

22 June 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 27 June 2018** commencing at **3.30 pm**.

Yours faithfully

Barry W Paull
Acting 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 27/06/2018 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 - Clr L A C Whipper
3.32pm	Opening Prayer – Reverend Gavin Perkins, Bowral Anglican Church
3.35pm	<ul style="list-style-type: none"> • Apologies (<i>if any</i>) • Adoption of Previous Minutes – Wednesday, 13 June 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 - Clr G Markwart • Visitor Item - <ul style="list-style-type: none"> Item 10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road Mittagong Item 10.2 Development Application 17/1284 Renwick Community Centre Lots 202 and 203 DP1174912, Langley Avenue and Renwick Drive, Renwick • 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

Barry W Paull
Acting 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 13 June 2018
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST 1
8. MAYORAL MINUTES
9. PUBLIC FORUM

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Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

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15. DELEGATE REPORTS

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

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19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

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22.1 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

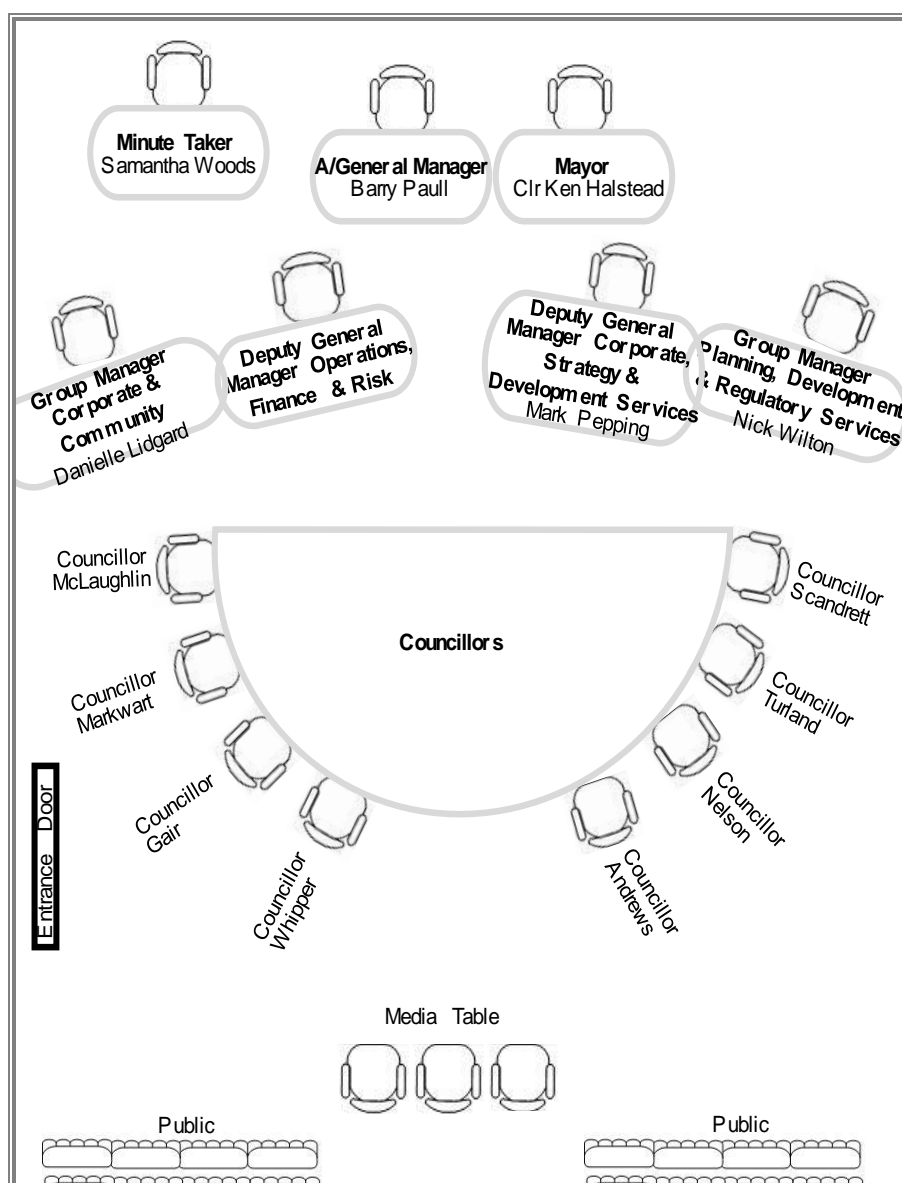
Council Chambers

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

10 VISITOR MATTERS

OPERATIONS FINANCE AND RISK

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road Mittagong

Reference:	PN700000
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 advise Council of the submissions received during the period of public notice of intention to issue a Lease for 1A Rainbow Road, Mittagong. The period of public notification was from 24 April to 25 May 2018.

RECOMMENDATION

Submitted for Council Determination.

REPORT

BACKGROUND

At its meeting 14 March 2018, Council considered and approved a proposal to enter into a long-term lease with the Illawarra Local Aboriginal Land Council ('ILALC') for the property known as the Aboriginal Community Cultural Centre, Rainbow Street Mittagong. It was resolved by Council (MN76/18I):

1. *THAT authority be delegated to the General Manager to negotiate the terms and conditions of the Lease with Illawarra Local Aboriginal Land Council for the property known as Proposed Lot 1 Rainbow Street, Mittagong AND THAT it be noted that the term of the proposed Lease is ninety nine (99) years.*
2. *THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into the Lease of Council property referred to in resolution 1 above.*
3. *THAT if no objections are received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Lease referred to in resolution 1 above under the Common Seal of Council (if required) AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.*

REPORT

Following the resolution of Council made 14 March 2018, the proposed form of Lease was drafted for the Aboriginal Community Cultural Centre premises ('ACCC'). Council placed the draft lease on public notification from 24 April 2018 to the close of business 25 May 2018 (being a 31 day period).

Correspondence was received from the following stakeholders:

- ILALC (**Attachment 1**);
- Section 355 Committee for ACCC (**Attachment 2**);
- Wingecarribee Reconciliation Group (**Attachment 3**).

A letter of support for the proposal was also received from Jai Rowell, MP, dated 22 May 2018 which is attached to this report. (**Attachment 4**).

In addition to the correspondence outlined above, there were a total of 39 individual written submissions received in respect of the proposed lease of the ACCC premises. 38 were objections and 1 submission was in support of the proposal. All submissions received have been reviewed and are summarised in the table attached to this report (**Attachment 5**). It should be noted that Council received correspondence on this proposal prior to commencing the public notification period of the draft lease. Correspondence received included submissions, objections and requests for further information. These submissions have been included in the summary of feedback provided in Attachment 5.

Further to the submissions received during the public notification period, Council also received two petitions in favour of the proposed lease which were tabled at the Ordinary Meeting of Council held Wednesday 13 June 2018. The cover page for the petitions is annexed to this report as **Attachment 6**; the body of the petitions with names and contact details have been withheld due to privacy.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

The subject of this report does not affect Council's fit for the future improvement plan.

COMMUNICATION AND CONSULTATION

Community Engagement

Council provided Public Notice of its intention to issue a Lease of the ACCC, in accordance with the Minutes of Council made on 14 March 2018.

Internal Communication and Consultation

There has been no internal consultation during this period of public notice.

External Communication and Consultation

The proposed Lessee (Illawarra Local Aboriginal Land Council) was advised in writing that Council would be giving a minimum 28 days Public Notice of its intention to issue a lease.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Written submissions against the proposal to lease the ACCC to ILALC for 99 years were primarily based on issues of equity/access, local Aboriginal community well-being and community support/leadership.

- **Broader Economic Implications**

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

- **Culture**

The written submissions received (including the petitions tabled at the ordinary Council meeting on 13 June 2018) put forward conflicting views on the impacts on Aboriginal culture arising from the proposal to lease the ACCC to ILALC.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications arising from this report.

RELATED COUNCIL POLICY

None identified.

OPTIONS

The options available to Council are:

Option 1

Approve a 99 year lease to ILALC.

Option 2

Determine an alternate term for a lease to ILALC.

Option 3

Determine an alternate term for a lease to an alternate Lessee;

Option 4

Decline to proceed with the lease to ILALC and retain current management status.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 June 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



CONCLUSION

The petitions tabled at the Council meeting held on 13 June 2018, together with the correspondence attached to this report and the written submissions received during the period of public notice reflects the conflicting views of various stakeholders, interested parties and the residents of Wingecarribee Shire.

This report is submitted to Council for determination.

It is recommended that all submission-makers be notified in writing of the outcome of this report.

ATTACHMENTS

1. Letter from ILALC
2. Correspondence from WACCC S355 Committee dated 25 May 2018.
3. Letter from Wingecarribee Reconciliation Group dated 21 May 2018
4. Letter from Jai Rowell MP dated 22 May 2018
5. Summary of submissions received
6. Cover page of Petitions received

Barry W Paull
Acting General Manager

Friday 22 June 2018



ATTACHMENT 1



14 May 2018

The General Manager
Wingecarribee Shire Council
PO Box 141 Moss Vale NSW 2577
mail@wsc.nsw.gov.au

RE: INTENTION TO ISSUE A LEASE - File Ref: PN700000

Dear General Manager and Councillors

I am writing to you in relation to the Proposed Lease to Illawarra Local Aboriginal Land Council (ILALC) - Aboriginal Community Cultural Centre - 1A Rainbow Road, Mittagong.

It is the understanding of the ILALC that Council has formally resolved to grant a lease to the non-profit organisation ILLAWARRA LOCAL ABORIGINAL LAND COUNCIL (A.B.N. 83 448 059 128) over the premises known as the Wingecarribee Aboriginal Community Cultural Centre located at 1A Rainbow Road, Mittagong. We understand the purpose of the lease is for the ongoing operations of the Aboriginal community cultural centre at which Yamanda Aboriginal Association is currently located and providing community activities.

The Illawarra Local Aboriginal Land Council welcomes the opportunity to enter into the intended lease of these premises for a period of ninety nine years (99) years as per the resolution of Council at the meeting dated Wednesday, 14 March 2018.

In support of this resolution the Illawarra Local Aboriginal Land Council would like to provide the following facts:

Local Land Council's responsibilities as identified in the NSW Aboriginal Land Rights Act 1983

Section 51 Objects of Local Aboriginal Land Councils

(cf clause 5 of Schedule 1 to 1996 Regulation)

The objects of each Local Aboriginal Land Council are to **improve, protect and foster the best interests of all Aboriginal persons** within the Council's area and other persons who are members of the Council.

Additionally it should be noted that Local Land Council's are Statutory Corporations as identified under section 50 of the Interpretation Act 1987, a Local Aboriginal Land Council has certain functions as a **statutory corporation**, including the power to purchase, exchange, take on lease, hold, dispose of and otherwise deal with property. This provision is subject to the provisions of this Act.

These two (2) legislated credentials of the ILALC, we believe provide a significantly high level of credibility and security to the Wingecarribee Shire Council in relation to the issue of the lease as resolved.

Wingecarribee Shire Council should also be aware that as a community controlled Statutory Corporation there is a fundamental assurance to not only Council but any prospective funding entity that may be seeking to support program delivery and the further development of the site over and above that many alternate structures, which may largely be driven by individuals.

At a recent meeting of representatives of the Shire Council and the Aboriginal Community with attendance of the Land Council there were several issues raised in relation the Land Council and its activities in the Wingecarribee. It was recognised at the meeting that the Land Council had not delivered services to the area, and this is a fact. It is my understanding this has been influenced by several factors which include a lack of resources at Land Council, which only receives \$140,000 in grant funding to cover representation of Aboriginal people across 4 local Government areas of Wollongong, Shellharbour, Kiama and Wingecarribee. I understand that there have been



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attempts over the years to at various times to engage with the community, however members and potentially the Land Council representatives were not able to agree on a way to proceed and in recent times several funding submissions we believe were rejected as the Land Council does not have a presence in the Highlands. There were also comments in relation to the Land Council selling off Land Assets in the region.

I would like to address factually these concerns or comments. Firstly as with any organisation change has occurred in the Land Council over the last 18 months, this has seen a strong desire for the Land Council to engage and deliver services to the Wingecarribee. I have personally made significantly more trips to the Wingecarribee since taking over the Chief Executive position at ILALC, than any of predecessors. This trend I commit to expanding through a more permanent presence in the area.

In terms of the reference to selling off land assets in the area, firstly I am unaware of the operational circumstances that may have initiated this activity. However, the dealing with assets to balance cashflows should be nothing new to Wingecarribee Shire Council and its Councillors, however the inference here I would assume is that Land Council cannot be trusted with assets. This is a nonsensical argument, in this case, given that this is a leasehold arrangement and the asset remains on the balance sheet of Wingecarribee Shire Council.

In any case these comments are historical and I believe the ILALC has shown a commitment to the area since my appointment despite challenging circumstances at times. Additionally, we would be committed to forming a local advisory committee to support the ongoing development of services to all Aboriginal people in the Wingecarribee Shire Council area in alignment with our legislated responsibility and the expectations of Wingecarribee Shire Council.

Finally, I would like to provide some financial and operational certainty to Council that the ILALC has capacity to enter into this arrangement.

Operational Overview

Employees:

Chief Executive, Accountant, Operations Manager, Administration Officers, Project Manager and depending on contract demands between 10-15 field staff.

Our operations areas include:

Environmental Services: which undertakes bush regeneration, asset protection zone works, walking track maintenance and parks and gardens management for clients such as Wollongong, City Council, National Parks and Wildlife Services, various private developers and individuals. We are currently evaluating the opportunity to employ an ecologist to enable us to undertake complete vegetation and natural area assessment, planning and management within the one organisation.

Cultural Heritage Assessments: ILALC has undertaken cultural heritage assessments through provision of qualified site officers to assess landscapes for Aboriginal Cultural Heritage. More recently we have expanded into Archaeological Heritage consulting a space that we are seeking to grow further with the expected appointment of an archaeologist.

Social Housing: ILALC also manages 26 rental properties with 20 of these being in 2 estates. Our activities in this space are currently being reviewed, and we are investigating various partnership for the potential growth in social and affordable housing across the ILALC's region, which includes the Wingecarribee.

In relation to future direction, the Land Council is currently looking to grow our current services. We are also seeking to take a more active role in the areas of Youth services, business and economic development.

Over the last 12 months the ILALC has grown and it is expected that by the end of this financial year the overall operations of the Land Council will have more than doubled in terms of financial turnover from our business

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road

Mittagong

ATTACHMENT 1

Letter from ILALC



Illawarra Local Aboriginal Land Council

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activities as well as staffing. The ILALC has also budgeted a potential 75% growth in activity in the next financial year and we would be keen to ensure the Wingecarribee is part of this growth. We believe that a growth in the Land Council is not only good for the Aboriginal community but for the whole community as our economic activity becomes part of the growth of our region.

The ILALC also believes that we can further support and assist the Wingecarribee Shire Council with the delivery of services to the broader Highlands community through our proven track record and highly experienced staff and partner organisations. We would be supportive of establishing a process through which the ILALC could bring expertise to the Wingecarribee to assist deliver services on behalf of Council that will benefit the Aboriginal community through employment and the wider community through the delivery of effective and efficient services.

Financial Overview

Illawarra Local Aboriginal Land Council - Total Profit & Loss Budget Performance April 2018

	Apr 18	Budget	Jul 17 - Apr 18	YTD Budget	Annual Budget
Income					
101 - Other Income	0.00	0.00	3,650.24	3,650.00	3,650.00
102 - Grants	12,145.00	12,145.00	121,450.00	121,450.00	145,750.00
103 - Sales	107,515.03	43,982.00	454,388.85	447,818.00	538,282.00
104 - Rent	14,036.90	16,667.00	157,479.71	166,666.00	200,000.00
106 - Management Fees	0.00	0.00	23,103.00	23,760.00	62,037.00
107 - Interest Received	402.01	0.00	8,571.75	8,586.00	11,448.00
108 - Sundry Income	0.00		30.00		
Total Income	134,098.94	72,794.00	768,673.55	771,930.00	981,167.00
Expense					
201 - Wages	64,424.42	39,689.00	412,375.18	396,887.00	476,265.00
204 - Workers Compensation	2,497.71		6,273.20	10,517.00	10,517.00
205 - Superannuation	6,111.44	3,757.00	38,958.34	37,565.00	45,079.00
206 - Management Fees Exp	0.00	0.00	23,103.00	23,759.00	31,879.00
207 - Contractors	0.00		24,302.56	24,302.00	24,302.00
208 - Staff Costs	0.00	340.50	2,553.37	3,920.00	4,726.00
209 - Catering	222.73	185.50	1,815.81	1,856.00	2,227.00
210 - Programs	1,516.18	7,102.75	24,931.27	71,789.50	86,245.00
211 - Office	1,962.34	1,841.25	19,314.52	18,729.25	22,517.00
212 - Repairs	1,485.77	4,826.50	27,573.61	48,684.75	58,414.00
213 - Utilities	731.62	4,708.50	46,473.75	49,678.50	59,963.00
214 - Telephone	185.02	250.00	2,069.99	2,500.00	3,000.00
215 - Insurance	2,774.66	2,516.50	28,566.40	28,166.00	33,199.00
216 - Motor Vehicles	1,261.96	225.00	4,555.82	4,101.00	4,676.00
217 - Administration	0.00	156.00	9,530.69	13,537.00	14,474.00
219 - Doubtful Debts	0.00	0.00	0.00	0.00	31,975.00
Total Expense	83,173.85	65,598.50	672,397.51	735,992.00	909,258.00
Net Income	50,925.09	7,195.50	96,276.04	35,938.00	71,909.00



Illawarra Local Aboriginal Land Council

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Illawarra Local Aboriginal Land Council

Balance Sheet

As of April 30, 2018

	Apr 30, 18
ASSETS	
Current Assets Chequing/Savings	
301 · Bank	
30104 · ILALC Housing	141,796.45
30105 · ILALC Main	210,309.74
30121 · ILALC Term Deposit 1	169,443.55
30122 · ILALC Term Deposit 2	342,580.14
30130 · Cash on Hand	300.00
Total 301 · Bank	864,429.88
Total Chequing/Savings	864,429.88
Accounts Receivable	
401 · Accounts Receivable	
40101 · Accounts Receivable	207,887.32
40102 · Prov Doubtful Debts	-18,314.00
Total 401 · Accounts Receivable	189,573.32
Total Accounts Receivable	189,573.32
Other Current Assets	
402 · Current Assets	
40201 · Deposits	50.00
40204 · Reimbursements	1,523.83
40208 · Income Accrued	-20,182.54
40209 · Prepaid Expenses	4,974.93
Total 402 · Current Assets	-13,633.78
Total Other Current Assets	-13,633.78
Total Current Assets	1,040,369.42
Fixed Assets	
501 · Fixed Assets	
50101 · Buildings - at cost	2,188,800.00
50102 · Buildings - Prov for Depn	-352,004.00
50103 · Equipment - at cost	55,421.47
50104 · Equipment - Prov for Depn	-30,022.19
50105 · Furniture - at cost	46,510.36
50106 · Furniture - Prov for Depn	-40,803.05
50107 · Motor Vehicles - at cost	75,882.82
50108 · Motor Vehicles - Prov for Depn	-64,187.79
50109 · Freehold Land	7,915,199.00
Total 501 · Fixed Assets	9,794,796.62
Total Fixed Assets	9,794,796.62
TOTAL ASSETS	10,835,166.04
LIABILITIES	
Current Liabilities	
Accounts Payable	
601 · Accounts Payable	572.89
Total Accounts Payable	572.89
Other Current Liabilities	
25500 · Tax Payable	4,923.40
602 · Clearing	
60205 · PAYG	19,289.00
60207 · Salary Sacrifice	1,020.00
60208 · Superannuation	11,164.61
60211 · Other	260.00
Total 602 · Clearing	31,733.61

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road

Mittagong

ATTACHMENT 1

Letter from ILALC



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604 - Deferred Income	
60401 - Grants	50,000.00
60402 - Sales	167,421.77
Total 604 - Deferred Income	217,421.77
Total Other Current Liabilities	254,078.78
Total Current Liabilities	254,651.67
TOTAL LIABILITIES	254,651.67
NET ASSETS	10,580,514.37
EQUITY	
801 - Equity	
80101 - Opening Bal Equity	432,117.26
Total 801 - Equity	432,117.26
802 - Retained Earnings	-109,509.93
803 - Reserves	
80301 - General	10,161,631.00
Total 803 - Reserves	10,161,631.00
Net Income	96,276.04
TOTAL EQUITY	10,580,514.37

ILALC understand that Yamanda Aboriginal Association has applied for funding to expand the current Aboriginal Cultural Centre buildings that form part of the subject lease. It is the view of the ILALC, and we are confident that this would be the position of any potential funding body, that the ILALC provides significant certainty in terms of being able to hold and manage a long term lease over the subject site. We would also be confident that any offer of a lease to an entity without credentials that provide evidence of long-term capacity, would raise significant and real concerns in relation to being able to recommend the funding for approval.

Should the proposed Lease to the Illawarra Local Aboriginal Land Council (ILALC) - Aboriginal Community Cultural Centre - 1A Rainbow Road, Mittagong proceed as per the resolution, the Illawarra Local Aboriginal Land Council looks forward to further strengthening program delivery to the Aboriginal community in the Wingecarribee Shire Council area. We also look forward to developing a strong and mutually beneficial relationship with the Council for the benefit of all residents within the region.

Regards

Chief Executive Officer

**10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road
Mittagong****ATTACHMENT 2 Correspondence from WACCC S355 Committee
dated 25 May 2018.****ATTACHMENT 2**

From: mail@wsc.nsw.gov.au
Sent: Friday, 25 May 2018 3:25:07 PM
To: Information Management
Subject: Ticket: E7B2A085B2217 Re: Submission File Ref 700000

From: retroperspective@gmail.com
Sent: 2018/05/25 15:22:35
To: mail@wsc.nsw.gov.au <mail@wsc.nsw.gov.au>
Subject: Submission File Ref 700000

File ref 700000 lease of Wingecarribee Aboriginal Community Cultural Centre

**Submission Re Proposal by Wingecarribee Shire Council (WSC) to issue a Lease
to the Illawarra Local Aboriginal Land Council (ILALC)**

The Following submission is put forward by the 355 Committee of Council WSC for the Wingecarribee Aboriginal Community Centre, With Support of The NSW Governments "Illawarra Wingecarribee Local Decision Making Aboriginal Alliance Corporation".

1. WSC have failed to provide Procedural fairness to the 355 Committee. By not consulting with the Committee, while advising Yamanda and the Aboriginal Network (Service Providers not local Aboriginal Community) and not including/inviting the 355 Committee.

2. The 99 Year Lease imposes no Conditions on the ILALC and is unacceptable to the 355 Committee, and the wider Aboriginal Community with whom we have consulted.

If Council proceeds with the Lease it should be conditional on ILALC engaging with the local Aboriginal Community and the establishment of an Advisory Committee with Terms of Reference which include only Wingecarribee Aboriginal Residents and Native Title Holders as listed on the Gundungurra Native Title and Indigenous Land Use Agreement. The Lease should be offered on a Short Term basis until ILALC prove they will be able and willing to engage with and respect the ambitions of the local Aboriginal Community.

Consultation with one group, or one Elder is not Consultation. This failure has been raised with Council many times over the last twenty years. Micro Management of the 355 Committee and the Community Development Officer has inhibited initiative and growth. Yet WSC is willing to abrogate all responsibility and hand the local Aboriginal Community's, long desired Centre to the ILALC with no conditions. The ILALC is an Organisation not based in the Wingecarribee and has failed to support the Community here. It has received Funding for the Wingecarribee and has never delivered a single Service here in 30 Years. They do not know the local Community and are partnering with Yamanda now to ensure Funding is given from the Indigenous Advancement Strategy. The Department of Prime Minister and Cabinet who administers this Funding is aware that the wider Community do not support the

**10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road
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dated 25 May 2018.**

Application for \$3,500,000 by Yamanda . There is no guarantee even if Council give the ILALC the Lease that this Funding will be granted, and if Yamanda do get this Funding they should not be allowed to have ownership over that amount of money to extend the Centre, without the rest of the Aboriginal Community being included in the Design and implementation. Yamanda have had two Work Cover Claims successfully made against them and were taken to Court for Discrimination . The 355 have raised the issues of insults and aggressive behaviour at the Centre which Council have ignored but many members of the Community refuse to enter the Centre due to the behaviour of the Elders from Yamanda. Including two Members of the 355 Committee who have had children abused verbally.

