohol Prohibition Areas in Moss Vale, Bowral and Mittagong

RECOMMENDATION

1. *THAT the existing Alcohol Free Zones in Moss Vale, Bowral and Mittagong be re-established for a further four years.*
2. *THAT Rotoract Park in Moss Vale be added to the list of parks with a time limit on the consumption of alcohol.*
3. *THAT the signage for the Alcohol Free Zones be updated to reflect the new time period of Dec 2018 to Dec 2022.*

TC87/18

Unanimous support

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6.7 Give Way Signs on Ivy Street at the Intersections of Jasmine Street and Azalea Street, Colo Vale

Reference: 7460/15, DA14/0431

Report Author: Traffic Engineer

Authoriser: Manager Assets

Link to Delivery Program: Work in partnership to ensure a safe road network

PURPOSE

A request has been received to install a Give Way sign and line marking at the intersection of Ivy Street and Jasmine Street, Colo Vale and at the Intersection of Ivy Street and Azalea Street, Colo Vale.

RECOMMENDATION

1. *THAT Give Way signs and line marking be installed on Ivy Street at its intersection of Jasmine Street in Colo Vale.*
2. *THAT Give Way signs and markings be installed on Ivy Street at its intersection with Azalea Street in Colo Vale.*

TC88/18

Unanimous support

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6.8 No Left Turn signs at the Intersection of Station Street and Regent Street, Mittagong

Reference: 7460/25
Report Author: Traffic Engineer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Delivery Program: Work in partnership to ensure a safe road network

PURPOSE

Requesting a No Left Turn sign accompanied with supplementary plate to exclude specific vehicle from the turn ban on Station Street at Regent Street in Mittagong.

RECOMMENDATION

THAT the installation of a No Left Turn with supplementary plate indicating vehicle length is not supported.

TC89/18

Unanimous support

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6.9 No Stopping Restrictions - Station Street Bowral

Reference:	7460/15
Report Author:	Traffic Engineer (Acting)
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

To consider parking / stopping restrictions in Station Street, Bowral to facilitate safe and efficient deliveries to commercial properties.

RECOMMENDATION

THAT No Stopping signage and line marking be installed on both sides of Station Street (Lane) in Bowral as shown in the plan.

TC90/18

Unanimous support

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

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MINUTES OF THE TRAFFIC COMMITTEE MEETING

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**6.10 Proposed U-Turn Facility - Old Hume Highway, Berrima**

Reference: 7460/15
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Seeking approval for the installation of a U-turn facility on Old Hume Highway, Berrima with related signage and line marking to improve safety.

RECOMMENDATION

THAT the proposed U-turn facility to be located approximately 300 metres north of the northern boundary of the Bendooley Estate property, Berrima be approved subject to the submission of completed working drawings in accordance with relevant Australian Standards and guidelines.

TC91/18

Unanimous support

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

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6.11 Parking Restrictions in Bessemer Street, Mittagong

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

PURPOSE

To review the request made by the SES to install parking restrictions in Bessemer Street, Mittagong.

RECOMMENDATION

THAT a "No Parking" zone 'not' be supported on the southern side of the driveway to the SES on Bessemer Street.

TC92/18

Unanimous support

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held on 22 November 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 November 2018



6.12 Speeding and Sight Line Issues on Oxley Drive, Mittagong

Reference: 7410/1.3
 Report Author: Traffic Engineer (Acting)
 Authoriser: Deputy General Manager Operations, Finance and Risk
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider a request for traffic calming on Oxley Drive, Mittagong.

RECOMMENDATION

THAT traffic classifiers be deployed in Oxley Drive, Mittagong in the vicinity of 198 Oxley Drive and that the data be presented to the next meeting of the Traffic Committee for consideration.

TC93/18

Unanimous support

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held on 22 November 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 November 2018



6.13 Traffic Committee Action Sheet

Reference: 107/6
Report Author: Traffic Engineer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the Traffic Committee Action Sheet

RECOMMENDATION

THAT the information be received and noted

TC94/18

Unanimous support

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held on 22 November 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

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7. DATE OF NEXT MEETING

The next meeting will be held on Thursday 7th March 2019 in the Council Chambers commencing at 9:30am.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11:17 AM

18.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 November 2018

Reference: 107/25
Report Author: Administration Officer
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Sustainably manage natural resources for broader community benefit

PURPOSE

This report provides the Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 November 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ES 24/18

THAT the apologies of Mr Malcolm Hughes, Water NSW representative, Mr Geoff O'Connor Local Land Services representative, and Mr Paul Shanahan, Community representative be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ES 25/18

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 15 August 2018 ES14/18 to ES23/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Roadside Management Plan Project – Update 2

ES 26/18

THAT the report be noted and that feedback from the Committee on the materials provided and feedback focus areas be emailed to Barry Arthur, Manager Environment and Sustainability, by COB Friday 30 November, 2018.

Item 6.2 Environment Strategy Revision – Update 2

ES 27/18

THAT the report be noted

Item 6.3 Southern Highlands Koala Conservation Project – Stage 2

ES 28/18

THAT the report be noted.



