

23 March 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 28 March 2018** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

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

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

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

on Wednesday, 28 March 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 – Chaplain John Wheeler, Transport for Christ
3.35pm	<ul style="list-style-type: none"> • Apologies (<i>if any</i>) • Adoption of Previous Minutes – Wednesday, 14 March 2018 • Business Arising (<i>if any</i>) • Declarations of Interest (<i>if any</i>) • Mayoral Minute – Item 8.1 Tathra Fire Disaster Relief • Public Forum (<i>if any</i>) • Motion to move into Committee of the Whole - Clr G M Turland • Visitor Item - Nil • Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	Questions from the Public - <i>to be read</i> Continuation of Council Reports General Business Questions Questions with Notice Notices of Motion
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. OPENING OF THE MEETING
 2. ACKNOWLEDGEMENT OF COUNTRY
 3. PRAYER
 4. APOLOGIES
 5. ADOPTION OF MINUTES OF PREVIOUS MEETING
Ordinary Meeting of Council held on 14 March 2018
 6. BUSINESS ARISING FROM THE MINUTES
 7. DECLARATIONS OF INTEREST 1
 8. MAYORAL MINUTES
8.1 Tathra Fire Disaster Relief 2
 9. PUBLIC FORUM
-
- COMMITTEE OF THE WHOLE**
-
10. VISITOR MATTERS
OPERATIONS, FINANCE AND RISK
Nil
CORPORATE, STRATEGY AND DEVELOPMENT SERVICES
Nil
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Mayor to resume chair at 5.30 pm

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Nil

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Nil

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Nil

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22.1 Tender for Bushland and Natural Resource Management Services

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

22.2 Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.



22.3 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

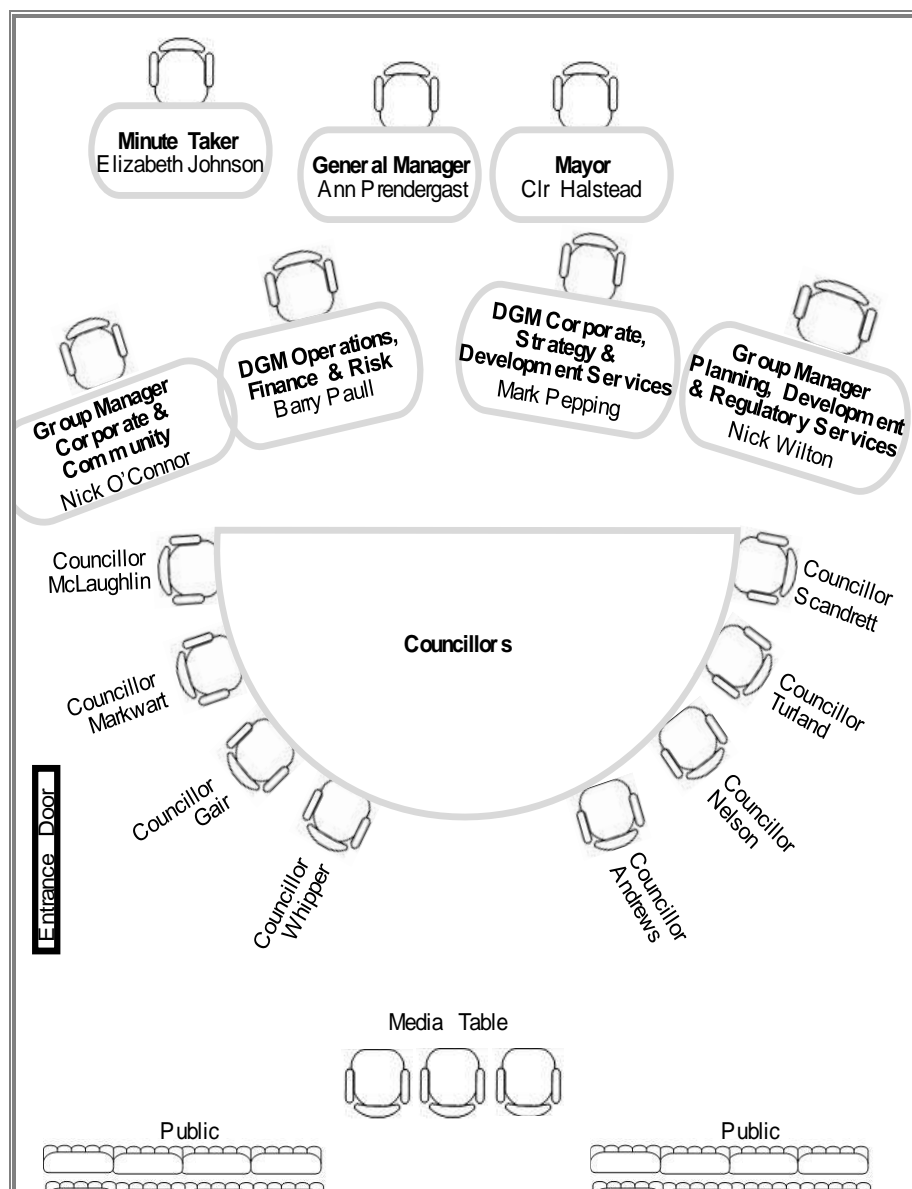
Council Chambers

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.

8 MAYORAL MINUTES

8.1 Tathra Fire Disaster Relief

Reference:	102/5
Report Author:	Mayor
Authoriser:	Mayor
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this Mayoral Minute is to seek Council's support for a financial contribution to assist the Bega Valley Shire Council in its Mayoral Appeal Fund for the recent bushfires which devastated the Tathra township on the NSW South Coast.

RECOMMENDATION

THAT Council supports the Bega Valley Shire Council Mayoral Appeal Fund by way of a \$5,000 financial contribution AND THAT it be funded from the Mayoral Relief Fund.

REPORT

REPORT

We were all very shocked to hear and read about the fire storm which hit the small far south coastal town of Tathra on Sunday, 18 March 2018. The town has been devastated with the loss of many businesses and residences; the only consoling fact is that there was no loss of life.

The Rural Fire Service did an outstanding job in attempting to control the fire and their efforts, together with those of some very brave residents, saved the town from further losses. The speed of the fire took emergency services by surprise and that, together with the very high winds on Sunday, lead to this catastrophic outcome.

Council has offered Bega Valley Shire Council its assistance in any way possible, and we have been advised that due to the generosity of many locals, goods and food are no longer required at this stage. However, a Mayoral Appeal Fund has been set up and I propose that Council should make a financial contribution to provide support for local agencies and community infrastructure.

Council has a Mayoral Relief Fund with a current balance of \$50,000 and it is recommended that any financial support provided be funded from this Fund.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

MAYORAL MINUTES



I would also urge residents of the Shire to provide any assistance they may be able to give.

Wingecarribee Shire has been very fortunate over the past several years not to have been involved in any major bush fires of this nature or sustained such great losses. I would like to thank our local emergency services for their efforts in keeping us safe with planned fire reductions during the year.

Our thoughts and prayers are with the residents of Tathra at this time.

ATTACHMENTS

There are no attachments to this report.

Ken Halstead
Mayor

Friday 23 March 2018

COMMITTEE OF THE WHOLE

12 OPERATIONS FINANCE AND RISK

12.1 Investment Report - February 2018

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 28 February 2018.

RECOMMENDATION

THAT the information on Council's Investments as at 28 February 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 28 February 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) Regulation, 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 \$2,315,789 for the eight (8) months to 28 February 2018.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

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



ATTACHMENTS

1. Investment Report Summary for February 2018

12.1 Investment Report - February 2018

ATTACHMENT 1

Investment Report Summary for February 2018



ATTACHMENT 1

Wingecarribee Shire Council

Investment Report Summary

For the period ending 28 February 2018

List of Investments

Council's investment portfolio as at 28 February 2018 consists of the following investments:

INVESTMENT PORTFOLIO AS AT FEBRUARY 2018						
Institution	Type	Amount	Interest Rate	Maturity Date	Investment Term - Days	% Investment Portfolio
WBC	Term Deposit	2,000,000	2.65%	7/03/2018	370	1.37%
CUA	Term Deposit	3,000,000	2.75%	21/03/2018	378	2.06%
WBC	Term Deposit	2,000,000	2.57%	22/03/2018	365	1.37%
Auswide	Term Deposit	3,500,000	2.75%	4/04/2018	365	2.40%
CBA	Term Deposit	3,000,000	2.56%	18/04/2018	322	2.06%
Bendigo	Term Deposit	2,500,000	2.67%	3/05/2018	365	1.71%
Auswide	Term Deposit	2,000,000	2.90%	24/05/2018	365	1.37%
BOQ	Term Deposit	2,500,000	2.66%	13/06/2018	364	1.71%
Bendigo	Term Deposit	2,500,000	2.70%	19/06/2018	370	1.71%
CBA	Term Deposit	5,000,000	2.60%	27/06/2018	370	3.43%
CBA	Term Deposit	5,000,000	2.61%	1/07/2018	377	3.43%
Bendigo	Term Deposit	3,000,000	2.65%	18/07/2018	357	2.06%
BOQ	Term Deposit	5,000,000	2.65%	25/07/2018	364	3.43%
Bendigo	Term Deposit	5,000,000	2.70%	2/08/2018	365	3.43%
IMB	Term Deposit	3,000,000	2.60%	8/08/2018	364	2.06%
ME	Term Deposit	5,000,000	2.60%	23/08/2018	365	3.43%
ME	Term Deposit	5,000,000	2.59%	27/08/2018	272	3.43%
NAB	Term Deposit	5,000,000	2.56%	28/08/2018	365	3.43%
NAB	Term Deposit	5,000,000	2.60%	31/08/2018	365	3.43%
ME	Term Deposit	5,000,000	2.55%	6/09/2018	365	3.43%
MyState	Term Deposit	5,000,000	2.65%	12/09/2018	365	3.43%
BDCU	Term Deposit	2,500,000	2.75%	20/09/2018	365	1.71%
NAB	Term Deposit	5,000,000	2.62%	27/09/2018	365	3.43%
Auswide	Term Deposit	5,000,000	2.65%	28/09/2018	365	3.43%
ME	Term Deposit	5,000,000	2.62%	11/10/2018	365	3.43%
ING	Term Deposit	4,000,000	2.57%	24/10/2018	365	2.74%
MyState	Term Deposit	5,000,000	2.65%	30/10/2018	365	3.43%
BDCU	Term Deposit	3,000,000	2.62%	9/11/2018	365	2.06%
AMP	Term Deposit	5,000,000	2.65%	26/11/2018	272	3.43%
WBC	Term Deposit	4,000,000	2.57%	5/12/2018	365	2.74%
WBC	Term Deposit	4,000,000	2.58%	14/12/2018	365	2.74%
CUA	Term Deposit	3,000,000	2.65%	20/12/2018	365	2.06%
CUA	Term Deposit	6,000,000	2.69%	24/01/2019	365	4.11%
WBC	Term Deposit	2,000,000	2.64%	31/01/2019	365	1.37%
CBA	Term Deposit	3,500,000	2.66%	7/02/2019	365	2.40%
CUA	Term Deposit	3,000,000	2.67%	21/02/2019	365	2.06%
NAB	Call Account	6,968,148	1.40%	NA		4.77%
Total Investments		\$145,968,148				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 28 February 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 Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	15.05%	21,968,148	YES	YES
CBA	A1+	40%	11.30%	16,500,000	YES	YES
WBC	A1+	40%	9.59%	14,000,000	YES	YES
AMP	A1	25%	3.43%	5,000,000	YES	YES
ING	A1	25%	2.74%	4,000,000	YES	YES
BDCU	A2	15%	3.77%	5,500,000	NO	YES
Bendigo	A2	15%	8.91%	13,000,000	NO	YES
CUA	A2	15%	10.28%	15,000,000	NO	YES
ME	A2	15%	13.70%	20,000,000	NO	YES
IMB	A2	15%	2.06%	3,000,000	NO	YES
BOQ	A2	15%	5.14%	7,500,000	NO	YES
MyState	A2	15%	6.85%	10,000,000	NO	YES
Auswide	A3	10%	7.19%	10,500,000	NO	YES
Total			100.00%	145,968,148		

Portfolio Credit Limits

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

S&P Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	35.94%	52,468,148	YES
A1	80%	6.17%	9,000,000	YES
A2	60%	50.70%	74,000,000	YES
A3	20%	7.19%	10,500,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	145,968,148	



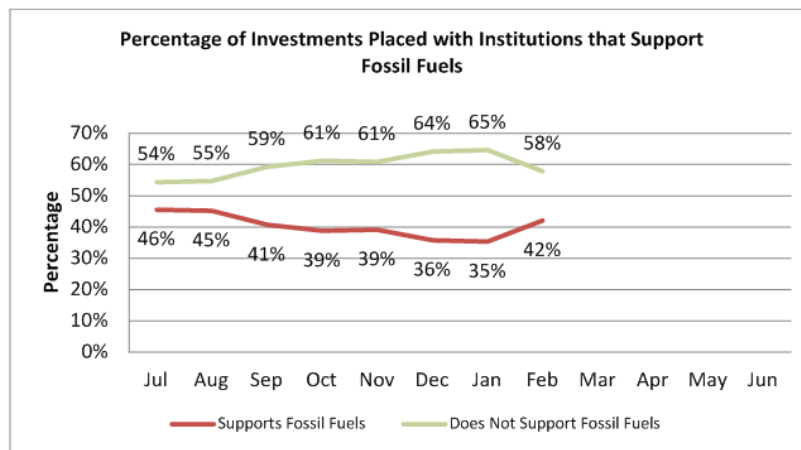
Wingecarribee Shire Council Investment Report Summary

For the period ending 28 February 2018

Non-Fossil Fuel Investment Preferencing

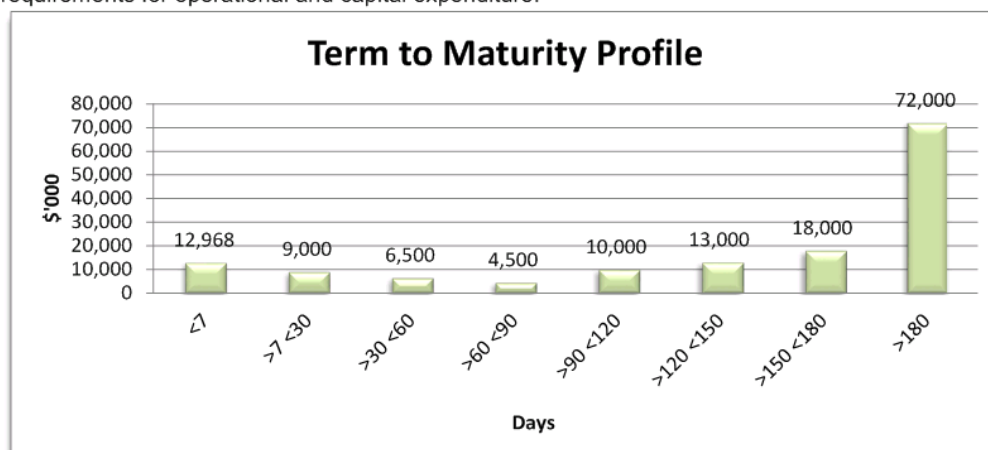
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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.



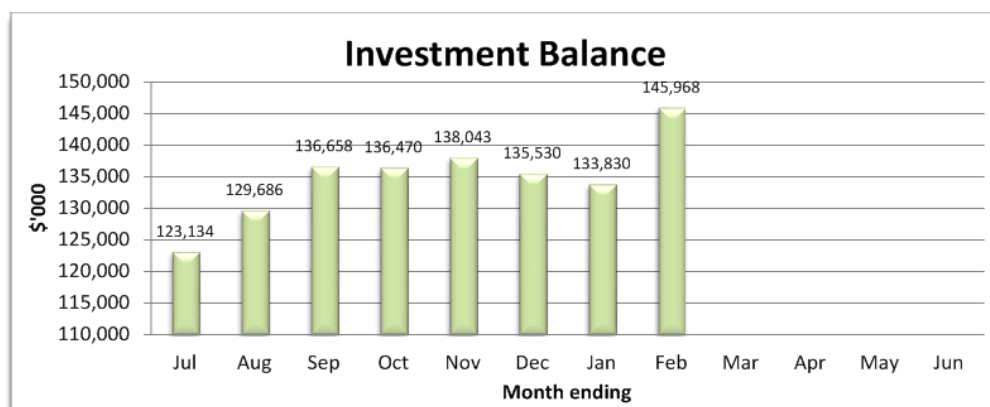


Wingecarribee Shire Council Investment Report Summary

For the period ending 28 February 2018

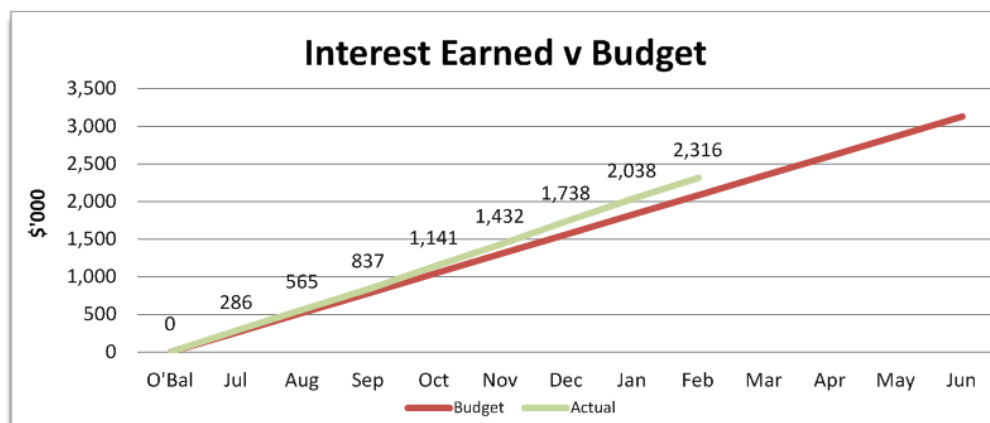
Portfolio Performance

Council's investment balance at the end of February 2018 was \$145.968 million. This has increased by \$12.138 million since the end of January 2018. The increase in investments is due to the 3rd quarter rates and water instalments both being payable during the month.



