

21 September 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 26 September 2018** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

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

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale

on Wednesday, 26 September 2018 at 3.30 pm.

Time	Item
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country – Cllr T D Gair
3.32pm	Opening Prayer - Co-ordinator Callum Thomas, Capernwray Bible College
3.35pm	<ul style="list-style-type: none">• Apologies (<i>if any</i>)• Adoption of Minutes of the Ordinary Meeting of Council held on Wednesday, 12 September 2018 and the Extraordinary Meeting of Council held on Wednesday, 19 September 2018• Business Arising (<i>if any</i>)• Declarations of Interest (<i>if any</i>)• Mayoral Minute (<i>if any</i>)• Public Forum (<i>if any</i>)• Motion to move into Committee of the Whole – Cllr T D Gair• Visitor Item - Nil• Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	Questions from the Public - <i>to be read</i> Continuation of Council Reports General Business Questions Questions with Notice Notices of Motion
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 12 September 2018
6. **BUSINESS ARISING FROM THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 12 SEPTEMBER 2018**
- 5A. **ADOPTION OF MINUTES OF EXTRAORDINARY MEETING**
Extraordinary Meeting of Council held on 19 September 2018
- 6A. **BUSINESS ARISING FROM THE MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 19 SEPTEMBER 2018**
7. **DECLARATIONS OF INTEREST 1**
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

COMMITTEE OF THE WHOLE

10. **VISITOR MATTERS**
OPERATIONS, FINANCE AND RISK
Nil
CORPORATE, STRATEGY AND DEVELOPMENT SERVICES
Nil
11. **EN BLOC MOTION**
12. **OPERATIONS FINANCE AND RISK**
 - 12.1 Investment Report - August 2018 2
 - 12.2 Sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale 9
 - 12.3 Proposed Variation of Easement for Electrical Supply over Council property adjoining Stage 4 Retford Park Bowral..... 10
13. **CORPORATE STRATEGY AND DEVELOPMENT SERVICES**
 - 13.1 Planning Proposal - 18 Spring Street, Moss Vale..... 35
 - 13.2 Planning Proposal - 107 Kangaloon Road, Bowral..... 55



13.3 Request for Financial Assistance from Cancer Council 2018 Relay for Life	75
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Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER

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15. DELEGATE REPORTS

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

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19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

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20.2 Notice of Motion 28/2018 - Report on Non-Residential Rural Buildings.....	146

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

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22.1 Sale of Proposed Lots 1263 and 1265 Anembo Street, Moss Vale

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

22.2 Legal Report - Closed Council

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

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

24. ADOPTION OF COMMITTEE OF THE WHOLE

25. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

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

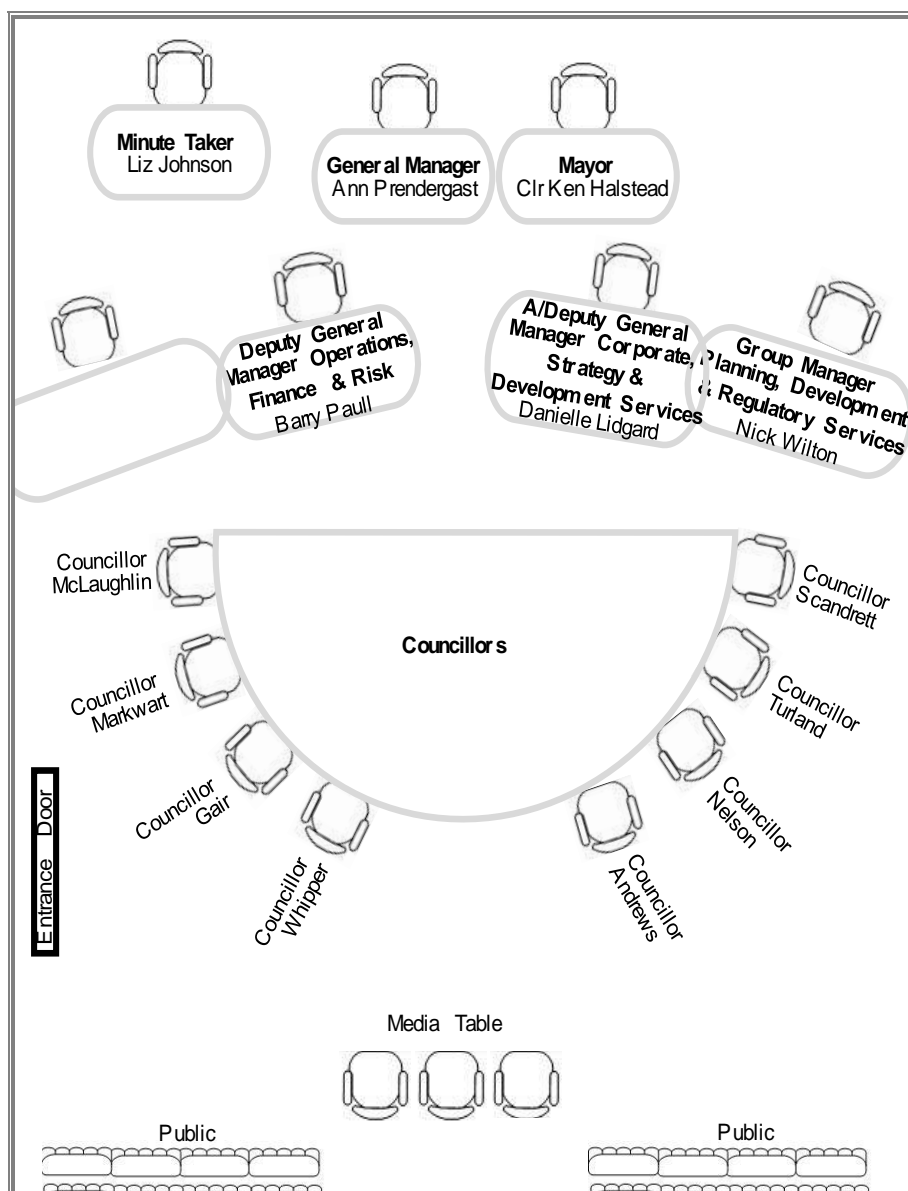
Council Chambers

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.

COMMITTEE OF THE WHOLE

12 OPERATIONS FINANCE AND RISK

12.1 Investment Report - August 2018

Reference:	2104
Report Author:	Accounting Officer - Banking and Investments
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 present Council's Investment Portfolio held at 31 August 2018.

RECOMMENDATION

THAT the information on Council's Investments as at 31 August 2018 be received and noted.

REPORT

In accordance with part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

This report provides details of Council's Investment Portfolio as at 31 August 2018.

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

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

- The *Local Government Act*, 1993
- The *Local Government (General) Regulations 2005*,
- The Ministerial Investment Order 2011, and
- Council's Investment policy.

Interest earned from investments totalled \$683,645.48 for the two (2) months to 31 August 2018.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

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



ATTACHMENTS

1. Investment Report Summary as at 31 August 2018

12.1 Investment Report - August 2018

ATTACHMENT 1 Investment Report Summary as at 31 August 2018



ATTACHMENT 1

Wingecarribee Shire Council Investment Report Summary

For the period ending 31 AUGUST 2018

List of Investments

Council's investment portfolio as at 31 August 2018 consists of the following investments:

INVESTMENT PORTFOLIO AS AT AUGUST 2018						
ME	Term Deposit	5,000,000	2.55%	6/09/2018	365	3.14%
MyState	Term Deposit	5,000,000	2.65%	12/09/2018	365	3.14%
BDCU	Term Deposit	2,500,000	2.75%	20/09/2018	365	1.57%
NAB	Term Deposit	5,000,000	2.62%	27/09/2018	365	3.14%
Auswide	Term Deposit	5,000,000	2.65%	28/09/2018	365	3.14%
ME	Term Deposit	5,000,000	2.62%	11/10/2018	365	3.14%
ING	Term Deposit	4,000,000	2.57%	24/10/2018	365	2.51%
MyState	Term Deposit	5,000,000	2.65%	30/10/2018	365	3.14%
BDCU	Term Deposit	3,000,000	2.62%	9/11/2018	365	1.88%
AMP	Term Deposit	5,000,000	2.65%	26/11/2018	272	3.14%
WBC	Term Deposit	4,000,000	2.57%	5/12/2018	365	2.51%
WBC	Term Deposit	4,000,000	2.58%	14/12/2018	365	2.51%
CUA	Term Deposit	3,000,000	2.65%	20/12/2018	365	1.88%
CUA	Term Deposit	6,000,000	2.69%	24/01/2019	365	3.77%
WBC	Term Deposit	2,000,000	2.64%	31/01/2019	365	1.26%
CBA	Term Deposit	3,500,000	2.66%	7/02/2019	365	2.20%
CUA	Term Deposit	3,000,000	2.67%	21/02/2019	365	1.88%
CBA	Term Deposit	5,000,000	2.63%	2/03/2019	365	3.14%
BDCU	Term Deposit	3,000,000	2.65%	8/03/2019	365	1.88%
CUA	Term Deposit	2,000,000	2.71%	22/03/2019	365	1.26%
CBA	Term Deposit	3,000,000	2.78%	18/04/2019	365	1.88%
CBA	Term Deposit	2,000,000	2.78%	19/04/2019	365	1.26%
Bankwest	Term Deposit	3,000,000	2.80%	8/05/2019	273	1.88%
Bankwest	Term Deposit	3,000,000	2.80%	13/05/2019	272	1.88%
Bendigo	Term Deposit	5,000,000	2.80%	17/05/2019	365	3.14%
Bankwest	Term Deposit	5,000,000	2.80%	20/05/2019	270	3.14%
MyState	Term Deposit	5,000,000	2.81%	24/05/2019	365	3.14%
Bankwest	Term Deposit	3,000,000	2.75%	24/05/2019	270	1.88%
Bankwest	Term Deposit	5,000,000	2.75%	27/05/2019	272	3.14%
Bankwest	Term Deposit	5,000,000	2.80%	28/05/2019	270	3.14%
Bankwest	Term Deposit	5,000,000	2.80%	28/05/2019	270	3.14%
Auswide	Term Deposit	2,500,000	2.90%	19/06/2019	365	1.57%
Auswide	Term Deposit	5,000,000	2.92%	27/06/2019	365	3.14%
MyState	Term Deposit	5,000,000	2.90%	3/07/2019	365	3.14%
AMP	Term Deposit	5,000,000	2.91%	11/07/2019	365	3.14%
Bendigo	Term Deposit	5,000,000	2.76%	25/07/2019	365	3.14%
Bendigo	Term Deposit	5,000,000	2.77%	2/08/2019	365	3.14%
ME	Term Deposit	5,000,000	2.75%	27/08/2019	365	3.14%
NAB	Call Account	2,700,104	1.40%	NA		1.70%
Total Investments		\$159,200,104				100.00%

Institution Legend

AMP = AMP Limited	CBA = Commonwealth Bank of Australia	NAB = National Australia Bank
ANZ = Australia & New Zealand Banking Group	CUA = Credit Union Australia	Newcastle = Newcastle Permanent
Auswide = Auswide Bank	IMB = IMB Bank	St George = St George Bank
BOQ = Bank of Queensland	ING = ING Direct	WBC = Westpac Banking Corporation
BDCU = Berrima District Credit Union	ME = Members Equity Bank	
Bendigo = Bendigo & Adelaide Bank	MyState = MyState Bank	

12.1 Investment Report - August 2018

ATTACHMENT 1 Investment Report Summary as at 31 August 2018



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 August 2018

Policy Compliance

Council's Investment Policy provides clear direction for the diversification of Council's investment portfolio. This ensures credit and diversification risk is managed in accordance with the adopted risk management framework, as outlined in Council's Policy.

Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	4.84%	7,700,104	YES	YES
CBA	A1+	40%	8.48%	13,500,000	YES	YES
WBC	A1+	40%	6.28%	10,000,000	YES	YES
Bankwest	A1+	40%	18.22%	29,000,000	YES	YES
AMP	A1	25%	6.28%	10,000,000	YES	YES
ING	A1	25%	2.51%	4,000,000	YES	YES
BDCU	A2	15%	5.34%	8,500,000	NO	YES
Bendigo	A2	15%	9.42%	15,000,000	NO	YES
CUA	A2	15%	8.79%	14,000,000	NO	YES
ME	A2	15%	9.42%	15,000,000	NO	YES
MyState	A2	15%	12.56%	20,000,000	NO	YES
Auswide	A3	10%	7.86%	12,500,000	NO	YES
Total			100.00%	159,200,104		

Portfolio Credit Limits

A summary of investments placed by credit limit is as follows:

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	37.81%	60,200,104	YES
A1	80%	8.79%	14,000,000	YES
A2	60%	45.54%	72,500,000	YES
A3	20%	7.86%	12,500,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	159,200,104	

12.1 Investment Report - August 2018

ATTACHMENT 1 Investment Report Summary as at 31 August 2018



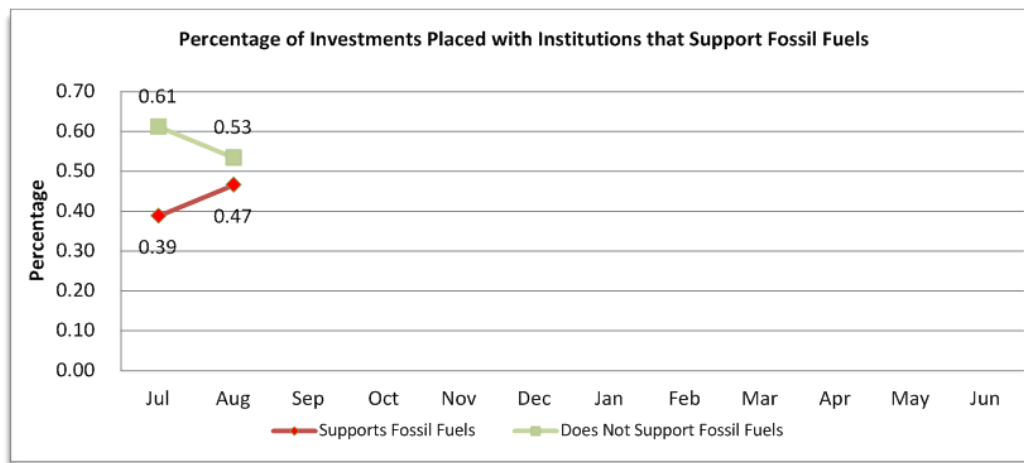
Wingecarribee Shire Council Investment Report Summary

For the period ending 31 August 2018

Non-Fossil Fuel Investment Preferencing

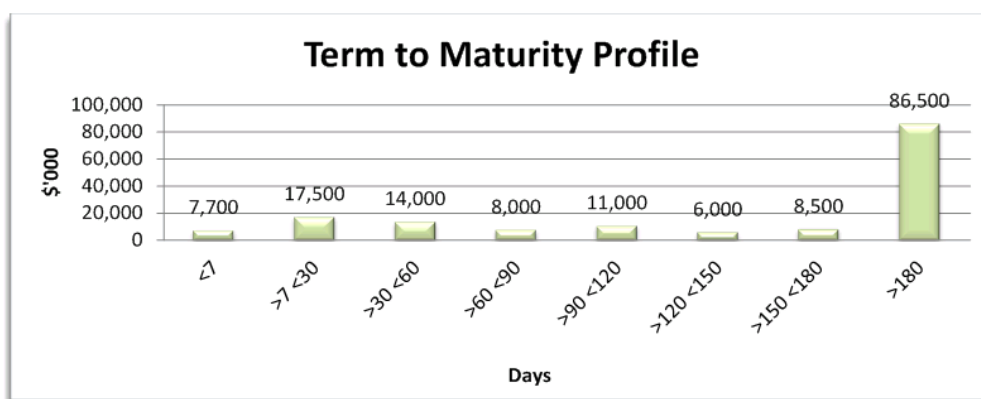
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

As investments mature Council will actively seek investments with institutions that do not support the fossil fuel industry, on the basis that they offer equivalent returns and are compliant with legislation and the objectives and parameters of the Investment Policy.



Term to Maturity

Investments have been placed giving due consideration to Council's liquidity requirements. Sufficient Working Capital is available to ensure Council continues to meet its ongoing cash flow requirements for operational and capital expenditure.



12.1 Investment Report - August 2018

ATTACHMENT 1 Investment Report Summary as at 31 August 2018

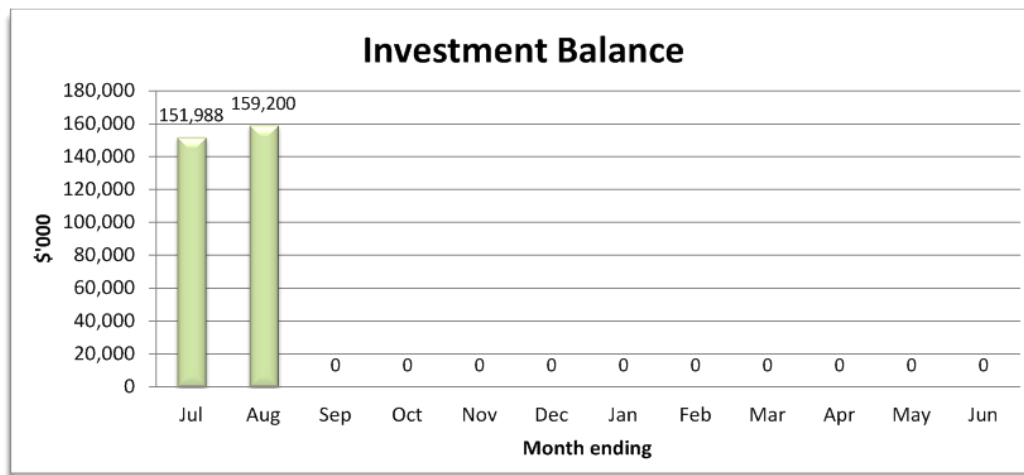


Wingecarribee Shire Council Investment Report Summary

For the period ending 31 August 2018

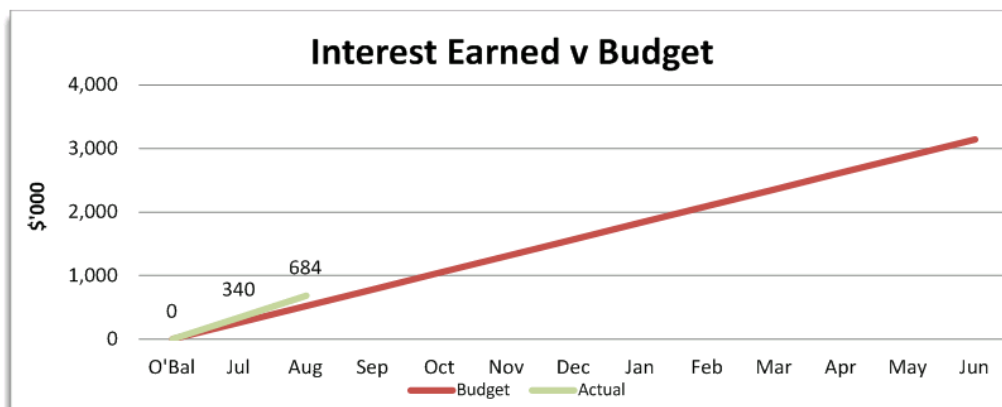
Portfolio Performance

Council's investment balance at the end of August 2018 was \$159.200 million. This has increased by \$7.212 million since the end of July 2018. The increase in investments is a result of rate payments during the August period.



Interest Revenue

Council is currently exceeding budget expectations. Council's investment portfolio performed above budget due to Council actively seeking the best interest rates available and, high levels of funds to invest.



12.1 Investment Report - August 2018**ATTACHMENT 1 Investment Report Summary as at 31 August 2018**

Wingecarribee Shire Council Investment Report Summary

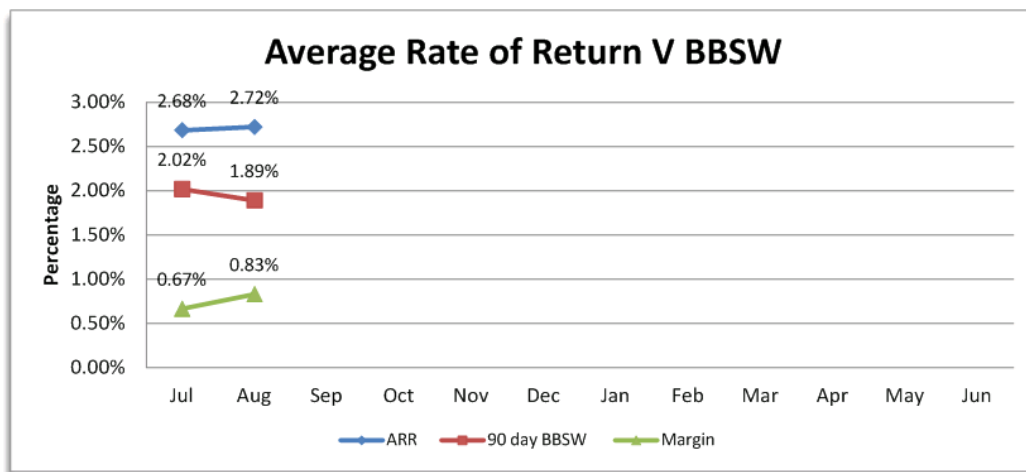
For the period ending 31 August 2018

Performance against Benchmark

Council's investment portfolio is benchmarked against the 90 day Bank Bill Swap Rate (BBSW).