RECOMMENDATION

THAT recommendations Nos ES24/18 to ES28/18 – as detailed in the Minutes of the Environment and Sustainability Advisory Committee Meeting held on 21 November 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 Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 November 2018



ATTACHMENT 1



MINUTES

of the Environment and Sustainability Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 21 November 2018

The meeting commenced at 10.35am

File No. 107/25

**18.3 Minutes of the Environment and Sustainability Advisory
Committee Meeting held on Wednesday, 21 November 2018**

**ATTACHMENT 1 Minutes of the Environment and Sustainability
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2018**



**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING**

Wednesday 21 November 2018



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **BUSINESS ARISING FROM THE MINUTES**
Environment and Sustainability Advisory Committee Meeting held on 15 August 2018
5. **DECLARATIONS OF INTEREST**

6. AGENDA REPORTS	3
6.1 Roadside Management Plan Project - Update 2	3
6.2 Environment Strategy Revision - Update 2	4
6.3 Southern Highlands Koala Conservation Project Stage 2	5
7. DATE OF NEXT MEETING	6
8. MEETING CLOSURE	6

**18.3 Minutes of the Environment and Sustainability Advisory
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING**

Wednesday 21 November 2018



**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE
MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC
CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 21 NOVEMBER 2018
COMMENCING AT 10.35AM.**

Present:

Councillors:	Clr L A C Whipper	<i>Chair</i>
	Clr G Markwart	<i>Alternate Chair (arrived 10.40am and left meeting at 12.20pm)</i>
	Clr. G McLaughlan	<i>(arrived 11.05am and left meeting at 11.15am)</i>
Community Representatives:	Ms Patricia Hall	
	Ms Lyndall McGrath	
	Mr Simon Robinson	
Agency Representatives:	Nil	
In Attendance:	Mr Barry Arthur	<i>Manager Environment & Sustainability</i>
	Mr Ian Perkins	<i>Natural Resource Project Coordinator</i>
	Mr Joe Stammers	<i>Environmental Projects Officer</i>
	Mr Russel Moule	<i>Environmental Officer</i>
	Ms Margot Law	<i>Environment Officer – Private Land Conservation</i>
	Ms Helen Stokes	<i>Administration Officer</i>

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Mr Paul Shanahan, Community representative, Mr Malcolm Hughes, Water NSW representative and Mr Geoff O'Connor, Local Land Services representative.

ES 24/18

MOTION moved by Ms P Hall and seconded by Ms L McGrath

THAT the apologies of Mr Malcolm Hughes, Water NSW representative, Mr Geoff O'Connor Local land Services representative, and Mr Paul Shanahan, Community representative be accepted and leave of absence granted.

PASSED

WELCOME

The new community representative, Mr Simon Robinson, and new Council employee Ms Margot Law, Environment Officer - Private Land Conservation, were welcomed to the meeting.

18.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 November 2018
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MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE MEETING

Wednesday 21 November 2018



2. ACKNOWLEDGEMENT OF COUNTRY

Clr Larry Whipper 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 ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 15 AUGUST 2018

ES 25/18

MOTION moved by Ms L McGrath and seconded by Ms P Hall

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 15 August 2018 MN ES 14/18 to MN ES 23/28 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

Nil

5. DECLARATIONS OF INTEREST

Ms Pat Hall – although she is employed by National Park and Wildlife, she attends the meeting as a community representative and any comments or positions expressed are personal and not related to her employer.

**18.3 Minutes of the Environment and Sustainability Advisory
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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6. AGENDA REPORTS

6.1 Roadside Management Plan Project - Update 2

Reference: 6800/6 2151 5453/3.1 7810/2 6340/18.10
Report Author: Natural Resource Project Coordinator
Authoriser: Manager Environment and Sustainability
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:

1. Provide a final progress update on this project prior to presentation of the Final Draft Roadside Management Plan to the Committee for endorsement in February 2019; and
2. Seek feedback from the Committee on specific issues relating to finalising the Plan.

The final Plan is primarily for internal Council use but will be publicly available on Council's website.

Mr Russell Moule, Environmental Officer, presented the progress update on the Roadside Management Plan Project – Update 2 in the lead up to February 2019 Committee Meeting where it will be presented for endorsement.

The Committee enquired if Utility Service companies would be required to comply with the guidelines. Mr Moule advised that in most circumstances, public authorities need to notify Council of their intention to work within Council managed roads – this providing an opportunity for the exchange of information including the provision of the environmental guidelines. Council could not require compliance. Operational parameters for utility service activities (eg. Pruning of trees under power lines) are set by the NSW Government Infrastructure SEPP. Council is aiming for the guidelines to be shared with utility service providers to try to improve communication around performance and improve working relationships. Council contractors operating in road reserves will utilise the guidelines provided they are included into the contractor work specifications.

ES 26/18

MOTION moved by Ms L McGrath and seconded by Mr S Robinson

THAT the report be noted and that feedback from the Committee on the materials provided and feedback focus areas be emailed to Barry Arthur, Manager Environment and Sustainability, by COB Friday 30 November, 2018.