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 increased levels of surplus funds to invest.





Wingecarribee Shire Council Investment Report Summary

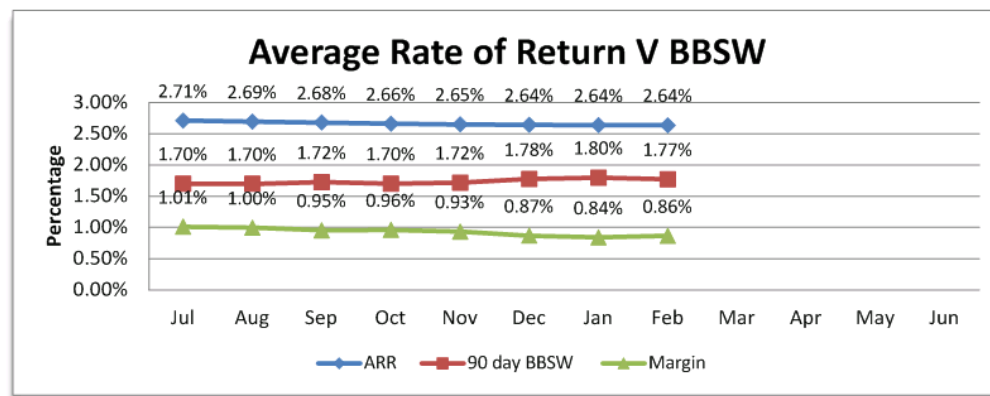
For the period ending 28 February 2018

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 February 2018 was 2.64% which is the same as January 2018. There was a decrease in the BBSW to 1.77%

The margin above BBSW has increased in February 2018 by 0.02% but rates available in the fixed interest market remain relatively stable.



12.2 Council Property - Lot 13 Kirkham Street, Moss Vale

Reference:	PN819550
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 inform Council of a request to purchase a landlocked reserve at Lot 13 Kirkham Street, Moss Vale by the adjoining owner and to advise Council of its options.

RECOMMENDATION

THAT Council give a minimum 28 days public notice of its intention to consider the reclassification of Lot 13 Kirkham, Street Moss Vale from Community Land to Operational Land AND THAT a further report be forwarded to a future Council meeting to advise Council of the outcome of that public notice.

REPORT

BACKGROUND

The property which is the subject of this report is a landlocked reserve in Kirkham Street, Moss Vale which backs onto Dormie Place – see **Attachment 1**. The property is adjoined by residential dwellings and, on its eastern boundary, by Moss Vale TAFE.

An adjoining owner has approached Council with a request to lease or purchase the property, noting that the reserve is not maintained, is overgrown and presents as a potential bushfire hazard. As the reserve is landlocked, this presents ongoing challenges for Council from a maintenance perspective and also does not permit general public access for recreational purposes.

REPORT

The legal description of the Council property is Lot 13 in Deposited Plan 601369. It has an area of 608.1m² which is less than the minimum lot size permissible in the *Wingecarribee Local Environmental Plan 2010*. Although the property is classified as Community Land and identified as a Public Reserve, the zoning is R3 – Medium Density Residential.

Given that the property is landlocked (with no physical access from a formed road) an option for Council to consider would be to offer the property for sale to an adjoining owner. A valuation report has been obtained from a registered valuer to assess the current market

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



value of the land as freehold property on the basis that it is landlocked and available only to an adjoining owner.

While the zoning of the property is compatible with adjoining properties, the property will require reclassification from Community Land to Operational Land before any potential future sale could be considered. Following reclassification, Council officers could approach adjoining owners to gauge interest in purchasing the property within a 10% range of the independent valuation.

In line with its Surplus Council Lands Rationalisation Policy, this report recommends that Council give public notice of its intention to formally resolve to reclassify the Public Reserve from Community Land to Operational Land. Further, this report recommends that a report be forwarded to a future Ordinary Meeting of Council advising Council of the outcome of that period of public notice.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

If Council resolves to reclassify the subject property from Community to Operational Land, the proposal will be publicly notified and exhibited as required by the Minister for Planning as part of the Gateway Process.

Further to this legislative requirement, Council's Surplus Council Lands Rationalisation Policy states that, while the relevant legislation in the Gateway Process requires consultation and exhibition, earlier consultation with the community will take place to guide Council's decision-making.

For this reason, this report recommends that Council give public notice of its intention to consider the reclassification of the subject property and that a further report be forwarded a future meeting of Council advising the outcome of that public notice.

Internal Consultation

Relevant branch managers and officers were consulted. No objections were received to Council's proposal to consider the future sale of the property.

External Consultation

Adjoining owner that requested purchase/lease of the subject property.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Social**

Even though the subject land is identified as a reserve for recreation purposes, its location and lack of public access renders the allotment next to useless. Consequently there was considered no social impact on the community if the land was disposed of.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications arising from this report.

If in the future, Council elects to proceed with the sale of this property, then this would generate a non-recurrent revenue source which could be allocated to the Moss Vale War Memorial Aquatic Centre Loan Repayment Reserve.

RELATED COUNCIL POLICY

Surplus Council Lands Rationalisation Policy

Council's policy was adopted on 12 October 2005 (MN 417/05). The policy specifically states (Community Consultation – Clause 8) that, while the relevant legislation in the Gateway Process requires consultation in the form of a public exhibition (28 days) and a public hearing, Council will conduct additional consultation at an early phase of the process.

The earlier consultation will provide guidance to Council on community expectations prior to the formal rationalisation of any community land assets.

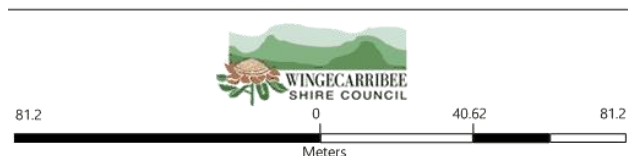
CONCLUSION

It is recommended that Council give a minimum 28 days public notice of its intention to resolve to reclassify the subject property from Community Land to Operational Land. Additionally, it is recommended that a further report be forwarded to a future meeting of Council to advise the outcome of that period of public notice.

ATTACHMENTS

1. Aerial Map
2. Zoning Map

ATTACHMENT 1



Landlocked Reserve, Kirkham Street

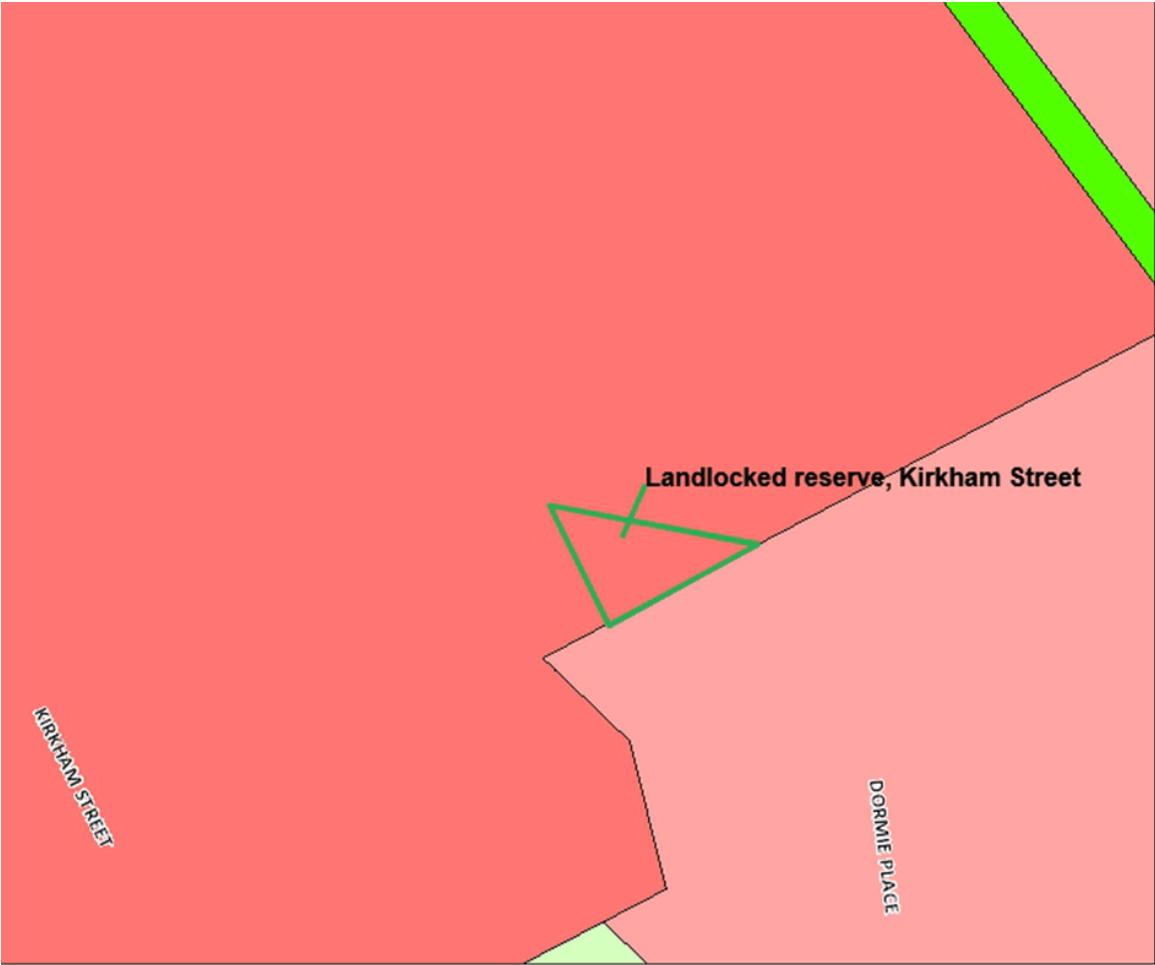
Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of 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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ATTACHMENT 2



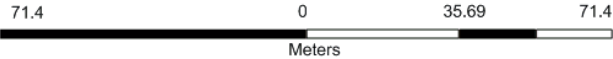
Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of 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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1: 1,405



Print Time: 13/02/2018



Legend

- ☐ Moss Vale Enterprise Corridor DC
- ☐ Subject to Planning Proposal
- Road Labels
- Main Rivers
- LEP Zones
 - B1 Neighbourhood Centre
 - B2 Local Centre
 - B4 Mixed Use
 - B5 Business Development
 - B7 Business Park
 - E1 National Parks and Nature Reserve
 - E2 Environmental Conservation
 - E3 Environmental Management
 - E4 Environmental Living
 - IN1 General Industrial
 - IN2 Light Industrial
 - IN3 Heavy Industrial
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R5 Large Lot Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU2 Rural Landscape
 - RU3 Forestry
 - RU4 Primary Production Small Lots
 - SP1 Special Activities
 - SP2 Infrastructure
 - SP3 Tourist
- ☐ Property Layer
- Cadastre
 - ☐ Boundary Corrected
 - ☐ Null - Boundary Not Corrected
 - ☐ 2 - Boundary Not Corrected
- Lot Labels
- House Numbers
- ☐ Property Boundary

12.3 Acquisition of Easement to Drain Water, Caalong Street Robertson

Reference:	PN299000; PN299100; PN299200; PN299300; PN1789510
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to negotiate for the acquisition of an Easement to Drain Water affecting the properties 42-44, 46, 48, 50 and 52-54 Caalong Street Robertson

RECOMMENDATION

1. **THAT** the General Manager be delegated authority to negotiate with the owners of the following properties for the acquisition of an Easement to Drain Water (3 metres wide):
 - a. 42-44 Caalong Street Robertson
 - b. 46 Caalong Street Robertson
 - c. 48 Caalong Street Robertson
 - d. 50 Caalong Street Robertson
 - e. 52-54 Caalong Street Robertson
2. **THAT** if the acquisitions referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
 - (a) acquire the easements by compulsory acquisition under Sections 186 and 187 of the *Local Government Act 1993 (NSW)* and in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*;
 - (b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1993 (NSW)* with respect to the easements **AND THAT** Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act 1993 (NSW)* with respect to the easements.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the land referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
4. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the land referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

REPORT

BACKGROUND

At its meeting 14 February 2018 Council considered a report regarding the Tender for the Construction of Inter-allotment Drainage in Caalong Street, Robertson. It was resolved by Council as follows:

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1. *THAT Council accept the tender from Shore Contracting at a Lump Sum of \$377,851.09 to undertake the Construction of Interallotment Drainage, Caalong Street, Robertson.*
2. *THAT Council approve the additional funding of \$135,851 from the Stormwater Management Charge Reserve in the 2017/18 Budget.*

The properties the subject of this report are privately-owned residential properties fronting Caalong Street Robertson. Construction of a stormwater system through the above properties on Caalong Street, Robertson is underway. The project is fairly well advanced and the affected residents have been informed and are in support of the proposal, including the creation of the requisite easement to drain water.

REPORT

Council has identified the need to improve and adequately upgrade the current drainage infrastructure in place to accommodate current stormwater flows in this area of Robertson.

Council has liaised with the owners of the affected properties and has secured in-principle agreement to the granting of an Easement to Drain Water (3 metres wide) in respect of each property. The affected owners have agreed that the cost of constructing this stormwater pipe system, restoration work, survey and legal work associated with creating and registering this easement will be at the cost of Council. Any cost to connect the roof water from individual properties, garage, sheds or yard water to the trunk stormwater drainage pipe shall be at the individual property owner's expense.

This report is submitted to obtain the approval of Council to acquire the necessary easement to drain water over the affected properties.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

This proposal pertains to land owned by private landowners and Council as acquiring authority in respect of both properties. Engagement with the wider community is not required to endorse the acquisition of land.

Internal Consultation

Assets & Project Delivery

External Consultation

Property Owners

SUSTAINABILITY ASSESSMENT

- **Environment**

The land acquisitions are part of broader infrastructure improvements aimed at improving the flow of stormwater in the Robertson region.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The upgrade of the drainage infrastructure has been included in Council 2017/18 budget. The owners of the affected properties have agreed to the acquisition of the easement in-principle without monetary compensation payable. Compensation is provided to the property owners through the improved drainage infrastructure which they have access to.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

This report recommends that Council delegate authority to the General Manager to negotiate the acquisition of easements over the affected owners.

If agreement cannot be reached with the landowners in respect of either of the properties, this report further recommends that Council make application to the Minister and Governor for approval to compulsory acquire the easement to drain water.

ATTACHMENTS

There are no attachments to this report.



12.4 Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral

Reference: PN1804050
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval to negotiate compensation for the compulsory acquisition of land by agreement, being Part Retford Farm, Old South Road Bowral (Part Lot 50 DP1141888). The purpose of the land acquisition is to secure a site for a proposed future detention basin.

RECOMMENDATION

1. **THAT** in relation to the report concerning Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral - Council adopts the recommendation contained within the Closed Council report – Item 22.2 **AND** **THAT** the General Manager read out the recommendation which Council has adopted.

OR

2. **THAT** the report concerning Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral – be considered in Closed Council – Item 22.2.

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

ATTACHMENTS

There are no attachments to this report.

12.5 Draft Procurement Policy

Reference: 104/7,105/10
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Corporate Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval for the public exhibition of the draft Procurement Policy.

RECOMMENDATION

1. **THAT** the draft Procurement Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following the conclusion of the public exhibition period.

REPORT

BACKGROUND

The Procurement Policy provides the governance framework which ensures Council is at all times compliant with the *Local Government Act 1993*, *Local Government (General) Regulations 2005*, tendering guidelines for NSW Local Government and Council's Code of Conduct Policy in relation to the procurement of goods and services.

REPORT

Council has undertaken a full and complete review of its procurement practices and procedures over the past 12 months. The need for this review was highlighted through a number of internal audits and was also identified within Council's *Fit for the Future* Improvement Plan.

In addition to full legislative compliance, the policy highlights Council's commitment to achieving best practice through its procurement activities. All procurement activities will:

- Demonstrate best value for money;
- Consider long-term financial, environmental and social outcomes; and
- Be conducted in a transparent, fair and ethical manner.

The primary objectives of the policy are as follows:

1. Comprehensive and Transparent Governance Framework

The policy states that all procurement undertaken by Council Officers must be performed ethically, transparently and with fairness to all participants. All procurement will be carried out in accordance with legislative requirements, guidelines and Council's policies and procedures. Officers will have the appropriate delegated authority and knowledge to undertake procurement duties.