The average rate of return (ARR) achieved for August 2018 was 2.72% which has increased by 0.04% since July 2018. There was a decrease in the BBSW to 1.89%

The margin above BBSW has increased in August 2018 by 0.16% as rates available in the fixed interest market remain relatively stable.



12.2 Sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale

Reference:	PN30800
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 in relation to the sale by Council of Proposed Lots 1263 and 1265 Anembo Street Moss Vale.

RECOMMENDATION

THAT the report concerning Sale of Proposed Lots 1263 and 1265 Anembo Street, Moss Vale – be considered in Closed Council – Item 22.1.

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

ATTACHMENTS

There are no attachments to this report.

12.3 Proposed Variation of Easement for Electrical Supply over Council property adjoining Stage 4 Retford Park Bowral

Reference:	PN1807820
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 delegate authority to the General Manager and Mayor to execute the Real Property documents necessary to give effect to a variation of Easement for Electrical Supply over Council property (being Lot 146 Deposited Plan 1231974) adjoining Stage 4 Retford Park, Bowral.

RECOMMENDATION

1. **THAT** Council agrees to vary the Easement for Electrical Supply over Council property being Lot 146 Deposited Plan 1231974 at Boardman Road, Bowral in order that electrical transmission lines can traverse the Council property underground.
2. **THAT** the Common Seal of Council be affixed to any documents required to be sealed to grant the easement referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
3. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the grant of easements referred to in Resolution 1 above that do not require the Common Seal of Council.

REPORT

BACKGROUND

Council as local consent authority has approved the development of the Retford Park Estate in Bowral.

REPORT

The developers of Retford Park Estate in Bowral have lodged Plans for Stage 4 of the Estate after Endeavour Energy signed off on the release of the overhead easement and creation of an underground easement for the transmission line.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



As a result of the transmission works In Stage 4 there is a change required to the Easements for Electricity within the Council property adjoining the development. The Council property is Public Reserve, being Lot 146 Deposited Plan 1231974. This will require Council execution of the Plan and Section 88B Instrument. Copies of the Plan and Section 88B Instrument as drafted are attached to this report for information – **Attachment 1.**

This report is submitted to Council in order that Council may delegate authority to the General Manager and Mayor to execute the necessary Real Property documents to give effect to the easement for underground transmission through the Council property. A resolution of Council is required to affix the Common Seal to such documents.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

No engagement with the community is required. The Plans were exhibited as part of the development process by Council as local consent authority.

Internal Communication and Consultation

Planning, Development and Regulatory Services Branch

External Communication and Consultation

Developer's representative

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



COUNCIL BUDGET IMPLICATIONS

There are no budget implications arising from this variation of easement.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

In order for Stage 4 of the Retford Park Estate subdivision to be finalised, it is necessary for the Real Property documents to be executed by Council as adjoining property owner. As Council has previously approved the easement for electricity (overhead) it is noted that consideration has been given to all of the relevant factors in granting this easement (underground). This is a variation of that easement to allow the transmission lines underground through the Council property.

ATTACHMENTS

1. Copy of Deposited Plan Administration Sheet
2. Copy of Section 88B Instrument

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Friday 21 September 2018

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 1 Copy of Deposited Plan Administration Sheet**

**ATTACHMENT 1**

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 4 sheets
Office Use Only		Office Use Only	
Registered:			
Title System:			
PLAN OF SUBDIVISION OF LOT 241 DP 1239600 & LOT 220 DP 1206897 & EASEMENT WITHIN PART LOT 146 DP 1231974		LGA: WINGECARRIBEE Locality: BOWRAL Parish: MITTAGONG County: CAMDEN	
<p align="center">Survey Certificate</p> <p>I, RICHARD R COX of 15 BUNDAROO STREET BOWRAL 2576 NSW a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or</p> <p>*(b) The part of the land shown in the plan (excluding PO) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on 8/2/2018, the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</p> <p>Datum Line: "X" - "Y"</p> <p>Type: *Urban /Rural</p> <p>The terrain is *Level-Undulating /Steep-Mountainous.</p> <p>Signature: Dated:</p> <p>Surveyor Identification No: 876 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>		<p align="center">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
		<p align="center">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>	
Plans used in the preparation of survey /compilation. DP 1206897 DP 1231974 DP 1239600		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO DEDICATE:- THE EXTENSION OF SIR JAMES FAIRFAX CIRCUIT AND BALLTOL CLOSE TO THE PUBLIC AS PUBLIC ROAD. LOTS 438 & 439 AS PUBLIC RESERVE.	
Surveyor's Reference: 14145-W-4		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral**
ATTACHMENT 1 Copy of Deposited Plan Administration Sheet



PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET					Sheet 2 of 4 sheets				
Office Use Only					Office Use Only				
Registered:					This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> A schedule of lots and addresses- See 60(c) <i>SSI Regulation 2017</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 				
PLAN OF SUBDIVISION OF LOT 241 DP 1239600 & LOT 220 DP 1206897 & EASEMENT WITHIN PART LOT 146 DP 1231974									
Subdivision Certificate number:									
Date of Endorsement:.....									
Lot	Street no.	Street name	Street type	Locality	Lot	Street no.	Street name	Street type	Locality
400	3	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	427	12	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
401	5	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	428	14	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
402	7	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	429	16	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
403	3	BALLTOL	CLOSE	BOWRAL	430	18	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
404	5	BALLTOL	CLOSE	BOWRAL	431	20	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
405	7	BALLTOL	CLOSE	BOWRAL	432	22	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
406	9	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	433	24	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
407	4	BALLTOL	CLOSE	BOWRAL	434	26	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
408	6	BALLTOL	CLOSE	BOWRAL	435	28	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
409	11	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	436	30	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
410	13	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	437	32	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
411	15	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	438	-	N/A		
412	17	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL	439	33	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL
413	19	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
414	21	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
415	23	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
416	25	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
417	27	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
418	29	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
419	31	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
420	13	GINAHGULLA	DRIVE	BOWRAL					
421	11	GINAHGULLA	DRIVE	BOWRAL					
422	9	GINAHGULLA	DRIVE	BOWRAL					
423	7	GINAHGULLA	DRIVE	BOWRAL					
424	5	GINAHGULLA	DRIVE	BOWRAL					
425	3	GINAHGULLA	DRIVE	BOWRAL					
426	10	SIR JAMES FAIRFAX	CIRCUIT	BOWRAL					
If space is insufficient use additional annexure sheet									
Surveyor's Reference: 14145-W-4									

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 1 Copy of Deposited Plan Administration Sheet**



PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 3 of 4 sheets																																										
<div style="text-align: right; font-size: small;">Office Use Only</div> <p>Registered:</p> <p>PLAN OF SUBDIVISION OF LOT 241 DP 1239600 & LOT 220 DP 1206897 & EASEMENT WITHIN PART LOT 146 DP 1231974</p> <p>Subdivision Certificate number:</p> <p>Date of Endorsement:.....</p>	<div style="text-align: right; font-size: small;">Office Use Only</div> <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> A schedule of lots and addresses- See 60(c) <i>SSI Regulation 2017</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 																																											
<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED IT IS INTENDED TO CREATE:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">1. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D1)</td></tr> <tr><td>2. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D2)</td></tr> <tr><td>3. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D3)</td></tr> <tr><td>4. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D4)</td></tr> <tr><td>5. EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE</td><td style="text-align: right;">(D5)</td></tr> <tr><td>6. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D6)</td></tr> <tr><td>7. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D7)</td></tr> <tr><td>8. EASEMENT TO DRAIN WATER 3 WIDE</td><td style="text-align: right;">(D8)</td></tr> <tr><td>9. EASEMENT TO DRAIN WATER 2 WIDE</td><td style="text-align: right;">(D9)</td></tr> <tr><td>10. RESTRICTION ON THE USE OF LAND</td><td style="text-align: right;">(R)</td></tr> <tr><td>11. RESTRICTION ON THE USE OF LAND</td><td></td></tr> <tr><td>12. POSITIVE COVENANT</td><td></td></tr> <tr><td>13. POSITIVE COVENANT</td><td></td></tr> <tr><td>14. RESTRICTIONS ON THE USE OF LAND</td><td></td></tr> <tr><td>15. EASEMENT FOR OVERHEAD POWER LINES AND UNDERGROUND CABLES 29 WIDE</td><td style="text-align: right;">(E1)</td></tr> <tr><td>16. EASEMENT FOR UNDERGROUND CABLES 22 WIDE</td><td style="text-align: right;">(K)</td></tr> <tr><td>17. EASEMENT FOR UNDERGROUND CABLES 5 WIDE</td><td style="text-align: right;">(C2)</td></tr> <tr><td>18. EASEMENT FOR UNDERGROUND CABLES 10 WIDE</td><td style="text-align: right;">(C3)</td></tr> <tr><td>19. RESTRICTION ON THE USE OF LAND</td><td></td></tr> <tr><td>20. RESTRICTION ON THE USE OF LAND</td><td></td></tr> <tr><td>21. RESTRICTION ON THE USE OF LAND</td><td></td></tr> </table> <p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED IT IS INTENDED TO RELEASE:-</p> <ol style="list-style-type: none"> 1. EASEMENT FOR TRANSMISSION LINE 36.575 WIDE (L.415059) 2. EASEMENT TO DRAIN WATER VARIABLE WIDTH (DP 1239600) <p style="text-align: right; font-size: small;">If space is insufficient use additional annexure sheet</p>			1. EASEMENT TO DRAIN WATER 2 WIDE	(D1)	2. EASEMENT TO DRAIN WATER 2 WIDE	(D2)	3. EASEMENT TO DRAIN WATER 2 WIDE	(D3)	4. EASEMENT TO DRAIN WATER 2 WIDE	(D4)	5. EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE	(D5)	6. EASEMENT TO DRAIN WATER 2 WIDE	(D6)	7. EASEMENT TO DRAIN WATER 2 WIDE	(D7)	8. EASEMENT TO DRAIN WATER 3 WIDE	(D8)	9. EASEMENT TO DRAIN WATER 2 WIDE	(D9)	10. RESTRICTION ON THE USE OF LAND	(R)	11. RESTRICTION ON THE USE OF LAND		12. POSITIVE COVENANT		13. POSITIVE COVENANT		14. RESTRICTIONS ON THE USE OF LAND		15. EASEMENT FOR OVERHEAD POWER LINES AND UNDERGROUND CABLES 29 WIDE	(E1)	16. EASEMENT FOR UNDERGROUND CABLES 22 WIDE	(K)	17. EASEMENT FOR UNDERGROUND CABLES 5 WIDE	(C2)	18. EASEMENT FOR UNDERGROUND CABLES 10 WIDE	(C3)	19. RESTRICTION ON THE USE OF LAND		20. RESTRICTION ON THE USE OF LAND		21. RESTRICTION ON THE USE OF LAND	
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<p>Surveyor's Reference: 14145-W-4</p>																																												

12.3 Proposed Variation of Easement for Electrical Supply over Council property adjoining Stage 4 Retford Park Bowral

ATTACHMENT 1 **Copy of Deposited Plan Administration Sheet**



PLAN FORM 6A (2017)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 4 of 4 sheets	
Office Use Only		Office Use Only			
Registered:		This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> • A schedule of lots and addresses- See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 			
PLAN OF SUBDIVISION OF LOT 241 DP 1239600 & LOT 220 DP 1206897 & EASEMENT WITHIN PART LOT 146 DP 1231974					
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**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



ATTACHMENT 2

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 1 of 18

Plan:

Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

**Full name and address of the
Owner of the land:**

Allen Ralph Robinson and Edward Fairfax
Simpson
Suite 1, Level 26, 25 Bligh Street
Sydney NSW 2000

Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 25775

Midas Properties
Suite 1, Level 26, 25 Bligh Street
Sydney NSW 2000

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement to Drain Water 2 wide (D1 on plan)	427 428 429 430	426 427,426 426-428 incl 426-429 incl
2	Easement to Drain Water 2 wide (D2 on plan)	424 423 422 421 420	425 425,424 425-423 incl 425-422 incl 425-421 incl
3	Easement to Drain Water 2 wide (D3 on plan)	401 402	400 400,401

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



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Sheet 2 of 18

Plan:

Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

4	Easement to Drain Water 2 wide (D4 on plan)	405	Lots 136-139 / DP 1231974
5	Easement to Drain Water 3 wide and Variable (D5 on plan)	438	405 Lots 136-139 / DP 1231974
		408	405 Lots 136-139 / DP 1231974 Wingecarribee Shire Council
		409	405-408 incl Lots 136-139 / DP 1231974 Wingecarribee Shire Council
		410	405-409 incl Lots 136-139 / DP 1231974 Wingecarribee Shire Council
		411	405-410 incl Lots 136-139 / DP 1231974 Wingecarribee Shire Council
6	Easement to Drain Water 2 wide (D6 on plan)	407	406
		408	406, 407
7	Easement to Drain Water 2 wide (D7 on plan)	412	413
		411	412, 413

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 3 of 18

Plan:

Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

8	Easement to Drain Water 3 wide (D8 on plan)	410	Wingecarribee Shire Council
9	Easement to Drain Water 2 wide (D9 on plan)	415 416 417 418 419	414 414, 415 414-416 incl 414-417 incl 414-418 incl
10	Restriction on the Use of Land	Part lot 405 designated "R" on the plan	Wingecarribee Shire Council
11	Restriction on the Use of Land	402-437 Incl	Wingecarribee Shire Council
12	Positive Covenant	408-411 incl	Wingecarribee Shire Council
13	Positive Covenant	402-437 incl	Water NSW
14	Restriction on the Use of Land	400-437 incl	Each lot except lots 438 & 439
15	Easement for Overhead Power Lines and Underground Cables 29 wide (E1 on plan)	Lot 439	Epsilon Distribution Ministerial Holding Corporation
16	Easement for Underground Cables 22 wide (K on plan)	Part Lot 146 DP 1231974	Epsilon Distribution Ministerial Holding Corporation
17	Easement for Underground Cables 5 wide (C2 on plan)	439	Epsilon Distribution Ministerial Holding Corporation

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 4 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

18	Easement for Underground Cables 10 wide (C3 on plan)	438	Epsilon Distribution Ministerial Holding Corporation
19	Restriction on the Use of Land	411-419	Wingecarribee Shire Council
20	Restriction on the Use of Land	405, 408-411	Wingecarribee Shire Council
21	Restriction on the Use of Land	416-419	Wingecarribee Shire Council
22	Positive Covenant	Lot 439	Wingecarribee Shire Council

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement for Transmission Line 36.575 Wide (L415059)	Pt Lot 241/ 1239600	Epsilon Distribution Ministerial Holding Corporation
2	Easement to Drain Water variable width (D6 on DP 1239600)	Pt Lot 241/ 1239600	Wingecarribee Shire Council

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 5 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

Part 2 Terms of Restrictions and Positive Covenants

Terms of restriction on the use of Land numbered 10 in the plan

No building or structure of any sort is permitted within the area marked "R3 on the plan and the area is to be maintained as a landscape buffer strip consisting of evergreen and preferably endemic local species to the satisfaction of the Wingecarribee Shire Council

Name of Authority empowered to release vary or modify Restriction on the Use of Land numbered 10 on the plan

Wingecarribee Shire Council.

Terms of Restriction on the use of land numbered 11 in the plan

Pursuant to the Report of Network Geotechnics W07/3805-G, the site classifications in accordance with AS2870 of Lots 402 to 437 are as follows:

Lot Number	Site Classification
402-411	P
412-432	H1
433-436	H2
437	H1

The registered proprietor must ensure that the structure constructed on any such lot is designed and constructed utilising a suitable footing system taking into account the relevant site classification

Name of Authority empowered to release vary or modify Restriction on the Use of Land numbered 11 in the plan

Wingecarribee Shire Council.

Terms of Positive Covenant numbered 12 in the plan:

The registered proprietors of the lots shall:

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 6 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

- (a) Ensure that stormwater facilities which are located on the lots burdened are maintained in a safe and functional manner;
- (b) Shall not make any alterations to the stormwater system or elements thereof without prior consent in writing from the Council;
- (c) Permit the Council or its authorised agent from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of the clause;
- (d) Comply with the terms of any written notice issued by the Council in respect to the requirements of clause (c) within the time stated in the notice. In the event of the registered proprietors failing to comply with the terms of any written notice served with the respect of the matters in clause (c), the Council or its authorised agents may enter with all necessary equipment and carry out any work required to ensure the safe and efficient operations of the system and recover the amount due in legal proceedings (including legal costs and fees) and entry of a covenant charge on the lots burdened under Section 88F of the Conveyancing Act 1919. In carrying out any work under this clause, the Council shall take reasonable precautions to ensure that the land is disturbed as little as possible.

Name of authority empowered to release vary or modify Positive Covenant numbered 12 in the plan

Wingecarribee Shire Council

Terms of Positive Covenant numbered 13 in the plan :

- 1. All future dwellings shall have rainwater tanks with a minimum capacity of 4,000 litres above any volume required for the mains top-up.
- 2. All roofs and gutters shall be designed so as to maximise consistent with good design the capture of rainwater in rainwater tanks, and
- 3. The rainwater tanks shall as a minimum be plumbed to toilets, laundry and other areas for non-potable use including use on gardens.

Name of authority empowered to release vary or modify restriction numbered 13 in the plan :

Water NSW

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 7 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

Terms of Restriction on the use of land numbered 14 in the plan:

1. Definitions:
 - a. **Dwelling House** means a suite of rooms occupied or used or so constructed designed or adapted as to be capable of being occupied or used as a single residence but may include a room or rooms (but always being part of or linked to or attached to the same structure) designed for self-contained living in the manner of that which is generally referred to as a "granny flat"
 - b. **Local Council** means the Council of the Shire of Wingecarribee.
2. No Dwelling House erected on the lot burdened shall be used or be permitted to be used for any purpose other than that of a private residence.
3. No structure or object of a temporary or transportable character or nature which is intended for habitation including, but without limiting the generality hereof, any tent, shack, trailer, mobile home, motor home, boat, camper or caravan shall be erected or permitted to remain on the lot burdened unless fully enclosed, placed or stored within the envelope of the main building on the lot burdened so that it is not visible from outside the lot burdened.
4. No earth, stone gravel or trees shall be removed or excavated from any lot burdened except where such removal or excavation is necessary for the erection of a Dwelling on the lot burdened or to facilitate all reasonable landscaping of the said lot and no lot shall be permitted to be, appear or remain in an excavated or quarried state.
5. No fuel storage tanks (except any such tank or tanks used for oil heating purposes) shall be placed upon or be permitted to remain on any lot burdened. The maximum capacity of any such tank shall not exceed 300 litres.
6. No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.
7. No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.
8. No advertising hoarding sign or matter of any description shall be erected or displayed on any lot burdened except that the proprietor of any lot burdened may display not more than one sign on the lot burdened advertising the fact that the relevant lot burdened is for sale and provided that the size of any such sign does not exceed one metre in width and one metre in height and any such sign is painted and/or decorated in its entirety by a professional sign writer. This restriction shall not apply to J. O. Fairfax and his executors and heirs.
9. No motor truck, lorry, semi-trailer or utility with a load carrying capacity exceeding three (3) tonnes or any bulldozer, front-end loader or other such earthworks vehicles and machinery shall be parked or permitted to remain on any lot burdened unless the same

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 8 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

is used in connection with the erection of a Dwelling or any ancillary structure on the relevant lot burdened.

10. No unregistered vehicle shall be parked or permitted to remain on any lot burdened unless the same is parked or stored in a garage.
11. No building shall be permitted to be constructed on any lot burdened nor shall the construction of any building be permitted to continue on the lot burdened in the event that, for any reason whatsoever, any object or thing generated by the construction of the building on the lot burdened (including without limiting the generality hereof any spoil or building rubbish) is deposited or permitted to remain on any lot adjoining the lot burdened.
12. No building shall be permitted to be constructed on any lot burdened nor shall the construction of any building be permitted to continue on the lot burdened unless the lot burdened is maintained in a clean and tidy condition as is practicable having regard to the nature of the construction work being carried out and, unless all rubbish or refuse generated by such construction works is collected and removed from the lot burdened not less frequently than once every four (4) weeks.
13. No dividing fence shall be erected on any lot burdened unless it is erected without expense to J.O. Fairfax, his executors, successors and assigns other than purchasers on sale.

This Restriction may be released, varied or modified by or with the consent of the owners of Lot 241 DP 1239600 whilst ever they own a lot or any part of a lot in the registered plan (the "Plan") pursuant to which this Restriction was created and thereafter by the registered proprietors of the lots contained in the Plan. In any event this Restriction shall expire with the effluxion of time and shall be of no force and effect after the date which is 20 years from the date of registration of the Plan.

Terms of Easement for Overhead Power Lines and Underground Cables numbered 15 on Plan

1.0 Definitions

- 1.1 **easement site** means that part of the lot burdened that is affected by this easement.
- 1.2 **electrical equipment** includes pole, tower, overhead electrical cable, underground electrical cable, duct, service pillar, underground earthing system, and ancillary equipment.
- 1.3 **Epsilon Distribution Ministerial Holding Corporation** means Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878 and its successors (who may exercise its rights by any persons authorised by it).