3. The Lease proposal IGNORES:

Ignores: The twenty five years of business expertise, Cultural knowledge and Service delivery by Members of the 355 (past and present), to the local Aboriginal Community and Council, largely as Volunteers.

The responsibility of WSC and the ILALC to consult with the 355 Committee. Councillor Whipper's offer to do so was only offered after the Council Meeting at which the Lease was proposed. This failure disrespects the hard work and commitment of the 355 Committee and ignores the right of Self- determination of local Aboriginal people. Many members of the 355 have worked alongside Councillor Whipper and cannot understand why the Councillor would ignore those relationships to push forward this Agenda without calling or meeting some of us to at least discuss the idea of giving away the Centre to ILALC. The Committee is deeply suspicious of the motivations behind this need for haste in granting the Lease. The Indigenous Advancement Strategy Funding is an Open Funding Round and will accept a Community Led Application at any time essentially; no rush required. The CEO of ILALC is new and still establishing his partnerships and consolidate his position. There are many Aboriginal Organisations across the Illawarra Wingecarribee still taking his measure and watching his progress with caution as in the past ten years there have been many serious issues with ILALC .

Ignores: The current NSW Governments Local Decision Making principles embodied in the "Illawarra Wingecarribee Local Decision Making Accord" signed on the 14th May 2018. Members of the 355, Aunty Val Mulcahy, Marie Barbaric , Jo Albany, Robin Young and other local Aboriginal people have spent four years meeting on a Monthly Basis to bring about this Ground-breaking Accord.

That the local Aboriginal Community have no faith in the ILALC to appropriately deliver Services or run the Aboriginal Centre to benefit the Wingecarribee Aboriginal Community. Based on the fact that for 30 years ILALC have failed to provide Aboriginal Services or benefited ILALC Members in this Community. The ILALC receives Funding for the Wingecarribee and has sold off Aboriginal Land here for the sole benefit of Coastal Members.

4. Lease Terms and Conditions

The 355 Committee suggest Council provide a Lease to Wingecarribee Aboriginal Community Association Inc. (WACA). WACA requests a Lease of the Wingecarribee Aboriginal Community Centre in Rainbow Road Mittagong with identical Terms and Conditions as the Lease to ILALC currently up for Submissions. Or as suggested here a Lease be given with strict Terms Of Reference and on a shorter term basis.

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The first Request that a Lease be given to the Aboriginal Community, was submitted by the Aboriginal Advisory Committee to Council in 2010. The 355 Committee have minuted the desire of the Community for a Lease on many occasions since.

WACA will develop the Centre and Programs in partnership with all Aboriginal Organisations and Businesses, with support of Funding from the Illawarra Wingecarribee Local Decision Making Accord which was signed with the Minister of Aboriginal Affairs on 14th May 2018, and Grants as they become available. They would apply for Funding to extend the Centre only when the need arose and extensive Consultation with the Community has taken place.

The Membership of the WACA is open to all Members of the local Aboriginal Community and includes oversight by a Board of Elders and a Sub Committee of Aboriginal Youth 12-25. The sole purpose of the Association is to run the Centre for the benefit of the local Aboriginal Community. The Association will transition to a Company with a Board of Trustees within 3 Years.

Members of WACA have an established relationship with **Traditional Owners** of the Wingecarribee Shire.

5. WACA Future Plans

- Expansion of the Centre
- Plans for the reopening of the Significant Aboriginal Mineral Spring on the Site will proceed in partnership with WSC and Office of Environment and Heritage.
- Plans for a Tourism Business partnering with Mittagong RSL will proceed.
- Plans for a Men's Shed open to Aboriginal and Non Aboriginal Men
- Plans for an Aboriginal Art Studio
- Plans for a Tourist friendly Bush Food and Medicine walk Onsite.
- Expanding Programs with Family and Community Services for Aboriginal children in Out of Home Care
- Working with WSC and the Aboriginal Community Development Officer to build positive meaningful engagement by Members of the Aboriginal Community in the Centre.
- Commitment to the Junior members of the Community to provide mentoring in Governance of the Community Association. Will work towards providing training and employment opportunities at the Centre in a Culturally appropriate Venue.
- In 2017 The 355 Committee all ran a Weekly Program, connecting Aboriginal children (in Out of Home Care with Family and Community Services Bowral FACS) to the Local Aboriginal Community at the Centre. FACS have requested this very successful and important Trial Program be continued on an Ongoing Basis. WACA has agreed to do this.
- Continue the 355 Initiated Family Support Group for families of Ice Addicts 2017
- Continue the 355 Partnership with South West Area Health to run a Women's' Mental Health Group

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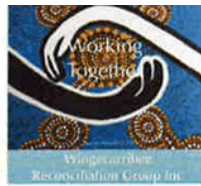
- Initiated the Go For Fun Program tackling Childhood Obesity with Health and the LDM

Regards the 355 Committee consisting of Jo Albany , Peter Swain , Wendy Lotter ,Kim Leever , Ray Collins ,Emily Collins ,Amanda West ,Troy Styman.

Sent from my iPhone

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road
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ATTACHMENT 3 Letter from Wingecarribee Reconciliation Group
dated 21 May 2018



ATTACHMENT 3

Wingecarribee Reconciliation Group Inc.

P.O. Box 947

Mittagong NSW 2575

ABN 3834 2533 659

21th May 2018

Ms Ann Prendergast
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Ms Prendergast,

**Re: Proposed Lease to Illawarra Local Aboriginal Land Council of Wingecarribee
Aboriginal Community & Cultural Centre, 1A Rainbow Road, Mittagong File Ref.
PN700000**

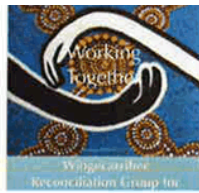
Wingecarribee Reconciliation Group Inc. opposes this proposal to lease the Wingecarribee Aboriginal Community & Cultural Centre to the Illawarra Local Aboriginal Land Council (ILALC).

Wingecarribee Reconciliation Group Inc. find this decision of Council, without comprehensive consultation with the local Aboriginal community, particularly excluding the Wingecarribee Aboriginal Community & Cultural Centre (WACCC) S355 Management Committee (a Committee established under WSC, comprising mainly of local Aboriginal people, to manage the WACCC) to be contrary to the local Aboriginal community's rights to self-determination and demonstrates a lack of respect and consideration of the views of the local Aboriginal community.

WRG encourages WSC to reconsider this proposal until there has been extensive consultation with the local Aboriginal community. The argument that this 28 day exhibition period is enabling of consultation with the local Aboriginal community is spurious and disingenuous.

WSC Community Engagement Policy states Council is committed to:

- *offering opportunities for the community to participate in the decisions made by Council;*
- *effective two-way flow of information between Council and the community;*
- *local decision-making that is transparent and works in the interest of the community,*
- *considering its many and diverse stakeholders; and*
- *ensuring that effective internal processes and controls exist within Council to ensure*

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dated 21 May 2018**

good governance and effective community representation.

WRG believes that the WSC would be unable to uphold these policy objectives if this Lease is granted.

Similarly the Wingecarribee Arts and Cultural Strategic Plan 2015-2031 aims to "*Continue to maintain the Aboriginal Cultural Centre*" and to "*Support and facilitate arts activities for, by and in collaboration with the local Aboriginal and Torres Strait Islander community that acknowledge Aboriginal history and promote mutual respect and understanding.*" The lease proposal will take this facility out of the local Aboriginal community's hands, hardly promoting mutual respect and understanding.

The ILALC has had the responsibility of providing services to the Wingecarribee area for many years and has failed to do so in any meaningful way. WRG was surprised and disappointed to learn that WSC, having been in discussions with ILALC for some months completely excluding the WACCC S355 Management Committee (a committee established by the WSC specifically to manage the WACCC) but including Yamanda Aboriginal Association; has invited ILALC to take up the lease.

WRG would recommend that WSC require ILALC to demonstrate their capacity, willingness and ability to deliver services including detailing their proposals to manage the WACCC and provide ongoing services for the local Aboriginal community prior to this lease being considered; and that the local Aboriginal community should have meaningful input into any decision regarding the granting of a lease and the services provided.

WRG has also called on the CEO Paul Knight of the Illawarra Local Aboriginal Land Council to withdraw their proposal to lease the WACCC as it is contrary to the wishes of the local Aboriginal community.

WRG also believes that in the interest of good governance, transparency and prudent management of community assets; that if the WACCC is to be leased for a peppercorn rent for 99 years; that there should be consideration of other appropriate organisations such as the Wingecarribee Aboriginal Community Association (WACA) or Illawarra Wingecarribee Aboriginal Alliance Corporation signatory to the NSW Governments Local Decision Making Accord, to lease the WACCC.

WRG is also concerned that the granting of a lease over a S355 managed community asset sends a negative message to other S355 community managed facilities that their facilities may also be subject to similar neoliberalist quasi privatisation attempts by WSC. This is especially of more concern considering Council's 9th May motion "*That Council conduct an Information Session for Councillors to review all of Council's land that may be superfluous to its needs with a view to selling such identified land ('the identified land').*" The land on which the Centre is sited should be included in any Lease arrangement as it is essential to the

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ATTACHMENT 3 Letter from Wingecaribbee Reconciliation Group
dated 21 May 2018



local Aboriginal community's plans for an expanded Centre and to establishing Tourism and Arts initiatives.

In conclusion WRG reiterates that it opposes the granting of any lease over the WACCC to the ILALC.

- Council has disrespected the S355 WACCC Management Committee by excluding them from any discussions regarding the lease and failing to comprehensively consult with the local Aboriginal community about granting the lease to ILALC.
- ILALC has failed to effectively deliver any services to the local Aboriginal community over the past 30 years and has failed to consult with the local Aboriginal community about the lease proposal.
- A 99 year lease for a peppercorn rent seems an injudicious management of a community asset.
- The local Wingecaribbee Aboriginal Community Association, made up of local Aboriginal and non-Aboriginal peoples and organisations, or Illawarra Wingecaribbee Aboriginal Alliance Corporation signatory to the NSW Governments Local Decision Making Accord, would seem a more appropriate organisations to lease the WACCC.
- The Council would be unable to uphold its Community Engagement policy objectives and the Wingecaribbee Arts and Cultural Strategic Plan 2015-2031 if the proposed Lease is granted to ILALC.
- WRG believes that in the interest of the local Aboriginal community's rights to self-determination the local Aboriginal community should have meaningful input into any decision regarding the granting of a lease and the services provided.

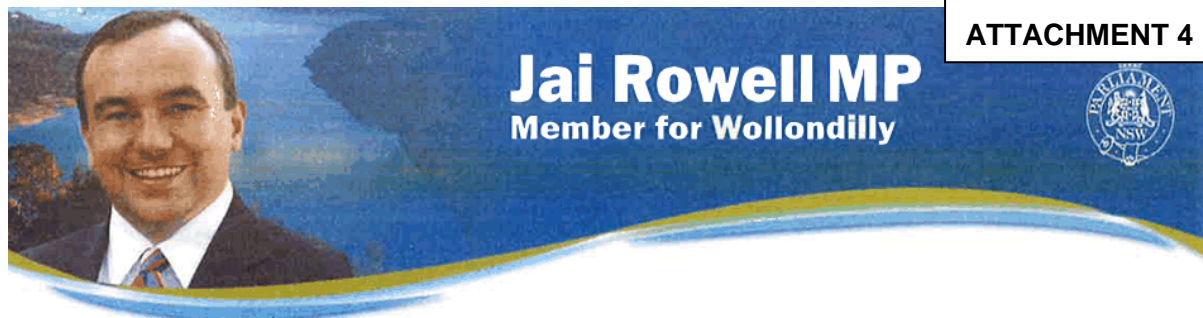
WRG respectfully submits this submission for your deepest consideration.

Yours sincerely

Chairperson

Wingecaribbee Reconciliation Group Inc.

& S355 WACCC Management Committee member.



ATTACHMENT 4

Tuesday, 22nd May 2018

The General Manager
Wingecarribee Shire Council
PO.BOX 141
Moss Vale NSW 2577

Re: Lease of Aboriginal Community Cultural Centre. File Ref: PN700000

Dear Ann

It has come to my attention that Council have resolved to grant a 99 year lease to the Illawarra Local Aboriginal Land Council (ILALC) over the facility known as the Wingecarribee Aboriginal Community Centre at Rainbow Street Mittagong.

I am aware that there have been numerous attempts over the years to improve local services for Aboriginal People in the Wingecarribee Shire.

I have attended the Wingecarribee Cluster Group and have been monitoring the progress and aspirations of the local Aboriginal community in their move toward self-determination.

I am also aware that the facility is in Council's ownership and classified as Operational Land. As this is the case, I am aware that the facility is currently managed by a Sec.355 management Committee.

From my experience, working with Aboriginal Communities and having spent time as a Local Government Councillor on Campbelltown Council, I am cognizant that the management of such facilities is constrained by the Local Govt Act and, as such, is not always culturally sympathetic or appropriate in the process of self-determination.

I applaud Council for showing such empathy and considering this impediment to the long term management of the Cultural Centre and that they have resolved to provide a lease to the Illawarra Local Aboriginal Land Council.

It is my opinion that by offering the management of the Wingecarribee Aboriginal Community Cultural Centre for the maximum period allowable under the Act to ILALC, Council is showing good faith and a clear commitment to the autonomy of the Wingecarribee Local Aboriginal Community.

Being aware that the ILALC is a statutory organisation and a legislative body with certain powers and responsibilities which are identified in the NSW Aboriginal Land Rights Act 1983, it would be completely and culturally appropriate to enter into such a lease.



After speaking to local Aboriginal Representatives of the Wingecarribee Shire in my electorate, I submit this letter of support in relation to the Council's resolution to enter into this lease.

In closing, I also believe that such a partnership will provide an opportunity to improve services for Aboriginal people in the Shire and also create long term partnerships between Council and the ILALC, which will benefit Council and the Community for many years to come.

Yours sincerely,



Jai Rowell MP
Member for Wollondilly

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road

Mittagong

ATTACHMENT 5

Summary of submissions received



ATTACHMENT 5

No.	SUMMARY OF SUBMISSION	FROM (POST- CODE)	FOR OR AGAINST
1	<p>As custodian of Gundungurra country in Wingecarribee, I was not consulted on the lease.</p> <p>Neither Council nor ILALC has contacted me as traditional owner.</p>	2534	Against
2	<p>My objection and opposition to this present motion of Council is that it demonstrates a serious lack of respect for self-determination and a serious deficiency in your processes of consultation in particular with the WACCC 355 management Committee members and the broader local Indigenous community and its supporters.</p> <p>... serious reservations about the management of the Centre by ILALC. This ILALC is not in our geographical area but in Wollongong. In addition, the ILALC who have apparently meant to provide services to Aboriginal people in Wingecarribee, have to my knowledge done little over the past 20 or more years. Unlike the more geographically place Thawaral Aboriginal Land Council located at Picton, who have over the years provided support to the Wingecarribee Indigenous community.</p> <p>I urge the Council to listen to the voice of all members of the Indigenous community, to listen to the voices of all those in the Shire who support Indigenous self-determination and to listen with the respect that such communities deserve.</p>	2575	Against
3	No proper consultation with "WRG"	2576	Against
4	<p>...with dismay that I learnt of the proposal...to a group that has no prior connection with the Centre, without due consultation with the people who actively use the Centre on a daily basis or consideration of their wishes...</p> <p>...it is VERY important that they feel included in whatever the Council's process is in granting the lease for the Centre...</p> <p>...shocking to me that in this day and age the WCC (sic) could act in such a highhanded and paternalistic way. Where, I wonder, is the due process of local government that we should, as residents, have confidence in and be able to see in action?</p>	Unknown	Against
5	<p>As an Aboriginal elder and long-time member of Aboriginal Advisory Committee, I was never consulted.</p> <p>I am a resident, have worked in health and raised my son here; I found about this proposal as a member of ILALC.</p> <p>Others have used the centre "as their own and actively pushed other groups and people out.... Should not be encouraged by Cllr Whipper to rule the centre. They do not speak for me or my</p>	2575	Against

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	Aboriginal clients in health".		
6	<p>Council should have sought local Aboriginal Community assistance to invite ILALC to express interest in providing local services, if they had genuine interest in doing so, under their own lease.</p> <p>Concerned that the outsourcing of the centre may be a ploy to reduce and develop the surrounding land of the WACCC.</p>	2577	Against
7	<p>99 years is excessive.</p> <p>Lack of consultation.</p> <p>The amount of time this was open for public submission, too short.</p>	QLD 4184	Against
8	<p>Aboriginal Elder. Member Aboriginal Advisory Committee to Council, Member S355 Committee, Member of ILALC.</p> <p>Different parties "looking to their own interests and are rude and disrespectful to visitors"</p> <p>...many professional Aboriginal people who should have input into how this centre is run.</p> <p>ILALC have "never helped us here and are unproven (sic) service delivery". Clr Whipper should not support this.</p>	2575	Against
9	<p>Former Aboriginal Liaison Officer. Member of S355 Committee.</p> <p>ILALC has shown "no capacity to engage with the community and no respect by offering to take this lease". The local Aboriginal community have the right to lead these decisions and this right has been undermined by this proposal.</p> <p>...the wider community is hopeful of moving the centre forward...for the benefit ofthe Aboriginal community. The way forward is a community development, locally driven solution. The centre should belong to this local community.</p>	2575	Against
10	<p>... My objection and opposition to this present motion of Council is that it demonstrates a serious lack of respect for self-determination and a serious deficiency in your processes of consultation in particular with the WACCC 355 management Committee members and the broader local Indigenous community and its supporters.</p>	Unknown	Against

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11	<p>A Wiradjuri man, traditional owner of Warrabinga Wiradjuri. S355 Committee member. Cultural educator. Worked at cultural centre for past 4 years.</p> <p>Programs put in place through S355 committee advancing the centre and making it more accessible (sic) to the whole Aboriginal community.</p> <p>By granting a lease to ILALC, we will lose (sic) vital programs and Council will effectively replace the roadblocks and make the centre once again inaccessible (sic) to the wider Aboriginal community.</p>	2575	Against
12	<p>Fully supports proposed lease to ILALC.</p> <p>Would request that Council seek further opportunities to work in collaboration with ILALC to improve opportunities and services to the Aboriginal community.</p>	2575	For
13	<p>The original establishment of the cultural centre was the achievement of a long held dream for many local Aboriginal people. No consultation with the WACCC 355 Management Committee, or with the 1,000 plus local Aboriginal living in Wingecarribee.</p> <p>ILALC owns several properties in the area, and/or has sold property here in the last decade. Why have they not used one of these properties, or the proceeds of the sale of property, to benefit Aboriginal people here?</p> <p>Additionally, if there were to be benefit in the ILALC having a presence here, why not ask them to provide regular outreach services here first, before they are handed the centre? Have they not over decades been receiving government monies to provide support to Aboriginal people here? ILALC has provided no support to this area.</p> <p>I ask, if, after consultation, a lease is the agreed way forward, that the lease be for a period of 2 to 3 years only initially, with any option to renewal of lease beyond that time dependent on further consultation with local Aboriginal residents, regarding their satisfaction with consultation and provision of services.</p>	2576	Against
14	<p>"Met with Aboriginal elder at the centre who applied for a 99 year lease from council and was advised".. by a member of Council Executive "that Council had approved their application</p> <p>I understand ILALC has no rights over Mittagong. There has been a lot of preparation financially for the Mittagong people to put into effect their plans for construction, but are unable to do so until the 99 years lease is legally theirs.</p> <p>I propose that Council rescind the awarding of ILALC the 99 year lease and confirm the original verbal awarding by Council</p>	2578	Against

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Summary of submissions received



	of the 99 year lease.		
15	<p>Concerned that there has been inadequate consultation amongst the stakeholders.</p> <p>Needs to be a mechanism for bringing the stakeholders together to determine the future direction for the building.</p> <p>Request council act as facilitator of a meeting or series of meetings to clarify future directions in the roles that the stakeholders play for the betterment of the Aboriginal community and indeed the wider community of our Shire.</p>	2578	Against
16	<p>The local community has not been adequately consulted.</p> <p>WRG seems to have no affinity with the proposed lessees.</p> <p>This community land should not be given away on a peppercorn lease for such a long period to outsiders.</p>	2576	Against
17	<p>...decision was made unilaterally and arbitrarily, with no consultation with the Management Committee...</p> <p>....decisions made like this demonstrate a lack of sensitivity towards indigenous peoples and appear to be arrogant.</p> <p>ILALC was to have provided services to the indigenous people in Wingecarribee but have failed to do so...</p> <p>Council decision... little regard for the local Aboriginal Groups and individuals... must be fully debated by all who have an interest in the outcome.</p>	*	Against
18	<p>Member WRG:</p> <p>Decision...without comprehensive consultation with the local Aboriginal community, particularly excluding the WACCC S355 Management Committee...contrary to the local Aboriginal community's rights to efation... demonstrates a lack of respect and consideration of the views of the local Aboriginal community.</p> <p>28-day exhibition period is spurious and disingenuous... contrary to Council's Community Engagement Policy.</p> <p>Contrary to Wingecarribee Arts and Cultural Strategic Plan 2015-2031 to "Continue to maintain the Aboriginal Cultural Centre" and to "Support and facilitate arts activities for by, and in collaboration with, the local Aboriginal and Torres Strait Islander community and to acknowledge Aboriginal history and promote mutual respect and understanding."</p> <p>Lease proposal will take this facility out of the local Aboriginal community's hands, hardly promoting mutual respect and understanding.</p>	2576	Against

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	<p>ILALC has had responsibility of providing services to the Wingecarribee area for many years and has failed to do so in any meaningful way</p> <p>WRG has...called on ILALC to withdraw proposal to lease the WACCC as it is contrary to the wishes of the local Aboriginal community.</p> <p>A 99-year lease for a peppercorn rent seems an injudicious management of a community asset...</p> <p>if the WACCC is to be leased for a peppercorn rent for 99 years... should be consideration of other appropriate organisations such as the Wingecarribee Aboriginal Community Association (WACA) or Illawarra Aboriginal Alliance Corporation signatory to the NSW Governments Local Decision Making Accord.</p> <p>...sends a negative message to other S355 community-managed facilities that their facilities may also be subject to similar neoliberalist quasi privatisation attempts by WSC. This is especially of more concern considering Council's 9th May motion: "That Council conduct an Information Session for Councillors to review all of Council's land that may be superfluous to its needs with a view to selling such identified land".</p>		
19	I oppose the proposed lease to ILALC.	2575	Against
20	<p>As a non-indigenous person I find it strange that the lease be given without much local consultation to a group that has virtually no local involvement.</p> <p>..have proper consultations with the local First Nation people and groups that use the centre and work out a way the local groups can continue to be involved and run the centre.</p>	Unknown	Against
21	<p>I believe the Southern Highlands Aboriginal community should be consulted and decide what happens.</p> <p>Why the Illawarra?</p>	2575	Against
22	<p>Aboriginal member of the Wingecarribee community.</p> <p>Strongly oppose the lease to ILALC.</p>	2577	Against
23	Member of ILALC ... ILALC has no association with the Highlands and if anyone does (and you are looking for some group outside that of the Wingecarribee Shire area), you perhaps should consider Gundungurra who would have a far	Unknown	Against