2. Value for Money

Council will have agreed procedures and processes in place which will be regularly monitored and reviewed to ensure Council is achieving best value for money. Best value for money does not always mean the lowest price. Purchasing decisions will be based on a combination of factors including price and non-price (e.g. experience, capacity to deliver and quality) considerations.

For the purpose of this policy, Council has defined value for money as the *best economic, social and environment outcome for the community*.

3. Industry Engagement and Collaboration

Council will continue to investigate partnerships with other organisations, such as the Canberra Region Joint Organisation, with the intent of improving procurement outcomes. Council will also continue to use contracts available from prescribed organisations such as Local Government Procurement (LGP) and State contracts where available.

Importantly, Council will continue to develop practices which makes doing business with Council a user-friendly experience. As a member of the Small Business Friendly Councils (SBFC) program, Council will continue to identify and implement practices which reduce and/or removes red-tape for its small business suppliers.

4. Sustainable & Social Procurement

Council plays a significant environmental role through the procurement of sustainable products and services. Council will promote the following objectives within its procurement guidelines and procedures:

- Minimise unnecessary purchasing - only purchase when a product or service is necessary.
- Minimise waste - purchase in accordance with avoid, reduce, reuse and recycle strategies.
- Save water and energy – purchase products that save energy and/or water.
- Minimise Pollution – avoid purchasing products that pollute soils, air or waterways.
- Non-Toxic – avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- Greenhouse emissions – purchase products that reduce greenhouse gas emissions.
- Biodiversity and habitat protection – purchase in accordance with biodiversity and conservation objectives.

Where suitable and practical, Council will also investigate opportunities to procure goods and services from suppliers such as indigenous contractors and Australian Disability Enterprises (ADEs).



5. Local and Australian Made Procurement

Council recognises that through its procurement activities, it plays a large role in the local economy. For all formally evaluated quotations and tenders, there will be a requirement for a mandatory non-price weighted criterion for local submissions/content of 10%.

Council will preference the purchase and use of Australian made and manufactured products, including steel, where practicable.

General Managers Practice Note - Procurement Guidelines

This policy is supported by a General Managers Practice Note (Procurement Guidelines) that provides clear direction to staff on how to undertake procurement activities. As this is an operational document, it does not require endorsement by Council. The guidelines have been endorsed by the Executive for operational purposes.

IMPACT ON FIT FOR THE FUTURE IMPROVEMENT PLAN

Council's detailed Improvement Plan included the following action: *Revision and enhancement of procurement practices to ensure best value is achieved.*

This policy and the operational guidelines have been developed to provide the governance framework which will ensure that Council achieves best value through its procurement practices.

CONSULTATION

Community Engagement

It is proposed that the policy be placed on public exhibition for a period of twenty eight (28) days and that submissions be invited from the public.

Internal Consultation

The draft Procurement Policy and Guidelines were placed on exhibition for staff comment and feedback for a period of four weeks during 2017. Both documents have been updated to take into account internal feedback, where appropriate.

External Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

The policy contains a formal position on sustainable procurement.

- **Social**

The policy contains a formal position on social procurement.

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- **Broader Economic Implications**

The policy contains a preference for local suppliers and for the use of local and Australian made and manufactured products.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The policy has been developed in strict accordance with *Local Government Act 1993*, s55, the *Local Government Regulations 2005* and the *Office of Local Government, Tendering Guidelines 2010*.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications relating to placing this policy on public exhibition for a period of twenty eight (28) days.

While there are no direct financial implications of implementing this Policy, it would be expected that Council would realise savings and greater value for money through its improved procurement framework.

RELATED COUNCIL POLICY

Local Purchasing Preference Policy

OPTIONS

The options available to Council are:

Option 1

Adopt the Procurement Policy for the purposes of public exhibition.

Option 2

Reject or request changes to the Procurement Policy

Option 1 is the recommended option to this report.

CONCLUSION

The Procurement Policy has been developed to ensure full compliance with Council's legislative requirements, while also clearly articulating the importance of achieving value for money, taking a responsible path with respect to sustainability and supporting both local suppliers and Australian made products.

ATTACHMENTS

1. Draft Procurement Policy



Procurement Policy

ATTACHMENT 1

LEADERSHIP

1.1 OUR COUNCIL HAS THE TRUST OF THE COMMUNITY AND WELL INFORMED DECISIONS ARE MADE TO ENSURE LONG TERM SUSTAINABILITY OF OUR SHIRE

Adoption Date:	(Governance to insert)
Council Reference:	(Governance to insert)
Policy Owner:	Chief Financial Officer
Next review date:	2 years
File Reference:	2100/9
Related Policies/Legislation:	Local Government Act 1993 Local Government (General) Regulations 2005 Tendering Guidelines for NSW Local Government Government Information (Public Access) Act
Related Documents:	GM Practice Note: Procurement Guidelines Council's Code of Conduct Council's Code of Conduct Procedure Statement of Business Ethics Gifts and Benefits Policy
Superseded Policy/GM Practice Note:	N/A

PURPOSE/OBJECTIVES

Wingecarribee Shire Council has a commitment to delivering a range of quality services to the community which relies on the efficient use of Council resources through its procurement processes.

This policy provides the platform for a procurement governance framework which ensures transparent guidelines, procedures and reporting are in place. The Policy sets out the principles and framework to ensure Council is at all times compliant with the *Local Government Act 1993*, *Local Government (General) Regulations 2005*, *Tendering Guidelines for NSW Local Government* and Council's Code of Conduct in relation to the procurement of goods and services.

Council is responsible for achieving value for money which results in the best economic, social, and environmental outcomes for the Community. Council will demonstrate its legal and ethical practices through its procurement and purchasing activities ensuring consistency, transparency, probity and accountability.





Procurement Policy

This Policy and related documentation provides the necessary guidance to ensure Council's procurement and purchasing activities meet all legislative, statutory, probity and ethical requirements.

POLICY STATEMENT

Council is committed to achieving best practice in its procurement activities in preparation for the challenges facing procurement in Local Government; particularly Council's need to continue to demonstrate organisational sustainability.

All procurement activities shall:

- Comply with legislation;
- Demonstrate best value for money;
- Consider long-term financial, environmental and social outcomes; and
- Be conducted in a transparent, fair and ethical manner.

In addition to this Policy, the procurement guidelines and other procurement procedures will provide clear direction on how to undertake procurement activities within Council.

SCOPE

This Policy applies to all Council Officers, including Councillors, permanent employees, temporary or casual employees, contractors and consultants of Council who are involved in Council's procurement activities.

The Policy applies to the following activities undertaken by Council for the procurement of products, goods, works and services:

- Quotations;
- Tenders;
- Petty Cash;
- Direct Engagement procurement activities; and
- Emergency procurement activities.

Prescriptive purchasing procedures for each type of procurement activity are located in Council's procurement guidelines documentation.

PROCUREMENT OBJECTIVES

Comprehensive and Transparent Governance Framework

Council will adopt a clear policy position, guidelines and procedures which provides direction to Council Officers, complies with all relevant legislation, meets industry best practice guidelines, and most importantly meets the following community expectations:





Procurement Policy

o Ensuring Probity and Accountability for Procurement Outcomes

Council will conduct its procurement activities in a transparent manner which demonstrates probity and accountability. Procurement activities involving Council Officers must be:

- Performed ethically, transparently and with fairness to all participants.
- Carried out in accordance with the applicable legislation, guidelines, codes, policies and procedures.
- Undertaken by Council Officers that have the appropriate delegated authority and are trained to perform their assigned procurement role.
- Be conducted on a Commercial-in-Confidence basis to ensure confidentiality.

o Ensuring Fair and Ethical Dealings

Council will ensure all procurement activities are conducted honestly, transparently and in a manner that is fair and equitable to all parties. Therefore, procurement activities must:

- Be undertaken with consistent and appropriate documentation and processes to ensure equitable treatment throughout the process.
- Be free from any conflict of interest that may result in any unfavourable or preferential treatment.
- Ensure impartiality throughout the process.

Council Officers must disclose any potential or actual conflict of interest (whether pecuniary or non-pecuniary) in order to protect the public interest and prevent breaches of public trust.

Value for Money

Council will implement procedures and processes which will be regularly monitored, analysed and acted upon to target Council's procurement spend in relation to achieving best value for money.

Value for money is: "the best economic, social and environmental outcome for the community".

Council will achieve this using a combination of factors when assessing quotations and tenders.

- o Mandatory Criteria: This includes insurances, accreditations, qualification & licences.
- o Non-Cost Criteria: This includes capability, experience, specifications, service, support, fit for purpose, procurement risk, quality, innovation, community, social, work health & safety, environment, sustainability, physical requirements.
- o Cost Criteria: Lump sum, unit, whole-of-life costs and transaction costs associated with the acquisition, maintenance & disposal.

Industry Engagement and Collaboration

Council will enter into industry engagement and collaboration to:

- o Investigate procurement aggregation opportunities with neighbouring councils;
- o Utilise any relevant existing Prescribed Organisation (LG Act 1993, S55a) Contracts;
- o Utilise any relevant existing State and appropriate Federal contracts;





Procurement Policy

- Implement procurement practices that makes 'doing business with Council' a user friendly experience; and
- Investigate Procurement related initiatives from the Small Business Friendly Councils (SBFC) Program.

Sustainable & Social Procurement

Wingecarribee Shire Council can play a significant role in procuring sustainable products and services. To achieve sustainable procurement, Council employees and contractors will endeavour to adhere to the following objectives wherever reasonably possible:

- Minimise unnecessary purchasing – only purchase when a product or service is necessary.
- Minimise waste – purchase in accordance with avoid, reduce, reuse and recycle strategies.
- Save water and energy – purchase products that save energy and/or water.
- Minimise pollution – avoid purchasing products that pollute soils, air or waterways.
- Non-Toxic – avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- Greenhouse benefits – purchase products that reduce greenhouse gas emissions.
- Biodiversity & habitat protection – purchase in accordance with biodiversity and conservation objectives.

Wingecarribee Shire Council understands the importance of social procurement. Where suitable and practicable, Council will investigate and procure goods and/or services from suppliers such as the following:

- Indigenous Contractors & Suppliers; and
- Australian Disability Enterprises (ADEs).

Local & Australian Made Procurement

Wingecarribee Shire Council recognises that through its procurement activities, it plays a large role in the local economy. For all formally evaluated quotations and tenders, there will be a requirement for a mandatory non-price weighted criterion for local submissions/content of 10%.

Wingecarribee Shire Council preferences the purchase and use of Australian made and manufactured products, including steel, where practicable.

ACHIEVING COUNCIL'S PROCUREMENT OBJECTIVES

Council will achieve its procurement objectives through regular monitoring and review of its procurement guidelines and procedures to ensure processes are streamlined and transparent.

Council will develop and implement effective procurement training programs to ensure staff are equipped with the appropriate skills and knowledge to undertake their procurement duties.





Procurement Policy

DELEGATED AUTHORITY

In order for a Council Officer to purchase goods and services on behalf of Council, a delegated authority is required from the General Manager. Employees may only procure goods and/or services applicable to their delegated authority.

Financial delegations define the financial limitations within which a Council Officer may approve a purchase, quotation and contractual process. Employees may only procure goods and/or services in accordance with these delegations.

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive, Management, staff, contractors and suppliers as follows:

Position	Responsibility
Councillors	Provide leadership in policy setting which complies with legislative requirements, having regard to principles of transparency, probity, accountability, consistency and sustainability.
Executive	Set financial delegations for the purchasing and procurement of goods, works and services. Implement this Policy through appropriate delegations, procurement guidelines, and procedures across Council management and staff. Ensure transparent, accountable, consistent and sustainable procurement practices are adhered to by all staff.
Deputy General Managers	Adhere to this policy, procurement guidelines and procedures within each of their business unit's operational activities. Ensure transparent, accountable, consistent and sustainable procurement practices are adhered to by staff within reporting lines.
Chief Financial Officer	Oversee the management and compliance of Council's Procurement Policy and guidelines and report on non-compliance. Regularly review the procurement guidelines and procedures in accordance with this policy. Provide sound, reliable advice to the Council and Executive on procurement matters.
Management	Adhere to this policy, procurement guidelines and procedures within each of their business unit's operational activities. Encourage transparent, accountable, consistent and sustainable procurement practices to staff.





Procurement Policy

Position	Responsibility
Staff	<p>Only purchase and procure goods, works and services applicable to their delegated authority.</p> <p>Comply with Council's Procurement Policy, procurement guidelines and procedures.</p> <p>Act in good faith and ethically in accordance with Council's Code of Conduct when procuring and purchasing goods, works and services of behalf of Council.</p>
Contractors and Suppliers	<p>Act in good faith and ethically in accordance with Council's Code of Conduct when procuring and purchasing goods, works and services of behalf of Council.</p>

PERFORMANCE MEASURES

Appropriate performance measures will be established and reporting systems will be used to monitor performance and compliance with this policy and the associated guidelines.

The performance measures developed will be used to:

- Ensure ongoing compliance with legislative requirements and guidelines issued by the Office of Local Government and other bodies;
- Ensure staff adherence to this Policy, procurement guidelines and associated documents;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key expenditure categories.

COMPLAINTS MANAGEMENT

When a possible breach of this policy has been identified, the matter will be referred to the General Manager. This includes cases of maladministration, corrupt conduct, serious and substantial waste, violation of government information or criminal activity. These matters will be dealt with in line with Council's [Public Interest Disclosures Policy](#).

Any complaints or grievances about Council's Procurement Policy or guidelines from internal or external sources need to be in submitted writing and addressed to the General Manager. The complaint/grievance will be reviewed and responded to in line with Council's [Complaint Handling Policy and Procedure](#).





Procurement Policy

BREACHES OF THE POLICY

A breach of this policy by a Council Officer will be dealt with in accordance with Council's Code of Conduct Policy. The Code of Conduct Policy articulates the standards of ethical behaviour expected of Council officials and external service providers in their dealings with Wingecarribee Shire Council.

Evidence of corrupt and/or unethical conduct by a Council official could lead to:

- Disciplinary action;
- Dismissal;
- Investigation for corruption, inappropriate or unethical conduct; and
- Referral of the matter for criminal investigation.

Evidence of corrupt and/or unethical conduct by an external service provider could lead to:

- Tender disqualification;
- Contract termination;
- Loss of future work with Council;
- Investigation for corruption, inappropriate or unethical conduct; and
- Referral of the matter for criminal investigation.

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)



12.6 Public Exhibition of Draft Liquid Trade Waste Policy and Guidelines

Reference:	7645
Report Author:	Coordinator Sewer
Authoriser:	Manager Water & Sewer
Link to Community	
Strategic Plan:	Work collaboratively to reduce pollution and its impact on our environment

PURPOSE

To gain approval to go out to public exhibition of the updated draft Liquid Trade Waste Policy and Guidelines.

RECOMMENDATION

1. **THAT** Council approves public exhibition of the draft Liquid Trade Waste Policy and Guidelines for 42 days.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

REPORT

BACKGROUND

The Liquid Trade Waste Policy and Guidelines are associated with the approval, monitoring and enforcement process for liquid trade wastes discharged to Council's sewerage system. The policy also regulates the levying of commercial sewerage and liquid trade waste fees and charges. The policy and guidelines are based on the *2009 Model Policy for liquid trade waste regulation* developed by the Department of Industry to ensure councils meet best practice. The policy was last adopted in 2011 and is now required to be renewed.

REPORT

This policy applies to all commercial and industrial business premises within Wingecarribee Shire connected to the sewerage system and septic businesses discharging to Council's septic receivals facility.

The Liquid Trade Waste Policy is an approvals policy and therefore meets the requirements under section 158 of the *Local Government Act* by addressing:

1. Businesses exempt from requiring approval
2. Criteria for approval to discharge liquid trade waste into Council's sewerage system
3. Framework for regulation of liquid trade waste

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The content of the policy and guidelines also includes:

1. The definition of liquid trade waste
2. Pre-treatment and discharge quality limits
3. The application and the approvals process
4. Fees and charges
5. Monitoring and compliance
6. Service agreement forms

Staff have reviewed the documents. Only minor changes have been made in an effort to make policy and guidelines more concise. The updated policy and guidelines are still based on the Department of Industry's Model Policy.

Under section 160 of the *Local Government Act*, the draft policy must be on public exhibition for 28 days and open for submission for 42 days. It is suggested that the Policy remains on exhibition for the 42 day submission period to give the community the maximum time to review the draft documents.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

The Policy will be put on public exhibition and open for submissions for 42 days as required by the *Local Government Act 1993*.

Internal Consultation

Manager Water & Sewer

Sewer Coordinator

Water Coordinator

Coordinator Certification and Compliance

Trade Waste Officers

Operations Technical Officer - Projects and Quality

External Consultation

Department of Industry (Crown Lands & Water)

SUSTAINABILITY ASSESSMENT

• Environment

The Liquid Trade Waste Policy ensures commercial and industrial businesses discharge to the sewer in a responsible manner.

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- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Liquid Trade Waste Policy and Guidelines is a local approvals policy under the *Local Government Act* and regulates how trade waste is managed in the Shire.

COUNCIL BUDGET IMPLICATIONS

The adoption of the policy does not have a direct impact on Council's budget.