PASSED

**18.3 Minutes of the Environment and Sustainability Advisory
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**6.2 Environment Strategy Revision - Update 2**

Reference: 5450/25.2
Report Author: Manager Environment and Sustainability
Authoriser: Manager Environment and Sustainability
Link to Community
Strategic Plan: Protect and improve biodiversity

PURPOSE

Time is allocated in the meeting to provide an update on the Environment Strategy review.

Mr Barry Arthur, Manager Environment and Sustainability, presented this item.

The Committee provided comments on a range of matters including the use of metrics for measuring of objectives and community engagement. Mr Arthur advised that community engagement via the Community Strategic Plan process formed the primary input from the broader community and that the Committee feedback will provide additional engagement input. A more detailed project plan based on the materials presented will be presented to the next Committee meeting.

ES 27/18

MOTION moved by Cllr G Markwart and seconded by Ms P Hall

THAT the report be noted.

PASSED

**18.3 Minutes of the Environment and Sustainability Advisory
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**6.3 Southern Highlands Koala Conservation Project Stage 2**

Reference: 5453/4.1
Report Author: Natural Resource Project Coordinator
Authoriser: Manager Environment and Sustainability
Link to Community
Strategic Plan: Protect and improve biodiversity

PURPOSE

The purpose of this report is to:

1. Inform the committee about the latest stage (2) of the Southern Highlands Koala Conservation Project, which commenced in September 2019; and
2. Provide an opportunity for the Committee discuss and provide feedback to Council on the project.

An overview of the stage 2 is provided in this report. There will be a more detailed presentation made during the Committee meeting.

Mr Ian Perkins, Natural Resource Project Coordinator presented this item.

Ms Pat Hall expressed her thanks to staff for the informative interaction with committee members on this important project.

ES 28/18

MOTION moved by Ms P Hall and seconded by Ms L McGrath

THAT the report be noted.

PASSED

**18.3 Minutes of the Environment and Sustainability Advisory
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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7. DATE OF NEXT MEETING

The next meeting will be held in February 2019 (Date and time to be determined)
in Nattai Room Civic Centre, Elizabeth Street, Moss Vale.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.30PM

19 QUESTIONS WITH NOTICE

19.1 Question with Notice 13/2018 - Wombeyan Caves Road

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

To: General Manager

From: Cllr I M Scandrett

Received: 4 December 2018

Subject: Wombeyan Caves Road

Questions:

- a) What has been the amount provided each year by RMS to WSC for the Block grant progressively from 1998 to 2018?
- b) When can you make available all correspondence and meeting minutes between Council and RMS for the period above relating to the Block Grant?
- c) In that time, what submissions have been made by Council to increase the Block Grant on the basis not only of CPI but the rise in all other attendant costs of materials, labour, and the impact of new WHS requirements which in normal business have added exponentially to costs.
- d) What grants have been sought by Council from either Federal or State Govts for additional work, particularly on the unsealed section of Wombeyan Caves Road?
- e) What alternatives to road surfacing have been sought and investigated by Council for the above road section?
- f) When can you make all correspondence re (e) available?
- g) What external independent reports have been commissioned by Council for the above section in that time period? With what result in action by Council?

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

QUESTIONS WITH NOTICE



Response:

The QWN (Part a – d) would require council staff to locate and review records over a 20 year period. That research would require significant staff resources and in senior management's view would not offer any significant benefit in the future efforts to attract greater funding from the State Government for Wombeyan Caves Road. Having noted that comment, if Council directs that the research be undertaken, resources will be prioritised and reallocated to complete the research and compile a report.

Noting the very short notice period for the QWN, Part (e–g) would best be addressed via an information session with Councillors in early 2019.

RECOMMENDATION

THAT the information in relation to Question with Notice 13/2018 - Wombeyan Caves Road - be noted.



THIS MATTER WAS DEFERRED FROM THE ORDINARY MEETING OF COUNCIL HELD ON 28 NOVEMBER 2018

20 NOTICES OF MOTION

20.1 Notice of Motion 33/2018 - Animal Shelter Transportable Administration Building

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

PURPOSE

Deputy Mayor Cllr G M Turland and Cllr L A C Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 December 2018:

RECOMMENDATION

THAT Council fund a transportable administration building from the Capital Projects reserves for the Animal Shelter Facility, as a matter of urgency.

Submitted for determination

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
 - a. Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - b. If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
2. *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
 - a. are substantial issues relating to a matter in which the council or committee is involved, and
 - b. are clearly identified in the advice, and
 - d. are fully discussed in that advice.
3. *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
4. *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a. a person may misinterpret or misunderstand the discussion, or
 - b. the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

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

RECOMMENDATION

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

22.1 Tender for Construction of Synthetic Hockey Field No.2, Welby (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 Construction of Synthetic Hockey Field No.2, Welby.

22.2 Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets (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 Operation and Maintenance panel agreement for High Voltage electrical assets.

22.3 Tender for Kirkham Road Upgrade, Bowral Stage 1 (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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

CLOSED COUNCIL



Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Kirkham Road Upgrade, Bowral Stage 1.

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 6 December 2018