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 9 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

- 1.4 **install** includes construct, repair, replace, maintain, modify, use, and remove.
- 1.5 **owner** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
- 1.6 **services** includes overhead and underground gas, telephone, communications, water, sewage, and drainage services.
- 1.7 **structure** includes building, wall, retaining wall, carport, driveway, swimming pool, and fixed plant or equipment; but excludes garden furniture and garden ornament.
- 2.0 Epsilon Distribution Ministerial Holding Corporation may:
 - 2.1 install electrical equipment within the easement site,
 - 2.2 excavate the easement site to install the electrical equipment.
 - 2.3 use the electrical equipment for the transmission of electricity,
 - 2.4 enter the lot burdened using the most practical route (with or without vehicles, machinery or materials) at all reasonable times (and at any time in the event of an emergency) and remain there for any reasonable time,
 - 2.5 install its own access gates and locks,
 - 2.6 trim or remove any vegetation from the lot burdened that interferes with or prevents reasonable access to the easement site or the electrical equipment, and
 - 2.7 remove any encroachments from the easement site and recover the costs of carrying out the removal work and repairing any damage done to the electrical equipment by the encroachment.
- 3.0 In exercising its rights under this easement Epsilon Distribution Ministerial Holding Corporation will take reasonable precautions to minimise disturbance to the lot burdened and will restore the lot burdened as nearly as practicable to its original condition.
- 4.0 The owner agrees that, without the prior written permission of Epsilon Distribution Ministerial Holding Corporation and in accordance with such conditions as Epsilon Distribution Ministerial Holding Corporation may reasonably impose, it will not:
 - 4.1 install or permit to be installed any services or structure within the easement site, or
 - 4.2 alter the surface level of the easement site, or
 - 4.3 do or permit to be done anything that restricts access to the easement site by Epsilon Distribution Ministerial Holding Corporation.

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 10 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

5.0 Epsilon Distribution Ministerial Holding Corporation will not be responsible if the electrical equipment causes magnetic interference to computer equipment or electronic equipment operated within the lot burdened.

6.0 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

6.1 Notwithstanding any other provision in this easement, the owner grants to Epsilon Distribution Ministerial Holding Corporation the easement and acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation as if that lessee or nominee were Epsilon Distribution Ministerial Holding Corporation, but only for so long as the lessee leases Epsilon Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.

6.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation.

Name of Authority empowered to release vary or modify Easement numbered 15 in the plan

Epsilon Distribution Ministerial Holding Corporation

Terms of Easement for Underground Cables numbered 16, 17 and 18 on the Plan

7.0 Definitions

- 7.1 **easement site** means that part of the lot burdened that is affected by this easement.
- 7.2 **electrical equipment** includes underground electrical cable, duct, service pillar, underground earthing system, and ancillary equipment.
- 7.3 **Epsilon Distribution Ministerial Holding Corporation** means Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878 and its successors (who may exercise its rights by any persons authorised by it).
- 7.4 **install** includes construct, repair, replace, maintain, modify, use, and remove.
- 7.5 **owner** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 11 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

- 7.6 **services** includes overhead and underground gas, telephone, communications, water, sewage, and drainage services.
- 7.7 **structure** includes building, wall, retaining wall, carport, driveway, fence, swimming pool, and fixed plant or equipment; but excludes garden furniture and garden ornament.
- 8.0 Epsilon Distribution Ministerial Holding Corporation may:
 - 8.1 install electrical equipment within the easement site,
 - 8.2 excavate the easement site to install the electrical equipment.
 - 8.3 use the electrical equipment for the transmission of electricity,
 - 8.4 enter the lot burdened using the most practical route (with or without vehicles, machinery or materials) at all reasonable times (and at any time in the event of an emergency) and remain there for any reasonable time,
 - 8.5 trim or remove any vegetation from the lot burdened that interferes with or prevents reasonable access to the easement site or the electrical equipment, and
 - 8.6 remove any encroachments from the easement site and recover the costs of carrying out the removal work and repairing any damage done to the electrical equipment by the encroachment.
- 9.0 In exercising its rights under this easement Epsilon Distribution Ministerial Holding Corporation will take reasonable precautions to minimise disturbance to the lot burdened and will restore the lot burdened as nearly as practicable to its original condition.
- 10.0 The owner agrees that, without the prior written permission of Epsilon Distribution Ministerial Holding Corporation and in accordance with such conditions as Epsilon Distribution Ministerial Holding Corporation may reasonably impose, it will not:
 - 10.1 install or permit to be installed any services or structure within the easement site, or
 - 10.2 alter the surface level of the easement site, or
 - 10.3 do or permit to be done anything that restricts access to the easement site by Epsilon Distribution Ministerial Holding Corporation.
- 11.0 Epsilon Distribution Ministerial Holding Corporation will not be responsible if the electrical equipment causes magnetic interference to computer equipment or electronic equipment operated within the lot burdened.
- 12.0 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 12 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

12.1 Notwithstanding any other provision in this easement, the owner grants to Epsilon Distribution Ministerial Holding Corporation the easement and acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation as if that lessee or nominee were Epsilon Distribution Ministerial Holding Corporation, but only for so long as the lessee leases Epsilon Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.

12.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation.

Name of Authority empowered to release vary or modify Easements numbered 16, 17 and 18 in the plan

Epsilon Distribution Ministerial Holding Corporation

Terms of Restriction on the Use of Land numbered 19 in the plan

No fence shall be erected or permitted to remain on the western boundary of the lots burdened unless any such fence erected :

- a) is less than one point four (1.4) metres in height
- b) is rural in nature
- c) will not for the most part obstruct visibility through the same.

Nothing in this restriction shall be implied or construed as to prevent the erection of a fence commonly known as a "post and rail" fence PROVIDED THAT the same does not exceed one point four (1.4) metres in height.

Terms of Restriction on the Use of Land numbered 20 in the plan

No fence shall be erected or permitted to remain on the southern boundary of the lots burdened unless any such fence erected :

- a) is less than one point four (1.4) metres in height
- b) is rural in nature

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 13 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

c) will not for the most part obstruct visibility through the same.

Nothing in this restriction shall be implied or construed as to prevent the erection of a fence commonly known as a "post and rail" fence PROVIDED THAT the same does not exceed one point four (1.4) metres in height.

The Restrictions numbered 19 and 20 may be released, varied or modified by or with the consent of Wingecarribee Shire council.

Terms of Restriction on the Use of Land numbered 21 in the plan

No dwelling can be constructed upon that part of the lot indicated as being filled in the plan prepared by Civil Development Solutions Number 1326-WFPSTG4 and dated January 2018 unless it is constructed with a suitable footing system designed by a qualified structural engineer.

Name of Authority empowered to release vary or modify Restriction on the Use of Land numbered 21 in the plan

Wingecarribee Shire Council.

Terms of Positive Covenant numbered 22 in the plan

The lot burdened shall be maintained as an asset protection zone in accordance with the specifications as outlined within section 4.1.3 and Appendix 5 of NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006".

Name of Authority empowered to release vary or modify Positive Covenant numbered 22 in the plan

Wingecarribee Shire Council.

**12.3 Proposed Variation of Easement for Electrical Supply over
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ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 14 of 18

Plan:

Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

SIGNED on behalf of

WINGECARRIBEE SHIRE COUNCIL

By its authorised delegate pursuant to s.378 of the Local Government Act 1993

.....

Signature of witness:

Name of witness:

Address of witness:

.....

I certify that I am an eligible witness and that the delegate signed in my presence

.....

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 15 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

Signed for and on behalf of

WATER NSW

In the presence of:

.....
Signature of Witness

.....
Authorised person

.....
Full Name of Witness (BLOCK LETTERS)

.....
Full name (BLOCK LETTERS)

.....

.....

.....
Address of Witness

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 16 of 18

Plan:

Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

I certify that the attorney signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the attorney named below who signed this instrument pursuant to the power of attorney specified for **Endeavour Energy Network Asset Partnership (ABN 30 586 412 717)** on behalf of **Epsilon Distribution Ministerial Holding Corporation (ABN 59 253 130 878)** pursuant to section 36 of the *Electricity Network Assets (Authorised Transactions) Act 2015 (NSW)*

Signature of witness:

Name of witness:

Michelle Allanby

Address of witness:

c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Signature of attorney:

Name and position of attorney:

Helen Smith
Manager Property & Fleet

Power of attorney:

Book 4727 No 524

Signing on behalf of:

Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:

ARP2891 / NRS3123

Date of signature:

4 June 2018

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
ATTACHMENT 2 Copy of Section 88B Instrument**



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 17 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

SIGNED by Edward Fairfax Simpson)
in the presence of:)

Signature of witness

Signature of Edward Fairfax Simpson

Name of witness

Address of witness

SIGNED by Allen Ralph Robinson)
in the presence of:)

Signature of witness

Signature of Allen Ralph Robinson

Name of witness

Address of witness

**12.3 Proposed Variation of Easement for Electrical Supply over
Council property adjoining Stage 4 Retford Park Bowral
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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Sheet 18 of 18

Plan: Of subdivision of Lot 241 in DP 1239600 and Lot 220 DP 1206897 and Easement within Part Lot 146 DP 1231974 covered by Council's Subdivision Certificate No.

EXECUTED by MIDAS PROPERTIES PTY LIMITED (ACN 008 585 902) without the use of a common seal in accordance with section 127(1) of the Corporations Act 2001

.....
Director

.....
Director / Secretary

.....
Full Name

.....
Full Name

Name

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Planning Proposal - 18 Spring Street, Moss Vale

Reference:	5901/58, PN1248400
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community	
Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to enable Council to consider finalisation of a post exhibition Planning Proposal to amend WLEP 2010 to enable a shop to operate from the Connect Christian Church, 18 Spring Street, Moss Vale.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to include Lot 90 DP 751253, 18 Spring Street, Moss Vale, in Schedule 1 (Additional Permitted Uses) to permit development for the purposes of a shop be adopted, and
2. **THAT** the amendment to Wingecarribee Local Environmental Plan 2010 be finalised in accordance with s.3.36 of the *Environmental Planning and Assessment Act 1979*.

REPORT

BACKGROUND

The subject land is located at 18 Spring Street, Moss Vale, on the corner of Spring and Railway Streets as indicated in **Figure 1** and **Figure 2** below. The subject land is located within the Argyle/Browley Street Conservation Area (shown red hatched in Figure 2) and is zoned R3 Medium Density Residential with a minimum lot size of 700m². The site covers an area of some 9,396m² with a frontage of approximately 100 metres to each of Spring and Railway Streets.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

REPORT ACTING DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



At its Ordinary Meeting of 10 May 2017 Council considered a submission from the Connect Christian Church that Wingecarribee Local Environmental Plan (WLEP) 2010 be amended to enable the relocation of the community 'op shop', currently operating from the neighbourhood centre in Willow Drive, Moss Vale, to its premises at 18 Spring Street, Moss Vale. This relocation would reduce the costs of operating the shop and enable it to provide a better service to the members of the church and the local community. At that meeting Council resolved *THAT the proposal to permit development for the purposes of a Shop on Lot 90 DP751253, 18 Spring Street, Moss Vale, be supported by an amendment to Schedule 1 (Additional Permitted Uses) to WLEP 2010.*

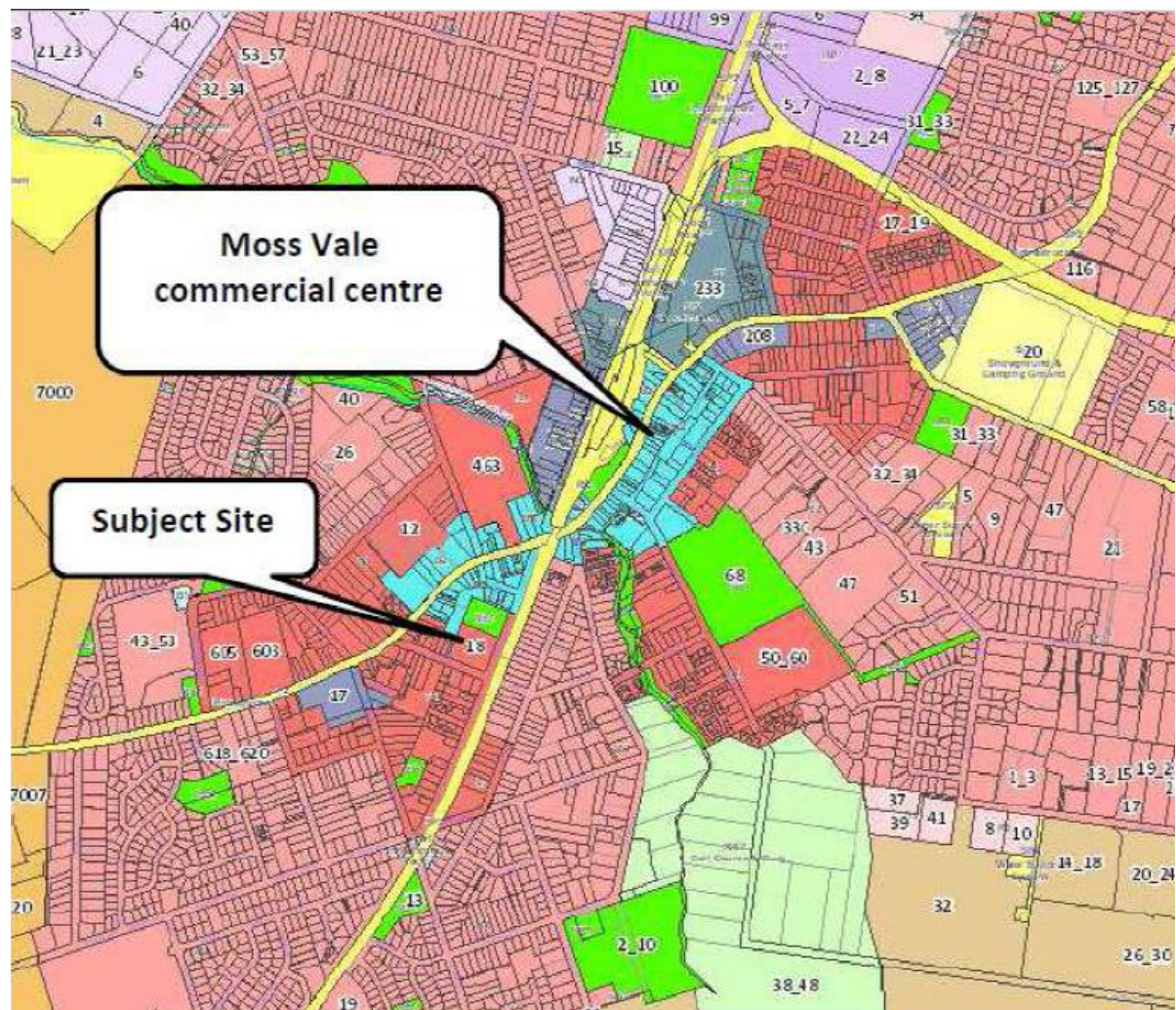


Figure 1 Location of subject land within Moss Vale (enlarged at Attachment 1)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

REPORT ACTING DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Figure 2 Detailed location of the subject land (enlarged at Attachment 2)

REPORT

Following the Resolution of Council, a Planning Proposal was prepared and submitted to the Department of Planning and Environment (the Department) for a Gateway Determination. The Gateway Determination was issued by the Department on 24 May 2018. Following referral to Water NSW in accordance with the Gateway requirements, the Planning Proposal with related documents was placed on exhibition for a period of 31 days from 11 July to 10 August 2018 (inclusive). The post-exhibition Planning Proposal which would form the basis for the proposed amendment to WLEP2010 forms **Attachment 3** to this report.

Community consultation was undertaken providing adjoining premises with neighbour notification correspondence and the Planning Proposal was notified on the Community Update page of the Southern Highland News for each week of the exhibition period. 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.

The exhibition material was available on Council's website via the 'What's On Exhibition' link, at the Customer Service and at the Moss Vale, Bowral and Mittagong public libraries.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT ACTING DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Five (5) submissions were received. All submissions raised the following concerns which are considered below.

#	Concern	Council response
1	The Proposal may lead to further retail development in a residential location. Such development is more suited to a business zone.	<i>The subject site and land in the immediate vicinity is zoned R3 Medium Density Residential under WLEP 2010. Commercial Premises, including all forms of retail, office and business premises, are prohibited in the R3 zone. It is for this reason that a Planning Proposal is required to amend WLEP 2010 to enable this shop to be considered. The request is for a specific type of shop to operate within an existing building and it is not anticipated that permitting such a development on this site would create a precedent for further requests for retail development.</i>
2	The Proposal may result in increased traffic volumes & noise and may pose a danger to children attending holiday activities on the site.	<i>The proposed shop cannot operate without Development Application (DA) approval which would specifically address such issues as parking and traffic generation. It is noted that the R3 Medium Density Residential zone which applies to the site also has the propensity to increase traffic volumes if the site were developed for that purpose.</i>
3	The Proposal may lead to dumping of refuse/household items & furniture as often happens with such shops. The site contains a large car park providing the opportunity for such dumping to occur.	<i>Any subsequent DA for permission to operate the proposed shop within the existing building will be assessed on its merits and any approval would be subject to certain conditions including maintenance of the site in a clean and orderly manner.</i>
4	The Proposal may result in unsightly signage.	<i>As noted above, any subsequent DA for permission to operate the proposed shop within the existing building will be assessed on its merits and any approval would be subject to certain conditions including any additional signage sought.</i>

In conclusion, the concerns relate principally to impacts which can be fully addressed at the Development Application (DA) stage through conditions of consent should the application be supported. Residents will have a further opportunity at the DA stage to comment on the specific detail of the application, including comments made in the Statement of Environmental Effects which would accompany any Development Application. It is therefore concluded that the Planning Proposal could proceed to amend WLEP2010 to enable a DA to be submitted and considered.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

REPORT ACTING DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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

In accordance with the Gateway Determination requirements, the Planning Proposal and related documentation were publically exhibited for 31 days from 11 July to 10 August 2018 as described in the report.

Internal Communication and Consultation

Discussion of the issues raised in submissions was undertaken with Town Planning staff.

External Communication and Consultation

The Planning Proposal was referred to WaterNSW in accordance with the Gateway Determination. WaterNSW had no objection to the Planning Proposal. The WaterNSW response was placed on public exhibition as part of the exhibition material.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Social concerns raised in the submissions with regard to residential amenity have been addressed in the submission responses.

- **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 processed in accordance with the Gateway Determination and all submissions received in response to the community consultation have been considered and responses included in this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

REPORT ACTING DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Support the recommendation contained in this report:

1. THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to include Lot 90 DP 751253, 18 Spring Street, Moss Vale, in Schedule 1 (Additional Permitted Uses) to permit development for the purposes of a shop be adopted, and
2. THAT the amendment to Wingecarribee Local Environmental Plan 2010 be finalised in accordance with s.3.36 of the Environmental Planning and Assessment Act 1979.

Option 2

That Council not proceed with the making of the LEP Amendment resulting from the Planning Proposal.

Option 1 is the recommended option for the reasons set out in this report.

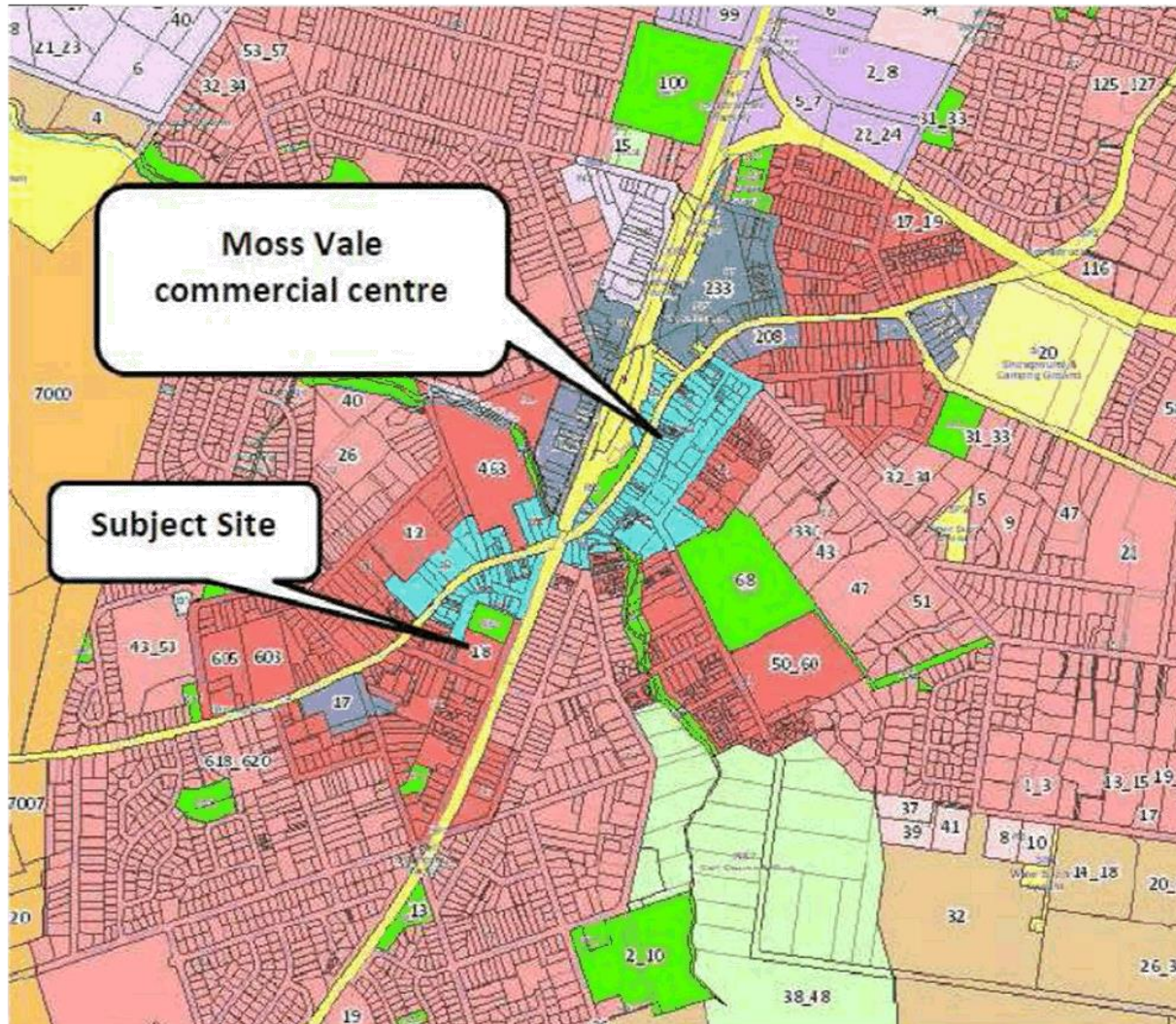
CONCLUSION

The Planning Proposal seeks to provide a more efficient and cost effective means for the church to operate its 'op shop' within an existing building located on the subject site. Approval for the operation of the shop would be the subject of a subsequent development application should the proposed amendment to WLEP 2010 proceed. Any approval would include specific controls to ensure that the streetscape is protected from the proposed land use, including signage and any other publicly visible displays. It is recommended therefore that the Planning Proposal, as exhibited, be adopted and finalised.