RELATED COUNCIL POLICY

Nil

OPTIONS

The options available to Council are:

Option 1

Proceed with public exhibition of draft Liquid Trade Waste Policy and Guidelines for 42 days.

Option 2

Further Review – require further review of the draft Liquid Trade Waste Policy and Guidelines prior to public exhibition for 42 days.

Option 1 is the recommended option to this report.

CONCLUSION

Public exhibition and submissions is a required step under the *Local Government Act* for all draft Approval Orders. The Liquid Trade Waste Policy and Guidelines are due for renewal, and therefore the draft policy must proceed to public exhibition.

ATTACHMENTS

1. Draft Liquid Trade Waste Policy 2018
2. Draft Liquid Trade Waste Guidelines 2018

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



Barry W Paull

Deputy General Manager Operations, Finance and Risk

Friday 23 March 2018



Liquid Trade Waste Policy

ATTACHMENT 1

Environment

4.1 WINGECARRIBEE'S DISTINCT AND DIVERSE NATURAL ENVIRONMENT IS PROTECTED AND ENHANCED

Adoption Date:	(Governance to insert)
Council Reference:	(Governance to insert)
Policy Owner:	Manager Water and Sewer
Next review date:	Within 12 months of local government elections
File Reference:	7645
Related Policies/Legislation:	AS/NZ Standards 3500.2, Plumbing Code of Australia Department of Industry Liquid Trade Waste Regulation Guidelines 2009. Australian Sewage Quality Management Guidelines June 2012, WSAA. Local Government Act 1993 Local Government (General) Regulation 2005 Best-Practice Management of Water and Sewerage Guidelines, 2007
Related Documents:	WSC Liquid Trade Waste Guidelines 2018 WSC Integrated Water Cycle Management Strategy
Superseded Policy/GM Practice Note:	Replaces the 2011 Liquid Trade Waste Policy

OBJECTIVES

The objectives of the Liquid Trade Waste Policy are to:

- detail the approval process for liquid trade wastes discharged into Council's sewerage system to ensure compliance of liquid trade waste dischargers with Council's approved conditions
- outline the basis for levying of appropriate sewerage and liquid trade waste fees and charges
- ensure the proper control of liquid trade waste discharged to the sewerage system to protect public health, worker safety, the environment and Council's sewerage system
- promote waste minimisation and water conservation





Liquid Trade Waste Policy

POLICY STATEMENT

Council is committed to protecting the environment and ensuring public health through the establishment of and adherence to the Liquid Trade Waste Guidelines for the acceptance of liquid trade waste into the sewerage system.

The Liquid Trade Waste Policy and Guidelines is concerned with the approval, monitoring and enforcement process for liquid trade wastes discharged to Council's sewerage system and levying of commercial sewerage and liquid trade waste fees and charges.

This policy enforces the Liquid Trade Waste Policy Guidelines.

The Liquid Trade Waste Guidelines address:

1. Businesses exempt from requiring approval
2. Criteria for approval to discharge liquid trade waste into council's sewerage system
3. Framework for regulation of liquid trade waste

This includes:

1. The definition of liquid trade waste
2. Pre-treatment and discharge quality limits
3. The application and the approvals process
4. Fees and charges
5. Monitoring and compliance
6. Service agreement forms

SCOPE

This Policy applies to:

- All commercial and industrial business premises within the Wingecarribee Shire connected to the sewerage system
- Septic businesses discharging to Council's septic receivals facility

DEFINITIONS

Liquid Trade Waste: Liquid trade waste means all liquid waste other than sewage of a domestic nature.

Septic Receivals Facility: Is a designated point at a sewerage treatment plant that is designed to receive transported septic tanks and portable toilet waste generated in the Shire.

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and staff as follows:





Liquid Trade Waste Policy

<i>Position</i>	<i>Responsibility</i>
Mayor	To lead Councillors in their understanding of, and compliance with, this Policy and Guidelines.
General Manager	To lead relevant staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Guidelines. To approve resources to develop, implement and review this Policy and Guidelines.
Deputy General Manager Operations, Finance and Risk	To ensure (directly or through delegation) the distribution and communication of the Policy and Guidelines to relevant persons. To ensure (directly or through delegation) the approved Policy and Guidelines are available in hard copy and electronically on Council's website.
Manager Water and Sewer	To implement the policy by directing the relevant staff.

PERFORMANCE MEASURES

- All commercial and industrial premises in the shire are appropriately approved to discharge trade waste
- Sewage within the sewerage system and treatment plants is of an appropriate quality
- Sewage Treatment Plant's meet their Environmental Protection Licences

BREACHES OF THE POLICY

Breaches of this Policy could result in non-compliance charges, the requirement to implement a pollution improvement plan, disconnection from the sewerage network, penalty infringement notice and/or prosecution.

ATTACHMENTS

1. Wingecarribee Shire Council Liquid Trade Waste Guidelines

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)





Liquid Trade Waste Guidelines

ATTACHMENT 2

LIQUID TRADE WASTE GUIDELINES

DIVISION: Operations, Finance and Risk

BRANCH: Water and Sewer

FILE NOS:

APPROVAL DATE:

MINUTE NO: *if applicable*

BACKGROUND

Council's Liquid Trade Waste Policy and Guidelines are concerned with the approval, monitoring and enforcement process for liquid trade wastes discharged to Council's sewerage system and levying of commercial sewage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste and, hence, protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

OBJECTIVE

The objectives of the Liquid Trade Waste Policy and Guidelines are:

- Detail the approval process for liquid trade wastes discharged into Council's sewerage system to ensure compliance of liquid trade waste dischargers with Council's approved conditions
- Outline the basis for levying of appropriate sewerage and liquid trade waste fees and charges
- Ensure the proper control of liquid trade waste discharged to the sewerage system to protect public health, worker safety, the environment and Council's sewerage system
- Promote waste minimisation and water conservation

STATUTORY PROVISIONS FOR COUNCILLORS AND STAFF

The Liquid Trade Waste Policy and Guidelines have been developed within the following statutory requirements:

- AS/NZ Standards 3500.2, Plumbing Code of Australia
- Liquid Trade Waste Regulation Guidelines 2009, Department of Industry
- Australian Sewage Quality Management Guidelines June 2012, WSAA
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- Best-Practice Management of Water and Sewerage Guidelines 2007, Department of Industry

Wingecarribee Shire Council – *Liquid Trade Waste Policy Guidelines*

Adoption Date: *(Governance to insert)*

Procedure Owner: Manager Water and Sewer



Liquid Trade Waste Guidelines

BREACHES OF THE LIQUID TRADE WASTE POLICY & GUIDELINE

The Trade Waste Policy and Guidelines introduce the management of a number of substances that the Council infrastructure and assets are not designed to treat. Breaches of the Policy and Guidelines have the potential to release uncontrolled harmful materials into our waterways and environment.

Non-compliance charges and penalties are outlined in Part 3 of the Policy.



Liquid Trade Waste Guidelines

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Liquid Trade Waste Guidelines

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Liquid Trade Waste Guidelines

LIQUID TRADE WASTE GUIDELINES

What is liquid trade waste?

Liquid trade waste means all liquid waste other than sewage of a domestic nature that discharges to the sewerage system, and includes liquid wastes from:

- business/commercial premises (e.g. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, service station, supermarket, dentist)
- community/public premises (including craft club, school, college, university, hospital and nursing home)
- industrial premises
- trade activities (e.g. mobile carpet cleaner)
- any commercial activities carried out at a residential premises
- saleyards, racecourses and from stables and kennels that are not associated with domestic households
- septic tank waste, chemical toilet waste, waste from established sites for the discharge of pan content from mobile homes/caravans to the sewerage system.

While septic tank, pan waste are defined as trade waste, specific procedures need to be applied to their management as the waste is often transported from its source to the sewerage system. Accordingly, specific references to these wastes are provided in this policy where necessary.

Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms or laundries (i.e. domestic sewage)
- common use (non-residential) kitchen and laundry facilities in a caravan park
- residential swimming pool backwash



Liquid Trade Waste Guidelines

Part 1 - Business exempt from requiring approval

Table 1 outlined the businesses that are exempt from requiring trade waste approval, however must register with Council as a trade waste discharger and meet the standard requirements specified below.

An annual trade waste fee applies to each such discharger (See Section 3.4). These types of activities will be inspected for compliance once the business begins to operate and may be inspected anytime to confirm they are meeting Council requirements.

Table 1 Charging Category 1 discharges exempt from requiring approval

Activity	Pre-treatment Requirements
Beautician	Nil.
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Community hall (minimal hot food, small kitchen)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Day care center (minimal hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4). Nappies are not to be flushed into the toilet.
Delicatessen – no hot food prepared	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Dental technician (no X-ray)	Plaster arrestor required.
Doctor's surgery medical Centre (plaster casts, no X-ray)	
Dog/cat grooming salon	Floor waste basket and sink strainer required (see Note 3).
Pet shop	Animal litter and any waste disposal products may not be discharged to sewer. No organophosphorus pesticides may be discharged to sewer. (see note 2)
Florist	Floor waste basket and sink strainer required. No herbicides/pesticides shall be discharged to sewer.
Fruit and vegetable retail	Floor waste basket and sink strainer required (see Note 3).
Funeral parlour	Floor waste basket arrestors in the preparation room. Formaldehyde is not to be discharged to the sewer.
Hairdressing	Floor waste basket and sink strainer (where required).
Jewellery shop	
Miniplater	Miniplater vessel to contain no more than 1.5 L of precious metal solution
Ultrasonic washing	Nil
Precious stone cutting	If : < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required

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Mixed business (minimal hot food)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Mobile cleaning units	20 micron filtration system fitted to a mobile unit. Floor waste basket required. Discharge is via grease arrestor (if available).
carpet cleaning	
garbage bin washing	
Motel (no hot food prepared and no laundry facility)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Nut shop	Floor waste basket and sink strainer required (see Note 3).
Optical service – retail, glass or plastic cutting and grinding	Baffled settlement tank sized to achieve 1 hour retention.
Pizza reheating for home delivery	Floor waste basket and sink strainer required Housekeeping practices (see Note 4).
Primary Schools (minimal hot food, no boarding)	Floor waste & sink baskets waste arrestors in the food preparation area. Housekeeping practices (see Note 4).
Crafts	Crafts <200L no pre-treatment Crafts 200L to 1000 L/d Plaster arrestor (see Note 3).
Sandwich shop salad bar, juice bar, coffee shop (no hot food prepared)	Floor waste & sink baskets waste arrestors in the food preparation area (see Note 3). Housekeeping practices (see Note 4).
Venetian blind cleaning	Nil treatment (see Note 2)

Notes:

- Where "required" is used, it means as required by Council.
- If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
- All drainage from floors in food preparation areas is required to pass through a floor waste basket.
- Food preparation activities need to comply with sound housekeeping practices including:
 - Floor must be dry swept before washing.
 - Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
 - Use of a food waste disposal unit is not permitted.

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Procedure Owner: Manager Water and Sewer



Liquid Trade Waste Guidelines

Part 2 - Criteria for approval to discharge liquid trade waste into council's sewerage system

2.1 - Factors for consideration

Council's decision to accept liquid trade waste into its sewerage system is on the basis of a preventive risk management framework for managing risks to the sewerage system within an integrated water cycle management context. It will be based on the discharge meeting Council's requirements. When determining an application to discharge liquid trade waste to the sewerage system, Council will consider the following factors:

- The potential for the liquid trade waste discharge to impact on public health
- The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors)
- The potential impacts of the discharge on the health and safety of the Council's employee
- The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process
- The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge
- The impact the liquid trade waste will have on the ability of the sewerage scheme to meet DOI licence requirements
- Compliance of the proposed liquid trade waste discharge with guideline limits in this policy The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewage treatment process
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails
- Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system
- The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system
- Whether prohibited substances are proposed to be discharged
- The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls
- Waste minimisation and water conservation programs
- The adequacy of the proposed due diligence program and contingency plan, where required.

2.2 - Discharge quality

Council has guideline limits for the acceptance of discharges, as set out in Tables 1, 2 & 3. Council may vary the guideline limits for a particular sewage treatment works. Where the guideline limits cannot be met, applicants are required to provide justification for exceeding the limits. Based on the type and the proposed contaminant levels, Council may refuse the application, or may approve it subject to an effluent improvement program, or other conditions being implemented.

Council may periodically vary its acceptance standards to reflect federal and state government regulatory requirements and Council's reuse requirements for treated effluent and biosolids.

2.3 - Prohibited substances

Some substances are not suitable for discharge to the sewerage system. Table 4 sets out those substances which must not be discharged to the sewerage system. Council may not



Liquid Trade Waste Guidelines

grant approval for the discharge of these substances to the sewerage system unless it is specifically approved under section 68 of the *Local Government Act*.

2.4 - Stormwater discharges from open areas

Stormwater is a prohibited discharge under this policy. The ingress of stormwater into the sewerage system can cause operational problems to the system and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Therefore, Council does not generally accept the discharge of stormwater to the sewerage system.

It is recognised that it may not always be possible or practical to prevent all stormwater entering the sewerage system at some liquid trade waste premises. The discharge of limited quantities of first flush stormwater from sealed areas will be considered where roofing cannot be provided because of safety or other important considerations. The discharge from unsealed areas is not permitted.

Before the stormwater will be considered for discharge to the sewerage system, the applicant must provide the following information:

- reasons why the area cannot be fully or partially roofed and bunded to exclude stormwater
- the dimensions and a plan of the open area under consideration
- whether the open area is sealed
- the estimated volume of the stormwater discharge
- information on rain gauging
- where a first-flush system is proposed, details on how the stormwater will be diverted to the drainage system after the first flush is accepted (the first flush to be limited to first 10 mm of storm runoff)
- measures proposed for diverting stormwater away from the liquid trade waste generating area
- report on other stormwater management options considered and why they are not feasible

2.5 - Food waste disposal units

The use of food waste disposal units (also known as in-sinkerators, in-sink food waste disposers, or garbage grinders) is not permitted. Existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrestor. For existing premises, a food waste disposal charge will be levied based on the number of beds in the hospital or nursing home (refer to section 4.7). If the hospital or nursing home kitchen is refurbished, the food waste disposal unit must be removed.

2.6 - Devices that macerate or pulverise waste

Macerators and any other similar devices that are used for pulverising of solid waste are not authorised to connect to Council's sewerage system. Solid waste includes, but is not limited to, sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan and urine containers. Council will not accept any discharges from such devices to its sewerage system.

2.7 - Use of additives in pre-treatment systems

Council does not allow solvents, enzymes, bio-additives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) except by specific written application and subsequent approval.



Liquid Trade Waste Guidelines

Table 2 Guideline limits for acceptance of liquid trade wastes into sewerage system

General acceptance guideline limits	
Flow Rate	The maximum daily and instantaneous rate of discharge (kL/h or L/s) is set on the available capacity of the sewer. Large dischargers are required to provide a balancing tank to even out the load on the sewage treatment plant (STP).
BOD ₅ and Suspended Solids	Normally, approved at 300 mg/L each. Concentration up to 600 mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.
COD	Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.
Total Dissolved Solids	Up to 4000 mg/L may be accepted. However, the acceptance limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit.
Temperature	Less than 38°C.
pH	Within the range 7.0 to 9.0.
Oil & Grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the STP, and 50 mg/L if the Volume is greater than 10%
Detergents	All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.
Colour	No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.
Radioactive Substances	The discharge must comply with the Radiation Control Act 1990.



Liquid Trade Waste Guidelines

Table 3 Guideline limits for acceptance of organic and inorganic compounds into sewerage system

Parameter	Maximum concentration (mg/L)
Acceptance guideline limits for inorganic compounds	
Ammonia (as N)	50
Boron	5
Bromine	5
Chlorine	10
Cyanide	1
Fluoride	20
Nitrogen (total Kjeldahl)	100
Phosphorus (total)	20
Sulphate (as SO ₄)	500
Sulphide (as S)	1
Sulphite (as SO ₃)	15
Acceptance guideline limits for organic compounds	
Benzene	0.04
Toluene	0.5
Ethylbenzene	1
Xylene	1
Formaldehyde	30
Phenolic compounds (except pentachlorophenol)	5
Petroleum hydrocarbons (non-flammable)*	30
Pesticides general (except organochlorine and organophosphorus)*	0.1
Polynuclear Aromatic Hydrocarbons (PAHs)	5



Liquid Trade Waste Guidelines

Table 4 Guideline limits for acceptance of metal wastes into sewerage system

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
Acceptance guideline limits for metals		
Aluminum	100	-
Arsenic	1	2
Cadmium	1	6
Chromium*	3	15
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	1	6
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	30
Nickel	3	15
Selenium	1	15
Silver	2 [#]	6
Tin	5	15
Zinc	5	15
Total heavy metals excluding aluminum, iron and manganese	less than 30 mg/L and subject to total mass loading requirements	

Where hexavalent chromium (Cr^{6+}) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr^{3+}), prior to discharge into the sewer. Discharge of hexavalent chromium (Cr^{6+}) from chromate compounds used as corrosion inhibitors in cooling towers is not permitted.

This limit is applicable to large dischargers. The concentration of silver in photo processing waste where a balancing tank is provided is not to exceed 5 mg/L.