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	<p>better association with this area than Illawarra currently do or have ever had.</p> <p>Suggest Council review their approach to this matter and reconsider their options.</p> <p>Consider ongoing liaison with the local Aboriginal community to be respectful, transparent, hold meaningful consultations, and an equitable approach with the Aboriginal community being equal partners in all ways, to the array of matters at hand and particularly when matters of this nature are raised.</p>		
24	<p>Member of Aboriginal community and S355 Committee.</p> <p>Have expressed concerns that S355 Committee not the most effective way for WACC to operate...some discussion by Cllr Whipper with Committee that a lease with "peppercorn" rent be considered.</p> <p>No consultation with S355 Committee on proposed lease to ILALC... denied procedural fairness...failed to meet most basic of consultation processes...hardly meets Council's Community Engagement Policy guidelines.</p> <p>ILALC has had little or no interest in providing any services in the Wingecarribee area. Suggest Council carry out due diligence on ILALC, request detailed information on what they intend to provide and to what extent this would have meaningful impact on the local Aboriginal community.</p>	2575	Against
25	<p>As an Aboriginal member of the Wingecarribee community... strongly oppose this proposal....</p>	2575	Against
26	<p>Member of WRG. Worked as Aboriginal teacher for many years. Extremely concerned at Council decision... clear lack of respect for their commendable achievements as individuals and groups over 30 years of WACC.</p> <p>ILALC...was always meant to provide services to Aboriginal people in the Wingecarribee but the reality is that to my knowledge the local group has had little support from them and as a result has become self-reliant.</p> <p>Request rescission of the decision.</p> <p>Request respectful consultation with local Aboriginal groups with regard to all decisions regarding them.</p>	2575	Against
27	<p>Opposed to proposed lease to ILALC.</p> <p>Has concerns regarding the way the proposal has been developed....In a recent conversation Cllr Whipper...reassured me that it had included meaningful consultation.</p> <p>The Aboriginal people I have spoken to have expressed indignation and distress at the exclusion of all but one representative group from discussions regarding the awarding of a lease.</p>	2575	Against

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	<p>Object to lease based on:</p> <ol style="list-style-type: none"> 1. lack of consultation across the Aboriginal community. 2. Absence of condition in lease requiring consultation with local community groups and individuals or any explicit requirements regarding local needs. 3. Failure of ILALC to communicate regarding the lease. 4. Failure of ILALC to meet local Aboriginal needs over past 30 years. 5. Process does not accord with Council's Community Engagement Policy. 6. The lease removes control of a local Aboriginal Cultural Centre from the local people who advocated for it... in favour of a Land Council in the Illawarra. 		
28	<p>Aboriginal member of the community...</p> <p>Strongly oppose this proposal to lease...to Illawarra Land Council.</p>	2575	Against
29	<p>Foremost concern is local Aboriginal community were not adequately consulted prior to the recommendation proposed by Cllr Whipper on 14/3/2018....</p> <p>To have failed to consult...is totally disrespectful of these Aboriginal community leaders... cannot help but compare this disregard for them as being a continuation of the male white dominance that dispossessed them of their lands in the early 1800's.... nine white males have seen fit to propose to take control of this Centre away from Wingecarribee Aboriginal people and gift it to the ILALC for 99 years, without even discussing it with the S355 Committee!</p> <p>Understand that the key driver for proposed change of lessee is possibility of grant funding for expansion of cultural centre. Applaud Council for seeking this funding but funding without local determination, local support and local management is totally inappropriate and in the longer term is counter-productive. Chasing funding while stripping local Aboriginal groups of their future involvement is totally inappropriate.</p> <p>Request adequate time for S355 Committee to consider and examine additional options (3 months). Options including a shorter lease, a new local committee which meets eligibility requirements for grant funding or other options should be explored.</p> <p>Second greatest concern is length of lease; leaves no possible future redress should things not develop in a way that the local Aboriginal people feel appropriate.</p>	Unknown	Against

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ATTACHMENT 5

Summary of submissions received



30	<p>Decision...runs counter to Council's own community engagement policy... asks for adherence to this principle allowing meaningful input into local Aboriginal people and giving proper consideration to their views.</p> <p>This is a centre for local Aboriginal people and should be run by, and for, them.. Given the antipathy between local Aboriginal people and ILALC I believe this lease offer to ILALC can only exacerbate community conflict, including with ILALC, and can only cause further delay or failure.</p> <p>If this lease to ILALC is to...go ahead, it must be with the consent of local Aboriginal people. In terms of improving this relationship, the proposed lease...would appear to be quite counter-productive.</p> <p>Clr Whipper has indicated to me that he has chosen to take a leadership role in this.. trying to force the local people to coalesce and work together.... Is admirable...however I question the wisdom of this approach.</p>	2577	Against
31	<p>Aboriginal member of the Wingecarribee Community... strongly oppose this proposal... as Chairman of the 355 Committee I find this degrading that I was not approached in any form of contact.</p>	2575	Against
32	<p>Why is the cultural centre being given to ILALC with no consultation with the WACCC 355 Management Committee or with local Aboriginal groups and individuals?</p> <p>Where is respect? Where is consultation? Listening to diverse opinions? Where is self-determination?</p> <p>If there were to be benefit in the local land council having a presence here, why not ask them to provide services first (even just a day or 2 weekly), before they are handed the centre?</p> <p>Why not trial local Land Council management for perhaps a 12 month period or at maximum a 2 or 3 years period, rather than 99 years lease?</p>	Unknown	Against
33	<p>...if there had been proper consultation with the local Aboriginal groups and a decision had been made having taken all of their concerns into account I would not have a problem with the proposal.... Transparent approach has not been followed.</p> <p>... hope that Council will put this matter on hold until a proper consultation process has been agreed and acted on.</p>	2576	Against
34	<p>Totally against the proposal... alarmed about the lack of communication with or participation of the local Aboriginal communities... role of existing 355 committee seems to have been over-ridden and disrespected which is inappropriate.</p>	Unknown	Against

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road

Mittagong

ATTACHMENT 5

Summary of submissions received



	<p>99 years locks Council and the local people into an untried or tested arrangement and removes power to make changes or adjustments or cancel the situation if it is not working in the interests of local Aboriginal people ... best option 3-5 year lease with clear parameters and accountability criteria followed by review.</p> <p>Permitted use includes "general community use"... local Aboriginal communities could lose their access and rights to the centre and it be reverted to use for other interests.</p> <p>... critical for Council to employ an Aboriginal Community Development Officer whose role in relation to the Centre should be an active one and defined into the lease...</p> <p>ILALC has had land in this area for Aboriginal services. What has happened to that land? Why was it not used for a centre from which to involve and serve local people? I have not heard of services being delivered by ILALC...</p> <p>... concerns me deeply that an organisation that has not picked up their responsibility or cared enough to come to the area over the decades should be "rewarded" in this way...</p> <p>The issues must be thoroughly presented to local Aboriginal people before any agreement is made.</p> <p>I understand finding an acceptable organisation to manage the grant sought by Yamanda to extend the Cultural Centre is part of the motivation behind this proposal... however this has very negative consequences for people suffering the long-term effects of colonisation and generational trauma.... Cultural decimation and ongoing marginalisation.</p> <p>The process of putting this proposal out for exhibition repeats the disrespectful paternalistic and exclusionary approach reminiscent of a belief that white people know what is best for Aboriginal people. This is disempowering and retraumatising – even though unintentional.</p>		
35	<p>Major concern is that a significant proportion of the local Aboriginal residents and groups were not consulted or involved before this proposal was adopted for exhibition. Such a "big brother" approach is deeply offensive...</p> <p>It is incumbent on Council not to exacerbate an ongoing delicate and difficult situation by taking such unilateral action... wishing to wash its hands of the situation which is inappropriate...</p> <p>99 years to a party with no proven track record in the district is completely inadvisable (sic). Any lease should be... much shorter period (renewable) and have far more specific requirements/conditions than in the proposed document.</p> <p>Local participation and involvement in decision making should be mandatory.</p>	Unknown	Against



36	<p>Object to the proposed 99 year lease.</p> <p>I understand that the local members of the Aboriginal community...are very upset about the proposed lease and wish to retain control of the centre.</p> <p>In the interests of Aboriginal self-determination I believe the proposed lease is a retrograde step.</p>	Unknown	Against
37	<p>While it may be a defensible decision, the process by which it was apparently reached is open to serious question.... No prior consultation ...with any local Aboriginal group... mixed views about the level of service provided to the Shire in the past by the proposed lessee.. strong record of community services by the Centre's current board of management. ...</p> <p>Council should not sign a lease based on its recent motion...bring together interested parties to develop a solution which reflects well on all parties, including Council.</p>	Unknown	Against
38	<p>355 Management Committee...would seem to be the body which should make decisions about the centre.</p> <p>Why has the Council failed to consult.... Where is respect? Where is consultation? Listening to diverse opinions? Where is self-determination?</p> <p>If there were to be benefit in the local land council having a presence here, why not ask them to provide services regular outreach here first, before they are handed the centre? Why... not a trial... for perhaps a 12 month period or a 2 or 3 years period?</p> <p>...ask for council rescission motion, withdrawing the proposal. And I request the Council commence a period of real respectful consultation over a realistic timeframe.</p>	Unknown	Against
39	<p>Aboriginal member of the community...</p> <p>Strongly oppose this proposal to lease...to Illawarra Land Council.</p>	2577	Against



ATTACHMENT 6



WE THE UNDERSIGNED, SUPPORT THE PROPOSAL TO EXTEND A 99 YEAR LEASE TO THE ILLAWARRA LOCAL LAND COUNCIL (ILALC). WE BELIEVE THAT SUCH AN ACTION WOULD PROVIDE SOUND AND LONG TERM MANAGEMENT OF THE FACILITY ON BEHALF OF ALL ABORIGINAL PEOPLE IN THE WINGECARRIBEE SHIRE.

BY PROVIDING OUR SIGNATURES, WE BELIEVE THAT SUCH A PROPOSAL HAS LASTING BENEFITS FOR THE LOCAL ABORIGINAL COMMUNITY. IT WILL ALSO PROVIDE INDEPENDENT ADVOCAY AND OPPORTUNITIES FOR IMPROVED RESOURCES AND SERVICE IN OUR SHIRE.

WE ASK THAT OTHS PETITION BE RECIVED AS A SUBMISSION DURING THE EXHIBITION PERIOD FOR THE PROPOSAL TO EXTEND THE LEASE TO ILALC.



CORPORATE STRATEGY AND DEVELOPMENT SERVICES

10.2 Development Application 17/1284 Renwick Community Centre Lots 202 and 203 DP1174912, Langley Avenue and Renwick Drive, Renwick

Reference:	17/1284
Report Author:	Consultant Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	UrbanGrowth NSW
Owner:	UrbanGrowth NSW
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides an assessment of a Crown Development Application for the Community Centre, town square, landscaping, lot consolidation and car park at Lots 202 and 203 DP1174912 Langley Avenue, Whitfield Lane and Renwick Drive, Renwick. The application is presented to Council for determination. The application is recommended for **APPROVAL** subject to conditions of consent as nominated in **Attachment 1**.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 17/1284 for lot consolidation, community facility, village square and ancillary car parking and landscaping at Lots 202 and 203 DP 1174912 Langley Avenue, Whitfield Lane and Renwick Drive, Renwick be **APPROVED** subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The site is located on the northern side of Langley Drive and bounded to the west by Whitfield Avenue and to the east by Renwick Drive.

The site is legally described as Lots 202 and 203 in Deposited Plan 1174912.

Lot 202 has a total area of 1,092m² and the area of Lot 203 is 2,633m². The site is approximately 42m wide (east-west) and 90m long (north-south). The site is flat with a fall

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of less than 2m from the highest point on the south west corner to the lowest point in the north-east corner.

Street trees and concrete footpaths have been established to all road frontages adjoining the site. There is a padmounted electrical substation in the south west corner of the site occupying an area of 2.75m x 10m approximately. There are restrictions on the use of the land surrounding the substation for access and maintenance. The total area dedicated to the substation is approximately 7.5m x 15m.

There is an electrical substation on the adjoining Lot 201 adjacent to the north west corner of the site. The easements for access and maintenance of this substation extend into the site affecting an area 5m by 10m.

Utilities have been installed within the adjoining footpath reserves in conjunction with the recent subdivision and development of the land. Potable water, reticulated sewer, stormwater infrastructure and telecommunication facilities are available for connection to the site. A sewer manhole is located in the north east corner of Lot 203.

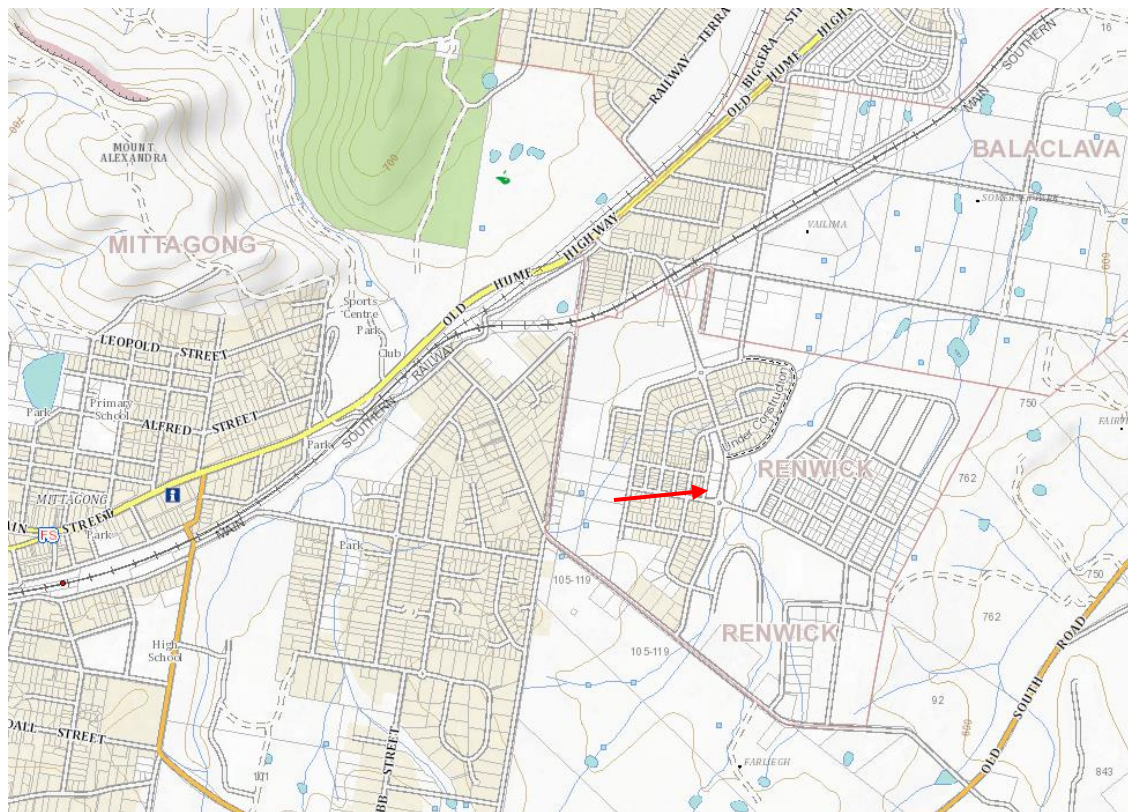


Figure 1: Locality Plan (Source: www.maps.six.nsw.gov.au) (replicated as Attachment 7)



Figure 2: Aerial Image (Source: www.google.com.au/maps) (replicated as Attachment 8)

Surrounding the site

To the north east of the site is Mirren Nungana Gulla Park which contains a children's playground, landscaped gardens and accessible pathways, public toilets and a barbeque and picnic area and ancillary car parking.

To the south and west of the site is residential development. Dwellings to the west have frontages to Cupitt Street and Wallis Avenue and have side and rear boundaries oriented to the subject site. Garages and high fences dominate the western side of Whitfield Lane.

North of the site is Lot 201 which is currently vacant and has been identified in the masterplan as containing a retail centre. An extract of the masterplan is included in Figure 3. The subject site is labelled as 'Proposed Village Centre' (Lot 202) and 'Proposed Community Centre' (Lot 203). Retail space is identified for Lot 201 to the north of the site. The sales office for the Renwick subdivision has been established north of the site with frontage to Cupitt Street. A child care centre is operating on the corner of Whitfield Lane and Cupitt Street.

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Legend

- Sales Centre
- Builder Display Homes
- Residential
- Large Lot Residential
- Future Residential
- Private Residential
- Proposed Village Centre
- Childcare Centre
- Proposed Retail Space
- Proposed Community Centre
- Open Space
- Proposed Cycleways
- Renwick Locality Boundary

This is a statement of present intention only based on the best available knowledge at the time, which may change due to future circumstances and any such statement will not amount to a legally enforceable representation.
All street names are subject to Council approval.

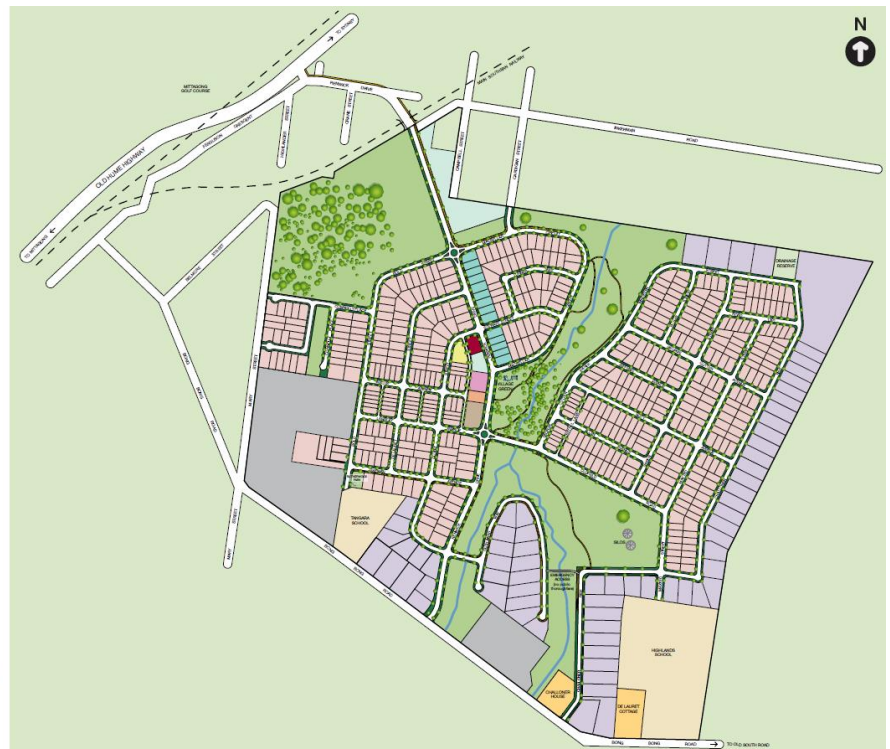


Figure 3: Extract of Renwick Masterplan (Source:) (Replicated at Attachment 9)

Background

Renwick Master Plan and Planning Agreement

Development Consent DA07/0946 was granted to Landcom for the subdivision of land and installation of infrastructure to create 600 dwellings, a new town centre (including public open space, retail centre and community facility) and associated infrastructure.

In September 2008 the Renwick Planning Agreement was executed in accordance with (then) Section 93F to the *Environmental Planning and Assessment Act, 1979* (EP&A Act, 1979). The Planning Agreement excluded the application of Section 94 and Section 94A contributions. The Planning Agreement included specific schedules of monetary contributions and works in kind.

Schedule 4 of the Renwick Planning Agreement relates to the provision of a community centre and associated works to be undertaken by Landcom (now UrbanGrowth NSW). The value of the contribution was varied by an amendment to the Renwick Planning Agreement in 2014.

The commitments in Schedule 4 include the following:

- a community centre in the form of works-in-kind to the value of \$2,550,975
- a village green open space as works-in-kind to the value of \$1,395,290
- a village square as works-in-kind to the value of \$548,400.

Other works that formed part of the agreement included road upgrades, heritage restoration works, water management, cycleways and bus stops. The Mirren Nungura Gulla public park was created as part of the subdivision and dedicated to Council ownership.

This development application seeks consent for those works specified in Schedule 4 for a village green, village square and community centre.

Proposed Development

On 14 September 2017, a development application was lodged by UrbanGrowth NSW, which seeks consent for amalgamation of two (2) allotments into one (1) lot, a Community facility, public park, ancillary car parking and landscaping.

The cost of the development as originally lodged was \$3,121,994.

The development application package included:

- Survey plan prepared by RPS Australia East Pty Ltd
- Architectural plans, Design Statement, Needs Assessment Summary and Heritage Impact Statement prepared by Allman Johnston Architects and Mark Hurcum Design Practice
- Landscape Plans prepared by Nicholas Bray Landscapes
- Civil works plans, Stormwater Management Report and sedimentation and erosion control concepts by Wood and Grieve Engineers
- Statement of Environmental Effects prepared by Creative Planning Solutions
- Traffic and Parking Assessment Report provided by Transport and Urban Planning
- Waste management plan prepared by UrbanGrowth NSW
- Geotechnical Assessment by Network Geotechnics
- BCA Compliance Report prepared by Design Confidence

Lot consolidation

Lots 202 and 203 are proposed to be consolidated to a single allotment of 3,725m². The existing easements for padmounted substations are to be carried forward into the same restrictions on the new lot.

Site Analysis and Layout

The site analysis and layout submitted with the original development application showed:

- A landscaped village square adjacent to the northern site boundary of dimensions approximately 26m north-south and 42m east-west (1,092m²)
- A community centre shown in modules (Barn 1, Barn 2 and Barn 3 and a Community Leased Space at the northern end of the building)
- A car parking area with capacity for 17 spaces (including one disabled parking space) and five kerb-side parking bays. All parking and vehicle access to be via Whitfield Lane
- Landscaped space and a “possible community garden” within the southern and eastern setback (NOTE Landscaping proposed within the southern setback has since been replaced with on-site parking as shown in amended plans).

The overall design concept is intended to impart a rural character to the development with large setbacks from each street and ‘barn’ modules with high pitched roofs linked with smaller, flat-roof elements. Locating the car parking area away from the main street frontage of Renwick Drive visually conceals the parking area from the main street. The architectural style has been influenced by the rural character surrounding the urban edge and the heritage curtilage of The Silos which formed part of the original Renwick subdivision site and master plan with LUA07/0946.

Community Centre layout

The Community Centre contains three connected 'modules' as Barn 1, Barn 2 and Barn 3 and a community leased space at the northern end of the building.

Barn 1 has an open floor plan with a central moveable internal wall which can divide the space into two equal sized rooms each approximately 5m x 8m. Each room includes built-in storage and the eastern room includes a wet area (not for food preparation). A covered and fenced outdoor area with softfall surface and artificial turf is proposed to the eastern side of Barn 1. The landscaping of this open space is designed for high durability and all weather use. Barn 1 is proposed to be provided with a high ceiling including void space to clerestory windows oriented north for natural light and non-trafficable mezzanine areas within the high level interior space.

Barn 2 contains men's and women's toilets, large store rooms, an office space and 20m² kitchen. The landscaped space immediately east of Barn 2 is set out into brick-edged planter plots suitable for fresh produce. Barn 2 is proposed to include first floor storage rooms and plant and equipment rooms accessed via internal stairs.

Barn 3 is an open plan multi-use hall designed for a seated capacity of 70 people. The landscaped area east of the hall is a level turfed lawn. Barn 3 is proposed to have a high ceiling level including clerestory windows oriented to the north for optimum natural light to the interior.

The community leased space has an open plan with sliding doors opening onto a paved covered terrace area. The internal wall between the hall of Barn 3 and the community leased space can be retracted to join the rooms.

Paved under-awning pathways surround all sides of the building at ground level linking all access/egress doorways of each module. The main entry/exit points are focused on the central hallway between Barn 3 and the community leased space. Movement within the building is focused on clear, direct east-west and north-south routes for ease of way-finding and accessible paths of travel.

Windows and doors throughout the building are large and allow for clear lines of sight and movement between indoor and outdoor spaces.

The setback area to the southern boundary is approximately 20m x 32m. The Site Plan indicates this area to be used as a 'possible community garden'. The Ground Floor Plan indicates this area to be open lawn with possible use as a ball court and community landscaped space. (NOTE: Amended plans have since been received which use the southern setback for on-site parking).