ATTACHMENTS

1. Regional Context Map
2. Local Context Map
3. Post Exhibition Planning Proposal

ATTACHMENT 1



ATTACHMENT 1 – LOCATION OF SUBJECT LAND WITHIN MOSS VALE

ATTACHMENT 2



ATTACHMENT 2 – DETAILED LOCATION OF SUBJECT LAND AT 18 SPRING STREET MOSS VALE



ATTACHMENT 3

Planning Proposal

To amend WLEP 2010 to enable
development for the purposes of a shop at
18 Spring Street Moss Vale NSW 2577
(Lot 90 DP 751253)

Prepared in accordance with s.3.33 of Division 3.4 of
the *Environmental Planning & Assessment Act 1979*

Version 3 – For Making

September 2018



Civic Centre, 68 Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
T. (02) 4868 0888 E. wscmail@wsc.nsw.gov.au

www.wsc.nsw.gov.au



Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
Version 3 - For Making

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Planning Proposal Request
2	Report to Council – 10 May 2017
3	Resolution of Council – 10 May 2017
4	Gateway Determination
5	WaterNSW response

ADDRESS OF LAND : Lot 90 DP 751253, 18 Spring Street, Moss Vale

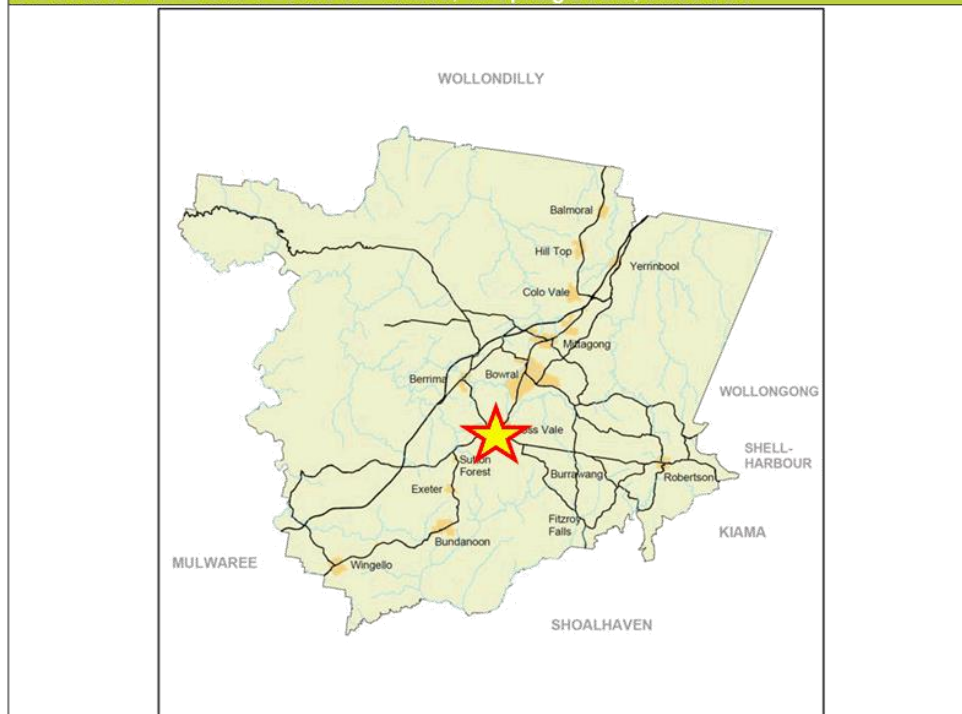


Figure 1 - Location of Moss Vale



Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
Version 3 - For Making

OBJECTIVES AND JUSTIFICATION

Objectives

The objective of the Planning Proposal is to amend WLEP 2010 to permit a *shop* to operate from Lot 90 DP 751253, 18 Spring Street, Moss Vale, located on the corner of Spring and Railway Streets.

The Planning Proposal is the result of an application to Council (**Attachment 1**) by the proponent which was considered by Council and reported to Council to the Ordinary Meeting held on 10 May 2017 when Council resolved:

THAT the proposal to permit development for the purposes of a Shop on Lot 90 DP 751253, 18 Spring Street, Moss Vale, be supported by an amendment to Schedule 1 (Additional Permitted Uses) to WLEP 2010.

The Report to Council and the Resolution of Council accompany this Proposal (**Attachment 2** and **Attachment 3**).

The site is located in the township of Moss Vale. The location of Moss vale is indicated in **Figure 1** above. The location of the site is indicated in **Figure 2** below. The land is zoned R3 Medium Density Residential and covers an area of some 9,396 m². The zoning context is indicated in **Figure 3** below.

Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
Version 3 - For Making

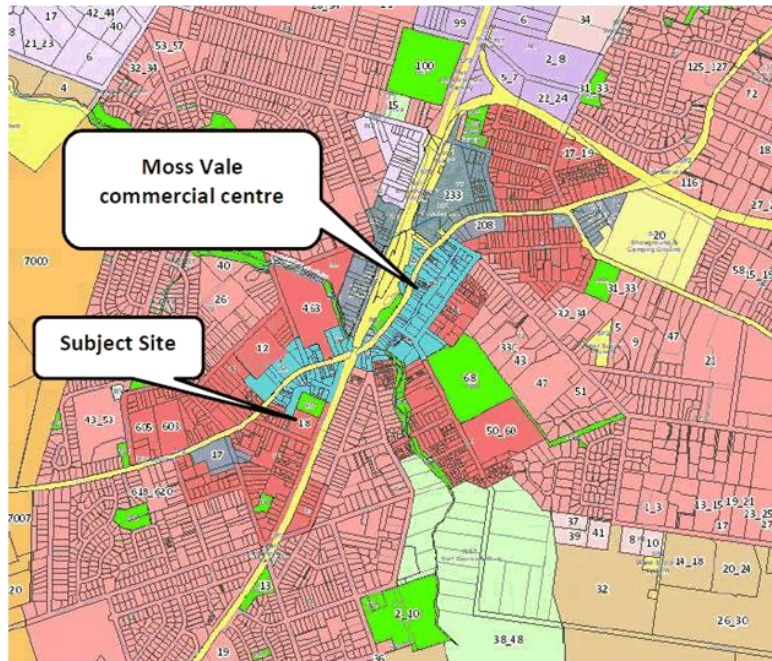


Figure 2 - Location of Subject Site in Moss Vale



Figure 3 - Detail of Subject Site indicating heritage conservation area (red cross hatch)



Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
Version 3 - For Making

Justification

The land is the site of a Community Church which currently operates a charity 'op shop' in a nearby B1 Neighbourhood Centre zone. It now wants to relocate that shop to the Spring Street site. The current shop sells second hand goods, including clothes, furniture and household items. Such a shop is not permitted in the R3 zone, not qualifying as a *neighbourhood shop*.

The proposal does not impact on any regional or local strategic plan, nor on any local infrastructure. The land is located within the Argyle/Browley Street Conservation Area, but the proposal is not considered to have any potential impact as the shop would be located within the existing building.

There will be no impacts on the natural environment. Current flood modelling of Whites Creek indicates that the location is not flood affected. There is no identified Ecological Community on, or in the vicinity of, the site. The land is not bushfire prone.

The current and proposed uses of the site are consistent with surrounding current land uses which relate to community services, and include Volunteering Wingecarribee and the Wingecarribee Food Services Co-op as well as the Senior Citizens Centre.

The proposed shop provides the potential for social support, offering a retail outlet within the community support structure of the church with other community facilities nearby. The site contains 30 marked parking spaces with sufficient area for additional informal parking. The hours of operation of the shop could be restricted by a Condition of Consent at the DA Stage.

PROPOSED INSTRUMENT AMENDMENTS

The following amendment to WLEP 2010 will be required to achieve the Planning Proposal outcomes:

Clause / Schedule	Details
Schedule 1 Additional Permitted Uses	20A Use of certain land at Spring Street, Moss Vale (1) This clause applies to land at 18 Spring Street Moss Vale, being Lot 90, DP 751235. (2) Development for the purposes of a shop is permitted with consent.

PROPOSED MAP AMENDMENTS

The following map amendments to will be required to achieve the Planning Proposal outcomes:

Maps	Details
Local Clauses Map, Schedule 1	Amend map CL1_007B to include the subject site as item 20A.



Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
Version 3 - For Making

Maps	Details

RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The South East and Tablelands Regional Plan was adopted in July 2017. The following table provides a strategic assessment of the Proposal against the relevant Goals and Directions under this Plan.

Regional Plan Direction	Regional Plan Assessment
<ul style="list-style-type: none">• Goal 3 Healthy and connected communities<ul style="list-style-type: none">○ Direction 22 Build socially inclusive, safe and healthy communities	<p>The Regional Plan does not address the level of detail reflected in this Proposal, but the Proposal does reflect the intent of the Regional Plan to recognise and foster socially inclusive and accessible communities.</p> <p>The provision of the 'op shop' within the Church building enables members of the church to offer a community service in a location where a range of community services are also provided. The location of the current shop limits its accessibility to many of the people who would want to take advantage of it.</p>

2. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

The Wingecarribee Local Planning Strategy 2015-2031 as adopted by Council on 23 March 2016 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017, except for Chapter Four (Meeting Our Housing Needs) which does not apply to this Proposal. The Strategy does not specifically address community and social welfare matters.

The Wingecarribee Community Strategic Plan (adopted June 2017) does include a number of Strategies of relevance to the Planning Proposal including:

- Work collaboratively to address social disadvantage.
- Plan and deliver appropriate and accessible local services to the community.
- Actively foster a spirit of participation and volunteering.

It is therefore considered that this Planning Proposal is **CONSISTENT** with relevant local strategies.

CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)



Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
Version 3 - For Making

The Planning Proposal has been assessed against relevant State Environmental Planning Policies as indicated below.

SEPP	Relevance to Planning Proposal
No.1 Development Standards	NOT RELEVANT – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	NOT RELEVANT – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.21 Caravan Parks	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in development for the purposes of a caravan park.
No.26 Littoral Rainforests	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in development for the purposes of intensive agriculture.
No.33 Hazardous and Offensive Development	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in hazardous or offensive development.
No.36 Manufactured Home Estates	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in development for the purposes of a manufactured home estate.
No.44 Koala Habitat Protection	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in development which will impact in any way on koala habitat.
No. 47 Moore Park Showground	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in a canal estate development.
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	NOT RELEVANT – does not apply to Wingecarribee Shire.



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No.55 Remediation of Land	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in the need to remediate land.
No. 62 Sustainable Aquaculture	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in the development of sustainable aquaculture.
No.64 Advertising and Signage	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT – The Planning Proposal will not result in advertising or signage on land to which this SEPP applies. Any advertising or signage associated with the Planning Proposal will be assessed at the Development Application stage.
No.65 Design Quality of Residential Apartment Development	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in residential apartment development.
No.70 Affordable Housing (Revised Schemes)	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.71 Coastal Protection	NOT RELEVANT – does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not impact on affordable rental housing.
Building Sustainability Index: Basix 2004	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not require any new building.
Educational Establishments and Child Care Facilities 2017	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any educational establishment or child care facility.
Exempt and Complying Development Codes 2008	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will require a Development Application and so the exempt and complying SEPP will not apply.
Housing for Seniors or	RELEVANT – applies to land within Wingecarribee Shire.



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People with a Disability 2004	CONSISTENT - The Planning Proposal will not result in housing for seniors or people with a disability.
Infrastructure 2007	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not require or involve infrastructure under this SEPP.
Integration and Repeals 2016	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kosciuszko national Park - Alpine Resorts 2007	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not affect any matters applicable under this SEPP.
Miscellaneous Consent Provisions 2007	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not affect any matters applicable under this SEPP.
Penrith Lakes Scheme 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Rural Lands 2008	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not affect any rural land.
State and Regional Development 2011	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal is not of state or regional significance under this SEPP.
State Significant Precincts 2005	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not occur in a State significant precinct.
Sydney Drinking Water Catchment 2011	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will be referred to Water NSW as a requirement of the Gateway Determination. The Planning proposal does not require any new building or result in any use to which water NSW might object. Additional provisions of this SEPP will be addressed at the



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	Development Application stage for any development resulting from this Planning Proposal.
Sydney Region Growth Centres 2006	NOT RELEVANT – does not apply to Wingecarribee Shire.
Three Ports 2013	NOT RELEVANT – does not apply to Wingecarribee Shire.
Urban Renewal 2010	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not involve land or a scale of development that is relevant to the Policy.
Vegetation in Non-Rural Areas 2017	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Parklands	NOT RELEVANT – does not apply to Wingecarribee Shire.

CONSISTENCY WITH APPLICABLE s.9.1 MINISTERIAL DIRECTIONS

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 (formerly s.117) of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire are excluded.

Direction	Assessment
1. Employment and Resources 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	CONSISTENT – The Planning Proposal seeks to maintain the viability of the current small shop by relocating it within the existing church building. No other aspects of this Direction apply.
2. Environment and Heritage 2.1 Environment Protection Zones 2.2 Coastal Management 2.3 Heritage Conservation 2.4 Recreation Vehicle Areas	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.



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Direction	Assessment
3. Housing, Infrastructure and Urban Development 3.1 Residential Zones 3.2 Caravan Parks and Manufactured Home Estates 3.3 Home Occupations 3.4 Integrating Land Use and Transport 3.5 Development Near Licensed Aerodromes 3.6 Shooting Ranges	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.
4. Hazard and Risk 4.1 Acid Sulfate Soils 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.
5. Regional Planning 5.1 Sydney Drinking Water Catchments 5.10 Implementation of Regional Plans	CONSISTENT – The relevance of these matters to the Planning Proposal have already been addressed.

ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS

The Planning Proposal will provide a positive social impact by enabling people in need to obtain recycled goods at affordable prices. It will also assist in promoting social inclusion. There will also be some economic benefits from the Proposal. There are no environmental impacts associated with the Proposal.

STATE & COMMONWEALTH INTERESTS

No public infrastructure is required for any proposed amendment.

REFERRALS & CONSULTATION

Referral to Water NSW was undertaken as required in the Gateway Determination. WaterNSW has no objection to the proposal.

Community consultation was undertaken as required in the Gateway Determination and in accordance with the Department's Guide to preparing LEPs. The Planning Proposal and related documents was exhibited from 11 July to 10 August 2018 (inclusive).

The exhibition material was available on Council's website via the What's On Exhibition link, as well as at the Customer Service Counter in the Civic Centre, and at the Moss Vale, Bowral and Mittagong libraries.

TIMELINE



Planning Proposal – Lot 90 DP 751253, 18 Spring Street Moss Vale NSW 2577
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The timeline for progression of the Planning Proposal has been and is proposed to be as follows.

MILESTONE	INDICATIVE DATE
Gateway Determination	May 2018
Agency Consultation	June 2018
Public Exhibition	July 2018 - August
Report to Council on exhibition of Planning Proposal.	September 2018
S.3.36 Documents to DP&E & PCO.	September-October 2018
Approximate completion date	November 2018

DELEGATIONS

Council was issued with written authority to exercise its delegation to complete this Proposal.

13.2 Planning Proposal - 107 Kangaloon Road, Bowral

Reference:	5901/54, PN764600
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to enable Council to consider finalisation of a post exhibition Planning Proposal to amend WLEP 2010 to rezone land at 107 Kangaloon Road Bowral from R2 Low Density Residential to SP1 Special Activities (Cemetery).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 4 DP 866291, 107 Kangaloon Road, Bowral, to SP1 Special Activities Cemetery and the removal of the minimum lot size of 2000m2 be adopted; and
2. **THAT** the amendment to Wingecarribee Local Environmental Plan be finalised in accordance with s.3.36 of the *Environmental Planning and Assessment Act 1979*.

REPORT

BACKGROUND

The Wingecarribee Cemeteries Strategic Plan, adopted by Council in July 2013, acknowledges that Bowral General Cemetery has been the primary cemetery for the area for many years; and its relatively limited capacity and consistently high level of use means that it is likely to be the first of Council's current operational cemeteries to reach capacity.

The number of annual burials at the Bowral General Cemetery has been the highest for any cemetery in the area for many years, historically being around 50-60% of all burials in Council managed cemeteries. The cemetery is recognised as nearing capacity with a Council report in 2000 suggesting that the Bowral General Cemetery had less than 10 years useful life. Therefore, when an adjoining property came on to the market, Council took the

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



opportunity to purchase it at auction on 15 July 2017, with the purpose of expanding the cemetery.

The subject land is located on the northern edge of the Bowral cemetery as shown in **Figure 1** and **Figure 2** below.

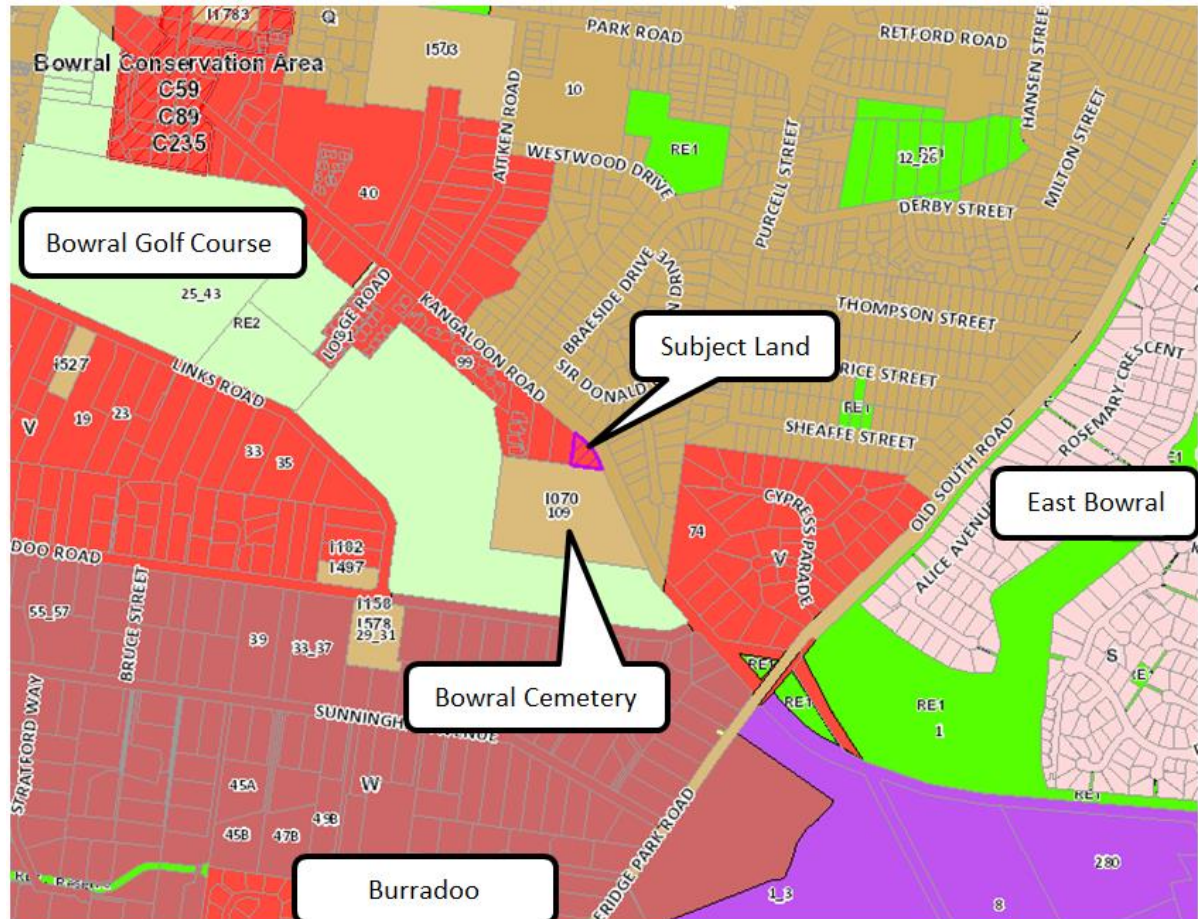


Figure 1 Regional Context of subject land at 107 Kangaloon Road Bowral (enlarged at Attachment 1)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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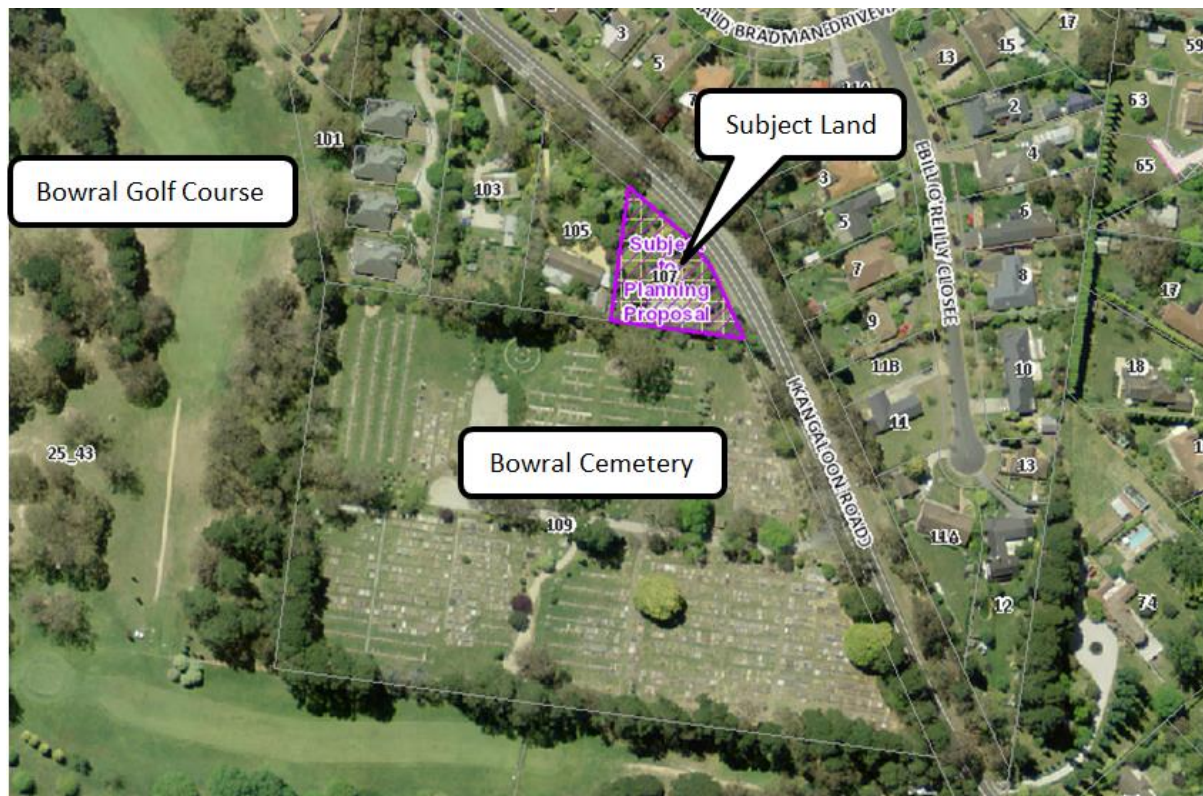