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Table 5 Substances prohibited from being discharged into the sewerage system

Prohibited Substances
<ul style="list-style-type: none"> • organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances • organophosphorus pesticides and/or waste arising from the preparation of these substances • any substances liable to produce noxious or poisonous vapours in the sewerage system • organic solvents and mineral oil • any flammable or explosive substance • discharges from 'Bulk Fuel Depots' • chromate from cooling towers • natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions • rain, surface, seepage or subsoil water, unless specifically permitted • solid matter including wet wipes, colostomy bags, sanitary napkins • any substance assessed as not suitable to be discharged into the sewerage system • waste that contains pollutants at concentrations which inhibit the sewage treatment process – refer <i>Australian Sewage Quality Management Guidelines June 2012, WSAA</i> • any other substances listed in a relevant regulation.



Liquid Trade Waste Guidelines

Part 3 – Framework for regulation of liquid trade waste

3.1 - Application Procedures

To obtain Council's approval to discharge liquid trade waste to Council's sewerage system, a discharger must lodge an application in writing. Application forms are available on Council's web site. If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.

The applicant must provide the following information:

- site owner's full name, address, contact telephone number
- address of the business/industry where discharge to the sewerage system will occur
- name of contact person for the premises and telephone contact for the business/industry
- type of process/activity generating the liquid trade waste
- normal hours of business operation
- rate of discharge, including
 - the average per day, maximum per day and per hour, and
 - hours of the day during which discharge will take place
- characteristics of wastes, including
 - nature of source
 - expected maximum and average concentrations of pollutants (Where sampling and testing are required to establish the quality of the liquid trade waste, the testing should be carried out in accordance with the procedures set out in the Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.)
- chemicals to be used – supply Material Safety Data Sheets
- details of any proposed pre-treatment facilities, location and site plan. Details should include:
 - pre-treatment process details
 - internal wastewater drainage
 - pump size
 - rising main size, length and profile
 - system operational characteristics
 - operational procedures
 - provisions for sampling and flow measurement, where required
 - proposed connection point to the sewerage system
- flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities
- maintenance schedule for pre-treatment equipment, including contractor's details
- stormwater drainage plan
- measures for prevention of stormwater ingress into the sewerage system
- location, nature and chemical composition of all substances stored/used on site
- justification for disposing of the waste into the sewerage system over other possible options (if any)
- methods of disposal for other wastes that are not discharged to the sewerage system
- any relevant environmental impact assessments
- any additional information as requested by Council

The following information needs to be provided in regard to the discharge of septic tank and pan waste to the sewerage system:

- identification of the pump out service provider
- proposed method of discharge including plans and drawings if appropriate

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- details of any proposed facilities for a disposal point, location and site plan (if applicable).
- details should include the proposed connection point to the sewerage system
- security arrangements at the proposed disposal site (if applicable)
- the provision of freshwater for hosing down where needed
- bunding and measures to prevent the ingress of stormwater at the proposed dump point, if applicable
- the use of odour inhibiting or other chemicals, if any, and their dosage rates
- statement that septic effluent will not be mixed with septage or grease trap pump out, i.e. dedicated tankers will be used for each type of waste

Council may, under section 86 of the *Local Government Act*, request an applicant to provide more information to enable it to determine the application. Failure on the part of the applicant to provide all of the required information may result in the delay or refusal of the application.

3.2 - Approval of applications

Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval. The duration of the approval will be as stated in the approval. In cases where Council requires a discharger to enter into a liquid trade waste services agreement (refer to section 5.2), Council will issue a deferred commencement approval under section 95 of the *Local Government Act* requesting the discharger to do so within the time specified in Council's letter. In such cases, the approval will not be operative until the agreement has been executed by the discharger.

An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the *Local Government Act*.

If an application is refused, Council will notify the applicant of the grounds for refusal. An approval to discharge liquid trade waste to Council's sewer is not transferable. A new application must be lodged and a new approval obtained if there is a change of the approval holder or the activity. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

3.3 - Concurrence of the Department of Industry

If Council supports an application and has a notice stating that concurrence of the Secretary, NSW Department of Industry can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence with the requirements of section 90(1) of the *Local Government Act*. The Director Water and Sewerage Regulation provides concurrence on behalf of the Secretary, Department of Industry.

Liquid trade waste discharges are divided into four (4) classifications (refer to Figure 1) for the purpose of the concurrence process:

- Concurrence Classification A, B, S – liquid trade waste dischargers for which Council has been authorised to assume concurrence to the approval subject to certain requirements
 - This includes all charging category 1, 2, 2M and 2S applications
- Concurrence Classification C – is for high risk customer that do not fall within Concurrence Classification A, B or S, and therefore require Council to forward the application to the NSW Department of Industry for concurrence. Classification C trade waste customers include businesses that discharge > 20 kL/day and high risk industrial operations such as wineries, powder coaters, dairy and food processing.
 - This includes all charging category 3 applications

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Notes: The volume of liquid trade waste must not exceed 5 kL/d except in the case of commercial retail food preparation activities, where up to 16 kL/d is included in this category. If the waste discharged to the sewer exceeds these volumes, the application must be treated as Concurrence Classification B. Discharges over 20 kL/d must be treated as Classification C. The Secretary Department of Industry has granted Wingecarribee Shire Council assumed concurrence for Classifications A, B and S.

3.4 - Liquid Trade Waste Charging Categories

For trade waste charging purposes there are also five (5) charging categories, Category 1, 2, 2S, 2M and 3 as described below.

Note: If you have any questions regarding classifications, pre-treatment requirements, charging categories or fees and charges, please contact Councils trade waste officer on 4868 0888.

Charging Category 1 Dischargers

Category 1 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively low risk to the sewerage system. In addition, Category 1 includes dischargers requiring prescribed pre-treatment but with low impact on the sewerage system.

Charging Category 1 Discharges that are Exemption from Requiring Approval

Table 1 outlined the businesses that are exempt from requiring trade waste approval, however must register with Council as a trade waste discharger and meet the standard requirements specified below. An annual trade waste fee applies to each such discharger. These types of activities will be inspected for compliance once the business begins to operate and may be inspected anytime to confirm they are meeting Council requirements.

Charging Category 1 Discharges that Require Approval

Table 6 outlined the businesses that require approval from Council to discharge Trade Waste, and the related pre-treatment requirements.



Liquid Trade Waste Guidelines

Table 6 Charging Category 1 discharges that require approval

Commercial retail food preparation	Pre-treatment Requirements
Bakery (only bread baked on-site)	Floor waste & sink baskets waste arrestors in the food preparation area
Bistro (sandwiches, coffee only)	
Canteen (no hot food)	
Ice cream parlour (take away only)	
Take away food outlet (no hot food)	
Boiler blowdown	Cooling pit to reduce wastewater temperature to 38° or below before entering the sewage system
Hotel (laundry no hot food)	Lint screens, internal screen are acceptable
Motel (laundry no restaurant)	Lint screens internal screens are acceptable, floor waste & sink baskets waste arrestors in food preparation area
Nightclub (minimal hot food)	Floor waste & sink baskets waste arrestors in the food preparation area
Potato peeling (small operation)	Basket trap & screens

Other commercial activities	Pre-treatment Requirements
Crafts <200 L/d	Nil
Crafts 200 L to 1000 L/d	Plaster arrestor
Dental surgery (digital X ray)	Amalgam separator, (plaster arrestor if required)
Mobile cleaning units	Fixed screens & removable basket arrestor
Morgue/holding room	Floor waste & sink baskets waste arrestors
Plants retail (no nursery)	Floor waste & sink baskets waste arrestors in the plant preparation area, No herbicides/pesticides shall be discharged to sewer
Public swimming pool (>55 kL's)	Holding tank, discharge at controlled flow rate
Photographic (tray work/manual development)	Balance pit/tank, silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter
Veterinary (were animals are kept or washed, no X-ray)	Floor waste & sink baskets waste arrestors were animals are kept.

Other Industrial Activities	Pre-treatment Requirements
Boiler blowdown	Cooling pit, the pit is to be sized to reduce wastewater tempature to 38° or below before entering the sewage system
Cooling tower bleed off	No treatment, products containing chromate is not permitted to dischare to the sewage system
Industrial boilers	Cooling pit, the pit is to be sized to reduce wastewater tempature to 38° or below before entering the sewage system
Laboratory(analytical/pathology/teritary institution	Balance pit/tank sized accordingly to flow rate, minimum capacity 600L. pH correction may be required.

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Adoption Date: (Governance to insert)

Procedure Owner: Manager Water and Sewer



Liquid Trade Waste Guidelines

Laundry	Lint screens, internal screens acceptable, if waste water discharge is higher than 38° a cooling pit is required to be installed, the pit is to be sized to reduce wastewater temperature to 38° or below before entering the sewage system
Secondary schools (no boarding) Canteen with minimal hot food Hospitality class Craft <200 L/d Craft 200 to 1000 L/d Photographic, science laboratory	<ul style="list-style-type: none"> • floor waste & sink baskets waste arrestor in the food preparation • Minimum 1000 L grease arrestor, floor waste & sink baskets waste arrestor in the food preparation area • Nil • Plaster arrestor • Balance tank sized to give a flow retention capacity of 1 hour
Vehicle washing by hand < 5KL's per day	Approved oil/water separator, dry basket arrestor with screens, collection pits minimum 300L's



Liquid Trade Waste Guidelines

Charging Category 2 Dischargers

Category 2 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring pre-treatment equipment and whose effluent is well characterised and have a medium impact on the sewerage system. Table 7 outlines businesses that fall into Category 2 Discharges and each pre-treatment requirement.

Table 7 Charging Category 2 Dischargers

Commercial retail food preparation	Pre-treatment Requirements
Bakery (pies, sausage rolls) quiches, cakes pastries with creams or custards) Butcher Bistro (hot food) Café/coffee shop/coffee lounge (hot food) Cafeteria (hot food) Canteen (hot food) Commercial kitchen/caterer Doughnut shop Fish shop (cooking on-site) Ice cream parlour (ice cream consumed on-site) Nightclub (hot food) Pizza preparation and cooking on-site Sandwich shop/salad bar (hot food) Take away food outlet (hot food)	Minimum 1000L grease arrestor, floor waste & sink baskets waste arrestor in the food preparation area
Fast food outlets <ul style="list-style-type: none"> • KFC • Hungry Jacks • McDonalds • Red Rooster • Pizza Hut • etc 	Minimum 1500L grease arrestor, floor waste & sink baskets waste arrestor in the food preparation area
Club, Function Centre, Restaurant, Community hall with commercial kitchen - grease arrestor size depends on number of seats	Up to 69 seats 1000L 70 to 199 seats 1500L 200 to 399 seats 2000L 400 to 599 seats 3000L 600 to 799 seats 4000L 800 to 1000 seats 5000L Floor waste & sink baskets waste arrestor in the food preparation area
Restaurant up to 69 seats (with wok burner)	Minimum 1500L grease arrestor, floor waste & sink baskets waste arrestor in the food preparation area
Hospital, Nursing home, Age care, Boarding house/hostel kitchen - grease arrestor size depends on number of beds	<ul style="list-style-type: none"> • Up to 69 beds 1000L • 70 to 199 beds 1500L • 200 to 399 beds 2000L • 400 to 599 beds 3000L • 600 to 799 beds 4000L • 800 to 1000 beds 5000L Floor waste & sink baskets waste arrestor in the food preparation area

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Supermarket - grease arrestor size depends on the number of activities	Butcher 1000L Delicatessen with hot food 1000L with steam over, gas vat 2000L Sea food 1000L Floor waste & sink baskets waste arrestor in the food preparation area, Lint screens
Hotel (hot food, laundry) Motel (hot food with restaurant and laundry)	Minimum 1000L grease arrestor, floor waste & sink baskets waste arrestor in the food preparation area, Lint screens, internal screens are acceptable

Other commercial activities	Pre-treatment Requirements
Car detailing	Approved oil/water separator, dry basket arrestor with screens & associated pits size accordingly
Craft activities > 1000 L/d	General purpose pit, minimum capacity 1000L
Dental surgery (wet X-ray, plaster casts)	Plaster arrestor, balance pit/tank, silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter
Lawnmower repairs	Approved oil/water separator, dry basket arrestor with screens & associated pits size accordingly
Mechanical workshop	Approved oil/water separator, dry basket arrestor with screens & associated pits size accordingly, parts washer
Stone working	Solids settlement pit/silt arrestor minimum size 1000L
Veterinary (with wet X-ray)	Balance pit/tank, silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter. Dry basket arrestors in all floor wastes where animals are kept.
Waterless mini-lab	A silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter

Other industrial activities	Pre-treatment Requirements
Auto dismantler	Approved oil/water separator, dry basket arrestor with screens & associated pits size accordingly
Bus/coach depot wash bay	Approved oil separator, dry basket arrestor with screens & associated pits sized accordingly
Construction & hire equipment maintenance and cleaning	Dry basket arrestor, collection pit or solids settlement pit minimum size 1000L and approved oil/water interceptor/separator
Glass cutting and grinding	Solids settlement pit, sized for a minimum 2 hours detention
Graphic arts	Balance tank or pit or coalescing plate separator or any other approved products. Solvents are not to be discharged to the sewage system. Minimum size to equal the actual volume from 1 hour of washing
Medical centre (with wet X-ray, plaster casts)	Plaster arrestor, Balance pit/tank, silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter

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Panel beating	Dry basket arrestor, collection pit minimum 300L, an approved oil/water interceptor/separator
Primary & Secondary School (boarding) Hospitality class Crafts Photographic, science laboratory	<ul style="list-style-type: none"> • Minimum 1000L grease arrestor • Minimum 1000L grease arrestor • Floor waste & sink baskets waste arrestor in the food preparation areas • Crafts <200L no pre-treatment • Crafts 200L to 1000 L/d Plaster arrestor • Balance tank sized to give a flow retention capacity of 1 hour
Photographic lab	Balance tank minimum size 200L, silver recovery unit for silver bearing waste or remove all silver bearing waste from the premises by an authorised contractor.
Radiator repairer	Approved oil/water separator, dry basket arrestor with screens & associated pits size accordingly. Discharge from the spray booth area is not permitted.
Screen printing	Settling tank or pit or coalescing plate separator or any other approved products. Solvents are not to be discharged to the sewage system. Minimum size to equal the actual volume from 1 hour of washing
Service station forecourt	Connection of any discharge from refuelling points at service stations and other premises to LWU sewerage system is prohibited effective from 1 st June 2012. When the existing service station, refuelling points undertakes mayor renovations they will be required to disconnect their system from the sewerage system. Any proposed service station or refuelling point application requires to be forwarded to Council's environment section.
Water wash mini-lab	Balance tank minimum 200L, a silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter
X-ray radiologist	Balance pit/tank minimum 200L, a silver recovery unit to be installed or remove all silver bearing waste from the premises by an authorised transporter



Liquid Trade Waste Guidelines

Charging Category 2M Dischargers

1. Charging category 2M is defined as a property that has more than one charging category (1 or 2) defined trade waste business operating on one property. A Pre-treatment inspection fee will apply to every prescribed pre-treatment device installed on the property (eg grease arrestor, oil separator) see table 11.

Table 8 Examples of charging category 2M customers

Shopping complexes	Shopping centers
Malls	Hospitals
Technical and further education facility (TAFE).	Multi-complexes

Note: Contact Council's trade waste officer for pre-treatment requirements.

Charging Category 2S Dischargers

Category 2S dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system. Examples of charging category 2S customers are outlined in Table 9.

Table 9 Examples of charging category 2S customers

Bus/rail coaches portable toilet waste	Portable toilet waste
Caravan/motor homes toilet waste dump point	Caravan park toilet waste dump points
Septage/sludge from primary septic tank	Effluent from septic holding tank

Category 3 Discharger (large or industrial waste dischargers)

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kL/d) of liquid trade waste to the sewerage system. Examples of Category 3 Discharges are outlined in Table 10.

Any Category 1 or 2 discharger whose volume exceeds 20 kL/d becomes a Category 3 discharger, except for shopping complexes malls, institutions, hospitals, technical and further educational facilities, and correctional facilities.

Note: Contact Council's trade waste officer for pre-treatment requirements and parameter acceptance limits.



Liquid Trade Waste Guidelines

Table 10 Category 3 Discharger (large or industrial waste dischargers)

Food Industries	
Abattoir	Egg processing
Bakery (wholesale)	Pet food processing
Brewery > 2000 kL/d	Plants nursery (open areas)
Cooling towers	Potato processing
Cosmetics/perfumes manufacture	Poultry processing
Dairy processing (milk/cheese/yoghurt/ice cream etc.)	Sale yards
Food processing (cereals/cannery/condiments/ confectionary/edible oils/fats/essence/ flavours/fish/fruit juice/gelatine/honey/meat/pickles/ smallgoods/tea and coffee/vinegar/yeast manufacture etc.),	Seafood processing
	Water treatment backwash
	Soft drink/cordial manufacture
	Starch manufacture
	Sugar refinery
	Tanker washing
Fruit and vegetable processing	Tip leachate
Flour milling	Transport depot/ terminal
Glue manufacturer	Wholesale meat processing
	Winery, wine/spirit bottling.