On-site Parking and Vehicle Access

The Ground Floor Plan and Site Plan originally submitted with the application indicate:

- Five (5) car parking bays proposed within the footpath reserve on the eastern edge of Whitfield Drive
- 17 car parking spaces (including one disabled parking space) proposed within a formal car parking area adjacent to the western side of the community centre
- A combined community bus and service/loading bay proposed in the north east corner of the car park

The northern vehicle crossing in Whitfield Lane was to be 'entry only'. The southern vehicle crossing in Whitfield Lane was to be 'exit only'. The original application proposed Whitfield Lane to become a one-way south-bound only public road.

Amended plans have since been submitted to Council indicating a total of 41 car parking spaces, an 'entry-only' crossing from Whitfield Lane and an 'exit only' crossing to Langley

Avenue. Amended plans were the outcome of discussions with Council assessing officers (particularly Council's Development Engineer) and the applicant.

A bicycle parking area is proposed adjacent to the south east corner of the car parking area (adjacent to Barn 3) with capacity for four bicycles was originally proposed.

A combined mini-bus/service bay/loading bay is proposed adjacent to the north west corner of the Community Leased area. This bay is linked by ramps leading along the northern and western sides of the community centre allowing the movement of trolleys and delivery items to and from the centre.

Village Square layout

The village square is set out to contain:

- A central stage/raised platform 7m x 4m
- Formal planter beds incorporating edge seating and canopy trees
- Large lawn areas
- Perimeter pathways for movement east-west and north-south

The village square is immediately north of the community leased space of the community centre with the terrace of the leased space and doors opening direct to the village square for a transition between indoors, covered outdoors and open outdoor areas.

Functional and Operational Details

The function and operations of the community centre and village square were informed by:

- a Needs Assessment Report prepared by GHD Consultants (2014) which formed part of the original master planning of the site
- A Needs Assessment Report prepared on behalf of UrbanGrowth NSW and submitted with the development application

Needs Analysis in 2014 determined a floor area of 330m² was required for a community centre including a large activity room for 70 people and a child-friendly indoor/outdoor space and a commercial café.

The GFA for the proposal is 581m² including storage rooms, amenities, office space and kitchen. The proposal does not include a commercial café.

Barn 1 – Meetings and multi-function activities are expected to be conducted in Barn 1. The space has capacity for 30 people in a formal class arrangement within the western portion and will be fitted with audio visual and IT equipment, air conditioning and a hearing loop. The eastern portion can be used for craft and like activities and has been designed to be particularly suited to children's activities.

Barn 2 – Administration and amenities are contained in this section. Storage rooms at ground floor and mezzanine levels are to be available for items associated with the operation of the premises including items used by regular community groups with ongoing user agreements. The kitchen is not intended for food preparation but can be used by caterers to heat and distribute pre-prepared food. The offices are to be occupied by on-site operational staff and special event staff. Toilets are contained in Barn 2 for use by all people attending the centre.

Barn 3 – The hall has an internal floor area of 75m². The open plan floor area has capacity for seating 70 people and has been designed to accommodate functions and events under formal hire agreements from Council as well as functions and events hosted by Council.

The Community Leased Space has an interior space of 95m² and a covered terrace to the east and north of 75m². Although the plans indicate an area for a future kitchen – no kitchen fitout is intended with this application. The space is intended to be designed to

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accommodate a commercial kitchen should Council propose a separate application in the future.

The development application does not nominate days and hours of operation.

Future Ownership and Management of the Site

The site and completed works are intended to be dedicated to Council's care, control and ownership. At such time the premises will be managed in accordance with a Plan of Management to be prepared and adopted by Council. The premises would be subject to lease and hire arrangements adopted by Council including provisions for security, event management, booking and hire arrangements.

Assessment and Additional Information

Pre-Lodgement Meeting

A pre-lodgement meeting was held on 10 April 2017. The issues raised during the pre-lodgement meeting are summarised in the following table along with comments as to whether these matters have been satisfactorily addressed with the development application.

Issue	Response in DA	Satisfactorily addressed
Parking requirements to be met with on-site parking and not rely on on-street parking	The original DA nominated 17 on-site parking spaces and five parking spaces within new bays in the footpath reserve. Plans have since been amended to increase on-site parking to 41 spaces.	41 on-site parking spaces is considered satisfactory by Council's Development Engineer.
Swept path analysis required for manoeuvring of large vehicles	Swept path provided for 8.8m vehicle length	Considered satisfactory with amended parking and vehicle access design.
The variety of potential uses are to be detailed in the Statement of Environmental Effects	Section 3.3 to the Statement of Environmental Effects provides details of the anticipated uses within the site.	Considered satisfactory.
Provide details of the storage area and servicing for waste and recyclables	Waste and recyclables storage is located in the southern façade of the building in an enclosed and secured storeroom.	Considered satisfactory by Council's Environment and Health Officer.
Water cycle management plan required for lodgement	A stormwater management concept has been submitted with the DA	Considered satisfactory by Council's Development Engineer.

The Development Application as lodged

The proposal seeks approval for the development as described above.

STATUTORY PROVISIONS

Environmental Planning and Assessment Act, 1979

Division 4.6 Crown Development

This development application has been made by UrbanGrowth NSW and fits the definitions of a Crown Development Application in Section 4.32 to the EP&A Act, 1979.

As required by Section 4.33 to the EP&A Act, Council, as the consent authority, must not:

- refuse consent to this application
- impose a condition of consent

except with the approval of the Minister.

This assessment report and recommended conditions of consent shall be forwarded to the Minister for Community Services and Assistant Minister for Health prior to final determination of the application.

Part 6 Building and Subdivision Certification

Section 6.2 Meaning of “subdivision” of land

Section 6.2 explains the meaning of “subdivision” for the purposes of circumstances that require a Subdivision Certificate. Subsection 6.2(3)(i) states that the subdivision of land does not include a plan of consolidation. Therefore a Subdivision Certificate is not required for the proposed consolidation of Lots 202 and 203.

Section 6.7 Requirement for construction certificate

In accordance with Section 6.7 to the EP&A Act, 1979 a construction certificate is not required for Crown building work that is certified under this Part to comply with the Building Code of Australia. The BCA and Access Capability Statement submitted with the development application confirms the proposal is compliant with the BCA. Therefore a Construction Certificate is not required. Conditions requiring adjustments and additional work not shown on the plans must be specific to the approved plans and cannot rely on the submission of additional information at a later stage of approval or certification.

Section 6.9 Requirement for occupation certificate

In accordance with Section 6.9 to the EP&A Act, 1979, an occupation certificate is not required for the commencement of the occupation or use of a new building that has been erected by or on behalf of the Crown. Therefore an occupation certificate is not required. Conditions requiring adjustments and additional work not shown on the plans must be specific to the approved plans and cannot rely on the submission of additional information at a later stage of approval or certification.

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

Council is satisfied that the land is not a site of possible contamination. Contamination issues were addressed with the subdivision of the land and the site has been made

satisfactory for residential use in conjunction with the works approved with DA07/0946. A Due Diligence report by Network Geotechnics was submitted with the development application and concludes the site is suitable for residential use including gardens and no remedial works are required.

Therefore no further assessment of contamination is required and the site is satisfactory for use as a community facility and public park including community gardens and no recommended conditions from Council's Environmental Health Officer regarding site contamination.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is within the Warragamba Catchment and therefore the Catchment SEPP is applicable to the assessment of the application. The application is a Module 5 development for the purposes of the Neutral or Beneficial Effect (NoRBE) on Water Quality Assessment Guideline and has been referred to Water NSW to determine the effect of the proposal on Water Quality. Water NSW have provided concurrence to the application. The general terms of approval conditions have been included in the recommended conditions of consent.

Condition 82.

Local Environmental Plan

Wingecarribee Local Environmental Plan 2010

The site is within Zone B1 Neighbourhood Centre and in this zone community facilities are permissible with development consent. The objectives of the zone are:

- “
 - To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
 - To generally conserve and enhance the unique sense of place of business centre precincts in villages and towns by ensuring that new development integrates with the distinct village scale, character, cultural heritage and landscape setting of those places.
 - To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.”

The proposal is consistent with the aims and objectives of the zone for the following reasons:

- it is a small scale community use intended to address a local shortfall in the provision of community facilities in the east Mittagong and Balaclava locality as well as serve the needs of the new residents of Renwick
- the design is intended to integrate with the predominantly single storey scale of the surrounding residential area and the high pitched roofs are intended to create a well-recognised building in the main street landscape
- the architectural theme has intended to match the rural character and setting of the former use of the site as an agricultural area.

Clause 2.5 Additional Permitted Uses allows land uses specific to the site in addition to those listed in the land use controls to Zone B1. The map to Clause 2.5 labels the site as No.23 and Schedule 1 lists the following additional uses as permitted with consent on the site: attached dwellings, exhibition homes, exhibition villages, multi dwelling housing, shops. The development application does not rely on the additional permitted uses clause provisions.

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Clause 2.6 Subdivision requires that all subdivision must be subject to development consent. The proposal includes amalgamation of Lots 202 and 203 and appropriate conditions of consent have addressed amalgamation. **Condition 56.**

There is no minimum lot size that applies to the site.

Clause 4.3 applies a maximum height of buildings control to land as shown on the Height of Buildings Map. The map indicates there is no height control applicable to the site. The maximum proposed building height is 9.25m which is compliant with the two storey height control in the DCP (see below).

Clause 4.4 applies a maximum floor space ratio (FSR) control to land as shown on the FSR Map. The map indicates there is no FSR control applicable to the site. The proposed FSR is 0.14:1. This is a lower FSR than surrounding residential-zoned land. The community centre is provided with large setbacks from all boundaries and the built form is offset by the large landscaped village square which is intended to separate the community Centre from the future retail centre to the north. The bulk and scale of the community centre is considered to be appropriate for its town centre location and its main street presence.

The site is not identified for future acquisition in accordance with Clause 5.1 of WLEP 2010.

In accordance with Clause 5.2 the land will be classified upon dedication of the land to Council. Recommended conditions of consent are included to address dedication of the land at satisfactory completion of the works. **Condition 56.**

Clause 5.10 Heritage Conservation aims to conserve and protect items and places of cultural, archaeological and heritage significance. The site (and the entire Renwick subdivision) is part of Heritage Items I618 and I275. The items are listed in Schedule 5 to WLEP 2010 as “former Renwick Institution including brick silo, pair of mass concrete silos and silo precinct” and are of local heritage significance. Clause 5.10 requires a Heritage Impact Statement to be submitted with the development application.

A Heritage Impact Statement was submitted with the development application and concludes:

- *“the architectural scale and mass and overall detailing is considered to be appropriate to the heritage setting and colours and finishes are compatible with the existing streetscape”*
- *“the proposal is considered to be successful in interpreting the cultural history of the Renwick site in its built form and sensitive to the setting of the site”*

The proposal is well separated from the curtilage of the heritage items to be retained within the Renwick Precinct and will not detract from the interpretation and appreciation of those items.

Part 6 of WLEP 2010 relates to urban release areas. The Renwick subdivision is an urban release area as mapped in the WLEP 2010.

Clause 6.1 requires arrangements for state infrastructure to be in place prior to the development of the land. These matters were addressed with the approval of the Renwick subdivision and master plan with DA07/0946.

Clause 6.2 requires a development control plan to be in place for the land prior to consent being granted. Wingecarribee Development Control Plan Mittagong Town Plan incorporating Welby and Renwick applies to the site and satisfies the requirements of clause 6.2.

Clause 7.5 Natural Resources Sensitivity – Water aims to protect and enhance the stability of beds and banks to watercourses and riparian vegetation. The LEP maps show Category

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3 watercourses within the Renwick subdivision and impacts on those watercourses were resolved with DA07/0946. The earthworks and site works proposed with this development application are consistent with the site works to create a piped stormwater system for the Renwick subdivision and there will be no additional unforeseen impacts on the catchment as a result of this development subject to standard conditions recommended by Council's Development Engineer.

Any other matter

There are no other provisions in the LEP which affect this proposal.

Development Control Plans

Mittagong incorporating Welby and Renwick Development Control Plan

The development is subject to the *Mittagong incorporating Welby and Renwick DCP*. An assessment of the proposal against the relevant sections of the DCP follows:

Part A – Provisions Applicable to all lands		
Section 2 – General objectives		
A2.2.1 Economic Function	<p>Economic Function Objectives</p> <p><i>(a) Enhance the role of Mittagong within the overall economic structure of Wingecarribee Shire.</i></p> <p><i>(b) Recognise and enhance the role of Mittagong as an important retail and service centre providing for the needs of the surrounding community and visitors to the region.</i></p> <p><i>(c) Recognise and enhance the role of Mittagong as an important employment generator.</i></p> <p><i>(d) Encourage appropriate site amalgamation and redevelopment to provide a range of business and retail opportunities throughout the town.</i></p>	<p>Complies.</p> <p>The community centre will not detract from the role of Mittagong as a commercial centre with a wide variety of established commercial and business premises and the primary location of employment opportunities in the locality.</p> <p>Site amalgamation is not required. However, Lots 202 and 203 are proposed to be consolidated for simplicity of construction and dedication to Council.</p>
A 2.2.2 Urban Function	<p>Urban Function objectives:</p> <p><i>(a) Improvement of traffic and parking management within the town.</i></p> <p><i>(b) Minimisation of vehicular and pedestrian conflicts.</i></p> <p><i>(c) Provision of a safe and</i></p>	<p>Complies.</p> <p>The proposal will have no impact on traffic, parking and pedestrian movement within the Mittagong town centre.</p> <p>The amended proposal to provide 41 on-site car parking spaces and the new entry and exit arrangements have</p>

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	<p><i>accessible network of pedestrian links throughout the town.</i></p> <p><i>(d) Improvement of connections to public transport facilities</i></p>	<p>been supported by Council's Development Engineer.</p> <p>The proposal includes readily visible, efficient and accessible pathways throughout the site linking all activity areas and linking to the future retail centre to the north.</p> <p>Bus stops are intended to be provided to both sides of Renwick Drive within 100m walking distance of the site.</p>
<p>A 2.2.3</p> <p>Heritage Conservation</p>	<p><i>Heritage Conservation objectives:</i></p> <p><i>(a) Preserve and protect buildings of heritage and cultural value.</i></p> <p><i>(b) Ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings.</i></p> <p><i>(c) Ensure that redevelopment within or immediately adjacent to Conservation Areas reflects the high heritage value of the Area and contributes to that value.</i></p>	<p>Complies</p> <p>The conclusions made in the HIS submitted with the development application are supported.</p>
<p>A 2.2.4</p> <p>Residential Amenity</p>	<p><i>Residential Amenity objectives:</i></p> <p><i>(a) Conserve the unique characteristics of existing residential areas of the Mittagong township.</i></p> <p><i>(b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.</i></p> <p><i>(c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products wherever possible.</i></p> <p><i>(d) Contribute to the enhancement of the urban amenity</i></p>	<p>Complies.</p> <p>The scale and architectural form of the community centre and the large landscaped setbacks to the main street frontage and village square are distinctly different to the surrounding detached, single storey residential forms and will assist in wayfinding and identification of the community facility in the general landscape and streetscape.</p> <p>The nearest residential properties are located on the western side of Whitfield Lane. These residential properties have garages and high fencing along the laneway which will protect the privacy of these neighbouring dwellings.</p> <p>Conditions are recommended for all</p>

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	<i>(e) Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.</i>	lighting (internal and external) to be fitted with hoods, screens and other directional controls to prevent light spill and glare from the site towards nearby residential properties. Condition 77.
A 2.2.6 Visual Amenity	<p><i>All new development should:</i></p> <p><i>(a) Demonstrate an appreciation of the existing streetscape.</i></p> <p><i>(b) Enhance the character of individual streets within the town through appropriate built form design.</i></p> <p><i>(c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.</i></p>	<p>Complies.</p> <p>The community centre and village square are intended to be a visual focal point in the streetscape as viewed from all surrounding streets.</p> <p>The built form is considered appropriate to bring attention to the village centre with high pitched roofs and canopy tree planting, broad accessible pathways and a large car parking area accessible to the public.</p> <p>Canopy tree planting is to be incorporated into the car parking area to enhance the amenity and visual impact of the paved space.</p>
A 2.2.7 Public Views and Vistas	<p><i>Objective:</i></p> <p><i>Protection of public views and vistas</i></p>	<p>Complies</p> <p>The local topography is generally flat. The built form of the community centre provides for large setbacks to all site boundaries for broad views of the streetscape – particularly the main street of Renwick Drive and the view corridors towards the heritage buildings and structures.</p> <p>View lines and outlooks through the site are facilitated by interconnected straight-line pathways.</p> <p>View lines and outlooks between interior and exterior spaces are optimised with large windows and glazed doors in the northern and eastern facades.</p>
A 2.2.8 Environmental Sustainability	<p><i>Principles of ESD:</i></p> <p><i>(a) the precautionary principle - if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent</i></p>	<p>Complies.</p> <p>The proposal will not, and is not a risk of, cause serious or irreversible damage.</p> <p>The community facility is proposed to be constructed of durable, low maintenance materials suitable for a</p>

	<p><i>environmental degradation,</i></p> <p><i>(b) inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,</i></p> <p><i>(c) conservation of biological diversity and ecological integrity – new development must ensure that there is no loss of biological diversity or ecological integrity,</i></p> <p><i>(d) improved valuation, pricing and incentive mechanisms – environmental factors should be incorporated into the valuation of assets and services</i></p> <p><i>(e) protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality.</i></p> <p><i>(f) no net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality.</i></p> <p><i>(g) Encourage on-site tree plantings which enhance the urban environment and provide additional wildlife habitat and connectivity of habitat</i></p> <p><i>(h) Maintain and enhance existing public open space areas</i></p> <p><i>(i) Practical incorporation of the principles of ecologically sustainable development into the development</i></p> <p><i>(j) Ensure that buildings are 'energy smart' and meet all BASIX requirements</i></p>	<p>public facility accommodating for a range of activities and maintaining public asset value over generations of use.</p> <p>The proposal will have no detrimental impacts to biological diversity and ecological integrity. Conditions are recommended for plant species used in landscape works to be low maintenance and non-invasive species with up to 80% of plants being locally endemic. Condition 50.</p> <p>No native vegetation or riparian areas are to be disturbed by the proposal.</p> <p>The proposal enhances the quality and utility of space to be dedicated to public use and Council ownership.</p> <p>No provision has been made in the proposal for capture and re-use of rainwater. Conditions are recommended for the inclusion of rainwater storage tanks and re-use reticulation for non-potable uses.</p> <p>Air-conditioning is proposed to be installed in Barn 1 and Barn 2.</p> <p>Clerestory windows throughout the Barn modules are oriented north to optimise ambient natural light to the interior spaces.</p> <p>The roof to clerestory spaces are intended to admit additional natural light and skylights are proposed in the southern-facing roof of Barn 2 and both sides of the roof to Barn 1.</p> <p>Glass louvered windows are proposed to each module for control of natural cross ventilation in multiple facades to optimise air pressure gradients for natural flow.</p> <p>Hot water systems are located within the mezzanine area of Barn 2 to minimise external temperature fluctuations and optimise efficiency.</p> <p>No details have been provided regarding insulation treatments and conditions are recommended for appropriate insulating materials to be used in all building roofs, walls, floors</p>
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		and windows (including window seals).
<p>A 2.2.9</p> <p>The Public Domain</p>	<p><i>Council seeks to:</i></p> <p><i>(a) Create a public domain which is accessible to all residents, workers and other visitors.</i></p> <p><i>(b) Ensure that areas of public open space are safe and attractive.</i></p> <p><i>(c) Provide additional recreation and cultural opportunities according to need</i></p>	<p>Complies</p> <p>Accessible paths link the public footpath area and public car parking area to the exterior and interior of the community facility and throughout the village square.</p> <p>The proposed pathway network also links to the adjoining Lot 201 which is to contain a retail centre in the future.</p> <p>The village square and landscaping surrounding the community facility is considered to be safe and appropriate to function as useable public spaces for a wide variety of users and activities.</p> <p>The community facility is designed to accommodate formal and informal uses, functions, events, performances, classes and meetings, displays and social gatherings.</p> <p>The village square is designed to accommodate performance and entertainment space and informal outdoor recreation.</p>
Section 4 – Water management		
<p>A 4.3</p> <p>Development in Sydney's Drinking Water Catchment</p> <p>A 4.4</p> <p>Water cycle management study</p> <p>A4.5</p> <p>Stormwater management plan</p> <p>A4.6 Erosion and sediment control plans</p> <p>A4.7 Water sensitive urban design</p>	<p><i>Compliance with State Environmental</i></p> <p><i>Planning Policy (Sydney Drinking Water Catchment) 2011</i></p>	<p>See above for compliance with the SEPP</p> <p>Council's Development Engineer has recommended the application can be supported subject to standard conditions included in the recommended conditions of consent.</p> <p>Condition 46,47</p> <p>Conditions are also recommended for the stormwater management plan to be revised to include capture and re-use of rainwater. Condition 46</p>

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Section 6 Vegetation Management and Landscaping		
A 6.1 Preservation of Trees and other Vegetation	<i>Preserve and protect existing trees and vegetation by requiring development consent for specific circumstances</i>	Some street trees are proposed to be removed to allow construction of vehicle crossings and installation of utilities. Councils Tree and Vegetation Assessment Officer has confirmed the application can be supported subject to conditions regarding suitable replacement trees. Condition 48
Section 7 – Subdivision, Demolition, Siting and Design		
A 7.6 Design Principles within Heritage Context	a	Complies. The proposal will have no detrimental impacts to the heritage items and conservation areas in Mittagong. Complies The conclusions of the HIS submitted with the development application are supported.
Section 8 – Safer by Design		
A8.3.1 Space and Activity Management	<i>Space and Activity Management strategies for natural community control.</i> <i>Space management is the formal supervision, control and care of the development for effective use and maintenance</i>	Complies. The internal spaces can be effectively managed with permanent premises for on-site staff. Effective management of space is possible with a variety of dimensions and fitout of internal spaces so that uses can be matched to spaces. Conditions of hire / booking adopted by Council require measures to be implemented for responsible use of spaces subject to fees and bonds and conditions.
A8.3.2 Territorial Re-enforcement	<i>Community ownership of public space sends positive signals to the community.</i> <i>Places that feel owned and cared for are likely to be used, enjoyed and revisited.</i> <i>People who have guardianship or ownership of areas are also likely to provide effective</i>	Complies The community facility and village square are to be dedicated to public (Council) ownership. Signage, logos and contact details for Council are expected to be displayed in visually prominent and readily accessible locations within the site to clearly indicate public ownership.