Figure 2 Local Context of subject land at 107 Kangaloon Road Bowral (enlarged at Attachment 2)

To complete this process of extending the Bowral cemetery, the site must be rezoned from R2 Low Density Residential with a minimum lot size of 2,000m² to SP1 Special Activities Cemetery with no minimum lot size. It is noted that the land has already been classified as Operational Land under Section 25 of the *Local Government Act 1993* by Resolution of Council of 26 July 2017.

At its Ordinary Meeting of 22 November 2017 Council considered a report to prepare a Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 with regard to the subject land to enable the Bowral Cemetery to be expanded and resolved:

THAT a Planning Proposal be prepared and submitted to the Department of Planning and Environment for a Gateway Determination to rezone Lot 4 DP 866291, 107 Kangaloon Road Bowral, from R2 Low Density Residential to SP1 Special Activities (Cemetery) and remove the minimum lot size of 2000m² applying under WLEP 2010.

REPORT

Following the Resolution of Council of 22 November 2017, a Planning Proposal was prepared and submitted to the Department of Planning and Environment (the Department) for a Gateway Determination. The Gateway Determination was issued by the Department on 17 May 2018. Following referral to WaterNSW in accordance with the Gateway requirements, the Planning Proposal and related documents were placed on public exhibition for a period of 31 days from 20 June to 20 July 2018 (inclusive).

Community consultation was undertaken providing adjoining premises with neighbour notification correspondence and the Planning Proposal was notified on the Community Update page of the Southern Highland News for each week of the 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.

The exhibition material was available on Council's website via the 'What's On Exhibition' link, at the Customer Service and at the Moss Vale, Bowral and Mittagong public libraries.

It became apparent at the end of the exhibition period that some neighbours did not receive their notification letter. New letters were hand delivered and the exhibition period extended to 15 August 2018. The extension to the exhibition period was further notified in the Southern Highland News and on Council's website.

Two (2) submissions on behalf of three (3) residents were received. Both submissions requested that the proposal include the following provisions which were identified as providing safety and amenity for immediate neighbours.

#	Submission request	Council response
1	That surface water drainage be directed towards the western boundary, i.e. the Bowral Golf Course, and away from adjacent dwellings.	<i>At this time there is no proposal to conduct any drainage works within the existing Bowral Cemetery. The Bowral Cemetery Expansion at the property of 107 Kangaloon, including any drainage works proposed for this property, will be the subject of a development application. The community will be given opportunity to comment on this during the exhibition period as part of the development assessment.</i>
2	That a suitable border planting be provided for visual protection of neighbours from the new cemetery development.	<i>Landscaping treatments will be considered as part of a broader development application.</i>
3	That suitable and permanent fencing be erected on all boundaries.	<i>Fencing will be considered as part of a broader development application.</i>
4	That entry from Kangaloon Road be restricted to the existing entrance or at least to the southern extent of the subject property.	<i>The Bowral Cemetery Expansion at the property of 107 Kangaloon, including any entrance works proposed for this property, will be the subject of a development application. The community will be given opportunity to comment on this during the exhibition period as part of the development assessment.</i>
5	That the vehicle speed limit on Kangaloon Road be reduced to 50kph from the roundabout at the Old South Road intersection.	<i>As Kangaloon Road is a Classified Road, this will be a matter for Roads and Maritime Services to consider.</i>

In summary, the issues raised are noted and, where relevant, have been passed on to the appropriate staff for consideration. It is noted that most of the matters raised will be considered at the Development Application stage should WLEP 2010 be amended. The community will be given further opportunity to comment on detailed plans during the neighbour notification of the development application and comments will be considered

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during assessment of the DA. It is recommended that the post exhibition Planning Proposal, which forms **Attachment 3** to this report, proceed to finalisation.

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

Community engagement was undertaken in accordance with the Gateway Determination issued by the Department.

Internal Communication and Consultation

Consultation has occurred with relevant Council staff within the Assets Branch with regard to the submission requests.

External Communication and Consultation

The Planning Proposal was referred to WaterNSW in accordance with the Gateway Determination who had no objection to the proposal. The response from WaterNSW was exhibited with the Planning Proposal.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The extension to the Bowral cemetery has been identified in the Cemeteries Strategy as necessary and of benefit to the community.

- **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 processed in accordance with all relevant legislation.

COUNCIL BUDGET IMPLICATIONS

The processing of the Planning Proposal is being undertaken by Council staff.

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RELATED COUNCIL POLICY

There are no other related Council Policies affected by this report.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation contained in this report

1. THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 4 DP 866291, 107 Kangaloon Road, Bowral, to SP1 Special Activities Cemetery and the removal of the minimum lot size of 2000m² be adopted; and
2. THAT the amendment to Wingecarribee Local Environmental Plan be finalised in accordance with s.3.36 of the *Environmental Planning and Assessment Act 1979*.

Option 2

Not support the recommendation and resolve to not proceed with the making of the amendment to WLEP 2010.

Option 1 is the recommended option to this report.

CONCLUSION

The rezoning of the subject site will facilitate the intended outcome of Council's purchase of the land for the extension of the Bowral cemetery. Concerns expressed in submissions are noted and have been passed on to relevant staff for further consideration.

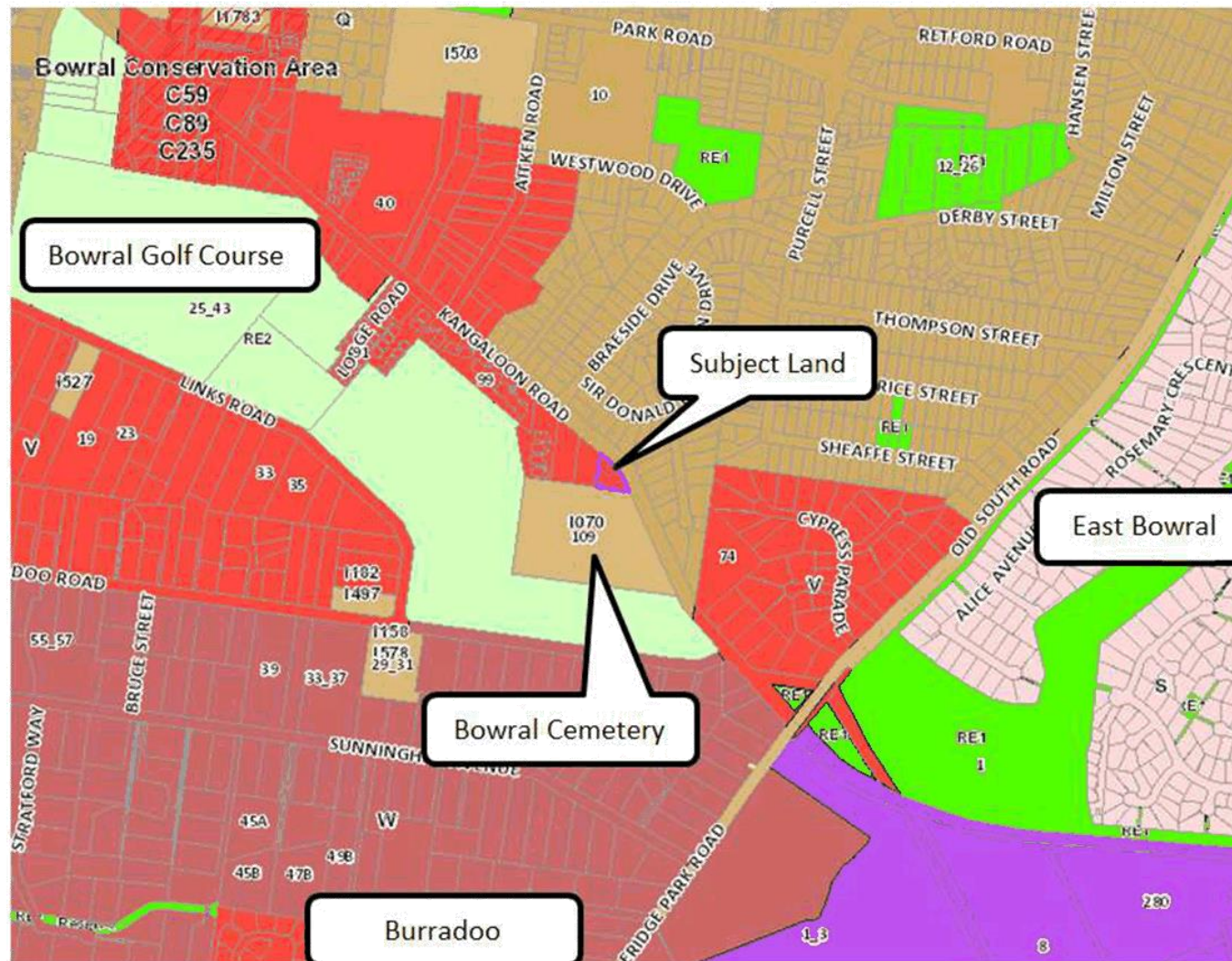
The Bowral Cemetery Expansion at the subject property, including any entrance works proposed for this property, will be the subject of a development application should the Planning Proposal proceed. The community will be given further opportunity at that stage to comment on matters to be addressed through those works.

It is therefore recommended that the Planning Proposal be adopted and the subject land be rezoned from R2 Low Density Residential to SP1 Special Activities (Cemetery) and that the minimum lot size of 2000m² applying under WLEP 2010 be removed.

ATTACHMENTS

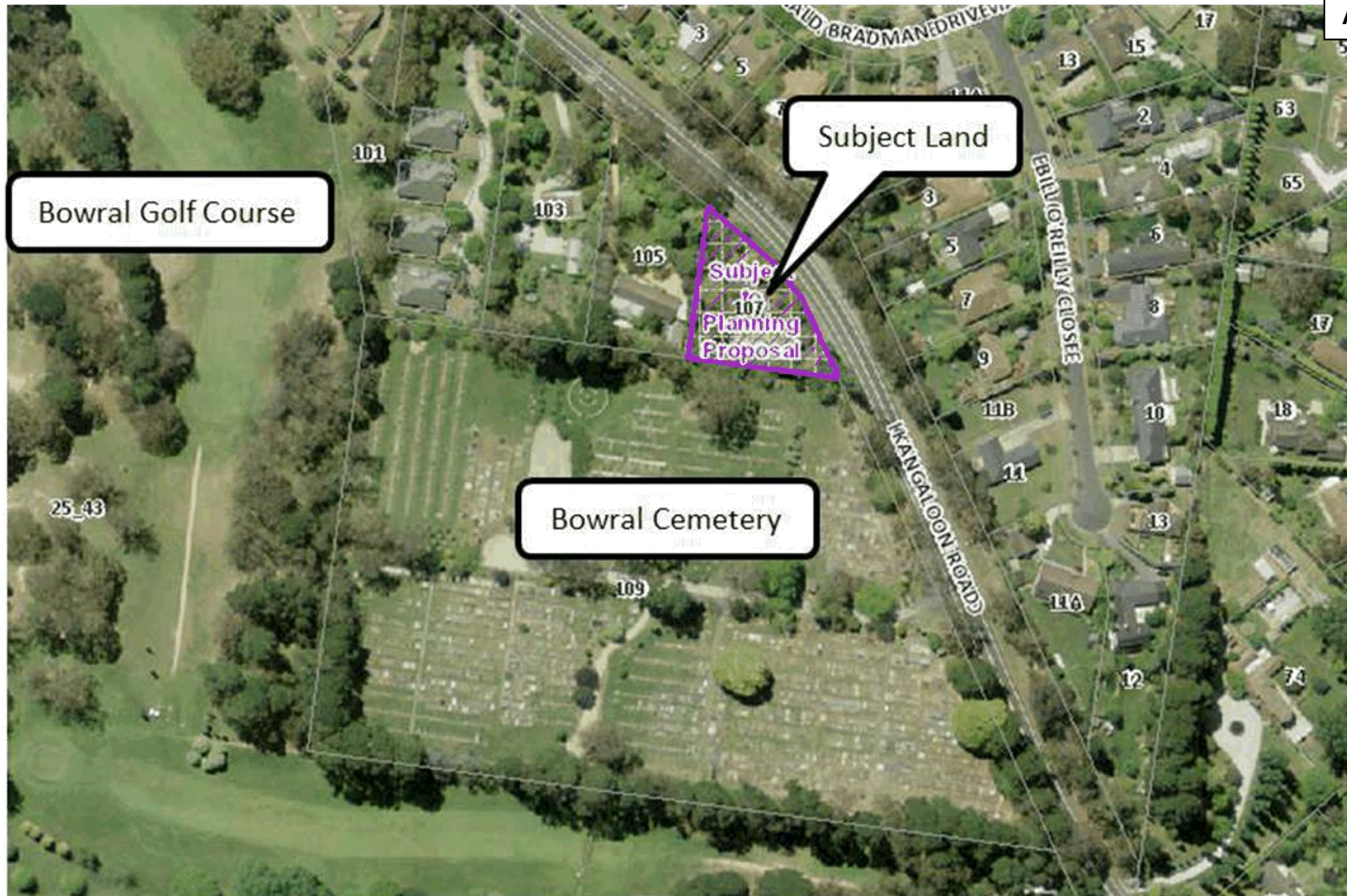
1. Regional Context Map
2. Local Context Map
3. Post Exhibition Planning Proposal

ATTACHMENT 1



ATTACHMENT 1 – REGIONAL CONTEXT OF SUBJECT LAND AT 107 KANGALOO ROAD BOWRAL

ATTACHMENT 2



ATTACHMENT 2 – LOCAL CONTEXT OF SUBJECT LAND AT 107 KANGALOO ROAD BOWRAL



ATTACHMENT 3

Planning Proposal

To amend the zoning and lot size controls under Wingecarribee Local Environmental Plan 2010 for 107 Kangaloon Road Bowral.

Prepared Wingecarribee Shire Council:
Strategic Planning
mail@wsc.nsw.gov.au
02 4868 0888

Version 4 – For Making
September 2018



Civic Centre, Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
T. (02) 4868 0888 E. wscmail@wsc.nsw.gov.au

www.wsc.nsw.gov.au



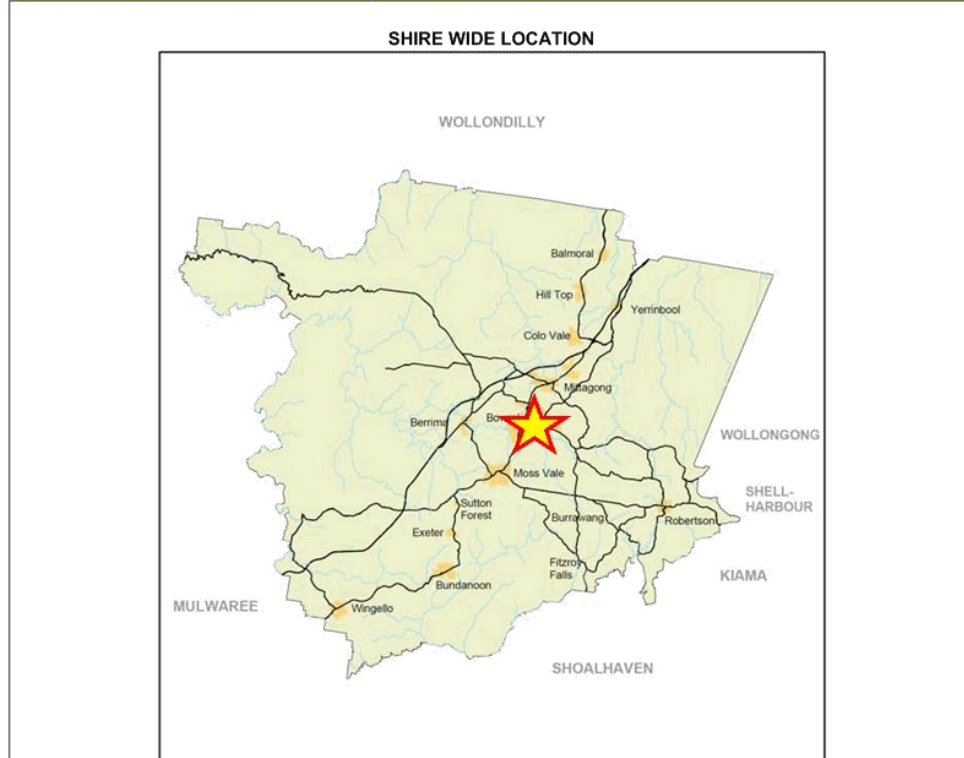
Planning Proposal to Amend 107 Kangaloon Road Bowral
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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Report to Council 26 July 2017
2	Resolution of Council 26 July 2017
3	Resolution of (Closed) Council 26 July 2017
4	Report to Council 22 November 2017
5	Resolution of Council 22 November 2017
6	Gateway Determination
7	WaterNSW Response

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND : 107 Kangaloon Road Bowral



SITE LOCATION & DESCRIPTION

The subject land is located on the northern edge of the Bowral cemetery as shown in **Figure 1** and **Figure 2** below.