Industrial Businesses	
Acid pickling	Ink manufacture
Adhesive/latex manufacture	Laboratories (excluding those in Category 2)
Agricultural and veterinary drugs	Liquid wastewater treatment facility (grease trap receipt depot and other pump-out waste depot)
Anodising	Metal finishing
Bitumen and tar	Metal processing (refining/rolling/ non-cyanide heat treatment/phosphating/ photo engraving/printed circuit etching/sheet metal fabrication etc.),
Bottle washing	
Cardboard and carton manufacture	
Carpet manufacture	
Caustic degreasing	Mirrors manufacture
Chemicals manufacture and repackaging	Oil recycling (petrochemical) and refinery
Contaminated site treatment	Paint stripping
Cyanide hardening	Paint manufacture
Detergent/soaps manufacture	Paper manufacture
Drum washing	Pharmaceuticals manufacture
Electroplating	Plaster manufacture
Engine gearbox reconditioning	Powder coating
Extrusion and moulding (plastic/metal)	Printing (newspaper, lithographic)
Feather washing	Sandblasting
Fellmonger	Slipway

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Felt manufacture	Tannery
Fertilisers manufacture	Timber processing (joinery and Furniture/plywood/hardwood)
Fibreglass manufacture	Textile manufacture (wool dyeing/spinning/scouring)
Filter cleaning	
Foundry	Truck washing (internal)
Galvanising	Waxes and polishes
Glass manufacture	



Liquid Trade Waste Guidelines

3.5 – Liquid trade waste fees and charges

Council provides sewerage and liquid trade waste services on a commercial basis, with full cost recovery through sewerage and liquid trade waste fees and charges. Council's proposed fees and charges are advertised annually for public comment in its draft Management Plan. In addition to the trade waste fees and charges described below, Council may elect to include any trade waste charges shown in Appendix I of the *Liquid Trade Waste Regulation Guidelines, 2009*.

Refer to Council's website for the full fees and charges.

Table 11 Council's liquid trade waste fees and charges categories that may apply

CHARGING CATEGORY	APPLICATION FEE	ANNUAL NON-RESIDENTIAL SEWERAGE BILL WITH APPROPRIATE SEWER USAGE	ANNUAL TRADE WASTE FEE	RE-INSPECTION FEE (when required)	Multi-complex Prescribed pre-treatment inspection Fee	TRADE WASTE USAGE CHARGE/kL	SEPTIC WASTE DISPOSAL CHARGE	EXCESS MASS CHARGES/kg	NON-COMPLIANCE TRADE WASTE USAGE CHARGE/kL	NON-COMPLIANCE EXCESS MASS/kg and pH CHARGES/kL (if required)	NON-COMPLIANCE PENALTY (if required)
1	Yes ¹	Yes	Yes	Yes	No	No	No	No	Yes ²	No	Yes
2	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes ²	No	Yes
2S	Yes	Yes	Yes	Yes	No	No	Yes ³	No	No	No	Yes
2M	Yes	Yes	Yes	Yes	Yes ⁴	Yes	No	No	Yes ²	No	Yes
3	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes	Yes

Notes:

1. Not applicable for dischargers exempted in Table 4.
2. Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment equipment.
3. Only applicable if the discharger has a dump point located at their premises which is connected to the sewerage system.
4. This fee applies to every prescribed pre-treatment device installed of the property (eg grease arrestor, oil separator).

3.6 - Application fee

The application fee recovers the cost of administration and technical services provided by Council in processing applications for approval to discharge liquid trade waste to the sewerage system. The application fee will be allocated on the basis of the category into which the discharger is classified and reflects the complexity of processing the application. Application fees will be set annually by Council.

Where the term of an existing liquid trade waste approval expires and no change is required to the conditions of the renewed approval to be issued then no application fee shall be charged. In accordance with s107 of the *Local Government Act 1993* a renewal may only be granted before the original approval lapses or within three months after the approval lapses. After this three month period a new application will be required and the associated application fee will be charged.

An approval to discharge liquid trade waste to council's sewer is not transferable. Where the ownership of the holder of an existing liquid trade waste approval changes, a new approval will be required and a fee shall be charged for the new application.



Liquid Trade Waste Guidelines

3.7.1 - Annual trade waste fee

The purpose of this fee is to recover the cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.

As part of an inspection, Council may undertake monitoring of the liquid trade waste discharges from premises or business. Such monitoring may include but is not limited to, flow measurement and the sampling of the liquid trade waste. Where more than one (1) instance⁺ of such monitoring is undertaken by Council in a financial year, the cost involved may be recovered from the discharger.

Annual liquid trade waste fees are determined on the basis of the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual trade waste fees will be set by Council. Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery[#].

Note: In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewage transportation system, Council will carry out inspections of commercial premises preparing hot food at least four (4) times per annum. Also, if it is not practical for the Council to carry out four inspections/annum, the Council may inspect once or twice/annum and require the discharger to produce evidence that the pre-treatment equipment has been properly serviced between the inspections, eg. pump-out docket, invoices from a service contractor, etc.

The annual trade waste fee for Category 3 dischargers may be set on a case by case basis depending on the complexity of monitoring required (for charging purposes and other administrative requirements).

3.7.2 - Re-inspection fee

Where non-compliance with the conditions of an approval has been detected and the discharger is required to address these issues, Council will undertake re-inspections to confirm that remedial action has been satisfactorily implemented. Council will impose a fee for each re-inspection. The re-inspection fee will be set annually by Council on the basis of full cost recovery. A re-inspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

3.7.3 - Trade waste usage charge

The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid trade waste from Category 2 dischargers and potentially Category 4 discharges.

Trade Waste Usage Charge (\$) = Q x R

Where: Q = Volume (kL) of liquid trade waste discharged to sewer.
R = usage charge per kL

3.7.4 - Excess mass charges

Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage shown in Table 9 below. For excess mass charge calculation, equation (1) below will be applied.



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Table 12 Deemed concentration of substances in domestic sewage

Substance	Concentration (mg/L)
Biochemical Oxygen Demand (BOD ₅)	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
Total Kjeldahl Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO ₄)	50

[#] The concentration in the potable water supply to be used if it is higher than 50mg/L.

NB. Substances not listed above are deemed not to be present in domestic sewage.

$$\text{Liquid Trade Waste Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U}{1,000} \quad (1)$$

Where: S = Concentration (mg/L) of substance in sample.

D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

Q = Volume (kL) of liquid trade waste discharged to the sewerage system.

U = Charging rate (\$/kg) for discharge of substance to the sewerage system.

Charging rates (U) used in equation (1) are as shown in Council's Annual Management Plan. With regard to BOD, equation (1) applies for BOD₅ up to 600 mg/L.

Excess mass charges for BOD exceeding 600mg/L

If Council approves the acceptance limits for BOD₅ higher than 600mg/L, an exponential type equation will be used for calculation of the charging rate U_e (\$/kg) as shown in equation (2). Equation (2) provides a strong incentive for dischargers to reduce the strength of waste. In addition, equation (5) will be used where the discharger has failed to meet their approved BOD limit on two (2) or more instances in a financial year.

U_e is the excess mass charging rate for BOD (\$/kg).

$$U_e = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - 600\text{mg/L})}{(600\text{mg/L})}} \quad (2)$$

Where C = the charging rate (\$/kg) for BOD₅ 600mg/L.

Actual BOD = the concentration of BOD₅ as measured in a sample

For example if C = \$0.623/kg, equation (2) would result in the following excess mass charging rates:

\$0.623/kg for BOD₅ 600mg/L

\$1.96/kg for BOD₅ 1200mg/L

\$5.05/kg for BOD₅ 2400mg/L

The excess mass charge for BOD is calculated using equation (1):

$$\text{Excess Mass Charge for BOD (\$)} = \frac{(S - D) \times Q \times U_e}{1,000}$$

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3.7.5 - Food waste disposal charge¹

Where Council has permitted the use of a food waste disposal unit for an existing hospital, nursing home or other eligible facility, the following additional food waste disposal charge will be payable annually.

Food Waste Disposal Charge (\$) = B x UF

Where B = Number of beds in hospital or nursing home.

UF = Annual charging rate (\$/bed) for a food waste disposal unit at a hospital or nursing home.

3.7.6 - Non-compliance charges

Category 1, 2 and 4 Dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the relevant non-compliance trade waste usage charges will be applied for the relevant billing period.

Category 3 Discharger

Non-compliance pH charge

Equation (3) is used for waste with pH being outside the approved range. This equation provides an incentive for dischargers to apply appropriate pH correction so their waste remains within the approved pH limits. Council may require industrial and large dischargers to install and permanently maintain a pH chart recorder or data logger as control of pH is critical to minimising odour and corrosion problems in the sewerage system.

Charging rate for pH where it is outside the approved range for the discharger =

$$K \times (\text{actual pH} - \text{approved pH})^{\#} \times 2^{(\text{actual pH} - \text{approved pH})^{\#}} \quad (3)$$
[#] absolute value to be used.

K = pH coefficient - The value needs to be adjusted in accordance with changes in the CPI.
 Example: Council has approved the pH range 8.0 to 9.0 for a large discharger generating high strength trade waste in order to prevent corrosion and odour problems in the sewerage system.

Case 1: pH measured 7.0

Charging rate (\$/kL) = $0.3 \times [7 - 8] \times 2^{[7 - 8]} = \$0.60/\text{kL}$

Case 2: pH measured 11.0

Charging rate (\$/kL) = $0.3 \times [11 - 9] \times 2^{[11 - 9]} = \$2.40/\text{kL}$

Non-compliance excess mass charges

Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council's approval conditions (or the acceptance criterion listed in Council's trade waste policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management.

In order to recover Council's costs, equation (4) shall apply for non-compliance excess mass charges, except for BOD where equation (5) shall apply.



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$$\text{Non-compliance Excess Mass Charges (\$)} = \frac{(S - A) \times Q \times 2U}{1,000} + \frac{(S - D) \times Q \times U}{1,000} \quad (4)$$

Where:

S = Concentration (mg/L) of substance in sample.

A = Approved maximum concentration (mg/L) of pollutant as specified in Council's approval (or liquid trade waste policy).

Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance.

U = Excess mass charging rate (\$/kg) for discharge of pollutant to sewerage system, as shown in Council's Annual Management Plan.

D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

Non-compliance excess mass charges for BOD

If a discharger has failed to meet the approved maximum concentration of BOD on two or more instances in a financial year, the non-compliance excess mass charging rate for BOD

U_n will be levied on the basis of equation (5):

U_n is the BOD non-compliance excess mass charging rate.

$$U_n = 2C \times \frac{(A - 300 \text{ mg/L})}{600 \text{ mg/L}} \times 1.05^{\frac{(A - 600 \text{ mg/L})}{600 \text{ mg/L}}} + 4C \times \frac{(\text{Actual BOD} - A)}{600 \text{ mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - A)}{600 \text{ mg/L}}} \quad (5)$$

For example, if C = \$0.623/kg, BOD₅ actual (measured) level is 2400mg/L and the approved maximum concentration of BOD (A) is 1000mg/L, equation (5) would result in a non-compliance excess mass charging rate of \$8.02/kg.

Non-compliance Excess Mass Charge for BOD is calculated using equation (1):

$$\text{Non-compliance Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U_n}{1,000}$$

The non-compliance excess mass charges shown above are in lieu of the excess mass charges in section 4.6.

Note: Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or the trade waste policy) limits, within the time frame determined by Council for remedying the problem. If the discharger fails to rectify the problem within this time frame, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system and may also be required to pay a 'non-compliance penalty' as indicated in the following section.

3.7.7 - Non-compliance penalty

The non-compliance penalty covers instances where Council may seek compensation for its costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or unapproved liquid trade waste discharged to the sewerage system. Also included are fines under:

- *Protection of the Environment Operations Act 1997*, section 120(1) (Pollution of any waters by a discharger who fails to comply with the conditions of approval for discharge of liquid trade waste to sewer)
- *Local Government Act, 1993*, section 627 (Failure to comply with an approval), section 628 (Failure to comply with an order). Non-compliance penalties will be pursued by legal action.



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3.7.8 - Discharge of stormwater to the sewerage system

The discharge of stormwater, surface and subsoil waters to the sewerage system is prohibited under this policy. As indicated in section 2.4, the acceptance of first flush stormwater runoff may be permitted. A charge (adjusted annually based on change in CPI) will be applied to Category 3 dischargers in accordance with the non-compliance trade waste usage charge, if approval is granted to accept the above waters. Excess mass charges will be also applied in accordance with section 4.10.

3.7.9 - Septic and pan waste disposal charge

This charge is imposed to recover the cost of accepting and treating septic tank and pan waste.

Septic tank and pan waste disposal charge (\$) = $Q \times S$

Where: Q = Volume (kL) of waste discharged to sewer.

S = Charging rate in \$/kL for septic tank effluent, septage or chemical toilet waste as indicated in Council's Annual Fees and Charges.

3.7.10 - Responsibility for payment of fees and charges

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade services provided by Council. This includes property owners of Caravan Parks, etc., if a dump point located at their premises is connected to the sewerage system. Where another party (lessee) leases premises any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee. Council will charge a septic tank and pan waste disposal charge for services it provides to transporters of septic tank and pan waste tankered and discharged to the sewerage system.

All dischargers of liquid trade waste to Council's sewerage system should be aware that they are subject to prosecution and imposition of fines under the *Local Government Act 1993* and the *Protection of the Environment (Operations) Act 1997* and Regulations. In addition to fines, Council may recover costs of damages and fines incurred by Council as a result of an illegal liquid trade waste discharge.



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3.8 – Monitoring

Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum. Inspections of commercial premises preparing hot food may be carried out at least two (2) times per annum (refer to section 4.3). Monitoring of the large and industrial dischargers is to be carried out as specified in the approval conditions.

The applicant may be required to monitor the liquid trade waste discharge as a condition of an approval or agreement. They may also be required to pay for any sampling and testing of liquid trade waste undertaken by Council.

For this purpose, an inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval and/or agreement. This point will normally be located after the pre-treatment facility. The discharger may need to install a suitable method of flow measurement.

Council may require the discharger to:

- install a permanent primary measurement device
- measure the volume and flow rate using the permanently installed flow measurement system (such as a flow metering system)
- install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume
- provide a system which allows obtaining a flow weighted composite sample.

Testing of samples is to be undertaken by a NATA-registered or other laboratory to ensure reliable and accurate results. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

3.9 – Liquid trade waste services agreement

In addition to its approval under the *Local Government Act*, Council will require Category 2S and Category 3 dischargers, and those who wish to discharge liquid trade waste in large volumes (discharge >20 kL/d) to execute a liquid trade waste services agreement (refer to Attachment 1). The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the approval issued by Council (refer to section 3.4). The conditions will be binding on the applicant and the Council. The agreement will be for a period of up to ten (10) years. No discharge is to be made to Council's sewerage system until an agreement or an interim agreement has been executed.

Provision can be made in the agreement for (in addition to Council's approval conditions):

- additional conditions for discharge of liquid trade waste
- cancellation of the agreement and/or order to cease the discharge if the discharger is found to be in breach of the agreement or the liquid trade waste approval or, in the opinion of Council, the waste is adversely affecting the sewerage system or the environment
- entry by Council officers to inspect the liquid trade waste collection, treatment, monitoring and disposal systems
- the applicant to notify Council in advance of any changes that may affect the quality and quantity of the liquid trade waste
- the amount of bond/security to be lodged with Council prior to discharging to the sewerage system

3.10 – Enforcement of approvals and agreements

Any person who fails to obtain Council's approval to discharge liquid trade waste into the sewerage system, or fails to comply with the conditions of the approval, may be liable to a penalty as provided under the *Local Government Act 1993* (sections 626 to 628 and 634 to

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Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this Act, Council may issue a penalty notice (ie. an on-the-spot fine) to such a discharger.

Any person who fails to comply with the terms or conditions of a liquid trade waste services agreement (ie. there is a breach of the agreement) will be required to indemnify the Council against any resulting claims, losses or expenses in accordance with section 9 of the agreement. Suspensions may also apply and may include a notice to cease the discharge.

(see the attached sample agreement at Attachment 1)

3.11 – Modification and revocation of approvals

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system in any of the following circumstances:

- if the approval was obtained by fraud, misrepresentation or concealment of facts
- for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval
- for failure to comply with a requirement made by or under the Local Government Act 1993 relating to a condition of the approval
- for failure to comply with a condition of the approval.

3.12 – Prevention of waste water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation (refer to Attachment 2) to waste or misuse water.

Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater and/or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

3.13 – Effluent improvement plans

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an Effluent Improvement Plan setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.



Liquid Trade Waste Guidelines

3.14 – Due diligence programs and contingency plans

For *Concurrence Classification A*, a discharger is not required to submit either a due diligence program or a contingency plan.

A discharger may be required to submit a due diligence program and a contingency plan for *Concurrence Classification B or Classification S* where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council within six (6) months and three (3) months respectively of receiving a liquid trade waste approval.

For *Concurrence Classification C*, a discharger may need to provide a due diligence program and contingency plan to Council within six (6) months and three (3) months respectively of receiving a liquid trade waste approval.

It should be noted that:

1. If the discharger has an accredited environmental management system in place, a due diligence program and contingency plan may not be required. However, proof of accreditation must be provided to Council with the application. The EMP may not include all necessary provisions in regard to trade waste. In such cases Council may require that a suitable due diligence program and contingency plan be developed and submitted to Council.
2. Where Council considers there is potential risk to the sewerage system from a discharge, it may request a due diligence program and contingency plan to be submitted prior to commencing the discharge.