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	<p><i>supervision and criminals rarely commit crime in areas where the risk of detection and challenge are high. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for, it.</i></p> <p><i>Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.</i></p>	<p>Hours and days of operation and ongoing booking arrangements are expected to be managed to optimise attendance and use throughout the building for ongoing presence.</p> <p>Landscaping and pathways are set out to direct the movement of people around and within the community facility and village square with clear lines of sight and deliberate and intentional pathways and destinations.</p> <p>Conditions are recommended for essential movement routes to be lit after hours in accordance with Australian Standards AS/NZS 1158 (2010) Lighting for roads and public spaces. Conditions 2, 77.</p>
A8.3.3 Surveillance	<p><i>People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as shopkeepers or adjoining residents.</i></p> <p><i>Criminals are often deterred from committing crime in places that are well supervised.</i></p> <p><i>Surveillance which relies on community-based observation and monitoring is less intrusive and often more effective than alternatives such as CCTV or security guards. Because it relies on regular users of open space observing behaviour and being seen to do so, its effectiveness requires appropriate building layout, orientation and location; the strategic use of design; landscaping and appropriate lighting.</i></p>	<p>Complies.</p> <p>Large areas of glazing along the eastern and northern facades allow direct lines of sight between internal and external spaces. Conditions are recommended for more windows in the western and southern façade to increase the perception of surveillance opportunities to the adjoining car parking areas. Condition 2.</p> <p>Conditions are recommended for safe lighting in accordance with AS/NZS1158 (2010). Condition 77.</p> <p>Landscaping allows for direct sight lines throughout the public open space areas surrounding the building and within the village square.</p> <p>Council's current leasing policy for community halls and facilities requires the provision of security staff for events depending on capacity, the nature and timing of the event.</p>
A8.3.4 Access Control	<p><i>Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development.</i></p> <p><i>Way-finding, desire-lines and formal/informal routes are</i></p>	<p>Complies.</p> <p>Pedestrian paths are clear and direct with straight sight lines and direct links to openings in the building and to car parking areas and the village square.</p> <p>Formal paths match anticipated desire</p>

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	<p><i>important crime prevention considerations.</i></p> <p><i>Effective access control can be achieved by using physical and symbolic barriers that channel and group pedestrians into areas, therefore increasing the time and effort required for criminals to commit crime.</i></p> <p><i>Design-based access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens.</i></p> <p><i>As with surveillance, design solutions are less intrusive than alternatives such as gates or on-site security guards.</i></p>	<p>lines.</p> <p>Low landscape beds are intended to - channel movement</p> <ul style="list-style-type: none"> - separate spaces such as car parking areas and garden planting areas - define the edges of the site from the public footpath <p>Access control to the community facility building will be by the supervised issue of keys and access codes to internal spaces and external doors and subject to Council's adopted booking system.</p>
A8.4 Specific Design Requirements	<p><i>a) Well-defined building entrances which are clearly visible from the street.</i></p> <p><i>Narrow or splayed entrances are preferable to deep-set entrance ways.</i></p> <p><i>b) Internal spaces must be open and visible, eliminating hidden corners.</i></p> <p><i>c) Walkways and connecting paths must be open with good visibility.</i></p> <p><i>d) Signs and vegetation should be located so that they do not create 'entrapment' points where people are hidden from view.</i></p> <p><i>e) On-site garaging must provide clearly defined exit points and be lit at night, both inside the garaging and around the entrance/exit points. Such lighting should be movement-activated lighting that focusses on the access areas.</i></p> <p><i>f) Building entrances, walkways, connecting paths and garaging</i></p>	<p>Complies.</p> <p>The main entry points to the community facility are intended to be the east and west facing entries to the central hall between Barn 2 and Barn 3. Conditions are recommended to ensure that both entries are accessible for people with a disability to allow for universal access. Condition 2.</p> <p>Internal spaces have generous dimensions and long lines of sight for safe movement and passive surveillance.</p> <p>The main entry points are readily visible directly from the internal office space.</p> <p>All vegetation is to be either low ground covers and small shrubs and canopy trees to ensure landscaping does not obscure lines of sight for pedestrians.</p> <p>Conditions are recommended for lighting in accordance with AS/NZS 1158 (2010). Condition 2, 77.</p>

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	<i>must be well lit in accordance with the provisions of Section A8 of this Plan to ensure that such lighting is down-ward focussed and effective without generating glare or annoyance beyond the area being lit</i>	
Section 9: Construction Standards and Procedures		
A 9.2 Surveys and Reports	Site surveys and geotechnical report required	Complies.
A 9.3.5 Proximity to easements	<i>If a structure is to be located within 200mm of a registered easement, Council will require the submission of a survey report at footing stage and prior to occupation of the building</i>	Complies. The community facility building is well clear of the easements associated with the padmount substations affecting the site.
A9.6 Exhaust Fans	<i>Any exhaust fan provided in the kitchen ceilings and walls shall be ducted directly outside to prevent the build up of condensation, fats and the like.</i>	Conditions are recommended to allow for ducting to be installed in the proposed non-commercial kitchen and space for ducting in the potential kitchen space in the community leased space. Condition 7.
A 9.8 Stormwater Disposal	<i>Stormwater to be connected to the existing network in the public road reserve</i>	Complies subject to conditions as recommended by Council's Development Engineer and included in the recommended conditions of consent to this report. Condition 46
A 9.10 Access during construction	<i>Standards for protection and repair of assets within the public road reserve</i>	Can comply subject to conditions recommended by Council's Development Engineer.
A 9.11 Footpath protection during construction and hoardings	<i>Standards for protection of public places during construction</i>	Can comply subject to conditions recommended by Council's Development Engineer. Condition 53
A 9.12 Waste Management and disposal	<i>Standards for a Waste Management Plan demonstrating construction activities include sorting, storage and recycling of wastes</i>	A Waste Management Plan has been submitted with the application and Council's Environmental Health Officer considers the plan to be satisfactory.
A 9.13 Inspections for water supply, stormwater	<i>Standards for inspections during construction</i>	Inspections will be undertaken by Council during the construction phase of the development.

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and plumbing		
A 9.14 Civil Design and Certification	<i>Internal civil works to be certified by an Engineer prior to occupation</i> <i>Hydraulic consultant to certify stormwater and fire services</i>	Inspections will be undertaken by Council during the construction phase of the development.
Section 11 Outdoor Lighting		
A 11.3 Controls	<i>a) Outdoor lighting must be a “full cutoff light fixture”, i.e. a type of fixture with no light emitted above the horizontal and no light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture.</i> <i>b) All outdoor lighting fixtures shall be designed, installed, located and maintained to avoid glare on to adjacent properties or streets</i> <i>c) All direct illumination shall be kept within the boundaries of the subject property.</i> <i>d) Accent lighting, when so approved, shall be directed downward on to the building or object and not toward the sky or on to adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.</i> <i>e) Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent. The lamp shall be shielded and not create disabling or nuisance glare.</i> <i>f) Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient. A 11.3</i>	Complies. Conditions 2, 77.

Part B Provisions applicable to Business Zoned Land

Note: Part B of the DCP does not apply to the Renwick Village Centre in Zone B1. However, Section 2 Design Considerations are referenced below as directed by Council's pre-lodgement advice.

Section 2 Design Considerations

B 2.2 Height of Buildings	<i>No height control applies</i>	N/A
B 2.3 Floor Space Ratio	<i>No floor space ratio applies</i>	N/A
B 2.4 Designing for pedestrian access	<p><i>(a) all existing pedestrian access ways are retained, or an acceptable alternative is provided.</i></p> <p><i>(b) the development allows pedestrians to move through, within and around the site in a safe and convenient manner.</i></p> <p><i>(c) Pedestrian access ways are suitable for wheelchairs and meet the needs of all people with disabilities.</i></p> <p><i>(d) Pedestrian access ways comply with the Safer by Design Principles discussed in Part A Section 5 of this Plan.</i></p> <p><i>(e) Pathway surfaces are suitable to all weather conditions and particularly do not become slippery during wet weather.</i></p> <p><i>(f) Land that has frontage to any public space, including pedestrian footpath, arcade, walkway, open space or thoroughfare shall make adequate provision to:</i></p> <p><i>(i) incorporate an active pedestrian frontage to such public space, and</i></p> <p><i>(ii) complement the character, public use, security and enjoyment of such public space, and to provide an outlook to such space.</i></p>	<p>The proposal will have no impact on pedestrian pathways in Mittagong town centre.</p> <p>The pathways setout through the site is practical, safe and convenient.</p> <p>Conditions are recommended for all pathways to be accessible. Condition 9.</p> <p>Pathways have clear lines of sight and are to be suitably lit in accordance with the lighting plan required with the Construction Certificate.</p> <p>Pathways are to be connected to the public footpath network to all surrounding streets.</p>

Section 3: Parenting facilities		
B 3.1 Introduction	<i>Public buildings with a floor area exceeding 500m² are to provide parenting facilities</i>	Council's Assets Officer and Environmental Health Officer have reviewed the application and recommended a baby change facility within the community facility will be satisfactory. Conditions are recommended accordingly. Condition 2.
Section 4: On-site Car parking		
B 4.5 Requirements for new development or re-development	<i>(a) The number of car parking spaces to be provided on the site as per the DCP table or the Roads and Traffic Authority Guide for Traffic Generating Developments, and to comparable uses at other locations</i> <i>(c) The loss of any on-street parking as a result of the development, including new vehicular entry points or loading zones, shall be compensated for by providing on-site parking equal to the number of lost spaces</i>	Council's Development Engineer has reviewed the amended on-site parking plan detailed below and determined that the provision of 41 on-site parking spaces and one shared bus parking / loading and service bay is satisfactory for the proposal. Conditions of consent are recommended that make reference to the revised on-site parking plan. Condition 1.
B4.7 Use of Parking Areas	<i>(a) All parking spaces shall be used solely for the parking of motor vehicles for owners, staff and customers, and on no account shall such spaces be used for storage or garbage purposes.</i> <i>(b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking are not permitted.</i> <i>(c) No signposting or restrictions on individual spaces is allowed</i>	Conditions are recommended for no restrictions on access to and use of the on-site parking as it is ancillary to a public building and public open space. Condition 20 Conditions are recommended to clearly signpost the use of the bus parking/loading/service bay such that it is occupied only for those purposes. Condition 20
B 4.8 Disabled Parking	<i>To be provided in accordance with Australian Standards</i>	Conditions are recommended to achieve compliance with Australian Standard AS/NZ 2890.6 (2009) Accessible (Disabled) Car parking Requirements. Condition 21
B 4.10 Design of off street parking facilities	<i>a) The minimum design requirements for parking facilities are the Australian Standard AS 2890 series and</i>	Council's Development Engineer has reviewed the amended on-site parking plan detailed below and determined that the provision of 41

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	<i>B3.11 below</i>	on-site parking spaces and one shared bus parking / loading and service bay is satisfactory for the proposal. Conditions of consent are recommended that make reference to the revised on-site parking plan. Condition 20
Section 5: Loading Facilities and Waste & Resource Recovery Storage and Collection		
B 5.2 Controls	<i>Australian Standard AS 2890.1 and AS 2890.2 must be used for on-site manoeuvring, including reversing manoeuvres and vertical clearance requirements</i> <i>Servicing of the development by vehicles equal to or larger than a Medium Rigid Vehicle (8.8 metre) as defined by Australian Standard AS 2890.2, or Service Vehicle (8.8 metre) as defined by Austroads 2008,</i>	Council's Development Engineer has reviewed the amended on-site parking plan detailed below and determined that the provision for one shared bus parking / loading and service bay is satisfactory for the proposal. Conditions of consent are recommended that make reference to the revised on-site parking plan. Condition 20.
Section 16 The Renwick Precinct		
C 16.1 Location and Character	<i>The site is located within the B1 area of the Renwick Precinct</i>	Complies
C 16.2 Preferred Development Outcomes	<i>Goals:</i> <i>(a) Look and feel like it's always been there;</i> <i>(b) Maintain key elements that will remind people of the past;</i> <i>(c) Integrate new homes around the natural features of the site;</i> <i>(d) Ensure landscape is the dominant and memorable experience;</i> <i>(e) Increase opportunities for people to come together informally;</i> <i>(f) Benefit the community and;</i> <i>(g) Complement the area's cultural pursuits and activities.</i>	Complies. The community centre and village square are key elements of the master plan. There are no natural features within the site to be retained and protected. Landscaping surrounds the perimeter of the site and is a dominant feature of the village square and setback to the primary frontage of Renwick Drive. The community centre and village square designs accommodate for formal and informal activities. The community centre and village square are agreed components of the community benefits in Schedule 4 to the Renwick Planning Agreement. The village square and the

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		community centre are specifically intended to support cultural and social activities.
C 16.2.1 Landscape Context	<p><i>Landscaping to be characterised by:</i></p> <p><i>(a) Abundant vegetation with a mix of native and exotic trees and shrubs, providing seasonal colour variations.</i></p> <p><i>(b) Subtle landscape transition from village-urban to rural areas, providing vistas to surrounding rural and bushland hills.</i></p> <p><i>(c) Rural style fencing and gates blend into the landscape and a sensitive integration of cultural and built heritage</i></p>	<p>Complies subject to conditions.</p> <p>Landscaping details have been assessed by Council's Vegetation and Tree Management officer and determined to be satisfactory subject to replacement of some species as nominated and replacement of street trees. These conditions are included in the recommended conditions of consent. Condition 48, 50</p>
C 16.2.3 Urban Structure	<p><i>(a) An open space spine based on a re-vegetated creek corridor;</i></p> <p><i>(b) A simple grid street pattern that facilitates integration and connectivity;</i></p> <p><i>(c) A village centre focus for the new community;</i></p> <p><i>(d) Semi rural lots on the perimeter;</i></p> <p><i>(e) A prevalence of family dwellings on traditional allotments;</i></p> <p><i>(f) Road and pathway connectivity with existing development; and</i></p> <p><i>(g) Supporting social and utility infrastructure</i></p>	<p>Complies.</p> <p>The village square and community centre is adjacent to the open space spine to the east.</p> <p>The proposal does not change the basic grid pattern of streets. The proposed grid pattern of pedestrian paths matches the street pattern.</p> <p>The community centre and village square are social infrastructure instalments to be dedicated to public ownership and control.</p>
C 16.3 Public Domain Controls		
C 16.3.3 Stormwater Management	<p><i>(a) Attain Drinking Water Catchments REP no.1 Neutral or Beneficial Effect (NorBE) for the Renwick Subdivision</i></p>	<p>Complies.</p> <p>A separate NoRBE Assessment has been submitted with the development application and General terms of Approval have been issued with concurrence.</p>
C 16.3.4 Flora and Fauna	<p><i>All landscaping proposals to be approved by Council</i></p>	<p>Complies.</p> <p>Council's Tree and Vegetation Assessment Officer recommends the application can be supported subject to the conditions included in this report. Condition 48.</p>

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<p>C 16.3.5 Open Space</p>	<p><i>(a) Planting material for use in the public domain is to be selected from the schedule Appendix B.</i></p> <p><i>(b) Council, as asset manager, must approve any proposed planting proposal.</i></p> <p><i>(c) The creek corridor to provide for a 40 metre riparian corridor with a 15 metre buffer zone either side.</i></p> <p><i>(d) All necessary embankments, channels, revetments, overflows are to be designed to have the minimum visual intrusion.</i></p> <p><i>(e) Retaining or garden walls are to be avoided in the creek corridor except where associated with bridges or culverts</i></p> <p><i>(f) Minimise hard surfaces, pathways and crossings in creek corridors generally in accordance with the Renwick Village Master Plan (Figure 18.2).</i></p> <p><i>(g) Minimise cut and fill around the 'paddock' area to maintain the undulating rural feel of the locality and respect the curtilage/view corridors of the silos.</i></p> <p><i>(h) Pedestrian and cycle paths to be located on desire lines, and integrate with existing vegetation, landform and landscaping.</i></p> <p><i>(i) Local Parks are to be generally located as indicated in the Renwick Village Master Plan (Figure 18.2). Any adjustment or relocation must fulfil the objectives and performance criteria.</i></p> <p><i>(j) Detailed landscape designs prepared by landscape professionals are to accompany development applications for local parks</i></p>	<p>Complies.</p> <p>Councils Tree and Vegetation Assessment Officer recommends the application can be supported subject to the conditions included in this report. Condition 48, 58</p> <p>The site is clear of the creek corridor.</p> <p>Stormwater concept plans are supported by Council's Development Engineer.</p> <p>Pathways match desire lines and are to be accessible and integrated with landscaping.</p> <p>The location of the village square matches the master planned siting.</p>
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C 16.4 Village Centre Controls

<p>C16.4.2 Village Centre</p>	<p><i>Objectives</i></p> <p><i>(a) To serve East Mittagong and Renwick convenience shopping and service needs.</i></p> <p><i>(b) To create a concentrated focal point for local economic, social, cultural and community activities.</i></p> <p><i>(c) To create a village square that has a sense of place that engenders community and civic pride</i></p> <p><i>(d) To encourage an architecture and built-form that is civic, yet relates to the culture, identity and character of the Southern Highlands.</i></p> <p><i>(e) To be accessible by foot, cycle, bus, car, and mindful of the needs of an aging population.</i></p> <p><i>(f) To maximise the number of dwellings within walking distance of the Village Centre compatible with market and visual character factors.</i></p> <p><i>(g) To be a pedestrian oriented and a pedestrian priority place.</i></p> <p><i>(h) To be suitably landscaped to facilitate and encourage a range of public, communal activities and as a setting for public art.</i></p> <p><i>(i) To offer good winter sun, summer shade and shelter from adverse wind and rain.</i></p> <p><i>(j) To encourage any compatible use or activity that reinforces the long-term economic and social viability of the centre, including those which generate tourism interest and expenditure.</i></p> <p><i>(k) To provide local employment opportunities and encourage participation in community based activities.</i></p>	<p>Complies where relevant.</p> <p>The community facility and village square are designed to accommodate the social needs requirements identified with the original subdivision and planning agreement.</p> <p>The village square and community facility will be the necessary focal points.</p> <p>The architectural form and finish of the community centre is intended to have a rural theme as well as contemporary, multi-use fitout with durable, low maintenance materials as is appropriate for a public building.</p> <p>Conditions are recommended for all pathways to be accessible, for both main east and west entry and exit points to the main hall to be accessible and for accessible on-site parking. Conditions 2, 9, 21.</p> <p>Access to the site is via the existing public footpath network and bus stops are intended to be constructed immediately north of the site in Renwick Drive.</p> <p>Landscaping is supported by Council's Tree and Vegetation Assessment Officer subject to conditions.</p> <p>Access to winter sun is optimised with clerestory windows oriented north. Summer shade will be facilitated with deep terrace awnings to the north and east of the building perimeter. Shelter will be provided within the terrace area to the community leased space and the transitional indoor/outdoor space to Barn 1.</p> <p>Both the village square and the community centre are suitable for community activities and the use of the community facility will generate employment directly through the</p>
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		operation and maintenance of the facility as well as provide a venue for others to conduct business, education, recreation and entertainment-related employment activities.
C 16.4.3 Village Centre Development Controls	<p><u>Village Square and Broad Walk</u></p> <p><i>(a) Landscaping is to incorporate hard wearing surfaces to accommodate activities and seating, formal planting, shade trees, turfed areas and facilitate opportunities for public art.</i></p> <p><i>(b) Perimeter buildings fronting the Collector Road in the Village Centre are to incorporate weather protective verandas, overhanging balconies, colonnades and awnings.</i></p> <p><u>Building Scale</u></p> <p><i>(a) A two-storey building proportion is encouraged.</i></p> <p><i>(b) Any single storey buildings to the perimeter of the Village Square are to incorporate parapets or other devices.</i></p> <p><u>Active Frontage</u></p> <p><i>(a) Non-residential buildings fronting the square and streets are to have active edges, facades, shopfront window displays, inviting entries.</i></p> <p><i>(b) Generally non-residential and live-work buildings are to be built to the street alignment, except where articulation is required for planning purposes or for architectural expression</i></p> <p><u>Pedestrian Priority</u></p> <p><i>(a) Provide adequate lighting along pathways and outdoor congregation areas.</i></p> <p><i>(b) Use appropriate separation to protect pedestrians from vehicles.</i></p> <p><i>(c) Provide informal visual</i></p>	<p>Complies.</p> <p>Landscaping is supported by Council's Tree and Vegetation Assessment Officer subject to conditions.</p> <p>Awnings and verandahs and transitional indoor/outdoor spaces are proposed along the eastern façade of the community facility building.</p> <p>The community facility is single storey with a mezzanine in Barn 2. The external appearance of the pitched roof forms is similar in scale to a two storey building.</p> <p>The eastern and northern facades of the community facility are active frontages. Conditions are recommended to increase the amount of glazing in the southern and western facades to enhance the perception of surveillance to the public car parking area. Condition 2</p> <p>Conditions are recommended for safe lighting to AS/NZS 1158 (2010). Condition 77</p> <p>The car parking area is separated from pedestrian pathways with raised kerb edging and landscaping beds.</p> <p>The car parking area access is via Whitfield Lane which is the rear of the site and concealed from the main collector road frontage of Renwick Drive. The entry and exit crossings are supported by Council's Development Engineer.</p> <p>A single shared space is proposed</p>

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	<p><i>surveillance opportunities including living areas, windows and balconies overlooking public places.</i></p> <p><u><i>Car Parking</i></u></p> <p><i>(a) Car parking required for individual/exclusive use should be accessed via a back or side access way that is screened from view on the main street. The quantity and location is to be determined at development application stage.</i></p> <p><u><i>Service Access</i></u></p> <p><i>(a) Provide dedicated service access to loading facilities via a back or side access way that is screened from view on the main street.</i></p>	<p>for service vehicles, loading and bus parking and Council's Development Engineer is satisfied as to the proposed arrangement.</p>
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Planning Agreements

The community facility and village square are items listed in Schedule 4 to the Renwick Planning Agreement (see above).

Section 4.15 Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

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

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

Not applicable.

(iii) any development control plan, and

It has been demonstrated the development satisfactorily complies with the relevant controls, with appropriate conditions of consent applied.

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

Renwick Planning Agreement has been discussed previously in this report. The proposal is consistent with the Renwick Planning Agreement.

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

Not applicable.

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

Not applicable.

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

Context & Setting

The community facility and village square are sited and designed in a manner consistent with the master plan and planning agreement.

Access, Transport and Traffic

Amended plans for vehicle access, egress and on-site parking are supported by Council's Development Engineer. A total of 41 on-site parking spaces are to be provided including spaces for people with a disability compliant with the requirements of AS2890.6. One shared bay is to be provided for minibus parking, service and delivery vehicles adjacent to the north west corner of the community leased space.

Public Domain

Landscaping and pathway alignments are compatible with the existing surrounding public domain. Conditions are recommended for replacement street trees.

Utilities

Standard utilities are available for connection subject to standard conditions.

Heritage

The proposal will have no impact on the curtilage, cultural value and interpretation of existing heritage items that are subject to restoration works in accordance with the DA07/0946 and the Renwick Planning Agreement.

Other Land Resources

The landscaping proposed for the village square provides opportunities for future pedestrian connection to the anticipated retail centre on the adjoining Lot 201 to the north.

Air and Microclimate

No detrimental impacts are anticipated. New landscaping is to be compatible with the local climatic conditions for low maintenance and new canopy trees will enhance the microclimate of the outdoor areas within the site.

The design and fitout of the community centre includes opportunities for natural light and natural cross ventilation.

Flora and Fauna

No detrimental impacts. Locally endemic species are to be included in the landscaping of the site.

Water

Standard connections to the potable water supply system. Conditions are recommended for the inclusion of rainwater collection tanks and the re-use of water on-site for landscape maintenance.

Waste

The waste minimisation and management plan is considered satisfactory.

Soils

Excavation will be limited to the site preparation works for construction of the community facility building, on-site parking and landscaping works.

Energy

Conditions are recommended for low energy fixtures and fittings are to be installed throughout the community centre and auto timers fitted to external lighting.

Noise and Vibration

A statement by Wood and Grieve Engineers dated 6 September 2017 was submitted with the development application and addresses potential noise impacts of the proposal with reference to *Australian Standard AS1055.2-1997* and the *NSW Industrial Noise Policy 2011*. Noise sources were identified as traffic entering and leaving the public road network and vehicles using the car parking area.

Amended plans have resulted in the vehicle exit crossing relocated to Renwick Drive increasing the separation of this crossing from the nearest sensitive residential receiver. The size of the on-site car parking area has been increased – increasing the number of vehicles anticipated to enter and leave the site.

Conditions are recommended for a revised acoustic report to be submitted prior to the commencement of construction. The revised acoustic report is required to specify the building design, fittings, materials and finishes and operational management requirements to ensure that noise generated from the use of the community facility interior spaces will meet the requirements of *Australian Standard AS1055.2-1997* and the *NSW Industrial Noise Policy 2011*.

Natural Hazards

There are no natural hazards affecting the site and the proposal will not increase the likelihood of hazards.

Technological Hazards

There are no technological hazards affecting the site.

Safety, Security and Crime Prevention

See assessment in accordance with DCP provisions.

Social and Economic Impacts in the Locality

The proposal is consistent with the Social Needs Assessments that informed the original master plan, subdivision DA07/0946 and planning agreement for the Renwick Precinct.

The proposal will have net positive social and economic impacts for the locality with the capacity to accommodate social, recreational, educational and cultural activities and support the generation of direct and indirect employment.