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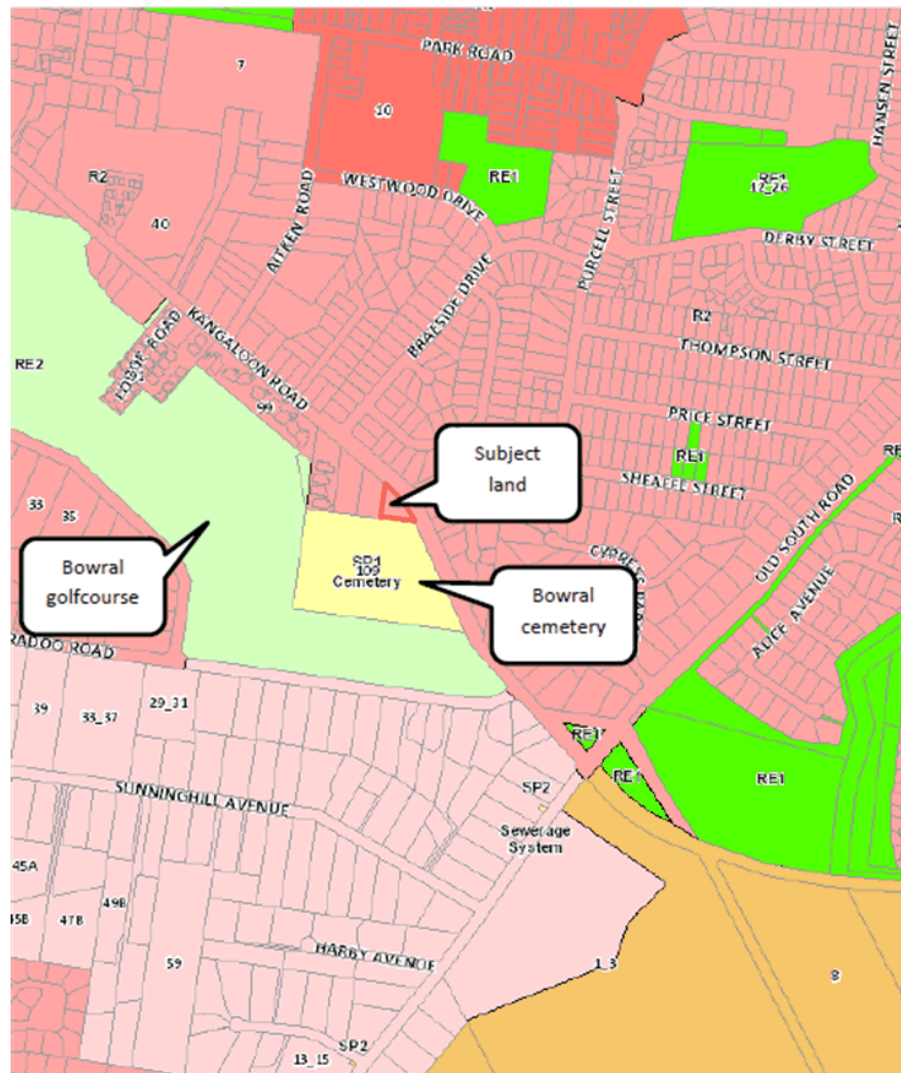


Figure 1 Context Location of Subject Site

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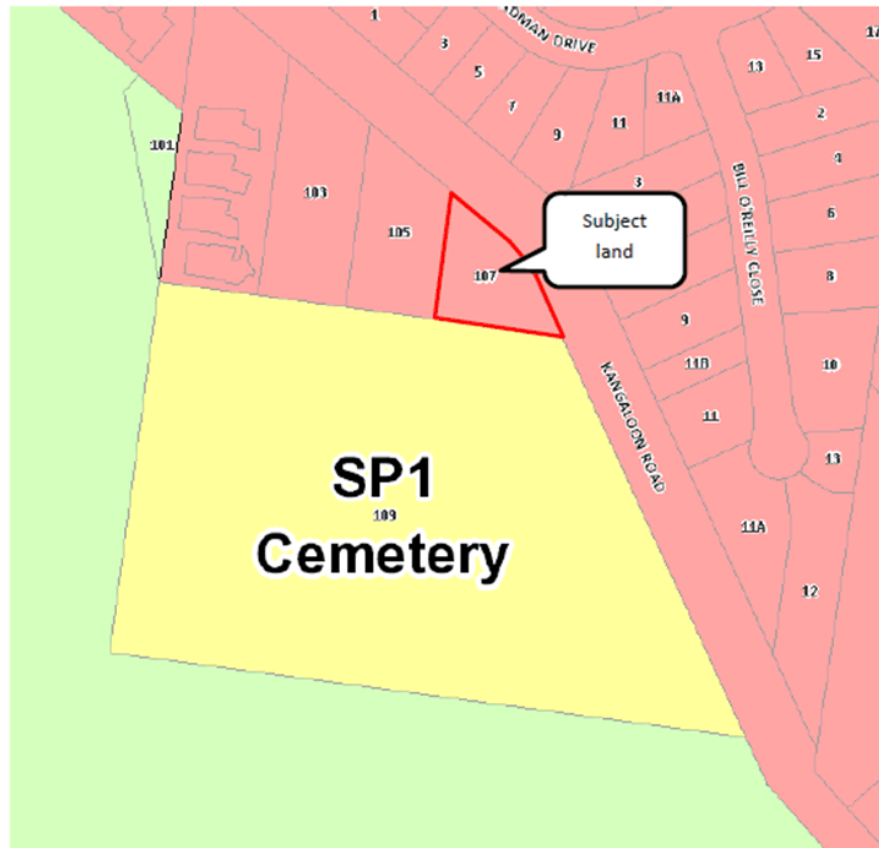


Figure 2 Detailed Location of Subject Site

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to rezone from R2 Low Density Residential to SP1 Special Activities Cemetery, and remove the 2,000m² minimum lot size, a parcel of land adjoining Bowral Cemetery in order to expand cemetery facilities in line with the *Wingecarribee Cemeteries Strategic Plan* adopted by Council in July 2013. The legal description of the subject land is Lot 4 DP 866291, located at 107 Kangaloon Road Bowral. The land covers an area of some 2,105m².

It is noted that the land has already been classified as Operational Land under Section 25 of the *Local Government Act 1993* by Resolution of Council of 26 July 2017.



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PART 2 : EXPLANATION OF THE PROVISIONS

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

- Zoning Map 8350_COM_LZN_007G_020_20150903 will be replaced with a new map which zones Lot 4 DP 866291, 107 Kangaloon Road Bowral, SP1 Special Activities (Cemetery)
- Lot Size Map 8350_COM_LSZ_007G_020_20150903 will be replaced with a new map which removes the minimum lot size of 2000m2 from Lot 4 DP 866291, 107 Kangaloon Road Bowral.

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Bowral cemetery is reaching full capacity and when an adjoining property came on to the market Council took the opportunity to acquire it, purchasing it at auction on 15 July 2017. To complete the process of extending the Bowral cemetery, it is now necessary to rezone the land from R2 Low Density Residential with a minimum lot size of 2,000m2 to SP1 Special Activities Cemetery and removing the minimum lot size from the land.

The *Wingecarribee Cemeteries Strategic Plan*, adopted by Council in July 2013, acknowledges that Bowral General Cemetery has been the primary cemetery for the area for many years and is notable for its relatively limited capacity and consistently high level of use, meaning that it is likely to be the first of Council's current operational cemeteries to reach capacity

The number of annual burials at the Bowral General Cemetery has been the highest for any cemetery in the area for many years, historically being around 50-60% of all burials in Council managed cemeteries. The cemetery is recognised as nearing capacity with a Council report in 2000 suggesting that the Bowral General Cemetery had less than 10 years useful life.

Recommendation G&M (Governance & Management) 5.3 of the Cemeteries Strategic Plan includes identifying opportunities for expansion. This proposal accords with that recommendation.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land must be rezoned to permit its future use as a cemetery. The only way of rezoning the land is by means of a Planning Proposal.



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Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The *South East and Tablelands Regional Plan* does not provide much detail on the provision of community facilities but it is considered by Council that the proposal is consistent with the Plan.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The *Wingecarribee Local Planning Strategy 2015-2031* was adopted by Council on 23 March 2016 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017. The Strategy discusses the fact that Wingecarribee's ageing population is well above the regional NSW average and continues to rise.

At 2006 the Wingecarribee population aged 75 and over was 8.3% compared with the regional NSW average of 6.9%. At 2011, Wingecarribee was 11.1% compared with the regional average of 7.2%. While, sadly, death is not restricted to the old, this higher than age cohort does mean that Council needs to ensure that there is an adequate provision of cemetery space to meet expected demand, especially as there are no crematorium facilities in the Shire.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Proposal has been assessed against relevant SEPPs as indicated below.

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>NOT RELEVANT</u> – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	<u>NOT RELEVANT</u> – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.21 Caravan Parks	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any development applicable under this SEPP.
No.26 Littoral Rainforests	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any development applicable under this SEPP.
No.33 Hazardous and Offensive Development	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any development applicable under this SEPP.

Prepared by Wingecarribee Shire Council

September 2018



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No.36 Manufactured Home Estates	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.44 Koala Habitat Protection	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No. 47 Moore Park Showground	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.55 Remediation of Land	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> – It is highly unlikely that the Planning Proposal will result in the need to remediate land but such assessment will occur at the Development Application stage and any remediation will occur in accordance with the SEPP.
No. 62 Sustainable Aquaculture	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.64 Advertising and Signage	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> – The Planning Proposal will not result in advertising or signage on land to which this SEPP applies.
No.65 Design Quality of Residential Apartment Development	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.70 Affordable Housing (Revised Schemes)	NOT RELEVANT – does not apply to Wingecarribee Shire.
No.71 Coastal Protection	NOT RELEVANT – does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any



Planning Proposal to Amend 107 Kangaloon Road Bowral
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	development applicable under this SEPP.
Building Sustainability Index: Basix 2004	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> – The Planning Proposal will not result in development to which BASIX would apply.
Educational Establishments and Child Care Facilities 2017	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Exempt and Complying Development Codes 2008	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The SEPP does not apply to this Planning Proposal.
Housing for Seniors or People with a Disability 2004	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Infrastructure 2007	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Integration and Repeals 2016	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kosciuszko national Park - Alpine Resorts 2007	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Miscellaneous Consent Provisions 2007	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Penrith Lakes Scheme 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Rural Lands 2008	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.



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State and Regional Development 2011	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any development applicable under this SEPP.
State Significant Precincts 2005	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any development applicable under this SEPP.
Sydney Drinking Water Catchment 2011	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will be referred to Water NSW as a requirement of the Gateway Determination. The Planning Proposal does not require any new building or result in any use to which Water NSW might object.
Sydney Region Growth Centres 2006	NOT RELEVANT – does not apply to Wingecarribee Shire.
Three Ports 2013	NOT RELEVANT – does not apply to Wingecarribee Shire.
Urban Renewal 2010	RELEVANT – applies to land within Wingecarribee Shire. CONSISTENT - The Planning Proposal will not result in any development applicable under this SEPP.
Vegetation in Non-Rural Areas 2017	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Parklands	NOT RELEVANT – does not apply to Wingecarribee Shire.

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 (formerly s.117) of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

Direction	Assessment
1. Employment and Resources 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.



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Direction	Assessment
2. Environment and Heritage 2.1 Environment Protection Zones 2.2 Coastal Management 2.3 Heritage Conservation 2.4 Recreation Vehicle Areas	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.
3. Housing, Infrastructure and Urban Development 3.1 Residential Zones 3.2 Caravan Parks and Manufactured Home Estates 3.3 Home Occupations 3.4 Integrating Land Use and Transport 3.5 Development Near Licensed Aerodromes 3.6 Shooting Ranges	CONSISTENT – Although the Planning Proposal seeks to rezone one (1) residential lot, the scale of development is not considered to be sufficient to adversely impact on housing supply especially as the rezoning provides for a genuine need for more cemetery space.
4. Hazard and Risk 4.1 Acid Sulfate Soils 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.
5. Regional Planning 5.1 Sydney Drinking Water Catchments 5.10 Implementation of Regional Plans	CONSISTENT – It is not considered that there will be any adverse impacts from the proposed development on the water catchment, but this will be confirmed through referral to Water NSW prior to public exhibition of the Planning Proposal.

Section C – Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The site is currently used for residential purposes. There are no critical habitats or threatened species, populations or ecological communities identified on the site. There is a portion of EEC on the western edge of the existing cemetery. The use of the subject land to extend the cemetery may serve to further protect that community. It is not expected to cause any damage.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No other environmental impacts have been identified.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will assist in meeting the social needs of the Shire's population. There are no significant economic impacts associated with the Proposal.



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Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

No additional infrastructure will be required for the proposal.

PART 4 – MAPPING

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

- Zoning Map 8350_COM_LZN_007G_020_20150903 will be replaced with a new map which zones Lot 4 DP 866291, 107 Kangaloon Road Bowral, SP1 Special Activities (Cemetery)
- Lot Size Map 8350_COM_LSZ_007G_020_20150903 will be replaced with a new map which removes the minimum lot size of 2000m² from Lot 4 DP 866291, 107 Kangaloon Road Bowral.

PART 5 – COMMUNITY CONSULTATION

Referral to Water NSW was undertaken as required in the Gateway Determination. WaterNSW has no objection to the proposal.

Community consultation was undertaken as required in the Gateway Determination and in accordance with the Department's Guide to preparing LEPs. The Planning Proposal and related documents were exhibited from 20 June to 20 July 2018 (inclusive).

The exhibition material was available on Council's website via the What's On Exhibition link, as well as at the Customer Service Counter in the Civic Centre, and at the Moss Vale, Bowral and Mittagong libraries.

PART 6 – TIMELINE

The timeline for the Planning Proposal is as follows:

MILESTONE	INDICATIVE DATE
Gateway Determination	May 2018
Agency Consultation	June 2018
Public Exhibition	June-July 2018
Report to Council on exhibition of Planning Proposal	September 2018
S.3.36 Documents to DP&E & PCO	October 2018
Approximate completion date	October 2018

DELEGATIONS

Council has received written authorisation to exercise its delegations to complete this Proposal.

END

13.3 Request for Financial Assistance from Cancer Council 2018 Relay for Life

Reference:	1850/5
Report Author:	Coordinator Community Development
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Increase the availability and affordability of locally provided health services

PURPOSE

The purpose of this report is to seek Council's position on a request from the organisers of the Cancer Council 2018 Relay for Life for Council's financial assistance to cover the costs of security, toilet pump out, line marking, waste management and provision of barriers.

RECOMMENDATION

THAT Council determines its position with regard to the request for financial assistance from the organisers of the Cancer Council 2018 Relay for Life.

REPORT

BACKGROUND

Since 2006, when the inaugural Southern Highlands Relay for Life fundraising event was held at Eridge Park, the Cancer Council has relied on Wingecarribee Shire Council every two years, to be one of their major sponsors for this region's fundraising event.

Council has once again been approached as a sponsor for the 2018 Relay for Life to be held at the Moss Vale Showground 20 - 21 October 2018.

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

REPORT

In previous years Council has sponsored the Southern Highlands Relay for Life by providing assistance in setting up for the event, line marking for the walkers, the provision of waste services, potable water, sewer services, toilet cleaning, toilet supplies, lighting, event signage, security and traffic management.

In 2016 Council sponsored the Relay for Life to the value of \$3,000 to cover the provision of these services. \$150,000 was raised by Southern Highland's teams towards Cancer Council initiatives here in the Highlands.

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The Relay will be held at the Moss Vale Show Ground this year. The support requested of Council for the 2018 event is as follows:

- Line marking services on the ground for walkers (\$200)
- Provision of waste bins and garbage disposal (\$800)
- Toilet pump out (\$1,000)
- Security guards (since many children and young adults take place in the event) (\$1,500)
- Barriers for the walkers (\$500)

Amount requested comes to a total of \$4,000.

Funds raised from the Cancer Council's Relay for Life stay in the community in support of local cancer patients and their families through a number of local programs and services across the Southern Highlands. The Southern Highlands Bus Service transports patients to for cancer treatment 5 days a week. Funds will also go towards the General Practice and Practical Support service along with cancer prevention programs held in local schools and clubs.

OTHER HEADINGS (as necessary)

Nil

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Consultation occurred with Organisational Support / Local Emergency Management Officer.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

• Social

The event provides a positive reason for the community to come together in support of a common goal to benefit the residents of the Southern Highlands suffering from Cancer.

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- **Broader Economic Implications**

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

- **Culture**

Nil

- **Governance**

Nil

COUNCIL BUDGET IMPLICATIONS

The current balance in the Contingency budget is \$30,721.

RELATED COUNCIL POLICY

Contingency Fund Guidelines

OPTIONS

The options available to Council are:

Option 1

That Council support the request for \$4,000 and that it be funded from Council's Contingency Fund.

Option 2

That Council determine an alternate amount and that alternate amount be funded from Council's Contingency Fund.

Option 3

Council not support request for financial assistance.

CONCLUSION

This event is a part of the community calendar raising much needed funds to support local initiatives in the treatment and prevention of cancer.

ATTACHMENTS

There are no attachments to this report.

Danielle Lidgard

Acting Deputy General Manager Corporate, Strategy and Development Services

Friday 21 September 2018

COUNCIL MATTERS

14 GENERAL MANAGER

14.1 Election of Mayor for 2018-2020 Term

Reference:	102/4
Report Author:	Acting Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Nominations are invited for the Office of the Mayor for the term until the ordinary Council election in September 2020. The election of the Mayor must be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*, and the Council's Code of Meeting Practice.

RECOMMENDATION

1. **THAT** Council determines the method of electing the Mayor, it being noted that in accordance with Schedule 7, Part 1 Preliminary 3 of *Local Government (General) Regulation 2005*, the method must be either:

Preferential Ballot, or
Ordinary Ballot, or
Open Voting
2. **THAT** the election of Mayor until the ordinary Council election in September 2020 conducted.

REPORT

BACKGROUND

In accordance with Section 227(a) of the *Local Government Act 1993*, the Mayor of Wingecarribee Shire Council is elected by the councillors from among their number. Under section 230(1) of the Act, mayors elected by councillors hold office for two (2) years.

Accordingly this meeting has been called in accordance with Section 290(1) of the *Local Government Act 1993* and with Council's Code of Meeting Practice.

Nomination papers for the election of Mayor for 2018-2020 have been circulated to all Councillors with this business paper.

STATUTORY PROVISIONS

LOCAL GOVERNMENT (GENERAL) REGULATION 2005

In accordance with Schedule 7 - Part 1 Preliminary of the *Local Government (General) Regulation 2005*, the General Manager (or a person appointed by the General Manager) is the Returning Officer.

Nominations will be accepted by the Returning Officer until the time the matter is before the Ordinary Meeting of Council to be held on Wednesday, 26 September 2018 and the Returning Officer declares nominations to have closed.

The election is to be conducted in accordance with the *Local Government (General) Regulation 2005* (Part 1 Preliminary) below. Clause 394 and Part 1 of Schedule 7 is reproduced below:

If a Mayor and Deputy Mayor are to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7 (Clause 394).

1. Returning Officer

The General Manager (or a person appointed by the General Manager) is the returning officer.

2. Nomination

- (1) A Councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The nomination is to be delivered or sent to the returning officer.*
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3. Election

- (1) If only one Councillor is nominated, that Councillor is elected.*
- (2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.*
- (4) In this clause:*
“ballot” has its normal meaning of secret ballot;
“open voting” means voting by a show of hands or similar means.’

FOR THE FUTURE PROPOSAL OUTCOME

None identified.

CONSULTATION

Community Engagement

Not applicable.

Internal Consultation

Not applicable.

External Consultation

Not applicable.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The election of the Mayor must be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*, and the Council's Code of Meeting Practice.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with the election of the Mayor.

POLICY IMPLICATIONS

Nil

OPTIONS

The only option available to Council is to elect a Mayor for the 2018-2020 Term.

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ATTACHMENTS

1. Schedule 7 of the Local Government (General) Regulation 2005 (Clause 394)
2. Clause 345 of the Local Government (General) Regulation 2005
3. Nomination Paper for the Election of the Mayor 2018-2020 - *circulated under separate cover*



Local Government (General) Regulation 2005

Current version for 1 July 2018 to date (accessed 14 September 2018 at 16:21)

Schedule 7

Schedule 7 Election of mayor by councillors

(Clause 394)

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

14.1 Election of Mayor for 2018-2020 Term

**ATTACHMENT 1 Schedule 7 of the Local Government (General)
Regulation 2005 (Clause 394)**



- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in

14.1 Election of Mayor for 2018-2020 Term**ATTACHMENT 1 Schedule 7 of the Local Government (General)
Regulation 2005 (Clause 394)**

the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

- (4) In this clause, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General**12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.



Local Government (General) Regulation 2005

Current version for 1 July 2018 to date (accessed 14 September 2018 at 16:23)

Part 11 > Division 9 > Clause 345

345 Informal ballot-papers

- (1) A ballot-paper of an elector at an election is informal if:
 - (a) the elector has failed to record a vote on it in the manner directed on it, or
 - (b) it has not been initialled on the front by an election official, or
 - (c) it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.
- (2) Despite subclause (1), a ballot-paper of an elector at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares have been left blank. In such a case the tick or the cross is to be treated as a first preference.
- (3) (Repealed)
- (4) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows at least the minimum number of preferences required by the directions.
- (5) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because it has not been initialled on the front by an election official, so long as it bears the mark referred to in clause 305 (2).
- (6) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.
- (6A) Despite subclause (1), a ballot-paper is not informal by reason only that the elector has placed one or more numbers, a tick or one or more crosses adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.
- (7) Nothing in subclause (2) authorises any person to encourage a voter to place a tick or a cross in a square on a ballot-paper.

Note. Section 308C of the Act makes provision concerning the formality of ballot-papers where the voter marks, crosses or ticks a group voting square, or where the ballot papers contain the name of a candidate whom a court has declared to be incapable of being elected.

14.2 Election of Deputy Mayor for 2018

Reference:	102/4
Report Author:	Acting Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to invite nominations for the Office of the Deputy Mayor and determine the term of Deputy Mayor. The election of the Deputy Mayor must be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*, and the Council's Code of Meeting Practice.

RECOMMENDATION

1. **THAT** Council determines the method of electing the Deputy Mayor, it being noted that in accordance with Schedule 7, Part 1 Preliminary 3 of *Local Government (General) Regulation 2005*, the method must be either:

Preferential Ballot, or
Ordinary Ballot, or
Open Voting
2. **THAT** Council determine the term for the position of Deputy Mayor to be for the mayoral term or a shorter term.
3. **THAT** the election of Deputy Mayor be conducted.

REPORT

BACKGROUND

In accordance with Section 227(a) of the *Local Government Act 1993*, the Deputy Mayor of Wingecarribee Shire Council is elected by the Councillors from among their number. Under section 231(2) the Deputy Mayor may be elected for the mayoral term or a shorter term.

Accordingly this meeting has been called in accordance with Section 290(1) of the *Local Government Act 1993* and with Council's Code of Meeting Practice.