Such plans do not need to be submitted to Crown land and Water. However, Council may forward them to DoI for comment if considered warranted. A copy of Crown land and Waters minimum requirements for due diligence programs and contingency plans can be found at Appendix H of the *Liquid Trade Waste Regulation Guidelines, 2009*.



Liquid Trade Waste Guidelines

3.15

Assumed Concurrence: Council has applied to the Department of Industry (Crown Lands and Water) (DOI) and has been granted authorisation to assume concurrence for Classification B and Classification S activities. Council will in most cases no longer be required to forward such applications to DOI for concurrence.

Automatic Assumed Concurrence: Councils have been authorised to assume DOI concurrence for Classification A activities. Such applications may be approved by Council without forwarding the application to DOI for concurrence.

Biochemical Oxygen Demand (BOD₅): The amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.

Biosolids: Primarily organic solid product produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.

Bunding: Secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.

Chemical Oxygen Demand (COD): A measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.

Chemical Toilet: Toilet in which wastes are deposited into a holding tank containing a deodorising or other chemicals; wastes are stored and must be pumped out (and chemical recharged) periodically.

Commercial Kitchen/Caterer: For the purpose of these Guidelines, a commercial kitchen is a premise that is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition would not apply to a food processing factory supplying pre-prepared meals to an airline company or similar.

Contingency Plan: A set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste to the stormwater drainage system, and leaks and spillages from stored products and chemicals.

Concurrence: is required before a council may approve an application for the discharge of liquid trade waste to the sewerage system. It is a requirement under section 90(1) of the *Local Government Act* and clause 28 of the *Local Government (General) Regulation 2005* that council obtain the written concurrence from the Secretary (or the Secretary's nominee) prior to approving such waste to be discharged to the council's sewerage system. Such concurrence request is to be provided to Crown land and Water.

Due Diligence Program: A plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

Effluent: The liquid discharged following a wastewater treatment process.

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Effluent Improvement Plan (EIP): The document required to be submitted by a discharger who is not meeting the acceptance limits for discharge waste quality set down in Council's approval conditions and/or liquid trade waste agreement. The document sets out how the discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within the agreed timeframe.

Heavy Metals: Metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

Housekeeping: is a general term, which covers all waste minimisation activities connected with the way in which operations within the premises are carried out.

Industrial Discharges: Industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes.

Local Government Regulation: *Local Government (General) Regulation 2005* under the *Local Government Act 1993*.

Liquid Trade Waste: Liquid trade waste means all liquid waste other than sewage of a domestic nature.

Mandatory Concurrence: For the liquid waste in Classification C, Councils will need to obtain concurrence for each discharger. DoI provides concurrence on behalf of the Secretary, Department of Industry.

Methylene Blue Active Substances (MBAS): These are anionic surfactants (see Surfactants definition) and are called MBAS as their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment: For the purpose of this Policy includes sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

National Framework for Wastewater Source Management: refer to section 3.2

NSW Department of Industry, (Crown land and Water): DoI has been established in accordance with the Administrative Arrangements (Administrative Changes-Public Service Agencies) Order 2015 from 1 July 2015. All trade waste matters (application for concurrence and policies for consent) should be provided to Crown land and Water.

Open Area: Any unroofed process, storage, washing or transport area potentially contaminated with rainwater and substances which may adversely affect the sewerage system or the environment.

Pan: For the purpose of this Policy "pan" means any moveable receptacle kept in a closet and used for the reception of human waste.

pH: A measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H^+) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

Premises: Has the same meaning as defined in the Local Government Act Dictionary and includes any of the following:



Liquid Trade Waste Guidelines

- (a) a building of any description or any part of it and the appurtenances to it
- (b) land, whether built on or not
- (c) a shed or other structure
- (d) a tent
- (e) a van

Prescribed Pre-treatment Equipment is defined as standard non-complex equipment used for pre-treatment of liquid trade waste, eg. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit (refer to Table 7 of Liquid Trade Waste Regulation Guidelines, 2009).

Primary Measurement Device: A device such as a gauging pit, weir tank or flume installed in the liquid trade waste discharge line suitable for installation of instrumentation for flow measurement. In cases of commercial flows this can mean a removable section of pipe (in the fresh water supply to the trade waste area) and the installation of a check meter.

Secretary: Secretary means the Head of the NSW Department of Industry.

Septage: Material pumped out from a septic tank during dislodging; contains partly decomposed solids, scum, sludge and liquid.

Septic Tank: Wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

Septic Tank Effluent: The liquid discharged from a septic tank after treatment.

Sewage Management Facility: A human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.

Sewage of a Domestic Nature: Includes human faecal matter, urine and waste water associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.

Sewerage System: The network of sewage collection, transportation, treatment and by-products (effluent and bio-solids) management facilities.

Sullage: Domestic wastewater excluding toilet waste.

Surfactants: The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.

Suspended Solids (SS): The insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter. Previously also referred to as non-filterable residue (NFR).

Total Dissolved Solids (TDS): The total amount of dissolved material in the water.

Waste Minimisation: Procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer

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Liquid Trade Waste Guidelines

Attachment 1

Liquid Trade Waste Services Agreement

Between [Council] and [Applicant]

Liquid Trade Waste Services Agreement

Between

1. The Council
- and
2. The Applicant

Recitals

- A. The Council is the owner and operator of a sewerage system within the _____ area.
- B. The Applicant has made application to the Council to discharge liquid trade waste from the Premises into the Council's sewerage system.
- C. The application has been approved by the Council on certain conditions ("the Approval"), including the condition that the Council and the Applicant enter into this Agreement.
- D. The Secretary of the Department of Industry has concurred in the Approval in accordance with clause 28 of the *Local Government (General) Regulation 2005*.
- E. The Approval does not operate until this Agreement has been executed by both parties.
- F. The parties enter this Agreement in consideration of the mutual promises contained herein.



Liquid Trade Waste Guidelines

Operative Part

1. Definitions and interpretation

1.1 In this Agreement, unless the context otherwise requires:

“**Act**” means the *Local Government Act 1993* (NSW).

“**Annexure**” means the annexure to this Agreement.

“**Annual Management Plan**” means the annual management plan of the Council, as adopted by the Council from time to time.

“**Applicant**” means the entity named as such in the Annexure.

“**Approval**” means the approval described in Recital C.

“**Council**” means the council named as such in the Annexure.

“**Liquid Trade Waste Services**” mean the making available by the Council of its sewerage system for connection to the Premises, for the purpose of discharge by the Applicant of its liquid trade waste.

“**Premises**” means the premises described in the Annexure.

1.2 Unless the context otherwise requires:

- (a) A reference to this Agreement is a reference to this Agreement, including the Annexure, as amended from time to time in accordance with its terms
- (b) A reference to the discharge of liquid trade waste means the discharge of liquid trade waste by the Applicant from the Premises to the Council's sewerage system
- (c) A reference to any legislation is a reference to such legislation as amended from time to time
- (d) Where the Applicant is comprised of more than one person, each obligation of the Applicant will bind those persons jointly and severally and will be enforceable against them jointly and severally.

2. Liquid Trade Waste Services

The Council will provide the Liquid Trade Waste Services to the Applicant on the terms of this Agreement.

3. Additional conditions for discharge of liquid trade waste

3.1 The Applicant may discharge liquid trade waste to the Council's sewerage system in accordance with the Approval and subject to this Agreement.

3.2 The Applicant must comply with all applicable Acts, regulations, by laws, proclamations and orders and with any lawful direction or order given by or for the Council or any other competent authority.

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- 3.3 The Applicant must not discharge liquid trade waste contrary to this Agreement or the Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.
- 3.4 The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for such period as may be specified in the Approval.
- 3.5 The Council will carry out routine sampling and testing of the waste stream.
- 3.6 Where any flow-metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the Council within one month of receiving it.
- 3.7 If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified. Where the Applicant ceases to discharge waste in the circumstances prescribed in clause 3.7, the Council may, at its discretion, elect to refund part of the annual trade waste fee on a pro rata basis, calculated according to the period of suspension.
- 3.8 If this Agreement is terminated, the Applicant must immediately cease to discharge liquid trade waste.

4. Fees and charges

- 4.1 In accordance with the *Local Government Act 1993*, Council will levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.
- 4.2 In consideration of provision of the Liquid Trade Waste Services, the fees and charges as specified in the Council's Operational Plan and notified by Council to the owner and the Applicant must be paid to the Council, including fees for sampling and testing by Council in accordance with the Approval.
- 4.3 Fees and charges payable will include both non-residential sewerage charges and liquid trade waste fees and charges.
- 4.4 All monies payable to the Council must be paid within the time specified in the notice of charge.

5. Term

- 5.1 This Agreement will commence from the date it is signed on behalf of the Council, and will continue until the Applicant's Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval,

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Liquid Trade Waste Guidelines

whichever is the earlier. Upon such revocation or permanent cessation of the approved activity this Agreement shall automatically terminate by operation of this clause.

5.2 Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

6. Powers of the Council

6.1 The Council may enter the Premises at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the Premises for the purpose of conducting any inspection, examination, testing, monitoring or sampling to determine whether the Applicant is complying with the conditions of this Agreement.

6.2 The Applicant acknowledges that the Council has statutory powers available to it under the *Local Government Act 1993* and other Acts to issue orders and directions to the Applicant in relation to the discharge of liquid trade waste. The Applicant undertakes to comply with each such order or direction that may be notified by the Council to the Applicant within the time specified for compliance in that order or direction.

6.3 The Applicant releases the Council from any liability to the Applicant for any loss or damage due to the disruption of the Applicant's business arising out of the exercise of Council's rights pursuant to this clause.

7. Information supplied by the Applicant

7.1 The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge.

7.2 The Applicant must immediately notify the Council in writing of any error or omission in that information or any change to the information of which the Applicant becomes aware.

7.3 The Applicant must not provide any false or misleading information to the Council.

8. Indemnity

8.1 The Applicant indemnifies the Council from and against any claims, losses or expense (including legal costs on a solicitor and client basis) which the Council pays, suffers, incurs or is liable for as a result of:

- (a) any unlawful, negligent, reckless or deliberately wrongful act or omission of the Applicant or its personnel or agents in connection with the discharge of liquid trade waste, including (without limitation) such acts or omissions which cause damage to property, personal injury or death
- (b) a breach of this Agreement by the Applicant.



Liquid Trade Waste Guidelines

- 8.2 The Applicant's liability to indemnify the Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless or deliberately wrongful act or omission of the Council caused or contributed to the liability or loss.

9. Insurance

The Applicant must effect and maintain for the term of this Agreement a public risk policy of insurance in the minimum of the sum specified in the Annexure and must, upon request by the Council, produce evidence of such insurance to the Council.

10. Bond

- 10.1 The Applicant must pay to the Council a bond in the sum specified in the Annexure.
- 10.2 The Council may at any time and without prior notice to the Applicant have recourse to the bond for the recovery of any sum due and owing by the Applicant to the Council.
- 10.3 Where the applicant fails to cease discharging trade waste as prescribed in clause 3.7, the Council may require the applicant to forfeit 50% of the bond.
- 10.4 The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

11. No assignment

The Applicant may not assign or otherwise transfer its rights and/or obligations under this Agreement.

12. Notices

- 12.1 A notice under this Agreement must be:
- (a) in writing, directed to the representative of the other party as specified in the Annexure
 - (b) forwarded to the address, facsimile number or the email address of that representative as specified in the Annexure or the address last notified by the intended recipient to the sender.
- 12.2 A notice under this Agreement will be deemed to be served:
- (a) in the case of delivery in person - when delivered to the recipient's address for service and a signature received as evidence of delivery
 - (b) in the case of delivery by post - within three business days of posting
 - (c) in the case of delivery by facsimile – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient



Liquid Trade Waste Guidelines

(d) in the case of delivery by email, on receipt of confirmation by the recipient that the recipient has received the email.

12.3 Notwithstanding the preceding clause 12.2, if delivery or receipt of a communication is on a day which is not a business day in the place to which the communication is sent or is later than 5 pm (local time in that place) it will be deemed to have been duly given or made at 9 am (local time at that place) on the next business day in that place.

13. Variation

13.1 If the Applicant's Approval to discharge liquid trade waste from the Premises is varied, this Agreement shall be deemed to be varied in accordance with the variation made to that approval or to the fees, by operation of this clause.

13.2 In addition to automatic variation under clause 13.1, this Agreement may be varied by written agreement of the parties, provided that a variation to this Agreement that is inconsistent with:

- (a) the Approval, including rights granted under, and conditions attached to, the Approval
- (b) any applicable legislation; or
- (c) Council's Annual Management Plan in respect of applicable fees and charges, shall have no force or effect.

14. Severability

If any part of this Agreement is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation, so far as possible, of the remainder of this Agreement.

15. Applicable law

15.1 This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.

15.2 Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales and the courts of appeal there from.

16. Rights cumulative

The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any other rights or remedies provided by law.



Liquid Trade Waste Guidelines

Executed as an agreement

Execution by the Council:

(Corporate Seal)

THE COMMON SEAL OF

..... was affixed this

..... day of 20.....

in the presence of:

.....

General Manager

.....

[signature of General Manager]

and

.....

[print name of witness]

Executed by the Applicant (corporate entity):

.....

.....

[signature of witness]



Liquid Trade Waste Guidelines

The **COMMON SEAL** of.....

.....PTY LIMITED

was affixed thisday of

.....20..... in the

presence of:

.....

[name of Director]

.....

[signature of Director]

.....

[name of Director/Secretary]

.....

[signature of Director/Secretary]

Executed by the Applicant (individual):

Signed by:

[name of Applicant]

.....

This.....day of.....20.....

[signature of Applicant]

in the presence of:

.....

[print name of witness]

.....

[signature of witness]



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Annexure

A. The Council

1. Full Name of Council _____
2. ABN _____
3. Address _____

4. Telephone _____
5. Emergency Contact _____
Telephone _____

B. The Applicant

1. Full Name of Applicant _____
2. ABN _____
3. Business or Trading Name _____
4. Address _____

5. Telephone _____
6. Emergency Contact _____
Telephone _____

C. The Premises

1. Lot and DP Number: Lot(S) _____ DP _____
2. Location _____

3. Description _____
4. Nature of Business _____

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D. Notices

Applicant's Representative _____

Postal Address _____

Facsimile _____

Email _____

Council's Representative _____

Postal address _____

Facsimile _____

Email address _____

E. PUBLIC LIABILITY INSURANCE

Minimum cover: \$ _____

F. BOND \$ _____



Liquid Trade Waste Guidelines

Attachment 2

Provisions in the *Local Government (General) Regulation 2005* in regard to acceptance of liquid trade waste into the sewerage system

Clause 25 Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines[#].

Clause 28 Approval to discharge waste into sewers: concurrence required

A council must not grant an approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Secretary of the Department Industry has concurred with the approval.

Note: Section 90 (2) of the Act permits any person or authority whose concurrence is required before an approval can be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

Clause 32 Disposal of trade waste

- (1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.
- (2) In imposing any such conditions, the council is to have regard to the matter set out in Table 5 to the Liquid Trade Waste Management Guidelines[#].

Clause 159 Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

- (a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises
- (b) take any other action that is reasonable to prevent waste and misuse of water.

[#] "Liquid Trade Waste Management Guidelines" means the Guidelines of that name produced by the Department of Industry, as in force from time to time. The 2005 Guidelines have now been superseded by *Liquid Trade Waste Regulation Guidelines, April 2009*.

* From 27 July 2009 a reference to the Secretary of the Department of Industry is to be construed as a reference to the Secretary, NSW Department of Industry.



Liquid Trade Waste Guidelines

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

- NSW State Authority name change from (DECCW) to Department of Industry.
- Update Management Guidelines to current *Australian Sewage Quality Management Guidelines June 2012, WSAA*.
- Format Trade Waste Policy with the aim of making the policy user friendly.
- As day care centres and primary schools are low risk to the Shire sewerage system, they have been added to the exempt list that does not require approval.

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Tender for Bushland and Natural Resource Management Services

Reference:	6330/17.13
Report Author:	Natural Resource Project Coordinator
Authoriser:	Manager Environment and Sustainability
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for Bushland and Natural Resource Management Services.

RECOMMENDATION

1. **THAT** in relation to the report concerning Bushland and Natural Resource Management Services - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for Bushland and Natural Resource Management Services - 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

Council conducted an open tender process to seek appropriately qualified and experienced contractors to provide a schedule of rates tender for the scope of works for Bushland and Natural Resource Management Services. These services support the delivery of Council's Capital Works Projects and Maintenance Programs, predominantly within Council bushland reserves or other natural / environmental restoration sites requiring specialised works. The full scope of works was detailed in the tender documents and design drawings.