Site Design and Internal Design

The site layout is compatible with surrounding land uses and the established road hierarchy. The community facility will optimise active frontages to Renwick Drive and the village square.

The village square landscaping will be compatible with the continuity of public space and activities of the community centre and the potential retail centre to the north.

Construction

A BCA and Access Capability Statement prepared by Design Confidence and dated 7 September 2017 was submitted with the development application. The Statement concludes the proposal is capable of compliance with the performance requirements of the BCA and no alternative solutions are sought. The Statement also concludes that the proposal meets all relevant fire safety and emergency management requirements.

Cumulative Impacts

Cumulative impacts of the proposal are net positive. New community facilities, publicly accessible parking and open space will enhance the variety of activities and facilities available in the locality with no unreasonable detrimental impacts to surrounding land uses and the safe function of public road and footpath reserves. The development will deliver public benefits as anticipated in the Renwick Planning Agreement.

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

Does the proposal fit in the locality?

The proposed development does fit in the locality because it is consistent with the anticipated form and character of development specified in the master plan and the planning agreement for the Renwick Precinct. There are no constraints posed by adjacent developments that would prohibit this proposal. Conditions are recommended regarding acoustic impacts to ensure treatments are installed to protect residential amenity.

There are adequate utilities and services available to the proposed development. The air quality and microclimate are appropriate for the development. Energy and water efficient fittings and fixtures will be required.

There are no hazardous land uses or activities nearby.

Are the site attributes conducive to development?

The site is not subject to natural hazards including flooding, slip, mass movement or bushfires. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development will not prejudice future primary production as there are no adjoining properties with primary production potential. There are no known mineral or extractive resources on or beneath the site that would be sterilised by the proposal.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

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Assessing planners and referral staff are not aware of any policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies other than those referenced in this report.

Council may apply its generic Plan of Management to the village square and community facility or adopt a venue specific Plan of Management.

There are no covenants that prevent the proposal. The proposal is compatible with the existing easements and the Renwick Planning Agreement.

As such, the proposal would not contravene the public interest.

CONSULTATION

External Referrals

Referrals	Advice/Response/Conditions
Water NSW - for NorBE Assessment Module 5	<p>On 3 October 2017 Water NSW advised Council by email that additional information was required for assessment purposes. The additional information was:</p> <p><i>"a MUSIC model in .sqz as per the Current Recommended Practice – Water Quality Information Requirements."</i></p> <p>Water NSW also recommended the applicant investigate the opportunity for rainwater capture and re-use for non-potable uses.</p> <p>Additional Information was received by Water NSW on 6 November 2017 and concurrence was confirmed on 29 November 2017 along with general terms of approval which have been included in the recommended conditions of consent.</p> <p>Condition 82</p>
Referrals	Advice/Response/Conditions
Liquid Trade Waste	<p>Council's Liquid Trade Wastes Officer recommends the application can be supported subject to condition numbers:</p> <p>Conditions 2, 18</p>
Tree and Vegetation Assessment Officer	<p>Council's Tree and Vegetation Assessment Officer supported the application and recommended condition numbers:</p> <p>Conditions 48, 49, 58.</p>
Assets	<p>Council's Assets staff recommended adjustments to the proposal regarding a cleaner's room, changes to toilet layouts and fitouts, separate metering and wider doors to entries. The request for additional information listed the following recommended changes:</p> <ul style="list-style-type: none">• Inclusion of a cleaner's storeroom with a mop sink and provision of public toilet behind the proposed leased space (single unit uni-sex accessible unit with a baby change table) in order to be consistent with Council's adopted Public Toilet Strategy

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Referrals	Advice/Response/Conditions
	<ul style="list-style-type: none">• The accessible toilet to be accessed via the main entryway in the same way the men's and women's toilets are accessed• Men's and women's toilets to each have one ambulant toilet• A second door to be added within the men's and women's toilets to form an airlock and improve privacy• Metering for electricity and water usage is to be installed separately for the leased space and for the remainder of the premises• Entry doors to be made as double doors or extra wide doors for easy accessibility, deliveries by trolleys and movement of bulky items. <p>These matters were not addressed in amended plans and have been included as recommended design changes prior to the commencement of construction. However, in accordance with Section 4.6 to the EP&A Act, 1979 conditions can only be imposed with the consent of the Minister.</p> <p>These items have been included as Condition 2.</p>
Development Engineer	<p>Council's Development Engineer has assessed the following aspects of the development application:</p> <ul style="list-style-type: none">- <i>Traffic and Parking</i>- <i>Stormwater and Drainage</i>- <i>Water and Sewer Connections</i>- <i>Vehicle access requirements</i>- <i>Pavement details</i> <p>Council's Development Engineer requested additional information regarding rainwater tanks, sewer and water capacity and justification for Whitfield Lane to be changed to a one-way southbound traffic movement. The request for additional information was forwarded to the applicant on 12 January 2018 and a response received dated 5 February.</p> <p>It was resolved that water and sewer infrastructure were upgraded with the recent subdivision and no further sewer and water modelling are required for this application.</p> <p>With regard to the proposed one-way southbound limitation to Whitfield Lane, this does not form part of the development application. Council will consider the safe function of Whitfield Lane as a matter independent of the development application as part of the monitoring and management of the public road network.</p> <p>Council's Development Engineer has considered the optimum provision for on-site parking required to cater for typical high-capacity usage of the community facility whilst retaining the space for the central village square. Based on consideration of 85% capacity, the future availability of bus transport, the ability to access the site using the public pathway network (pedestrian</p>

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Referrals	Advice/Response/Conditions
	<p>and bicycle access) – a total of 41 on-site car parking spaces was considered acceptable by Council's Development Engineer.</p> <p>Council's Development Engineer has determined that the application can be supported subject to recommended conditions. Conditions from the Development Engineer require restriction as to user notations regarding minimum floor levels on the consolidated allotment to be demonstrated prior to the issue of a Subdivision Certificate.</p> <p>On-site parking and vehicle access and egress has been resolved as shown in Figure 3. The proposal will provide 41 car parking spaces and one (1) parking space for a bus or service vehicle. The entry vehicle crossing is unchanged. The exit vehicle crossing is to be located in Langley Avenue and will require a Left Only turn.</p>
Accredited Certifiers	<p>Council's Certifiers have assessed the following aspects of the development application:</p> <ul style="list-style-type: none">- BCA matters- Premises Code Standards- AS1428- Fire Safety Compliance and requirements <p>Council's Certifiers provided an initial response dated 16 October 2017. The response requested specific information be verified by a PCA prior to the issue of a Construction Certificate (where necessary) and also recommended standard conditions which have been included in the recommended conditions to this report.</p> <p>The following additional information required prior to the issue of a Construction Certificate has been incorporated in the recommended conditions:</p> <ul style="list-style-type: none">• Barn 1 – the exit doors should be amended to open in the direction of travel to a required exit;• The circulation space at the doorway to the accessible toilet shall be amended to comply with AS1428.1 (Note: this is superseded in part by the Council Asset Officers requirement that the accessible toilet be relocated)• Ambulant sanitary compartments shall be provided in the men's and women's W.C.• Airlocks shall be provided to the men's and women's WC• The provision of essential fire safety measures including compliant fire hydrant coverage and pressure. <p>These design changes overlap with those recommended by Council's Assets Officer and have been accommodated in recommended conditions of consent. As stated previously, in accordance with Section 4.6 to the EP&A Act, 1979, conditions can only be imposed with the consent of the Minister.</p>

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Referrals	Advice/Response/Conditions
Environmental Health	<p>Council's Environmental Health Officer recommended the plans be revised with the following amendments:</p> <p><i><u>"Food Safety"</u></i></p> <p><i>1. With reference to the area within the "Community Leases Space" that has been marked as the "Possible Kitchen", the applicant should consider either deleting the "Possible Kitchen" from the Plan or provide sufficient detail, such as the location of the following: 1) hand wash basin(-s), 2) preparation sink(-s) and 3) dishwashing facilities (such as a double-bowl sink or a single-bowl sink + a commercial dishwasher).</i></p> <p><i>2. With reference to another area marked as the "kitchen", a hand wash basin is to be added in the "kitchen".</i></p> <p><i>Amended plans should be resubmitted."</i></p> <p>Council's Environmental Health Officer also recommended more information was required to address noise impacts. These matters have been addressed with recommended conditions for a revised noise statement to be submitted prior to the commencement of works.</p>
Strategic Planning	<p><i>Section 94 Contributions</i></p> <p>As the proposal is for a Community Centre it is exempt from these charges as per Council's Developer Contribution Plans and the Renwick Planning Agreement.</p> <p><i>Section 64 Charges</i></p> <p>It has been determined that the proposed development should be subject to a 1 ET charge for both water and sewer. The development includes three bathrooms, a kitchen and a wet area which will utilise water and sewer infrastructure. It is deemed that this would create more demand than a single dwelling, however it is noted that these facilities will be used less regularly than a dwelling. As such, a charge of 1 ET has been determined as appropriate for the proposed development.</p> <p>The following charges are to be included in conditions of consent.</p> <p><i>"Development Description: Community Centre</i></p> <p>Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 Contributions Plans.</p>

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Referrals	Advice/Response/Conditions			
	Contributions Levy	Units	Rate	Amount Payable
	S64 Sewer Compliance Certificate	1.00	\$92.50	\$92.50
	S64 Sewerage (Shirewide)	1.00	\$10,526.05	\$10,526.05
	S64 Water Compliance Certificate	1.00	\$92.50	\$92.50
	S64 Water (Shirewide)	1.00	\$10,857.60	\$10,857.60
	Total			\$21,568.65
	<i>Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. <u>Amex and Diners not accepted</u>).</i>			
	<i>IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will need to be recalculated due to adjustments in the Consumer Price Index.</i>			
	<i>DATE CHARGES ARE VALID TO – 31 Jul 2018"</i>			

Neighbour Notification (or Advertising)/Public Participation

Prior to the lodgement of the development application, Council's Engagement Officer issued a Community Newsletter to Renwick residents and owners advising of the imminent lodgement of a development application for the community centre. The letter was dated 16 March 2017. The letter provided information on accessing Council's DA tracking system to view the DA when it was lodged. The letter also encouraged community input into the community's expectations for future use. The letter provided a link to a survey for residents to complete regarding expectations and use of the community facility. The survey was to be completed by 31 March 2017. The survey results are not publicly available.

The application was notified between 25 September 2017 and 13 October 2017, and a notification was provided to the Heritage Committee. The overall notification period was extended to 8 November 2017 following requests from residents regarding access to DA documents.

There were three (3) submissions lodged towards the proposal. The following is a summary of the issues raised that are relevant to the assessment of the development application. Each issue is provided with a response as to the manner in which it has been dealt with in the assessment process.

Issue: Compliment council on the provision of a community facility

Comment: None required.

Issue: Request aesthetics be improved to more contemporary architecture

Comment: The application notes that the architectural style of the community centre is focussed on:

- Reflecting the heritage character of past rural and agricultural uses
- Durable design and materials matching buildings of rural character on the exterior and achieving multi functional contemporary spaces on the interior

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- Multi-use spaces with high visibility and safety and accessible throughout
- Single storey scale interior
- High pitched roofing to the barns for visually prominent street appearance
- Single storey skillion roof to the community leasable space to minimise visual impact as viewed from the village square.

The Heritage Impact Statement submitted with the development application concludes the proposal to be *“appropriate to the heritage setting and colours and finishes are compatible with the existing streetscape”* and is *“successful in interpreting the cultural history of the Renwick site in its built form and sensitive to the setting of the site”*.

The new works are well separated from the heritage items and their curtilage and will not detract from the historic and cultural significance and interpretation of the original farm buildings and silos, cottages and institutional buildings.

The Design Statement submitted with the development application provides an analysis of the proposal and justification for the architectural style which is compatible with the context and setting in its exterior appearance, recognisable in the streetscape and contemporarily functional with multi-use spaces and adjustable features to accommodate for a variety of uses.

Issue: Non-compliance with Mittagong Town Plan DCP Part A Section 3 in failing to address the precautionary principle and intergenerational equity. Specifically the proposal:

- Does not provide details of insulation or double glazing of windows and has potential for excessive energy consumption through internal climate control
- No PV or battery storage
- No electric vehicle charge points
- Four bicycle parking spaces is insufficient
- No installation of rainwater tanks

Comment: The community centre includes design elements to optimise natural light and natural cross ventilation to the interior spaces of each barn element, connecting corridors and the community leased space with clerestory windows, vaulted ceilings, glazed louvres across air pressure gradients in the building exterior, skylights and large areas of glazing.

The building materials are readily available, durable and low maintenance.

Conditions are recommended for all light fittings to be energy efficient and for all water fittings to be 5 star rated for efficiency. Conditions are also recommended for the installation of rainwater tanks to a minimum capacity of 5,000 Litres for re-use in the maintenance of exterior surfaces and landscaping.

Conditions are also recommended for the provision of secured bicycle parking spaces to be located in a more visible position within the site with a minimum of 10 bicycle parking spaces ancillary to the community facility and 10 spaces available within the village square.

Issue: Request conditions of hire and lease be clearly equitable and include requirements for leaving the premises in a clean and tidy state.

Comment: Recommended conditions of consent include requirements for the premises to be maintained in a clean and tidy state and subject to regular maintenance checks. Conditions regarding venue hire are subject to Council's Strategic Asset Management Plan 2016 – 2026 and the 'Terms and Conditions for the Hire of Council Facilities' as per <http://www.wsc.nsw.gov.au/uploads/3024/terms-and-conditions-jan-2017.pdf>. These Terms and Conditions provide equitable grounds for the evaluation of booking requests.

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Issue: Whitfield Lane is not wide enough to accommodate traffic generated by the facility

Comment: Council's Development Engineer has determined that the application in its amended form can be supported subject to conditions as included in this report. The amended plans show Whitfield Lane to be used for vehicle access only (vehicles are to exit onto Langley Avenue).

Issue: 17 parking spaces is inadequate.

Comment: The proposal has been revised to provide 41 on-site parking spaces and one shared bus parking/service/loading bay which has been supported by Council's Development Engineer.

Issue: Adequate security measures are needed to deter anti-social behaviour and vandalism.

Comment: Requirements for security measures specific to the type of event are detailed in Council's adopted 'Terms and Conditions for the Hire of Council Facilities' as per <http://www.wsc.nsw.gov.au/uploads/3024/terms-and-conditions-jan-2017.pdf>. A Plan of Management will also be required to apply to the ongoing management of the site under Council's care, control and ownership in accordance with the provisions of the *Local Government Act, 1993*.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no serious or irreversible negative environmental impacts in relation to this application.

- **Social**

Conditions are recommended for the protection of neighbourhood amenity so as to not cause an adverse outcome to surrounding residential land uses.

The proposal will have a net beneficial social impact providing a community facility and public open space to enhance the social, educational, recreational and cultural opportunities available to the local community and visitors.

- **Broader Economic Implications**

There are no net detrimental economic implications in relation to this proposal.

- **Culture**

There are no negative cultural issues in relation to this proposal.

- **Governance**

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

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RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2017 – 2018: OP:179 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* and the Mittagong Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Approve the Crown DA 17/1284 as per the conditions as detailed in **Attachment 1**.

Option 2

Not support the Crown Development Application 17/1284 and refer the matter to the Minister of Planning and Environment for determination.

Option 1 is the recommended option to this report.

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CONCLUSION

All relevant matters have been addressed, and/or conditions imposed to ensure that any potential impacts are negated. It is considered that this report adequately addresses the impacts of the development in terms of health, visual amenity, suitability of the site, services and utilities, flora and fauna, traffic, and the many other areas identified above.

The development application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is considered to comply with all relevant items. It is recommended that the development application be approved, subject to appropriate standard conditions and those otherwise identified in the assessment as listed in **Attachment 1**.

ATTACHMENTS

1. Draft Conditions of Consent - *circulated under separate cover*
2. Architectural Plans - *circulated under separate cover*
3. Revised Carpark Plan - *circulated under separate cover*
4. Revised Ground Floor Plan - *circulated under separate cover*
5. Revised Landscaping Plan - *circulated under separate cover*
6. Statement of Environmental Effects - *circulated under separate cover*
7. Figure 1 - Locality Plan - *circulated under separate cover*
8. Figure 2 - Aerial Image - *circulated under separate cover*
9. Figure 3 - Extract of Renwick Masterplan - *circulated under separate cover*

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 22 June 2018

12 OPERATIONS FINANCE AND RISK

12.1 Investment Report - May 2018

Reference:	2104
Report Author:	Deputy Chief Financial Officer
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 May 2018.

RECOMMENDATION

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

REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulations 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 May 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) Regulation 2005*,
- The Ministerial Investment Order 2011,
- Council's Investment Policy.

Interest earned from investments totalled \$3,273,102 for the eleven (11) months to 31 May 2018.

ATTACHMENTS

1. Investment Report Summary for May 2018

12.1 Investment Report - May 2018

ATTACHMENT 1

Investment Report Summary for May 2018



ATTACHMENT 1

Wingecarribee Shire Council

Investment Report Summary

For the period ending 31 May 2018

List of Investments

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

INVESTMENT PORTFOLIO AS AT MAY 2018						
Institution	Type	Amount	Interest Rate	Maturity Date	Investment Term - Days	% Investment Portfolio
BOQ	Term Deposit	2,500,000	2.66%	13/06/2018	364	1.59%
Bendigo	Term Deposit	2,500,000	2.70%	19/06/2018	370	1.59%
CBA	Term Deposit	5,000,000	2.60%	27/06/2018	370	3.18%
MyState	Term Deposit	5,000,000	2.20%	3/07/2018	33	3.18%
CBA	Term Deposit	5,000,000	2.61%	11/07/2018	377	3.18%
Bendigo	Term Deposit	3,000,000	2.65%	18/07/2018	357	1.91%
BOQ	Term Deposit	5,000,000	2.65%	25/07/2018	364	3.18%
Bendigo	Term Deposit	5,000,000	2.70%	2/08/2018	365	3.18%
IMB	Term Deposit	3,000,000	2.60%	8/08/2018	364	1.91%
ME	Term Deposit	5,000,000	2.60%	23/08/2018	365	3.18%
ME	Term Deposit	5,000,000	2.59%	27/08/2018	272	3.18%
NAB	Term Deposit	5,000,000	2.56%	28/08/2018	365	3.18%
NAB	Term Deposit	5,000,000	2.60%	31/08/2018	365	3.18%
ME	Term Deposit	5,000,000	2.55%	6/09/2018	365	3.18%
MyState	Term Deposit	5,000,000	2.65%	12/09/2018	365	3.18%
BDCU	Term Deposit	2,500,000	2.75%	20/09/2018	365	1.59%
NAB	Term Deposit	5,000,000	2.62%	27/09/2018	365	3.18%
Auswide	Term Deposit	5,000,000	2.65%	28/09/2018	365	3.18%
ME	Term Deposit	5,000,000	2.62%	11/10/2018	365	3.18%
ING	Term Deposit	4,000,000	2.57%	24/10/2018	365	2.55%
MyState	Term Deposit	5,000,000	2.65%	30/10/2018	365	3.18%
BDCU	Term Deposit	3,000,000	2.62%	9/11/2018	365	1.91%
AMP	Term Deposit	5,000,000	2.65%	26/11/2018	272	3.18%
WBC	Term Deposit	4,000,000	2.57%	5/12/2018	365	2.55%
WBC	Term Deposit	4,000,000	2.58%	14/12/2018	365	2.55%
CUA	Term Deposit	3,000,000	2.65%	20/12/2018	365	1.91%
CUA	Term Deposit	6,000,000	2.69%	24/01/2019	365	3.82%
WBC	Term Deposit	2,000,000	2.64%	31/01/2019	365	1.27%
CBA	Term Deposit	3,500,000	2.66%	7/02/2019	365	2.23%
CUA	Term Deposit	3,000,000	2.67%	21/02/2019	365	1.91%
CBA	Term Deposit	5,000,000	2.63%	2/03/2019	365	3.18%
BDCU	Term Deposit	3,000,000	2.65%	8/03/2019	365	1.91%
CUA	Term Deposit	2,000,000	2.71%	22/03/2019	365	1.27%
CBA	Term Deposit	3,000,000	2.78%	18/04/2019	365	1.91%
CBA	Term Deposit	2,000,000	2.78%	19/04/2019	365	1.27%
Bendigo	Term Deposit	5,000,000	2.80%	17/05/2019	365	3.18%
MyState	Term Deposit	5,000,000	2.81%	24/05/2019	365	3.18%
NAB	Call Account	6,012,000	1.40%	NA		3.83%
Total Investments		\$157,012,000				100.00%
Institution Legend AMP = AMP Limited ANZ = Australia & New Zealand Banking Group Auswide = Auswide Bank BOQ = Bank of Queensland BDCU = Berrima District Credit Union Bendigo = Bendigo & Adelaide Bank CBA = Commonwealth Bank of Australia CUA = Credit Union Australia IMB = IMB Bank ING = ING Direct ME = Members Equity Bank MyState = MyState Bank NAB = National Australia Bank Newcastle = Newcastle Permanent St George = St George Bank WBC = Westpac Banking Corporation						



Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May 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%	13.38%	21,012,000	YES	YES
CBA	A1+	40%	14.97%	23,500,000	YES	YES
WBC	A1+	40%	6.37%	10,000,000	YES	YES
AMP	A1	25%	3.18%	5,000,000	YES	YES
ING	A1	25%	2.55%	4,000,000	YES	YES
BDCU	A2	15%	5.41%	8,500,000	NO	YES
Bendigo	A2	15%	9.87%	15,500,000	NO	YES
CUA	A2	15%	8.92%	14,000,000	NO	YES
ME	A2	15%	12.74%	20,000,000	NO	YES
IMB	A2	15%	1.91%	3,000,000	NO	YES
BOQ	A2	15%	4.78%	7,500,000	NO	YES
MyState	A2	15%	12.74%	20,000,000	NO	YES
Auswide	A3	10%	3.18%	5,000,000	NO	YES
Total			100.00%	157,012,000		

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%	34.72%	54,512,000	YES
A1	80%	5.73%	9,000,000	YES
A2	60%	56.37%	88,500,000	YES
A3	20%	3.18%	5,000,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	157,012,000	



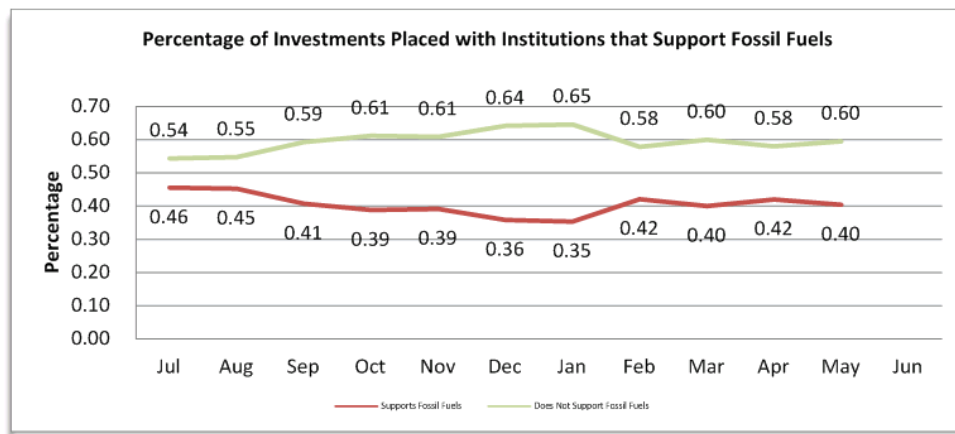
Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May 2018

Non-Fossil Fuel Investment Preferencing

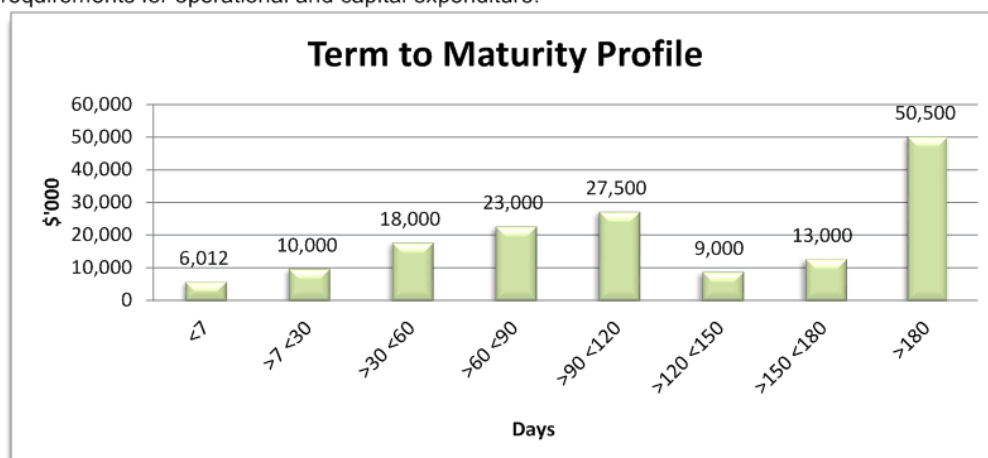
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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.