Nomination papers for the election of Deputy Mayor 2018 have been circulated to all Councillors with this business paper.

STATUTORY PROVISIONS

LOCAL GOVERNMENT (GENERAL) REGULATION 2005

In accordance with Schedule 7 - Part 1 Preliminary of the *Local Government (General) Regulation 2005*, the General Manager (or a person appointed by the General Manager) is the Returning Officer.

Nominations will be accepted by the Returning Officer until the time the matter is before the Ordinary Meeting of Council to be held on Wednesday, 26 September 2018 and the Returning Officer declares nominations to have closed.

The election is to be conducted in accordance with the *Local Government (General) Regulation 2005* (Part 1 Preliminary) below. Clause 394 and Part 1 of Schedule 7 is reproduced below:

If a Mayor and Deputy Mayor are to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7 (Clause 394).

‘1. Returning Officer

The General Manager (or a person appointed by the General Manager) is the returning officer.

2. Nomination

- (1) *A Councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3. Election

- (1) *If only one Councillor is nominated, that Councillor is elected.*
- (2) *If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the Council meeting at which the Council resolves on the method of voting.*
- (4) *In this clause:*
“ballot” has its normal meaning of secret ballot;
“open voting” means voting by a show of hands or similar means.’

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

None identified.



CONSULTATION

Community Engagement

Not applicable.

Internal Consultation

Not applicable.

External Consultation

Not applicable.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The election of the Deputy Mayor must be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*, and the Council's Code of Meeting Practice.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with the election of the Deputy Mayor.

POLICY IMPLICATIONS

Nil

OPTIONS

The only option available to Council is to elect a Deputy Mayor and determine if this position is appointed for the mayoral term or a shorter term.

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ATTACHMENTS

1. Schedule 7 of the Local Government (General) Regulation Clause 394
2. Clause 345 of the Local Government (General) Regulation 2005
3. Nomination Paper for the Election of Deputy Mayor 2018 - *circulated under separate cover*



ATTACHMENT 1

Local Government (General) Regulation 2005

Current version for 1 July 2018 to date (accessed 14 September 2018 at 16:21)

Schedule 7

Schedule 7 Election of mayor by councillors

(Clause 394)

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

14.2 Election of Deputy Mayor for 2018**ATTACHMENT 1 Schedule 7 of the Local Government (General)
Regulation Clause 394**

- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot**8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in

14.2 Election of Deputy Mayor for 2018**ATTACHMENT 1 Schedule 7 of the Local Government (General)
Regulation Clause 394**

the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

- (4) In this clause, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General**12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.



ATTACHMENT 2

Local Government (General) Regulation 2005

Current version for 1 July 2018 to date (accessed 14 September 2018 at 16:23)

Part 11 > Division 9 > Clause 345

345 Informal ballot-papers

- (1) A ballot-paper of an elector at an election is informal if:
 - (a) the elector has failed to record a vote on it in the manner directed on it, or
 - (b) it has not been initialled on the front by an election official, or
 - (c) it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.
- (2) Despite subclause (1), a ballot-paper of an elector at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares have been left blank. In such a case the tick or the cross is to be treated as a first preference.
- (3) (Repealed)
- (4) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows at least the minimum number of preferences required by the directions.
- (5) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because it has not been initialled on the front by an election official, so long as it bears the mark referred to in clause 305 (2).
- (6) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.
- (6A) Despite subclause (1), a ballot-paper is not informal by reason only that the elector has placed one or more numbers, a tick or one or more crosses adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.
- (7) Nothing in subclause (2) authorises any person to encourage a voter to place a tick or a cross in a square on a ballot-paper.

Note. Section 308C of the Act makes provision concerning the formality of ballot-papers where the voter marks, crosses or ticks a group voting square, or where the ballot papers contain the name of a candidate whom a court has declared to be incapable of being elected.

14.3 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday, 22 August 2018.

RECOMMENDATION

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.2.

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

REPORT

BACKGROUND

This report updates the current status and costs paid during August 2018 for legal proceedings involving Council in the Land and Environment Court, including those matters completed since the last report to Council. Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.

REPORT

On 17 April 2013, Council resolved:

THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.

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REPORT GENERAL MANAGER



The report on the status of legal affairs involving Council contains information and advice that is privileged on the grounds of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the *Local Government Act 1993*.

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

Consultants' Fees

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land & Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Affairs report to Council.

There were consultants' fees for legal proceedings paid in the month of August 2018 – refer **Attachment 1**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

CONSULTATION

Community Engagement

Nil

Internal Consultation

Staff and management provide information, as required, to assist the progress of the matters reported.

External Consultation

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



SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

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

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. August 2018 legal costs

Ann Prendergast
General Manager

Friday 21 September 2018

14.3 Legal Report

ATTACHMENT 1

August 2018 legal costs



Legal Costs – August 2018

Attachment 1

Legal Matter	Legal Expenditure Aug-18	Consultant Expenditure Aug-18	Legal Expenditure YTD	Consultant Expenditure YTD	Total Expenditure LTD
Willow Properties Redford Road Bowral	\$4,312	\$0	\$4,312	\$0	\$42,351
Moss Vale Projects (Woolworths) Cnr Argyle and Lackey Streets	\$39,644	\$51,995	\$39,644	\$63,172	\$195,486
RG Capital Erith Street Bundanoon	\$2,235	\$0	\$2,235	\$0	\$19,421
Tujillo Pty Ltd Milton Park, Bowral	\$7,470	\$7,431	\$7,470	\$7,431	\$46,340
Turland Mittagong Road Bowral	\$4,170	\$10,713	\$4,170	\$19,429	\$70,233
Malcolm Holdings Exeter Road Exeter	\$1,022	\$0	\$1,022	\$0	\$18,927
Deluxe Projects Seniors Living Development East Bowral	\$2,831	\$0	\$2,831	\$0	\$21,002
Baron Corp P/L Farnborough Drive Moss Vale	\$11,119	\$0	\$11,119	\$0	\$113,794
Reid 21-23 Payten Street Mittagong	\$11,161	\$5,350	\$11,161	\$5,350	\$37,588
Uri T Design Kangaloon Road Bowral	\$549	\$0	\$549	\$0	\$27,315
Michael Brown Planning Loftus Street Bowral	\$383	\$0	\$383	\$0	\$29,425
Robert Morgan Sutherland Park Drive Bowral	\$1,322	\$0	\$1,322	\$0	\$1,322
Total Expenditure	\$86,214	\$75,489	\$86,214	\$95,383	

Note: This report includes proceedings where legal and/or consultancy costs have been incurred in the 2018/19 Financial Year.

Fees Recovered – August 2018

Legal Matter	Fees Recovered Aug-18	Fees Recovered YTD	Fees Recovered LTD
O'Shanassy	\$500	\$750	\$8,268

Notes:

O'Shanassy - \$93,500 penalty (OSR recovery) plus Council has been awarded by the Supreme Court of NSW a costs order of \$379,000 plus \$4,999.23 being Council's costs in order to undertake the costs assessment.



18 COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

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

1. Robertson Community Centre Management Committee held on Monday, 14 May 2018.
2. Jurd Park Management Committee held on Tuesday, 22 May 2018.
3. Hill Top Community Centre Committee held on Thursday, 24 May 2018,
4. Hill Top Community Centre Committee held on Thursday, 26 July 2018.
5. Hill Top Community Centre Committee Annual General Meeting held on Thursday, 16 August 2018.

RECOMMENDATION

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

1. Robertson Community Centre Management Committee held on Monday, 14 May 2018.
2. Jurd Park Management Committee held on Tuesday, 22 May 2018.
3. Hill Top Community Centre Committee held on Thursday, 24 May 2018.
4. Hill Top Community Centre Committee held on Thursday, 26 July 2018.
5. Hill Top Community Centre Committee Annual General Meeting held on Thursday, 16 August 2018.

ATTACHMENTS

There are no attachments to this report.

18.2 Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 15 August 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 Committee Meeting held on Wednesday, 15 August 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ES 14/18

THAT the apologies of Ms J Slattery, Mr G O'Connor and Mr M Hughes be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ES 15/18

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 16 May 2018 MN ES 7/18 to MN ES 13/18 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

ES 16/18

THAT the report be noted.

Item 6.2 Amended Standard Submission Requirements for Ecological Reports under the Biodiversity Conservation Act 2016

ES 17/18

1. *THAT the Committee endorse the Amended Standard Submission Requirements for Ecological Reports under the Biodiversity Conservation Act 2016 and supports the ongoing monitoring and effectiveness of the amended standards.*
2. *THAT Council acknowledges the efficiencies of this process in relation to Development Applications AND THAT Council take steps to issue a press release to advise the community and development industry of these changes.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

COMMITTEE REPORTS



Item 6.3 Proposed Sutton Forest Sand Quarry Project - Council submission on Environmental Impact Statement

ES 18/18

1. THAT the Council submission to the NSW Department of Planning and Environment on the proposed quarry Environmental Impact Statement be noted.
2. THAT the Committee acknowledges the excellent quality of Council's submission.
3. THAT Council acknowledge receipt of advice from Mr M Hughes that Water NSW also made a submission to the NSW Department of Planning and Environment on this matter.

Item 6.4 Update of Council's Climate Change Adaptation Plan

MN 19/18

THAT the matters outlined in the report are noted.

Item 6.5 Hume Coal Project - Update on Environmental Assessment Process

ES 20/18

THAT the report be noted.

Item 6.6 Petition 06/2018 - Development in Bundanoon

ES 21/18

1. THAT in accordance with Council Resolution MN 282/18 (point 3) the Committee considers the petition and provides comment consistent with the Committee Terms of Reference.
2. THAT the Committee thank the petitioners and acknowledges the importance of their concerns.
3. THAT Council continue to develop strategies in co-operation with the Strategic Planning Branch to achieve the best environmental outcomes possible.

Item 6.7 Environment Strategy Engagement and Workshop on CSP Strategy 4.1.1 (Protect and Improve Biodiversity)

ES 22/18

THAT the report be noted.

RECOMMENDATION

THAT recommendations Nos ES 14/18 to ES 22/18 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 15 August 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

COMMITTEE REPORTS



ATTACHMENTS

1. Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 15 August 2018



ATTACHMENT 1



107/25

MINUTES

of the
Environment and Sustainability Advisory
Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 15 August 2018

The meeting commenced at 10.36am

File No. 107/25

**18.2 Minutes of the Environment and Sustainability Committee
Meeting held on Wednesday, 15 August 2018**

**ATTACHMENT 1 Minutes of the Environment and Sustainability
Committee Meeting held on Wednesday, 15 August 2018**



**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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Wednesday 15 August 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 16 May 2018
5. **DECLARATIONS OF INTEREST**

6. AGENDA REPORTS	3
6.1 Roadside Management Plan Project - Update	3
6.2 Amended Standard Submission Requirements for Ecological Reports under the Biodiversity Conservation Act 2016	4
6.3 Proposed Sutton Forest Sand Quarry Project - Council submission on Environmental Impact Statement	5
6.4 Update of Council's Climate Change Adaptation Plan.....	6
6.5 Hume Coal Project - Update on Environmental Assessment Process....	7
6.6 Petition 06/2018 - Development in Bundanoon	8
6.7 Environment Strategy Engagement and Workshop on CSP Strategy 4.1.1 (Protect and Improve Biodiversity)	9
7. DATE OF NEXT MEETING	10
8. MEETING CLOSURE	10

**18.2 Minutes of the Environment and Sustainability Committee
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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**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 15 AUGUST 2018
COMMENCING AT 10.36AM.**

Present:

Councillors: Clr L A C Whipper *Chair*
Clr G Markwart *Alternate Chair*

Community Ms Patricia Hall
Representatives: Ms Lyndall McGrath
Mr Paul Shanahan
Mr Clive West

Agency Nil
Representatives:

In Attendance: Mr Barry Arthur *Manager Environment & Sustainability*
Mr Ian Perkins *Natural Resource Project Coordinator*
Ms Helen Stokes *Administration Officer*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Ms Jennifer Slattery and Mr Geoff O'Connor and Mr Malcolm Hughes.

ES 14/18

MOTION moved by Clr G Markwart and seconded by Mr P Shanahan

THAT the apologies of Ms J Slattery, Mr G O'Connor and Mr M Hughes be accepted and leave of absence granted.

PASSED

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.

**18.2 Minutes of the Environment and Sustainability Committee
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE
MEETING HELD ON WEDNESDAY 16 MAY 2018

ES 15/18

MOTION moved by Cllr G Markwart and seconded by Mr P Shanahan

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 16 May 2018 MN ES 7/18 to MN ES 13/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

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.

**18.2 Minutes of the Environment and Sustainability Committee
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Wednesday 15 August 2018

**6. AGENDA REPORTS****6.1 Roadside Management Plan Project - Update**

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 provide to the committee a progress update on this project. Further updates will be provided as needed through the life of the project. Final drafts of the Roadside Management Plan will be presented to the committee for comment and endorsement.

The Manager Environment and Sustainability and Natural Resource Projects Co-ordinator addressed the Committee on this matter.

The Committee enquired whether the Roadside Management Plan would be placed on public exhibition. Natural Resource Projects Co-ordinator advised that the plan is principally an internal document and would not be placed on public exhibition prior to being considered by the Committee

ES 16/18**MOTION** moved by Ms L McGrath and seconded by Ms P Hall***THAT the report be noted.*****PASSED**

**18.2 Minutes of the Environment and Sustainability Committee
Meeting held on Wednesday, 15 August 2018****ATTACHMENT 1 Minutes of the Environment and Sustainability
Committee Meeting held on Wednesday, 15 August 2018****MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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Wednesday 15 August 2018

**6.2 Amended Standard Submission Requirements for
Ecological Reports under the Biodiversity Conservation
Act 2016**

Reference: 5453/8 5453/6
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 inform discussion and seek endorsement of an agreed position of Council on the interim changes to ***Council's Flora and Fauna Assessment Guidelines for Development Applications*** document (The Guidelines) and associated resources. The interim changes discussed in this report have been identified by staff in order to address key inconsistencies between the current version of the guidelines and changes in environmental assessment procedures introduced in 2017 under the NSW Government Biodiversity Legislation Reforms.

The Manager Environment and Sustainability and Natural Resource Projects Co-ordinator addressed the Committee on this matter.

The benefits, anticipated consequences and proposed ongoing refinement of the proposed interim amendments were discussed.

ES 17/18

MOTION moved by Ms P Hall and seconded by Cllr G Markwart

1. ***THAT the Committee endorse the Amended Standard Submission Requirements for Ecological Reports under the Biodiversity Conservation Act 2016 and supports the ongoing monitoring and effectiveness of the amended standards.***
2. ***THAT Council acknowledges the efficiencies of this process in relation to Development Applications AND THAT Council take steps to issue a press release to advise the community and development industry of these changes.***

PASSED

**18.2 Minutes of the Environment and Sustainability Committee
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**ATTACHMENT 1 Minutes of the Environment and Sustainability
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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**6.3 Proposed Sutton Forest Sand Quarry Project - Council
submission on Environmental Impact Statement**

Reference:	5305
Report Author:	Manager Environment and Sustainability
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

To update committee members on the environmental impact assessment process for the proposed quarry project and Council's submission on the project.

ES 18/18

MOTION moved by Ms P Hall and seconded by Cllr G Markwart

1. ***THAT the Council submission to the NSW Department of Planning and Environment on the proposed quarry Environmental Impact Statement be noted.***
2. ***THAT the Committee acknowledges the excellent quality of Council's submission.***
3. ***THAT Council acknowledge receipt of advice from Mr M Hughes that Water NSW also made a submission to the NSW Department of Planning and Environment on this matter.***

PASSED

**18.2 Minutes of the Environment and Sustainability Committee
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**ATTACHMENT 1 Minutes of the Environment and Sustainability
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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6.4 Update of Council's Climate Change Adaptation Plan

Reference: 5450/22.2
Report Author: Environmental Policy Officer
Authoriser: Environment and Health Systems Coordinator
Link to Community
Strategic Plan: Plan for predicted impacts of climate change

PURPOSE

To provide an update on the review of Council's Climate Change Adaptation Plan (CCAP), first produced in 2014-15.

ES 19/18

MOTION moved by Ms L McGrath and seconded by Ms P Hall

THAT the matters outlined in the report are noted.

PASSED

**18.2 Minutes of the Environment and Sustainability Committee
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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**6.5 Hume Coal Project - Update on Environmental
Assessment Process**

Reference: 5305/11
Report Author: Manager Environment and Sustainability
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

To update committee members on the assessment process for the proposed Hume Coal Project and the Response to Submissions (RTS) prepared by Hume Coal.

ES 20/18

MOTION moved by Ms L McGrath and seconded by Ms P Hall

THAT the report be noted.

PASSED

**18.2 Minutes of the Environment and Sustainability Committee
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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6.6 Petition 06/2018 - Development in Bundanoon

Reference: 100/8; 7757
 Report Author: Manager Environment and Sustainability
 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

To seek comment from the Committee on the petition, as per item 3 of Council Motion MN 282/18.

ES 21/18

MOTION moved by Ms L McGrath and seconded by Ms P Hall

1. ***THAT in accordance with Council Resolution MN 282/18 (point 3) the Committee considers the petition and provides comment consistent with the Committee Terms of Reference.***
2. ***THAT the Committee thank the petitioners and acknowledges the importance of their concerns.***
3. ***THAT Council continue to develop strategies in co-operation with the Strategic Planning Branch to achieve the best environmental outcomes possible.***

PASSED

Councillor Whipper retired from the meeting at 12 noon.

Councillor Markwart took the Chair.

**18.2 Minutes of the Environment and Sustainability Committee
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**ATTACHMENT 1 Minutes of the Environment and Sustainability
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**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
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Wednesday 15 August 2018



**6.7 Environment Strategy Engagement and Workshop on
CSP Strategy 4.1.1 (Protect and Improve Biodiversity)**

Reference: 5450/25.2
Report Author: Natural Resource Project Coordinator
Authoriser: Manager Environment and Sustainability
Link to Community
Strategic Plan: Protect and improve biodiversity

PURPOSE

To discuss further details on the refinement and deployment of the SmartSheet tool for engagement with the Committee on the review of Council's Environment Strategy.

ES 22/18

MOTION moved by Ms L McGrath and seconded by Cllr G Markwart

THAT the report be noted.

PASSED

**18.2 Minutes of the Environment and Sustainability Committee
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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 on Wednesday 21 November 2018 in the Nattai Room
Civic Centre, Elizabeth Street, Moss Vale commencing at 10.30am.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.17 PM

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018

Reference: 1680
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ACC 18/18

THAT the apology of Cllr P Nelson and Mr M Turczynski be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ACC 19/18

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 5 June 2018 MN ACC11/18 to MN ACC17/18 inclusive, copies of which were forwarded to Committee, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Regional Art Gallery

ACC 20/18

THAT the report regarding the Regional Art Gallery project be noted.

Item 6.2 Southern Highlands Arts Fund

ACC 21/18

THAT the report regarding the current status for the Southern Highlands Arts Fund be noted.

Item 6.3 Southern Tablelands Arts Memorandum of Understanding

ACC 22/18

THAT the report regarding the current status of the Southern Tablelands Arts Memorandum of Understanding be noted.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

COMMITTEE REPORTS



Item 6.4 Update on Arts and Culture Projects

ACC 23/18

THAT the report as presented by Ms Jenny Kena, Cultural Development Officer updating the committee on the current Arts Projects and Events as at 4 September 2018, be noted.

RECOMMENDATION

THAT recommendations Nos to ACC 18/18 TO ACC 23/18 – as detailed in the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 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 Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018

**18.3 Minutes of the Arts and Culture Advisory Committee Meeting held
on Tuesday, 4 September 2018**

**ATTACHMENT 1 Minutes of the Arts and Culture Advisory
Committee Meeting held on Tuesday, 4 September 2018**



ATTACHMENT 1



MINUTES

of the Arts and Culture Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Tuesday 4 September 2018

The meeting commenced at 5:10pm

File No. 1660/1.1

**18.3 Minutes of the Arts and Culture Advisory Committee Meeting held
on Tuesday, 4 September 2018**

**ATTACHMENT 1 Minutes of the Arts and Culture Advisory
Committee Meeting held on Tuesday, 4 September 2018**



**MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE
MEETING**

Tuesday 4 September 2018



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **BUSINESS ARISING FROM THE MINUTES**
Arts and Culture Advisory Committee Meeting held on 5 June 2018
5. **DECLARATIONS OF INTEREST**

6. AGENDA REPORTS	3
6.1 Regional Art Gallery.....	3
6.2 Southern Highlands Arts Fund	4
6.3 Southern Tablelands Arts Memorandum of Understanding	5
6.4 Update on Arts and Culture Projects	6
7. DATE OF NEXT MEETING	7
8. MEETING CLOSURE	7

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018**ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018****MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING**

Tuesday 4 September 2018

**MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 4 SEPTEMBER 2018 COMMENCING AT 5:00PM.****Present:**

Councillors: Clr L A C Whipper *Chair*
 Clr G J Andrews *Alternate Chair*

Community

Representatives: Mr Peter Campbell
 Mr Harlan Hall (joined meeting at 5.30pm)
 Mrs Maisy Stapleton
 Dr Allan Stiles
 Ms Kristie Phelan
 Mr Mark Viner
 Ms Susan Conroy *STARTS*

In Attendance: Mr Mark Pepping *Deputy General Manager Corporate Strategy & Development Services*
 Ms Jenny Kena *Cultural Development Officer*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr Peter Nelson and Mr Michael Turczynski

ACC 18/18

MOTION moved by Clr L A C Whipper and seconded by Ms S Conroy

THAT the apology of Clr Peter Nelson and Mr Michael Turczynski be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr L 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.