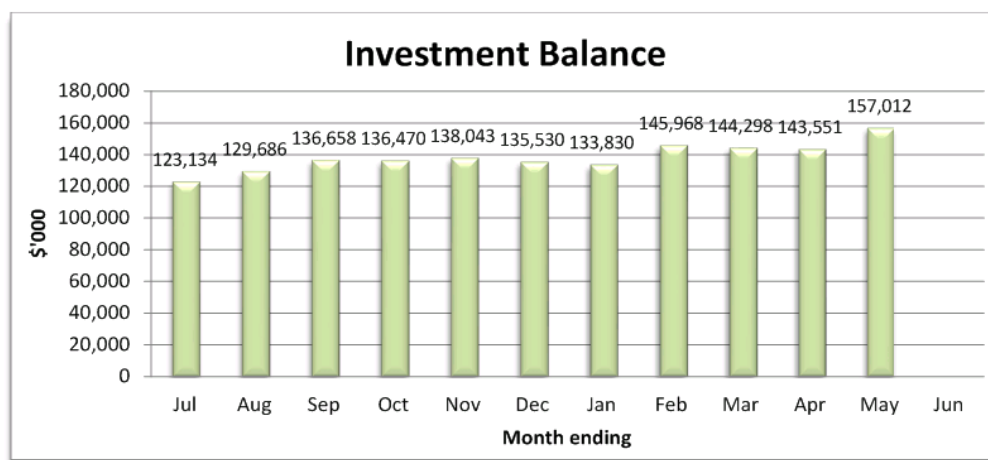


Wingecarribee Shire Council Investment Report Summary

For the period ending 31 May 2018

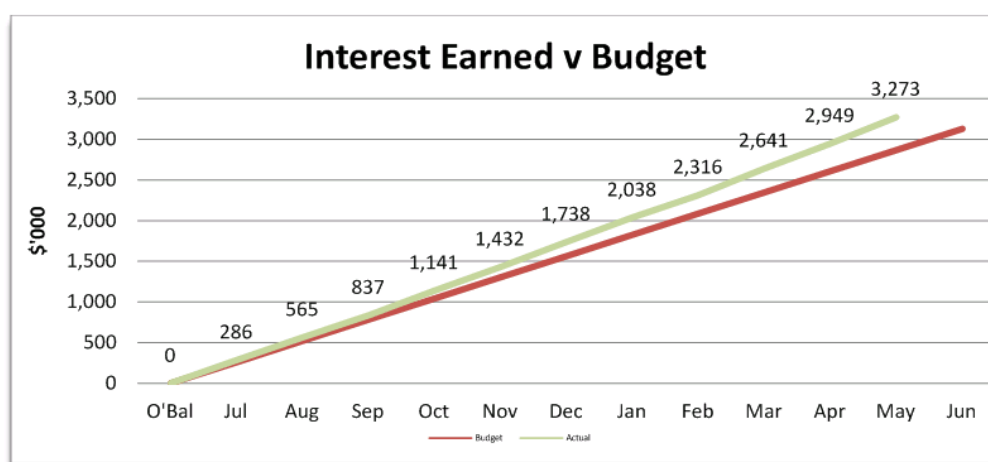
Portfolio Performance

Council's investment balance at the end of May 2018 was \$157.012 million. This has increased by \$13.461 million since the end of April 2018. The increase in investments is a result of water usage accounts and the 4th quarterly rates instalments being due in May.



Interest Revenue

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





Wingecarribee Shire Council Investment Report Summary

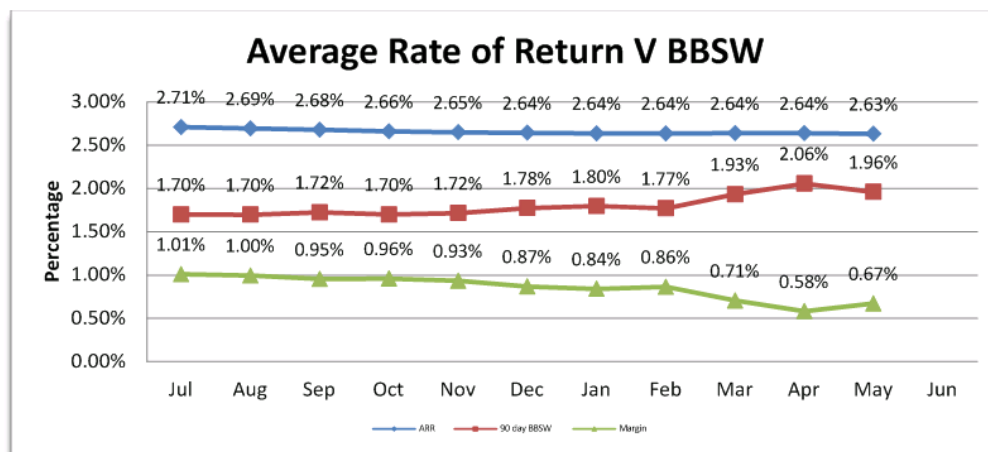
For the period ending 31 May 2018

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 May 2018 was 2.63% which is a slight decrease from 2.64% for April 2018. There was a decrease in the BBSW to 1.96%

The margin above BBSW has increased in May 2018 by 0.09% as rates available in the fixed interest market begin to steadily improve.



12.2 Proposed Sale of 5 Kirkland Road, East Kangaloon

Reference:	PN1803240
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 obtain Council approval to market and sell the Council property being vacant land at Lot 244 DP 751277 known as 5 Kirkland Road, East Kangaloon ("the property").

RECOMMENDATION

1. **THAT** authority be delegated to the General Manager to negotiate with any prospective purchaser for the sale of 5 Kirkland Road, East Kangaloon within 10% range of the formal valuation.
2. **THAT** in respect of the proposed sale of 5 Kirkland Road, East Kangaloon, authority be delegated to the General Manager and Mayor to execute the Contract for Sale of Land, Transfer and any other associated real property dealings under the Common Seal of the Council.

REPORT

BACKGROUND

The property known as 5 Kirkland Road, East Kangaloon is the site of the former Kangaloon rural fire brigade station. The site has not been used for in excess of 10 years. The property has now been cleared, surveyed and fully fenced.

An initial valuation was obtained in January 2017. Subsequent to this, a report was prepared and presented to Council on the 22 March 2017 seeking approval to offer the subject property for sale to the adjoining landowner.

It was resolved by Council as follows (MN 92/17):

1. ***THAT** the General Manager be delegated authority to negotiate with the adjoining owner, being 1961 Kangaloon Road East Kangaloon, for the sale of the Council property 5 Kirkland Road East Kangaloon within 10% range of the formal valuation obtained from a registered valuer.*
2. ***THAT** in respect of the proposed sale of 5 Kirkland Road East Kangaloon, authority be delegated to the General Manager and Mayor to execute the Contract for Sale of*

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Land, Transfer or other associated real property dealings under the Common Seal of the Council.

REPORT

The property is classified pursuant to Section 25 *Local Government Act 1993* as “operational” land. The land is approximately 1,012 square metres in area and is zoned E3 - Environmental Management.

It was previously proposed that the property be offered for sale to the adjoining landowner given the low value of the land. This low value was attributable to advice received on the zoning of the land requiring a minimum parcel of 40 hectares for development consent for any dwelling house.

The property is, in fact, an existing holding on the Parish of Kangaloon Map held by Council and, consequently, the property has a dwelling house entitlement. Legal advice was sought to confirm the dwelling entitlement and an up-to-date valuation arranged to assess the likely market value of the property.

It is proposed that the property now be offered for sale to the general public by auction. In accordance with Council's Procurement Guidelines, quotations will be sought from suitably qualified and experienced real estate agents to facilitate the auction on Council's behalf.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

None. The land is categorised as Operational Land and is not used for any identified material public benefit.

Internal Communication and Consultation

The relevant branch managers and Council officers were consulted in early 2017. The proposed sale of the property was fully supported.

External Communication and Consultation

Registered valuer

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

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- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the sale of the property will be in the first instance funded through the Property Development Reserve. The net proceeds from sale of the land will be restricted to the Moss Vale War Memorial Aquatic Loan Reserve.

RELATED COUNCIL POLICY

The proposal to market the land for sale is in accordance with *Surplus Council Lands Rationalisation Policy (MN417/05, adopted 12 October 2005)*.

OPTIONS

The options available to Council are:

Option 1

Appoint an Agent to offer the property for sale to the general public by auction.

Option 2

Not proceed with the proposed sale (i.e. retain the property).

Option 1 is the recommended option.

CONCLUSION

This report recommends that Council endorse the marketing and proposed sale of 5 Kirkland Road, East Kangaloon.

It is further recommended that authority be delegated to the General Manager and Mayor to execute the negotiated Contract for Sale of Land and associated documents under the Common Seal of Council.

ATTACHMENTS

1. Aerial Map - 5 Kirkland Road, East Kangaloon



ATTACHMENT 1



Kirkland Road, East Kangaloon

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

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12.3 Moss Vale & District Basketball Association - Request for Variation to Terms of Loan

Reference:	6605/3
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to consider a request made by the Moss Vale & District Basketball Association to vary the terms of the approved loan which was provided to fund stage 1 of the centre improvement strategy.

This report was initially submitted to the Finance Committee meeting held on 16 May 2018.

RECOMMENDATION

Submitted for Council Determination.

REPORT

BACKGROUND

At Council's Finance Committee held on 19 February 2014, the committee considered a request from the Moss Vale & District Basketball Association for a \$500,000 interest free loan to fund the works proposed in stage 1 of their improvement strategy. These works included re-cladding, insulating and altering the roofing of the stadium to improve spectator viewing.

The Finance Committee made the following recommendation to Council, which was subsequently endorsed at the Ordinary Council meeting held on 26 February 2014.

1. *THAT Council provide a \$500,000.00 loan from the Property Development Reserve on the following basis to the Moss Vale & District Basketball Association, to assist them with the costs of refurbishment and improvements to the Moss Vale Basketball Stadium.*
2. *THAT the loan be provided on the following basis:*
 - a. *Fifteen (15) year term with repayments on a six (6) monthly basis.*
 - b. *Repayments to be principal only with no interest to be charged subject to all payments being made as per an agreed schedule.*

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- c. *Should any payments be received more than seven (7) days in arrears that interest of 5% be charged for the instalment (6 months) for which the payment is overdue.*
 - d. *That appropriate arrangements be put in place to secure the loan against property owned by the Moss Vale & District Basketball Association (vacant land adjoining the stadium).*
3. *THAT the Mayor and General Manager be authorised to sign and affix the Common Seal of the Council to the documents required to facilitate the loan.*
4. *THAT a condition of the loan be a direct debit facility be put in place by the Moss Vale & District Basketball Association and that be conditioned in the loan agreement.*

On 17 November 2017, Council received a formal request from the Moss Vale & District Basketball Association to vary the terms of the approved loan to allow the Association to access payments which have been made since the loan was executed.

This request was considered by the Finance Committee on 16 May 2018. At that meeting Council resolved the following (FC12/18):

THAT the Request for Variation to terms of loan from the Moss Vale & District Basketball Association be deferred, subject to an invitation being extended to members of the Moss Vale & District Basketball Association to address Councillors in relation to the future re-development of the stadium site located at 15 Parkes Road, Moss Vale.

Representatives from the Moss Vale & District Basketball Association attended a Councillor briefing on 6 June 2018.

REPORT

The Moss Vale & District Basketball Association has requested funding for the completion of the development application process and studies required for future grant applications for the redevelopment of the stadium located at 15 Parkes Road Moss Vale.

A copy of the formal request is provided as **Attachment 1**.

To date, the Moss Vale & District Basketball Association has fully complied with the terms and conditions of the approved loan. The principal remaining is \$383,333. Payments made to date total \$116,667.

The proposal which has been put forward by the Moss Vale & District Basketball Association is to essentially redraw on the loan so that the payments made to date (\$116,667) could be used to fund the required studies and development application process for the redevelopment of the site.

If Council were to approve this request, the approved loan agreement would be varied to reflect the extension of the loan maturity date to 25 October 2032 (a further seven instalments at six monthly intervals).

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

The nature of this agreement is not considered to have a significant impact on Council's Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation has been conducted.

Internal Communication and Consultation

Council Executive

Assets & Capital Projects

External Communication and Consultation

Moss Vale & District Basketball Association

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The Moss Vale & District Basketball Association provides a facility which is used by a significant number of residents across the local government area.

- **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**

If Council were to approve this request, the variation to the approved loan would be managed through a loan variation agreement which would take into account the appropriate legal requirements.

COUNCIL BUDGET IMPLICATIONS

Repayments made to date have been reallocated to the Property Development Reserve, which was the source of the approved loan. The redraw of the \$116,667 could be funded from the Property Development Reserve.

RELATED COUNCIL POLICY

None

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



OPTIONS

The options available to Council are:

Option 1

Approve the request made by the Moss Vale & District Basketball Association. If Council were to approve this request, the recommended resolution(s) are as follows:

THAT Council authorise the redraw of \$116,667 from the approved loan with the Moss Vale & District Basketball Association, to be sourced from the Property Development Reserve.

THAT Council vary the approved loan agreement to reflect the extension of the loan maturity date to 25 October 2032.

THAT the Mayor and General Manager be authorised to sign and affix the common seal of Council to the documents required to vary the terms of the approved loan.

Option 2

Decline the request made by the Moss Vale & District Basketball Association.

This report is submitted for Council determination.

CONCLUSION

A formal request has been made by the Moss Vale & District Basketball Association to redraw \$116,667 from the approved loan which will allow the Association to complete the development application process and studies required for future grant applications for the redevelopment of the stadium located at 15 Parkes Road, Moss Vale.

This report presents the options available to Council to respond to this request.

ATTACHMENTS

1. Request from Moss Vale & District Basketball Association

Barry W Paull
Acting General Manager

Friday 22 June 2018

12.3 Moss Vale & District Basketball Association - Request for Variation to Terms of Loan**ATTACHMENT 1 Request from Moss Vale & District Basketball Association****ATTACHMENT 2**

17th November 2017

MVDBA Refinancing Proposal 2017

Purpose:

To provide funding for completing the DA process and studies required for submission of the new multi purpose stadium to be built on 15 Parkes Road Moss Vale. Please note this proposal needs to be considered in conjunction with the expressions of interest (EOI) been completed by the WSC for funding for the build on the site. reference (Peter Byrne)

Overview.

MVDBA (a not for profit association) has been in operation for approximately 64years , stand alone community based facility providing the largest indoor facility in the highlands.

Currently we have a loan of \$500,000, terms are over 15 years from the council, established in 2013-2014. We currently pay approx \$33332pa (\$16666 twice a yea) and have never missed a payment consequently we have a current balance of approx \$383,333. effective the 31st October 2017.

Simply put, MVDBA wish draw on the funds we have paid back to council i.e approximately \$116667 and extend our loan a further 5 years. Therefore the scenario is as follows:

Currently, 2013-14 Borrowed \$500000. To paid in full by 2028-2029 financial year, bi annual payments \$16666. Current balance as at 31st Oct 2017 is \$383333. To redraw the difference i.e 500000 - 383333, giving the MVDBA approx \$116647 with which to complete the DA process.

New Proposal

2017-18 Borrow the monies already paid i.e \$116647 + existing debt 383333 bringing the loan total up to the original amount of \$500000 again, and the loan terms are pushed out a further 5 years i.e as apposed to the loan be fully paid by 2028-29, to be repaid in full by 2033-34 with Bi annual payment as already agreed \$16666 or 333332 p/a.

Thank-you for your consideration regarding this matter. Please please find attached the feasibility study and economic impact study for the new Multi Purpose Facility.

Yours Sincerely
Chris Alleyn
Chairman
on behalf of the MVDBA

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Wingecarribee Community Assistance Scheme Recommendations for Funding

Reference:	1870/2018
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to seek Council's approval of the final recommendations from the Community Assistance Scheme Advisory Committee for financial assistance under the 2018/2019 Wingecarribee Community Assistance Scheme.

RECOMMENDATION

1. **THAT** Council adopts the recommendations of the Community Assistance Scheme Advisory Committee as detailed in Attachment 1 to the report.
2. **THAT** successful applicants be advised and invited to attend a formal presentation to receive Certificates of Entitlement.
3. **THAT** this presentation ceremony be conducted during Local Government Week on Wednesday 1 August 2018 commencing at 5.30pm in the Civic Centre Theatre.
4. **THAT** correspondence is forwarded to the unsuccessful applicants advising them of the outcome.

REPORT

BACKGROUND

The Wingecarribee Community Assistance Scheme allows Council to provide funding to local non-profit organisations for the purpose of implementing and improving community based projects within the Shire. The scheme opens during February each year and closes, at the end of March. A presentation to successful applicants is made during Local Government week in August.

The scheme funds projects that fall under the broad categories of community development, arts and culture, sport and recreation and community infrastructure from Council's

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Community Assistance Scheme budget allocation of \$120,000. Environmental projects are funded from an allocation of \$10,000 from the Environment Levy.

Applicants can apply for a donation of up to \$600 or a grant of up to \$7,000 (up to \$2,000 for environmental projects).

All applications received under the scheme undergo rigorous assessment. Applications are first reviewed by Council staff and assessed against eligibility criteria. Eligible applications are then taken to the relevant Council Advisory Committees for prioritisation and comment. This feedback is then reviewed by the Community Assistance Scheme Advisory Committee and final recommendations for funding are made.

This year the Community Assistance Scheme Advisory Committee has recommended that grants and donations to the value of \$129,200 (including \$9,200 for environmental and sustainable projects) be approved for distribution to local community groups and organisations.

REPORT

The Community Assistance Scheme opened on 19 February 2018 and closed on 30 March 2018.

During the opening period of the scheme, the following activities were undertaken:

- a) Potential applicants were assisted by relevant Council staff by phone or in person;
- b) Promotion of the scheme including a media release, advertisements in the Council section of local newspapers and via Council newsletters and website.

APPLICATIONS RECEIVED

This year there were 73 applications received seeking a total of \$207,250 in funding from Community Assistance Scheme funds and \$12,243 from Environment Levy funds.

Following the closing date, the following process was undertaken:

- a) Evaluations were conducted, beginning with the initial culling of ineligible applications;
- b) The second stage of the evaluation process involved seeking feedback from the Environment and Sustainability Advisory Committee, the Arts and Culture Advisory Committee, the Community Development Advisory Committee and the Sport and Recreation Advisory Committee.
- c) The Community Assistance Scheme Advisory Committee met on 28 May 2018 to conduct the final overall evaluation of all applications, making reference to the recommendations from the committees.
- d) Final recommendations are detailed in the attachment – *Community Assistance Scheme Recommendations – Grants and Donations* presented with this report, which for confidentiality purposes has been circulated under separate cover.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 June 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



SUCCESSFUL APPLICATIONS

Of the 73 applications, 14 were considered ineligible, undeveloped or were ranked low priority under the guidelines.

The Community Assistance Scheme Advisory Committee recommends funding to 59 applicants, for a total amount of \$129,200 (including \$9,200 from the Environment Levy).

CATEGORY	TOTAL NUMBER OF APPLICATIONS	AMOUNT RECOMMENDED
ARTS & CULTURE	11 applications (6 donations, 5 grants)	\$23,768 (\$2,900 (5) donations, \$20,868 (5) grants)
COMMUNITY DEVELOPMENT	24 applications (13 donations, 11 grants)	\$35,960 (\$6,400 (11) donations, \$29,560 (7) grants)
SPORT & RECREATION	14 applications (10 donations, 4 grants)	\$15,430 (\$4,980 (9) donations, \$10,450 (3) grants)
ENVIRONMENT	6 applications (2 donations, 4 grants)	\$9,200 (\$1,200 (2) donations, \$8,000 (4) grants)
MISCELLANEOUS (INCLUDING COMMUNITY INFRASTRUCTURE)	18 applications (3 donation, 15 grants)	\$44,842 (\$1,800 (3) donations, \$43,042 (10) grants)
TOTAL	73 applications (34 donations, 39 grants)	\$129,200 (\$17,280 donations, \$111,920 grants)

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This report has no impact on Council's Fit for the Future Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

Information on the scheme was made available on request.

Internal Communication and Consultation

Where necessary, applications have been referred to the relevant staff members for feedback and further investigation.

External Communication and Consultation

These applications have been presented to the relevant Council Advisory Committees and recommendations were made on each application. The recommendations from these committees have been reviewed by the Community Assistance Scheme Advisory Committee and final recommendations have been made.

SUSTAINABILITY ASSESSMENT

- **Environment**

The scheme supports environmental projects that fit into the parameters of Council's Environment Levy.

- **Social**

The Wingecarribee Community Assistance Scheme assists local not for profit organisations that provide services to the local community that could not be provided otherwise. Therefore a number of the applications recommended for funding will support these services.

- **Broader Economic Implications**

The scheme allows community organisations to run local projects and carry out works that will benefit the local community, often using locally sourced businesses and products, therefore supporting the local economy.

- **Culture**

A number of the applications recommended for funding will support cultural activities in the community.

- **Governance**

All applications received under this scheme have undergone a thorough evaluation by the relevant Council committees and staff members in accordance with Council policy and procedure.

COUNCIL BUDGET IMPLICATIONS

The total budget allocated for the Wingecarribee Community Assistance scheme in the 2018/19 budget is \$120,000 and with the addition of \$10,000 from the Environment Levy, the total amount of available funding is \$130,000.

RELATED COUNCIL POLICY

There are no policies associated with this matter.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Council adopt the recommendations of the Community Assistance Scheme Advisory Committee and award the donations and grants as included in the confidential attachment circulated under separate cover. (**Attachment 1**)

Option 2

Council amend or reject the recommendations.

Option 1 is the recommended option to this report.

CONCLUSION

Applications for the Wingecarribee Community Assistance Scheme 2018/2019 have been assessed by the Community Assistance Scheme Advisory Committee and final recommendations for Council have been prepared.

ATTACHMENTS

1. Wingecarribee Community Assistance Scheme Recommendations 2018/2019 -
circulated under separate cover - confidential

13.2 Request for Financial Assistance from Winterfest Bundanoon

Reference:	1671
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Support and promote the creative and cultural sector

PURPOSE

The purpose of this report is to seek Council's position on a request from organisers of Bundanoon Winterfest celebrations for Council's financial assistance to cover the cost of waste management at the opening night event on 7 July 2018.

RECOMMENDATION

THAT Council determines its position with regard to the request for financial assistance from Winterfest organisers.

REPORT

BACKGROUND

Bundanoon's Winterfest is one of the key events in the Southern Highlands community calendar. The festival will be held from 7 to 14 July 2018 to celebrate the winter season. The event relies on the support of local businesses and volunteer support from Bundanoon Community Association and the Winterfest Organising Committee.

REPORT

The signature event is the Opening Night Street Party on **Saturday 7 July 2018**. This is a family friendly gathering, including food, refreshments, music and activities for children and adults.

It is estimated that the opening night Street Party will be attended by approximately 2000-3000 locals and visitors. The organisers have written to Council seeking assistance from Council with regard to waste management, specifically the cost of waste transfer. Quote from JR Richards is \$365 for waste disposal of general waste and recycling.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil



COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Nil

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Council is actively seen to promote a number of community events throughout the Shire.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance in the Contingency budget is \$10,087.

RELATED COUNCIL POLICY

None identified.

OPTIONS

The options available to Council are:

Option 1

Council support the request for \$365.

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Option 2

Council determine an alternate amount, or

Option 3

Council not support the request for financial assistance.

CONCLUSION

Council actively encourage participation in community life where residents feel connected and their contributions are valued. Winterfest brings together business and community in a partnership that promotes the village of Bundanoon and provides a diverse range of events.

ATTACHMENTS

There are no attachments to this report.

13.3 Local Government Conference 2018

Reference: 102 204/2018
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Provide opportunities to participate in futures thinking and nurture ideas

PURPOSE

The purpose of this report is to determine attendance arrangements for the 2018 Local Government New South Wales (LGNSW) conference, to be held from Sunday 21 October to Tuesday 23 October 2018 at the Entertainment Centre, Albury.

RECOMMENDATION

1. **THAT Council confirms three (3) delegates will be authorised to attend the Local Government NSW Annual Conference to be held at the Entertainment Centre, Albury, 21 - 23 October 2018**
2. **THAT the following delegates are nominated to attend the 2018 Local Government NSW Annual Conference:**
 - a. Mayor of the Day
 - b.
 - c.
 - d. (alternate delegate)
3. **THAT the General Manager, or their delegate, be authorised to attend the Local Government NSW Annual Conference as an observer.**
4. **THAT Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Monday, 30 July 2018.**
5. **THAT a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 8 August, 2018 AND THAT the Mayor submit any proposed motions to the conference organisers by Friday, 24 August 2018.**

REPORT

BACKGROUND

The 2018 Local Government NSW Annual conference will be held at the Entertainment Centre, Albury from Sunday 21 October to Tuesday 23 October inclusive. Council needs to determine delegates to attend the conference on behalf of Council.

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In accordance with resolution MN 26/09 (28 January 2009), it is proposed, that Council appoint three (3) Councillors to attend the conference, together with a staff representative (being either the General Manager or their delegate). LG NSW has confirmed that Wingecarribee Shire Council will have three (3) voting entitlements.

A copy of this correspondence is included as **Attachment 1** to this report. Councillors are requested to forward their identified issues with accompanying notes or proposed motions to the Mayor prior to Monday, 30 July 2018 and a report will be prepared and presented at the Ordinary Council Meeting on 8 August 2018 for determination.

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 is a clear benefit for Councillors to participate in the Local Government NSW Annual Conference from a governance perspective. A number of motions that affect this Council, and all Councils in NSW, are likely to form the content of the business sessions. The adopted motions are then pursued by Local Government NSW on behalf of member councils and can lead to changes in state legislation.

COUNCIL BUDGET IMPLICATIONS

Council's adopted Budget includes a provision for Councillor's attendance at the Conference.

RELATED COUNCIL POLICY

Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

OPTIONS

The options available to Council are:

Option 1

Council sends delegates to the LGNSW Annual Conference – in this regard, the recommended number is three (3), plus a staff representative (non-voting).

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



Option 2

Council does not send any delegates to the Local Government NSW Annual Conference.

Option 1 is the recommended option to this report.

ATTACHMENTS

1. Letter from LG NSW regarding the 2018 Local Government NSW Annual Conference.

A handwritten signature in black ink, appearing to read "M. Pepping".

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 22 June 2018

13.3 Local Government Conference 2018

ATTACHMENT 1 Letter from LG NSW regarding the 2018 Local Government NSW Annual Conference.



ATTACHMENT 1



Our ref: R15/0018 Out-27475

27 April 2018

Cr Ken Halstead
Mayor
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Cr Halstead

Official Notice: Local Government NSW Annual Conference 2018

I write to formally invite you to this year's Local Government NSW (LGNSW) Annual Conference which will be held from **Sunday 21 October to Tuesday 23 October 2018 at the Entertainment Centre, Albury.**

As you are aware, the Conference is the main policy making event for the local government sector where issues are debated and motions put forward for consideration by delegates.

This letter contains important information to help you participate fully in this year's Conference.

Registration – to attend the Conference

Conference attendees should be invited to register online from mid-July on the LGNSW website. Members will be able to take advantage of special 'early bird' rates.

Note: Voting delegates must be registered to attend the Conference and be registered as a voting delegate.

Registration – as a voting delegate

Separate from Conference registration, members must register the names of their delegates for voting on motions during formal business sessions.

To be eligible to vote at the Conference, members must be financial on both the calculation date (1 March 2018) and the date that the roll of voters closes (12 midnight, 26 August 2018 AEST). The formula for calculating members' voting entitlements is prescribed at Rule 23 of the LGNSW rules.

The number of voting delegates that each member is entitled to send to this year's Conference is set out in the table at **Annexure A**.

The deadline to provide LGNSW with the name(s) of nominated voting delegates is 5pm (AEST) on Tuesday 2 October 2018. Nominations of voting delegates received after the closing date/time cannot be accepted.

Voting delegates must be either an elected member of a council, county council, the Lord Howe Island Board, Norfolk Island Regional Council or Related Local Government Body or an Administrator appointed in accordance with the *Local Government Act 1993*.

A form for advising LGNSW of the name(s) of members' nominated voting delegates is available on the Annual Conference page of the LGNSW website.

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
APN L8 952 012 882

13.3 Local Government Conference 2018**ATTACHMENT 1 Letter from LG NSW regarding the 2018 Local Government NSW Annual Conference.****Substitution of nominated voting delegates**

Subject to the LGNSW rules, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) by giving notice in writing signed by either the Mayor or the General Manager of the member to Michele O'Neill, Senior Industrial Officer, at Michele.Oneill@lgnsw.org.au, using the "Substitute Delegate – Motions" form available on the Annual Conference page of the LGNSW website.

For further information about substituting nominated voting delegates please contact Michele O'Neill on 02 9242 4144.

Motions

All members can put forward motions to be considered at the Conference. Members will be invited to submit motions online from mid-year using the "LGNSW Conference Business Sessions Submissions Form" on the Annual Conference page of the LGNSW website.

Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Members are encouraged to review the Action Reports from previous conferences before submitting motions for the 2018 Conference. Action Reports from previous conferences are available on the Annual Conference page of the LGNSW website.

Deadline for submitting motions

To allow printing and distribution of the Business Paper before the Conference, members are asked to submit their motions by 12 midnight, 26 August 2018 AEST. In line with the LGNSW rules, the latest date motions will be accepted for inclusion in the Conference Business Paper is 12 midnight, Sunday 23 September 2018 AEST.

For further information on submitting motions please contact Elizabeth Robertson, Policy Officer, on 02 9242 4028 or Elizabeth.Robertson@lgnsw.org.au.

Business Papers

The full Conference Business Paper is expected to be available on the LGNSW website and forwarded to members approximately one week prior to the Conference.

LGNSW's financial reports will be available to members on our website at least 21 days before the Conference.

Accommodation

The 2018 Conference will be based at the Entertainment Centre (Swift Street, Albury).

In line with our sustainability principles, and due to the fact that Albury has a great deal of accommodation within walking distance of the main venue, daily transfers will not be provided. LGNSW encourages delegates to take advantage of the CBD venue choices. To book accommodation, please visit www.visitalburywodonga.com/business-major-events/upcoming-events/local-government-nsw-conference.

Free all-day parking is available at the Wilson Street car park across from the Conference venue.

13.3 Local Government Conference 2018

ATTACHMENT 1 Letter from LG NSW regarding the 2018 Local Government NSW Annual Conference.



Outstanding Service Awards

Outstanding Service Awards will be presented at the Gala Dinner during the Conference. For information about the Awards, including where to apply and eligibility, please visit www.lgnsw.org.au/member-services/service-awards.

Conference Gala Dinner

The dinner will be held on Monday 22 October and will be optionally priced for the 2018 Conference.

Privacy Statement

LGNSW, which is regulated by the *Privacy Act 1988* (Cth), collects private information about registered attendees to the Conference such as names, addresses, telephone numbers, credit card information and email addresses. We use the private information you give us to process your registration and to send you information in relation to the Conference.

If you choose not to provide some or all of the private information that we have sought, LGNSW may be unable to process your registration or it may result in you being unable to vote at the Conference. Further information about how LGNSW collects, holds and uses private information is contained in LGNSW's Privacy Policy which is available on the website at the following web address: <http://www.lgnsw.org.au/privacy>

Further details

Further details about the Conference will be published on the LGNSW website as they become available, including about the Gala Dinner, President's Opening Reception, Conference business sessions, programs and 'early bird' pricing.

I trust the information above is of assistance. We will provide further reminders and updates closer to the Conference.

I look forward to seeing you at the Conference in October.

Yours sincerely



Cr Linda Scott
President

COUNCIL MATTERS

14 GENERAL MANAGER

14.1 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

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 May 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 22.1.

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

REPORT

BACKGROUND

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

REPORT

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

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

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

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 May 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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. Legal Costs May 2018

Barry W Paull
Acting General Manager

Friday 22 June 2018

14.1 Legal Report

ATTACHMENT 1

Legal Costs May 2018



ATTACHMENT 1

Legal Costs – May 2018

Legal Matter	Consultant Expenditure May 2018 \$	Consultant Expenditure YTD \$	Legal Expenditure May 2018 \$	Legal Expenditure YTD \$	Total Expenditure Life to Date \$
B Robertson (Montrose Berry Farm)	16,303.64	20,042.28	320.00	53,594.04	83,938.82
Village Lane Holdings (Seniors Living Development in Robertson)	-	4,295.00	-	22,114.89	34,920.84
Tipglen Wembley Road Moss Vale)	1,272.73	3,791.37	7,493.00	30,918.92	39,573.79
Willow Ptys Redford Road	-	10,340.90	-	25,791.35	36,132.25
Oxley College	-	5,568.18	-	11,238.50	16,806.68
Oporto Mittagong	-	5,011.36	-	23,801.00	28,812.36
Moss Vale Projects Cnr Argyle and Lackey Streets (Woolworths)	2,100.00	28,461.59	-	49,459.51	80,460.10
Centennial	-	-	-	134,920.10	177,678.20
Fenwick	-	1,600.00	-	-	25,486.45
RG Capital Erith St, Bundanoon	1,260.00	1,260.00	2,489.00	9,823.50	11,083.50
O'Shanassy	-	-	-	5,952.66	427,016.58
Lema & Mitchell Huxley St, Mittagong	1,431.82	5,886.37	4,649.48	9,636.48	15,522.85
Sarah King East St, Moss Vale	-	-	-	9,925.00	9,925.00
Blackbrook, Building Work Order Duke Street	-	-	1,490.50	23,024.60	23,024.60
Tuxworth, Seniors Living 605 Argyle St, Moss Vale	-	6,045.45	-	10,894.07	16,939.52
Evoke Corporation (Aldi Moss Vale)	-	-	-	21,268.46	21,268.46
Tujilo Pty Ltd s96 Modification at Milton Park, Bowral	6,284.09	6,284.09	-	5,579.95	11,864.85

14.1 Legal Report

ATTACHMENT 1

Legal Costs May 2018



Legal Matter	Consultant Expenditure May 2018 \$	Consultant Expenditure YTD \$	Legal Expenditure May 2018 \$	Legal Expenditure YTD \$	Total Expenditure Life to Date \$
Turland Mittagong Rd, Bowral	11,053.35	-	-	10,215.97	10,215.97
Malcolm Holdings Exeter Rd, Exeter	-	-	4,065.00	7,131.50	7,131.50
Deluxe Projects Seniors Living Development in East Bowral	-	-	-	9,554.00	9,554.00
Baron Corp P/L Construction Cert refusal for s/d Farnborough Dr, MV	5,040.00	5,040.00	44,530.00-	77,701.00	77,701.00
Michael Brown Planning 31-33 Loftus Street Bowral	-	-	6,175.00	6,175.00	6,175.00

Notes:

- Total Legal costs paid 1 May 2018 to 31 May 2018 – \$71,211.98
- Total Consultants paid 1 May 2018 to 31 May 2018 – \$44,745.63
- Total Legal and Consultant costs paid 1 July 2017 to 31 May 2018 – \$657,335.73

Fees Recovered – May 2018

Legal Matter	Fees Recovered May 2018 \$	Fees Recovered YTD \$	Fees Recovered Life to Date \$
Gadeley	NIL	10,100	18,450.00
O'Shanassy	750	6,500	7,018.00
Nielsen	82	1,500	1,500.00
Oporto	10,000	10,000	10,000.00
MV Projects	3,500	3,500	3,500.00
Sarah King	5,000	5,000	5,000.00

Notes:

Defendants ordered to pay penalty and Council's costs – recovery action underway by the Office of State Revenue (OSR) or Council:

- Gadeley - \$20,000 penalty plus \$4,000 costs (both OSR Recovery)
- 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.
- Nielsen – \$1,727.00 penalty for development not in accord with consent (OSR recovery)
- Oporto Mittagong – s97B EPA Act 1979 costs order – paid in full
- M.V. Projects – s97B EPA Act 1979 costs order – paid in full
- Sarah King – Council's costs as ordered by LEC – paid in full

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. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Sunday 20 May 2018
2. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Wednesday 21 March 2018
3. Exeter Hall Management Committee, held on Monday 4 June 2018
4. East Bowral Community Centre Management Committee, held on Tuesday 22 May 2018
5. Hampden Park Management Committee, held on Tuesday 5 June 2018
6. Hill Top Community Centre Committee, held on Thursday 22 March 2018
7. Hill Top Community Centre Committee, held on Thursday 19 March 2018
8. Jurd Park Management Committee, held on Tuesday 27 February 2018
9. Loseby Park Community Hall Management Committee, held on Friday 25 May 2018
10. Mittagong Memorial Hall Management Committee, held on Thursday 16 June 2018.



RECOMMENDATION

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

- 1. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Sunday 20 May 2018**
- 2. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Wednesday 21 March 2018**
- 3. Exeter Hall Management Committee, held on Monday 4 June 2018**
- 4. East Bowral Community Centre Management Committee, held on Tuesday 22 May 2018**
- 5. Hampden Park Management Committee, held on Tuesday 5 June 2018**
- 6. Hill Top Community Centre Committee, held on Thursday 22 March 2018**
- 7. Hill Top Community Centre Committee, held on Thursday 19 March 2018**
- 8. Jurd Park Management Committee, held on Tuesday 27 February 2018**
- 9. Loseby Park Community Hall Management Committee, held on Friday 25 May 2018**
- 10. Mittagong Memorial Hall Management Committee, held on Thursday 16 June 2018.**

ATTACHMENTS

There are no attachments to this report.

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

Reference: 1823/3
Report Author: Administration Officer
Authoriser: Deputy General Manager Corporate, Strategy and Development Services
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, 6 June 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

DEM 6/18

THAT the apologies of Mayor, Ken Halstead, Cllr Ian Scandrett, Mr Nicholas Dyer and Mr Alan Hunt be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

DEM 7/18

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018 MN DEM 1/18 to MN DEM 5/18 inclusive, copies which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Update on Land and Housing Monitor

DEM 8/18

THAT the presentation regarding development of a Land and Housing Monitor be noted.

Item 6.2 Affordable Housing Policy

DEM 9/18

THAT Council establish a dialogue with Argyle Housing to identify opportunities for, and constraints on, future development of Argyle Housing properties.



RECOMMENDATION

THAT recommendations Nos DEM 6/18 to DEM 9/18 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 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 Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018.



ATTACHMENT 1



MINUTES

of the Demographics and Housing Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 6 June 2018

The meeting commenced at 5.00pm

File No. 1823/3

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 6 June 2018



- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
Demographics and Housing Advisory Committee Meeting held on 7 March 2018
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. DECLARATIONS OF INTEREST**

6. AGENDA REPORTS	3
6.1 Update on the development of a Housing Monitor	3
6.2 Affordable Housing Policy	4
7. DATE OF NEXT MEETING	5
8. MEETING CLOSURE	5

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 6 June 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 6 JUNE 2018 COMMENCING AT 5.07PM.

Present: Cllr L A C Whipper *Chair*

Community Representatives: Ms Laurel Cheetham
Mr Tristan Ryall
Mr Tony Ward
Mr Peter Wurfel
Ms Wendy Middleton, CEO, Argyle Housing

In Attendance: Mr Mark Pepping *Deputy General Manager Corporate, Strategy and Development Services*
Mr Michael Park *Coordinator Strategic Land Use Planning*
Ms Susan Stannard *Senior Strategic Land Use Planner*
Ms Jessica Lintern *Strategic Land Use Planner*
Ms Helen Stokes *Administration Officer*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Mayor, Cllr K Halstead, Cllr I M Scandrett, Mr N Dyer and Mr Alan Hunt

DEM 6/18

MOTION moved by Cllr L A C Whipper and seconded by Ms L Cheetham

THAT the apologies of Mayor, Ken Halstead, Cllr Ian Scandrett, Mr Nicholas Dyer and Mr Alan Hunt be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Cllr 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 Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 6 June 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 7 MARCH 2018

DEM 7/18

MOTION moved by Mr P Wurfel and seconded by Ms L Cheetham

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 7 March 2018 MN DEM1/18 to MN DEM5/18 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

Nil

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 6 June 2018



6. AGENDA REPORTS

6.1 Update on the development of a Housing Monitor

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

PURPOSE

To inform the Committee on progress in the development of a Housing Monitor to measure historical housing demand against supply and to predict future demand by locality.

DEM 8/18

MOTION moved by Ms L Cheetham and seconded by Mr P Wurfel

THAT the presentation regarding development of a Land and Housing Monitor be noted.

PASSED

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 6 June 2018



6.2 Affordable Housing Policy

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

PURPOSE

Staff to present options for the composition of an Affordable Housing Policy based on initial liaison with several stakeholders including the Department of Planning and Environment, Argyle Housing and a private affordable housing provider. The presentation and discussion will contribute to the development of a framework for further identification of priorities and response strategies and provide the basis for further stakeholder engagement as resolved at the previous meeting.

DEM 9/18

MOTION moved by Cllr LAC Whipper and seconded by Mr P Wurfel

THAT Council establish a dialogue with Argyle Housing to identify opportunities for, and constraints on, future development of Argyle Housing properties.

PASSED

**18.2 Minutes of the Demographics and Housing Advisory Committee
Meeting held on Wednesday, 6 June 2018**

**ATTACHMENT 1 Minutes of the Demographics and Housing
Advisory Committee Meeting held on Wednesday, 6 June 2018.**



**MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING**

Wednesday 6 June 2018



7. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 5 September 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 6.55 PM

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 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, 5 June 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ACC 11/18

THAT the apology of Cllr P Nelson, Ms K Phelan, Ms M Stapleton, Ms S Conroy and Mr M Pepping be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ACC 12/18

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 6 March 2018 MN ACC1/18 to MN ACC8/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

ACC 13/18

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 17 April 2018 MN ACC9/18 to MN ACC10/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Regional Art Gallery

ACC 14/18

- THAT the report be noted regarding the progress on the Regional Art Gallery.*
- THAT members of the Friends of the Southern Highlands Regional Arts Gallery be invited to attend a future Arts and Culture Advisory Committee meeting.*

Item 6.2 Legal Workshops for Artists

ACC 15/18

THAT the report, as presented to the Arts and Culture Advisory Committee regarding the Legal Workshops for Artists be noted.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 June 2018

COMMITTEE REPORTS



Item 6.3 Southern Highlands Arts Fund

ACC 16/18

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

Item 6.4 Update on Arts and Culture Projects

ACC 17/18

1. *THAT the information as presented by Ms J Kena regarding the current Arts and Culture Projects be noted.*
2. *THAT the matter regarding Southern Tablelands Arts Memorandum of Understanding be listed as an agenda item at the next Arts and Culture Advisory Committee to be held Tuesday 4 September 2018.*
3. *THAT J Kena arrange a meeting with the management of Merrigong Theatre and Wollongong City Council Cultural Officer to discuss the issues regarding imposed exclusion zones and development of a MOU with Merrigong Theatre.*

RECOMMENDATION

THAT recommendations Nos to ACC 11/18 TO ACC 17/18 – as detailed in the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 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, 5 June 2018



ATTACHMENT 1



MINUTES

of the Arts and Culture Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Tuesday 5 June 2018

The meeting commenced at 5:00pm

File No. 1680

**18.3 Minutes of the Arts and Culture Advisory Committee Meeting held
on Tuesday, 5 June 2018**

**ATTACHMENT 1 Minutes of the Arts and Culture Advisory
Committee Meeting held on Tuesday, 5 June 2018**



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

Tuesday 5 June 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 6 March 2018
Arts and Culture Advisory Committee Meeting held on 17 April 2018
5. **DECLARATIONS OF INTEREST**
6. **AGENDA REPORTS 3**
 - 6.1 Regional Art Gallery..... 3
 - 6.2 Legal Workshops for Artists 4
 - 6.3 Southern Highlands Arts Fund..... 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, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 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 5 JUNE 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
Dr Allan Stiles
Mr Michael Turczynski
Mr Mark Viner

In Attendance: Ms Jenny Kena *Cultural Development Officer*
Ms Leesa Stratford *Mayor's PA*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr P Nelson, Ms K Phelan, Ms M Stapleton, Ms S Conroy and Mr M Pepping

ACC 11/18

MOTION moved by Dr A Stiles and seconded by Mr P Campbell

THAT the apology of Clr P Nelson, Ms K Phelan, Ms M Stapleton, Ms S Conroy and Mr M Pepping 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.

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON TUESDAY 6 MARCH 2018

ACC 12/18

MOTION moved by Mr M Viner and seconded by Cllr L Whipper

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 6 March 2018 MN ACC1/18 to MN ACC8/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON TUESDAY 17 APRIL 2018

ACC 13/18

MOTION moved by Mr M Viner and seconded by Cllr L Whipper

THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 17 April 2018 MN ACC9/18 to MN ACC10/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

There was no Business Arising at this meeting

5. DECLARATIONS OF INTEREST

There was no Declarations of Business declared at this meeting

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 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 14/18

MOTION moved by Cllr L Whipper and seconded by Mr M Viner

1. **THAT** the report be noted regarding the progress on the Regional Art Gallery.
2. **THAT** members of the Friends of the Southern Highlands Regional Arts Gallery be invited to attend a future Arts and Culture Advisory Committee meeting.

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 2018



6.2 Legal Workshops for Artists

Reference: 1660/1.1
Report Author: Cultural Development Officer

PURPOSE

To provide details of legal workshops for artists and arts organisations being presented in partnership with Arts Law.

ACC 15/18

MOTION moved by Mr M Turczynski and seconded by Mr P Campbell

THAT the report, as presented to the Arts and Culture Advisory Committee regarding the Legal Workshops for Artists be noted.

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 2018



6.3 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 16/18

MOTION moved by Mr H Hall and seconded by Dr A Stiles

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

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 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
- 2018 Southern Highlands Art Studio Trail and Arts Festival
- Southern Tablelands Arts Memorandum of Understanding
- Theatre in the region – exclusion zones
- Arts at Tulip Time – Tulip Time art trail
- WEAVE artist's directory

ACC 17/18

MOTION moved by Mr M Turczynski and seconded by Dr A Stiles

1. ***THAT the information as presented by Ms J Kena regarding the current Arts and Culture Projects be noted.***
2. ***THAT the matter regarding Southern Tablelands Arts Memorandum of Understanding be listed as an agenda item at the next Arts and Culture Advisory Committee to be held Tuesday 4 September 2018.***
3. ***THAT J Kena arrange a meeting with the management of Merrigong Theatre and Wollongong City Council Cultural Officer to discuss the issues regarding imposed exclusion zones and development of a MOU with Merrigong Theatre.***

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING

Tuesday 5 June 2018



7. DATE OF NEXT MEETING

The next meeting will be held on Tuesday 4 September 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 6.35 PM

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 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

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 May 2018.

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

Barry W Paull
Acting General Manager

Friday 22 June 2018