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018**ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018****MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING**

Tuesday 4 September 2018

**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON TUESDAY 5 JUNE 2018**ACC 19/18****MOTION** moved by Dr A Stiles and seconded by Mr P Campbell

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 05 June 2018 MN **ACC11/18** to MN **ACC17/18** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

PASSED**4. BUSINESS ARISING**

There was no Business Arising at the meeting

5. DECLARATIONS OF INTEREST

That where necessary any Committee member now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

Mr Peter Campbell declared a significant pecuniary interest in relation to Item 6.4 Update on Arts and Culture Projects. Mr Campbell indicated that he may have future interest the proposed Public Art Project Express of Interest for the Bowral Memorial Hall. He indicated that he would leave the meeting during discussion and voting on this matter.

Ms Maisey Stapleton declared a less than significant non-pecuniary interest in relation to Item 6.3 Southern Tablelands Arts Memorandum of Understanding, as she is on the board of Southern Tablelands Arts. She indicated that she would remain in the meeting during discussion and voting on this matter

**18.3 Minutes of the Arts and Culture Advisory Committee Meeting held
on Tuesday, 4 September 2018**

**ATTACHMENT 1 Minutes of the Arts and Culture Advisory
Committee Meeting held on Tuesday, 4 September 2018**



**MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE
MEETING**

Tuesday 4 September 2018



6. AGENDA REPORTS

6.1 Regional Art Gallery

Reference: 1660/1.1
Report Author: Cultural Development Officer

PURPOSE

To provide an update on progress towards a regional art gallery

ACC 20/18

MOTION moved by Ms M Stapleton and seconded by Mr P Campbell

THAT the report regarding the Regional Art Gallery project be noted.

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 4 September 2018



6.2 Southern Highlands Arts Fund

Reference: 1650/4
Report Author: Cultural Development Officer

PURPOSE

To provide an update on the status of the Southern Highlands Arts Fund

ACC 21/18

MOTION moved by :Ms S Conroy and seconded by Ms K Phelan

THAT the report regarding the current status for the Southern Highlands Arts Fund be noted.

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 4 September 2018



6.3 Southern Tablelands Arts Memorandum of Understanding

Reference: 1655/3
Report Author: Cultural Development Officer

PURPOSE

To provide an update on the status of Council's Memorandum of Understanding with Southern Tablelands Arts.

Ms Susan Conroy presented an update on STARTS projects and initiatives.

ACC 22/18

MOTION moved by Ms S Conroy and seconded by Cllr G Andrew

THAT the report regarding the Southern Tablelands Arts Memorandum of Understanding be noted.

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 September 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 4 September 2018



6.4 Update on Arts and Culture Projects

Reference: 1660/1.1
Report Author: Cultural Development Officer

PURPOSE

To provide an update on Council related arts and culture projects and activities including:

- Bowral Memorial Hall refurbishment and public art project
- 2018 Southern Highlands Art Studio Trail and Arts Festival
- Theatre in the region – exclusion zones
- Tulip Time Arts
- WEAVE artists' directory
- A Course of Art – Arts on Prescription Project

ACC 23/18

MOTION moved by Dr A Stiles and seconded by Ms M Stapleton

THAT the report as presented by Ms Jenny Kean, Cultural Development Officer updating the committee on the current Arts Projects and Events as at 4 September 2018, be noted.

PASSED

18.4 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 5 September 2018

Reference: 1823/3
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report provides the Minutes of the Demographics and Housing Advisory Committee meeting held on Wednesday, 5 September 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

DEM 10/18

THAT the apologies of Mayor, Ken Halstead and Mr Peter Wurfel be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

DEM 11/18

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018 MN DEM 6/18 to MN DEM 9/18 inclusive, copies which were forwarded to Committee, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Low Rise Medium Density Residential Development Standards

DEM 12/18

THAT the report regard Low Rise Medium Density Residential Development Standards be noted.

Item 6.2 Local Strategic Planning Statements

DEM 13/18

THAT the information report regarding Local Strategic Planning Statements be noted.

Item 6.3 Incentives to Encourage Broader Housing Choice in Residential Developments

DEM 14/18

THAT the verbal information report outlining the incentives to encourage broader housing choice in residential developments across the Shire be noted



RECOMMENDATION

THAT recommendations Nos DEM 10/18 to DEM 14/18 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 5 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 Demographic and Housing Advisory Committee held on 5 September 2018



ATTACHMENT 1



MINUTES

of the Demographics and Housing Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 5 September 2018

The meeting commenced at 5.00pm

File No. 1823/3

18.4 Minutes of the Demographics and Housing Advisory Committee

Meeting held on Wednesday, 5 September 2018

ATTACHMENT 1 Minutes of the Demographic and Housing
Advisory Committee held on 5 September 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 5 September 2018



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES
Demographics and Housing Advisory Committee Meeting held on 6 June 2018
5. DECLARATIONS OF INTEREST

6. AGENDA REPORTS	3
6.1 Low Rise Medium Density Residential Development Standards	3
6.2 Local Strategic Planning Statements	3
6.3 Incentives to encourage broader housing choice in residential developments.	4
7. DATE OF NEXT MEETING	4
8. MEETING CLOSURE	4

18.4 Minutes of the Demographics and Housing Advisory Committee

Meeting held on Wednesday, 5 September 2018

ATTACHMENT 1 Minutes of the Demographic and Housing
Advisory Committee held on 5 September 2018MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 5 September 2018

MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE
MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC
CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 5 SEPTEMBER 2018
COMMENCING AT 5.00PM.

Present: Clr L A C Whipper *Chair*
Clr I M Scandrett *Alternate Chair*

Community Ms Laurel Cheetham
Representatives: Mr Nicholas Dyer
Mr Alan Hunt
Mr Tristan Ryall
Mr Tony Ward

In Attendance: Mr Michael Park *Coordinator Strategic Land Use Planning*
Ms Susan Stannard *Senior Strategic Land Use Planner*
Ms Leesa Stratford *PA for Mayor / Administration Officer*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Mayor, Clr Ken Halstead and Mr Peter Wurfel

DEM 10/18

MOTION moved by Ms L Cheetham and seconded by Mr T Ward

THAT the apology of Mayor, Clr K Halstead and Mr P Wurfel be accepted and leave of absence granted.

PASSED

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.

18.4 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 5 September 2018

ATTACHMENT 1 Minutes of the Demographic and Housing Advisory Committee held on 5 September 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 5 September 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 6 JUNE 2018

DEM 11/18

MOTION moved by Cllr L Whipper and seconded by Mr T Ryall

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 06 June 2018 MN **DEM6/18** to MN **DEM9/18** inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

Argyle Housing have commenced an audit of properties across the Shire. Ms Wendy Middleton will be liaising with Ms Susan Stannard during this process. Ms Stannard will provide updates to the Committee as information becomes available.

5. DECLARATIONS OF INTEREST

There were no Declarations of Interest declared at the meeting

18.4 Minutes of the Demographics and Housing Advisory Committee

Meeting held on Wednesday, 5 September 2018

ATTACHMENT 1 Minutes of the Demographic and Housing
Advisory Committee held on 5 September 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 5 September 2018



6. AGENDA REPORTS

6.1 Low Rise Medium Density Residential Development Standards

Reference: 1823/3
Report Author: Senior Strategic Land Use Planner

PURPOSE

Presentation on the Low Rise Medium Density complying development controls developed by the Department of Planning & Environment and discussion of their implications for future residential development within Wingecarribee Shire.

DEM 12/18

MOTION moved by Ms L Cheetham and seconded by Mr N Dyer

THAT the report regard Low Rise Medium Density Residential Development Standards be noted.

PASSED

6.2 Local Strategic Planning Statements

Reference: 1823/3
Report Author: Senior Strategic Land Use Planner

PURPOSE

Consideration of guidelines for Councils in the preparation of Local Strategic Planning Statements provided by the Department of Planning & Environment.

DEM 13/18

MOTION moved by Cllr I Scandrett and seconded by Mr A Hunt

THAT the information report regarding Local Strategic Planning Statements be noted.

PASSED

18.4 Minutes of the Demographics and Housing Advisory Committee

Meeting held on Wednesday, 5 September 2018

ATTACHMENT 1 Minutes of the Demographic and Housing
Advisory Committee held on 5 September 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 5 September 2018



**6.3 Incentives to encourage broader housing choice in
residential developments.**

Reference: 1823/3
Report Author: Senior Strategic Land Use Planner

PURPOSE

Consideration of potential incentives to encourage a broader mix of housing choice in residential development.

DEM 14/18

MOTION moved by Ms L Cheetham and seconded by Mr N Dyer

THAT the verbal information report outlining the incentives to encourage broader housing choice in residential developments across the Shire be noted.

PASSED

7. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 5 December 2018 in Nattai Room
Civic Centre, Elizabeth Street, Moss Vale commencing at 5.00pm.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.45 PM



18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday , 11 September 2018

Reference: 1880
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: Work collaboratively to address social disadvantage

PURPOSE

This report provides the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 11 September 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

CD 18/18

THAT an apology from Cllr G McLaughlin and Mr D Whitlaw be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

CD 18/18

1. *THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 13 March 2018 MN CD1/18 to MN CD10/18 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.*
2. *THAT the minutes of 13 March 2018 item no 6.1 National Disability Insurance Scheme (NDIS) note correction of guest presenter as Ms Karen Grant representative of St Vincent de Paul.*
3. *THAT the minutes of the Extraordinary Community Development Advisory Committee Meeting held on Tuesday 8 May 2018 MN CD11/18 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.*
4. *THAT the notes of the Community Development Advisory Committee Meeting held on Tuesday 10 July 2018, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.*

Item 6.1 Committee Membership Update and Feedback from Committee Members

CD 17/18

THAT the report on committee membership and governance for the Community Development Advisory Committee be noted.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 26 September 2018

COMMITTEE REPORTS



Item 6.2 Grandparents Day

CD 18/18

THAT the report on Grandparents Day 2018 preparations be noted.

Item 6.3 Celebrating Diversity Grants Program

CD 19/18

THAT the report on Multicultural Diversity Grants Program be noted.

Item 6.4 Update on Community Development Team Activities

CD 20/18

THAT the report on the activities of Community Development Team be noted.

- a. Community Services Expo (October)
- b. Grandparents Day (October)
- c. Arts Festival Month – Arts Trail (November)
- d. Men’s Mental Health Discussions (November) – St Judes
- e. Young Forum (November) – Mittagong RSL
- f. International Day - People with Disabilities (December)
- g. Seniors Festival Month (February)

Item 6.5 Minutes of the Access Community Reference Group Meeting held on Monday 6 August 2018

CD 21/18

THAT recommendations Nos AC 33/18 to 36/18 as detailed in the Minutes of the Access Community Reference Group Meeting held on Monday 6 August 2018 be adopted, save for any budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

Item 6.6 Minutes of the Seniors Community Reference Group Meeting held on Tuesday 7 August 2018

CD 22/18

THAT recommendations Nos 5/18 to 7/18 as detailed in the minutes of the Seniors Community Reference Group meeting held on Tuesday 7 August 2018, be adopted save for any budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.



RECOMMENDATION

THAT recommendations Nos CD 15/18 to CD 22/18 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 11 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 Community Development Advisory Committee held Tuesday, 11 September 2018



ATTACHMENT 1



MINUTES

of the Community Development Advisory Committee Meeting

held in

Gibraltar Room

Civic Centre, Elizabeth Street, Moss Vale

on

Tuesday 11 September 2018

The meeting commenced at 4.30pm

File No. 1800/58

**18.5 Minutes of the Community Development Advisory Committee
Meeting held on Tuesday , 11 September 2018**

**ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018**



**MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING**

Tuesday 11 September 2018



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **BUSINESS ARISING FROM THE MINUTES**

Community Development Advisory Committee Meeting held on 13 March 2018

Community Development Advisory Committee Meeting held on 8 May 2018

Community Development Advisory Committee Meeting held on 10 July 2018

5. **DECLARATIONS OF INTEREST**

6. AGENDA REPORTS	3
6.1 Committee membership update and feedback from Committee members	3
6.2 Grandparents Day	4
6.3 Celebrating Diversity Grants Program.....	5
6.4 Update on Community Development Team activities	6
6.5 Minutes of the Access Community Reference Group Meeting held Monday 6 August 2018.....	7
6.6 Minutes of the Seniors Community Reference Group Meeting held Tuesday 7 August 2018	7
7. DATE OF NEXT MEETING	8
8. MEETING CLOSURE	8

18.5 Minutes of the Community Development Advisory Committee

Meeting held on Tuesday , 11 September 2018

ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING

Tuesday 11 September 2018



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING
OF WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE,
ELIZABETH STREET, MOSS VALE ON TUESDAY 11 SEPTEMBER 2018 COMMENCING
AT 4.30PM.

Present:

Councillors: Clr L A C Whipper *Chair*
Clr G J Andrews
Clr G Markwart

Community

Representatives: Ms Lynne Burgoyne
Mr Bruce Mumford
Ms Rebecca Reidy

In Attendance:

Ms Danielle Lidgard Group Manager, Corporate and Community
Ms Cath Brenan, Community Development Coordinator
Ms Leesa Stratford, Mayor's PA

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr G McLaughlin, Mr D Whitlaw

CD 15/18

MOTION moved by Clr G Markwart and seconded by Clr G J Andrews

THAT the apology of Clr G McLaughlin and Mr D Whitlaw be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr 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.

18.5 Minutes of the Community Development Advisory Committee

Meeting held on Tuesday , 11 September 2018

ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING

Tuesday 11 September 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING
HELD ON TUESDAY 13 MARCH 2018

MINUTES OF THE EXTRAORDINARY COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING HELD ON TUESDAY 8 MAY 2018

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING
HELD ON TUESDAY 10 JULY 2018

CD 16/18

MOTION moved by Ms L Burgoyne and seconded by Cllr G J Andrews

1. **THAT** the minutes of the Community Development Advisory Committee Meeting held on Tuesday 13 March 2018 MN **CD1/18** to MN **CD10/18** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.
2. **THAT** the minutes of 13 March item no 6.1 National Disability Insurance Scheme (NDIS) note correction of guest presenter as Ms Karen Grant representative of St Vincent de Paul.
3. **THAT** the minutes of the Extraordinary Community Development Advisory Committee Meeting held on Tuesday 8 May 2018 MN **CD11/18** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.
4. **THAT** the notes of the Community Development Advisory Committee Meeting held on Tuesday 10 July 2018, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

There were no Business Arising at the meeting

5. DECLARATIONS OF INTEREST

There were no Declarations of Interest declared at the meeting

18.5 Minutes of the Community Development Advisory Committee

Meeting held on Tuesday , 11 September 2018

ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING

Tuesday 11 September 2018



6. AGENDA REPORTS

6.1 Committee membership update and feedback from
Committee members

Reference: 1800/58
Report Author: Coordinator Community Development

PURPOSE

To update the Committee following the advertising to recruit additional members to the Committee and request for feedback from Committee members on the Governance framework.

CD 17/18

MOTION moved by Mr B Mumford and seconded by Cllr G Markwart

THAT the report on committee membership and governance for the Community Development Advisory Committee be noted.

PASSED

18.5 Minutes of the Community Development Advisory Committee**Meeting held on Tuesday , 11 September 2018****ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018****MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING**

Tuesday 11 September 2018

**6.2 Grandparents Day**

Reference: 1800/58
Report Author: Coordinator Community Development

PURPOSE

Council was successful in their NSW Grandparents Day grant application. NSW Grandparents Day is an initiative under the NSW Ageing Strategy 2016 – 2020. The grants program funds local community organisations to celebrate the contributions grandparents and older people make to their families and communities.

Council has commenced planning to organise a free community event at Glebe Park, Bowral 25 October 2018. The aim of the event is to promote intergenerational connection and celebrate the role that grandparents and older people contribute to our community. A range of entertainment and activities for all ages and abilities to participate in will be part of the event.

Participation by members of the Community Development Committee is encouraged.

CD 18/18

MOTION moved by Cllr G J Andrews and seconded by Mr B Mumford

THAT the report on Grandparents Day 2018 preparations be noted.

PASSED

18.5 Minutes of the Community Development Advisory Committee

Meeting held on Tuesday , 11 September 2018

ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING

Tuesday 11 September 2018

**6.3 Celebrating Diversity Grants Program**

Reference: 1800/58
Report Author: Coordinator Community Development

PURPOSE

Seek input from Committee members on potential projects to apply for funding from Multicultural NSW that foster community harmony and celebrate cultural diversity.

Celebrating Diversity Projects Grants provides up to \$40,000 for 12-month projects that demonstrate that they can make a lasting positive impact on social cohesion at the grassroots level. Celebrating Diversity Project Grants support collaborative relationships with Government and partnerships between community, non-government, educational organisations and the private sector.

Grants of up to \$10,000 are available for Celebrating Diversity: Events. Applicants are eligible to receive grant funding to cover up to 20% of the total event budget up to the amount of \$10,000 annually. This grant requires 80% of the funding to come from elsewhere so is not a preferred option.

Applications for this round close 28 September 2018.

CD 19/18

MOTION moved by Ms R Reidy and seconded by Mr B Mumford

THAT the report on Multicultural Diversity Grants Program be noted.

PASSED

**18.5 Minutes of the Community Development Advisory Committee
Meeting held on Tuesday , 11 September 2018****ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018****MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING**

Tuesday 11 September 2018

**6.4 Update on Community Development Team activities**

Reference: 1800/58
Report Author: Coordinator Community Development

PURPOSE

The purpose of this report is to update Committee members on upcoming events and projects that members of the Community Development Team are actively participating in.

CD 20/18

MOTION moved by Ms L Burgoyne and seconded by Ms R Reidy

THAT the report on the activities of Community Development Team be noted.

- a. Community Services Expo (October)
- b. Grandparents Day (October)
- c. Arts Festival Month – Arts Trail (November)
- d. Men's Mental Health Discussions (November) – St Jude's
- e. Young Forum (November) – Mittagong RSL
- f. International Day - People with Disabilities (December)
- g. Seniors Festival Month (February)

PASSED

**18.5 Minutes of the Community Development Advisory Committee
Meeting held on Tuesday , 11 September 2018
ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018**



**MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING**
Tuesday 11 September 2018



**6.5 Minutes of the Access Community Reference Group
Meeting held Monday 6 August 2018**

Reference: 1828/3
Report Author: Ageing and Disability Officer

PURPOSE

This report provides minutes of the Access Community Reference Group meeting held Monday 6 August 2018.

CD 21/18

MOTION moved by Mr B Mumford and seconded by Cllr G Markwart

THAT recommendations Nos AC 33/18 to AC 36/18 as detailed in the minutes of the Access Community Reference Group held on Monday, 6 August 2018, be adopted save for any budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

**6.6 Minutes of the Seniors Community Reference Group
Meeting held Tuesday 7 August 2018**

Reference: 107/26
Report Author: Ageing and Disability Officer

PURPOSE

This report provides minutes of the Seniors Community Reference Group meeting held Tuesday 7 August 2018.

CD 22/18

MOTION moved by Ms L Burgoyne and seconded by Ms R Reidy

THAT recommendations Nos SRG 5/18 to SRG 7/18 as detailed in the minutes of the Seniors Community Reference Group meeting held on Tuesday 7 August 2018 be adopted save for any budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

**18.5 Minutes of the Community Development Advisory Committee
Meeting held on Tuesday , 11 September 2018**

**ATTACHMENT 1 Minutes of the Community Development
Advisory Committee held Tuesday, 11 September 2018**



**MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING**

Tuesday 11 September 2018



7. DATE OF NEXT MEETING

The next meeting will be held on Tuesday 13 November 2018 in Gibraltar Room
Civic Centre, Elizabeth Street, Moss Vale commencing at 4:30pm.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.35 PM

20 NOTICES OF MOTION

20.1 Notice of Motion 27/09/2018 - Confidential Council Papers

Reference:	100/4, 100/18.2011
Report Author:	Administration Officer
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors Grahame Andrews and Garry Turland have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 26 September 2018:

1. **THAT** all “Confidential” Council Papers issued to Councillors are to be returned to the appropriate staff at the completion of an Ordinary Meeting of Council or Briefing Session.
2. **THAT** “Confidential” Council Papers be made available for Councillors to view, following approval of the General Manager.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

Section 7.10 of Wingecarribee Shire Council’s Code of Conduct states “In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.”



20.2 Notice of Motion 28/2018 - Report on Non-Residential Rural Buildings

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors Grahame Andrews and Garry Turland have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 26 September 2018:

THAT the report on Non-Residential Rural Buildings Development Control Plan be presented to the next Ordinary Meeting of Council to be held on Wednesday, 10 October 2018.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

Amendments to the Rural Lands Development Control Plan relating to Equine facilities were contemplated and discussed at a Council Briefing Session in April 2018.

Council staff will prepare a report for the meeting of 10 October 2018 to further consider these proposed amendments.

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 Sale of Proposed Lots 1263 and 1265 Anembo Street, Moss Vale

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)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 seek Council direction in relation to the sale by Council of Proposed Lots 1263 and 1265 Anembo Street Moss Vale.

22.2 Legal Report - Closed Council

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

Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 22 August 2018.

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



Ann Prendergast
General Manager

Friday 21 September 2018