The tender (6330/17.13) invited contractors to select and submit rates for the following listed categories and items:



- **Bushland Regeneration**
 - Primary Weeding
 - Comprehensive secondary and maintenance weeding
 - Abseiling / Rope Access Work
- **Herbicide Spraying**
- **Revegetation**
 - Preparation
 - Planting
 - Watering (post planting)
- **Seed Collection**
- **Arboricultural Work**
 - Fell / Prune small trees
 - Fell / Prune large trees
 - Trim and cross cut felled trees
- **Infrastructure Installation and Repairs**
 - Fire Trail Gate and Bollard installation and repairs
 - Supply and installation of Rural Fencing – 5 strand plain wire
 - Supply and Installation of Rural Fencing – 5 strand plain wire + one offset-electric wire
 - Supply and Installation of Rural Fencing – 3-strand electric wire
- **Vegetation Management**
 - Mowing, Slashing and Brushcutting using small plant
 - Tractor mounted vegetation slashing / mulching
 - Forestry mulching
 - Chipping plant debris
 - Green waste removal
 - Small rubber tracked excavator-assisted clearing of weeds (large shrubs and brambles)
- **Vertebrate Pest Control**
 - Rabbit Warren Fumigation
 - Rabbit Pindone Baiting
- **Weed Inspections**
 - Support for inspection of private and public lands as per Council's obligations under the NSW Biosecurity Act.

REPORT

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

The contract period for the tender will be two (2) years plus a potential two (2) x one (1) year extension option (possible combined total of four (4) years)). Future contract extensions are

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to be exercised at Council's discretion and will be based on performance and competitiveness of the contract.

ADVERTISING

The tender advertising period was from 29 August 2017 to 19 September 2017 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	29 August 2017
Newspaper – Southern Highlands News	30 August 2017
Newspaper – Southern Highlands News	06 September 2017
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of 14 tender submissions were received:

Company Name	Location	Postcode
All Scale Tree Services	Colo Vale	2575
Bowantz Bushfire & Environmental	Coledale	2515
Bruce Noble Rural Contracting	Moss Vale	2577
Canopy Tree Pty Ltd	Balmoral	2571
CJ Environmental Pty Ltd	Taren Point	2229
EnviroAg Services	Bungendore	2621
Landscape Direct	Mawson, ACT	2606
MCH Excavations Pty Ltd	Yerrinbool	2575
Proust Land Services	Tomerong	2540
Smiths Land Maintenance	Glenquarry	2576
Southern Habitat NSW Pty Ltd	Keiraville	2500
Toolijooa	Terry Hills	2084
Total Earth Care Pty Ltd	Warriewood	2101
TreeServe Pty Ltd	Horsley Park	2175

LATE TENDERS

No tender submissions were received as late (therefore non-conforming based on tender closure date).

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Completion of all schedules and Council RFT documentation
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle Comprehensive Insurance
Bush Regeneration: Required industry certification of competency
Herbicide Spraying: AQF3 current accreditation (Chemcert)
Abseiling / Rope Access Work: Required industry certification of competency
Fell / Prune Small and Large Trees: Required industry certification of competency
Trim / Cross Cut Felled Trees: Required industry certification of competency
Vertebrate Pest Control: Required certification for storage, preparation and use of Pindone and fumigants
Weed Inspections: Required level of competency

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

Non-Cost Selection Criteria & Weighting:

Non-Cost Selection Criteria	
Criteria	Weighting
Capability & Experience	30%
Community & Social(including local content)	10%
Total	40%

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Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	40%
Total Cost Criteria	60%
Total	100%

The services which receive the majority of funding under this tender are highly technical and specialised in nature and therefore require a very high level of contractor capability and experience in order to deliver within Biodiversity and Environmental Legislative compliance. This is reflected in the high weighting applied to non-cost criteria (particularly Capability & Experience) under this tender.

NON-COMPLIANT TENDERS

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

Company Name	Reason for Non-Compliance
Landscape Direct	Mandatory Items - Incomplete documentation and lack of specific detail / evidence as required in response Schedules.
MCH Excavations Pty Ltd	Mandatory Items – did not provide to Council requested clarification information within required timeframes.
Proust Land Services	Mandatory Items – Tender response schedules not submitted. Unable to evaluate submission.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

Funding for Bushland and Natural Resource Management Services tender has been included in Council's adopted Capital Works Program and Investing in Our Future Improvement Plan.

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

CONSULTATION

Internal Consultation

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



External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

The 2017/18 Adopted Budget (including four year forward estimates) includes funding for maintenance activities undertaken by Council's operational areas. Ongoing expenditure relating to Bushland and Natural Resource Management Services will be monitored and reviewed in line with adopted budget estimates and as part of future Quarterly Reviews of the Budget.

RELATED COUNCIL POLICY

Council's Procurement Guidelines and Local Purchasing Preference Policy have been used to inform the tender process.

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

13.2 Processing of Development Applications in Wingecarribee Shire

Reference:	503/42
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to provide Council with information and data in relation to the processing of development applications through the Planning, Development and Regulatory Services Branch of Council and also inform Council of the recent changes to the NSW *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION

THAT the information provided in the report in relation to Processing of Development Applications in Wingecarribee Shire be noted by Council.

REPORT

BACKGROUND

The processing of development applications is a significant service and responsibility undertaken by Councils. Development applications can be categorised into the following broad groupings:

1. Building work consisting of residential outbuildings such as sheds, carports, swimming pools, farm buildings, new dwelling houses, alterations and additions to dwelling houses, commercial/industrial use fit outs, dual occupancy developments multi-unit residential developments, commercial/industrial complexes and tourist facilities.
2. Non building work such as change of use applications and Home businesses.
3. Subdivision related matters.

The Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation, 2000 are the principal pieces of legislation that govern the processing and determination of development applications. The current regime of development applications has been in existence since 1997 when the majority of building related provisions that existed in the Local Government Act 1993 for building applications was transferred to the Environmental Planning and Assessment Act. Prior to this for

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instance a dwelling house only required a Building Application. Today a dwelling house requires either a Development Application and a Construction Certificate or a Complying Development Certificate. In combining the various categories of building works into one Act, a number of processes were established together with broad categories of development as set out below.

The process for carrying out development in the most part requires the following steps and applications to be made:

- Development Application
- Construction Certificate
- Occupation Certificate
- Appointment of a Principal Certifying Authority

The categories of development that exist and the criteria are as follows:

- Exempt development – Development that is permissible without the need for approval
- Complying Development – Development that if having met the conditions of approval can be determined quickly and by either a Council or a Private Certifier.
- Local Development – Development determined by the Council
- Integrated Development – Development that needs approval from more than one authority
- Designated Development – Development that has potential for environmental impacts
- State Significant Development – Development that is declared of State significance by the Minister or a planning instrument

Typically when building a new dwelling house in the Shire, four separate applications are required to be lodged, assessed and determined separately:

- Development Application
- Construction Certificate
- s68 Application under the Local Government Act for Water and Sewer connections
- s138 Application under the Roads Act for a Road Opening permit or a driveway crossing

To say planning is complex would be an understatement. In the assessment of a development application that requires consent, there is a myriad of planning instruments, guidelines and policies that need to be considered. The following is a list of documents that require consideration in the assessment process for each development application:

- Environmental Planning and Assessment Act – Part 4 of the Act
- State Environmental Planning Policies (SEPP) – There are currently 40 SEPPs of which 25 apply in the Wingecarribee Shire with 21 development related.
- Local Environmental Plan – Wingecarribee LEP 2010

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- Development Control Plan – There are 17 separate DCPs that apply across the Shire.

In the context of Wingecarribee Shire, a large percentage of the Shire has bushfire related considerations, Sydney Drinking Water Catchment considerations and Heritage. More recently vegetation and biodiversity considerations have been increased due to the existence of listings of natural vegetation communities within the Shire on the State and National endangered lists of vegetation communities.

When the Environmental Planning and Assessment Act 1979 came into effect in 1980, a provision was included that if a development application was not determined within 40 days of lodgement it could be deemed to have been refused by the consent authority and the applicant could appeal to the NSW Land and Environment Court for a determination. For more complex applications such as Integrated Development and Designated development up to 60 days is the legislated deemed refusal period.

There is little doubt that the material to be assessed with each and every development application has been increased in that almost 40 year period.

DEVELOPMENT APPLICATION PROCESSING IN WINGECARRIBEE SHIRE

The Processing of Development Applications in Wingecarribee Shire is facilitated in the Planning Development and Regulatory Services Branch. The Branch is split into the areas of:

- Strategic Planning – Strategy and Policy Development
- Development Assessment – Development Application processing
- Certification and Compliance – Dwelling House related Development Applications processing, Certification, Inspections, and Compliance Inspections
- Ranger Services and Animal Shelter

Within the Strategic Planning Section there are 6 Town Planner positions of which 2 are currently vacant. In the Development Assessment Section there are 11 positions (6 Town Planner positions of which 3 are vacant, Tree and Vegetation Officer and 4 Development Engineers of which 3 positions are vacant). In the Certification and Compliance Section there are 12 positions of which 2 are vacant. Where vacancies are being experienced, recruitment has been attempted on numerous occasions. In the intervening period of filling vacant positions, consultants are used where available in order to meet business demands.

In the first half of 2017, following a comprehensive review of the Planning and Development functions of the Planning Development and Regulatory Services Branch, Council approved an increase in the employment budget of the branch to create additional positions as follows:

- two additional positions in the Strategic Planning Section (Coordinator and Strategic Planner 2 year contract),
- one and half additional positions in the Development Assessment Section (half a Senior Town Planner to make existing half position fulltime, and one new Town Planner position,
- 4 new positions in Accredited Certifiers (AC) (Coordinator, two Senior AC and AC Fire safety and Pools).

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It is noted that many Councils across NSW and Australia are experiencing difficulties in employing Town Planners, Building Surveyors (Accredited Certifiers) and Development Engineers. With opportunities for Accredited Certifiers to be self-employed as private certifiers for private certification work and high demand for Town Planning Consultants and Engineers, Councils are competing with the private sector for the same pool of professionals. A quick survey of Councils surrounding Wingecarribee Shire in the past 2 weeks confirmed many were advertising for Building Surveyors, Town Planners and Development Engineers all at the same time.

PROCESSING AND ASSESSMENT TIMES

As detailed above there are statutory timeframes for the determination of development applications. If undetermined within the statutory timeframe, the applicant has the right to appeal to the Land and Environment Court as a Deemed Refusal.

The quantity of development applications, the number of submissions received against development applications, the complexity of considerations of development applications and the resources in terms of personnel available to assess and determine applications all contribute the timeframes in which determinations can be delivered. Every effort is made to ensure applications are dealt in a timely manner.

Below is a table which shows data relating to development application processing within Wingecarribee Shire over the past 7 years ranging from 2011 to 2017.

Year	No. of DAs Received	No. of DAs Determined	Average Assessment Days
2011	930	699	72
2012	850	673	63
2013	887	747	68
2014	789	641	59
2015	958	893	59
2016	1011	935	63
2017	1266	1134	59

Table 1 – Development Application yearly statistics

Table 1 shows in terms of numbers the 2017 year received the highest number of development applications, had the highest number of development application determinations and had the equal lowest average assessment days over the 7 year period.

The Office of Local Government provides comparative data on the performance of Local Councils over a number of function areas. One such function area is Development Application processing.

The last year where such comparative data was available was in 2015. Wingecarribee Shire ranked 85th out of 152 Councils in NSW for the average assessment days. Of the surrounding comparative councils to Wingecarribee Shire, only Shellharbour CC ranked 64th

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with 493 development applications determined with an average of 46 days was above Wingecarribee Shire for average processing days.

Below Wingecarribee Shire was:

- Camden Council ranked 86th with 1136 development applications determined with an average of 60 days
- Kiama MC ranked 89th with 274 development applications determined with an average of 61 days
- Wollongong CC ranked 90th with 1475 development applications determined with an average 61 days
- Shoalhaven CC ranked 104th with 1608 development applications determined with an average of 68 days
- Goulburn Mulwaree Council ranked 113th with 401 development applications determined with an average of 78 days
- Wollondilly SC ranked 121st with 875 development applications determined with an average of 85 days
- Campbelltown CC ranked 138th with 713 development applications determined with an average of 104 days.

Of the 152 Councils in NSW in existence in 2015, only 42 councils achieved an average assessment time of 40 days or better.

It is worth noting the recent development of new residential release areas within the Shire. At the present time, Council is receiving applications for new residential dwellings in Nattai Ponds Braemar, Renwick, Retford Park, Bowral and Darraby Estate, Moss Vale. Combined these release areas will see in the order of 1500 new residential dwellings built once completed. In addition there are a number of smaller subdivisions ranging in size between 2 to 3 allotments up to 50 allotments

In addition to the processing of various applications for development, Council carries out inspections of the works being undertaken. In 2017, Council undertook in excess of 5300 inspections.

The following table illustrates month by month in 2017 residential type applications determined by Council. In the 2017 year, 283 new dwellings were approved and 365 applications for alterations and additions to dwellings.

Application Type	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
New Dwelling applications	14	28	20	15	28	28	31	48	22	18	19	12	283
Residential Alterations and Additions	26	24	28	23	36	43	32	51	42	23	14	23	365
Total Applications	40	52	48	38	64	71	63	99	64	41	33	35	648

Table 2 – Applications determined by Month in 2017

It is noted that the total number of applications determined in Table 2 above was out of a total of 1134 Development Applications determined for 2017.

2018 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 REFORMS

On 1 March 2018, the State Government's long awaited reforms to the Environmental Planning and Assessment Act were enacted.

The reforms are varied across the spectrum of planning processes within the Act. However, focusing on the processing of development applications, the main section is Part 4.

Making local development processes simpler and faster for all participants is one of the goals of the legislative changes. The objective is to reduce cost and delay for proponents. A key priority for the State Government is to deliver faster housing approvals. The Premier has committed to ensuring that 90% of housing approvals are processed within 40 days. An important part of the strategy to achieve this target is by improving development assessment processes for local development. It is proposed that this be accommodated by improving the pathway for complying development which will grow complying development as a proportion of total development.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Not Applicable

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement undertaken in the preparation of this report

Internal Communication and Consultation

Consultation occurred with the Group Manager Planning Development and Regulatory Services

External Communication and Consultation

The Council report data provided on the Office of Local Government's website was used in the preparation of this report.

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 related to this report.

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications in relation to this report.

RELATED COUNCIL POLICY

There are no related Council Policies in relation to this report.

OPTIONS

There is only one option presented to Council which is that the report be noted.

CONCLUSION

Over the past 2 years there has been a significant upsurge of development applications lodged with Council particularly in residential development attributed partly to the newly developed residential release areas as well as the intentions of owners of older dwellings to carryout renovations.

Wingecarribee Shire is growing in terms of population, as a place to do business and a place for tourists to visit. With this growth will come applications to build houses and operate businesses. It is therefore predicted the trends experienced over the recent years will continue into the foreseeable future.

Bearing in mind the anticipated continued growth predictions, Council staff have been and will continue to review the business operations to ensure that the processes and procedures for dealing with development applications respond to such growth and at the same time continue to reduce assessment timeframes.

ATTACHMENTS

There are no attachments to this report.

13.3 Heritage Advisory Committee

Reference:	107/16
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to advise that Councillor Garry Turland has tendered his resignation from the Heritage Advisory Committee effective immediately.

RECOMMENDATION

THAT Council determine whether it wishes to elect a replacement Councillor on the Heritage Advisory Committee now or in September 2018.

REPORT

BACKGROUND

Council at its meeting held on 8 February 2017 adopted the Committee Structure for the 2016-2020 elected Council term and appointed Councillors to the respective Committees for a 2 year appointment.

Council elected Cllr Graham McLaughlin as the Committee Chair and Cllr Garry Turland as the Alternate Chair.

REPORT

On 21 March 2018, Councillor Turland emailed Council tendering his resignation as Councillor representative on the Heritage Advisory Committee effective immediately. Councillor Turland also requested that this matter be reported to the next Council meeting.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

No Community Engagement Required.

Internal Communication and Consultation

No internal Consultation is required.

External Communication and Consultation

No external communication and consultation is required.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Councillor representation on Council Committees is determined by Council resolution. Council therefore needs to determine if Councillor Turland is to be replaced on the Heritage Advisory Committee immediately or whether the position of Alternate Chair remain vacant until the Council elects new Councillor representation on Committees in September 2018.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications.

RELATED COUNCIL POLICY

There are no related Council Policies.

OPTIONS

The options available to Council are:

Option 1

Council proceed to appoint a Councillor replacement for Cllr Turland as the Alternate Chair of the Heritage Advisory Committee immediately.

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Option 2

Council keep the position of Alternate Chair vacant until Councillor representations on the Council Committees is considered in September 2018.

CONCLUSION

The appointment of Councillors to Council committees is a matter for Council to resolve.

ATTACHMENTS

There are no attachments to this report.

Mark Pepping
**Deputy General Manager Corporate,
Strategy and Development Services**

Friday 23 March 2018



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 28 February 2018.

RECOMMENDATION

1. **THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 22.3.**
2. **THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.**

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 February 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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REPORT GENERAL MANAGER



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 February 2018 – refer **Attachment 1**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

CONSULTATION

Community Engagement

Nil

Internal Consultation

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

External Consultation

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



SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

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

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal Costs February 2018

Ann Prendergast
General Manager

Friday 23 March 2018

14.1 Legal Report

ATTACHMENT 1

Legal Costs February 2018



ATTACHMENT 1

Legal Costs – February 2018

Legal Matter	Consultant Expenditure February 2018 \$	Consultant Expenditure YTD \$	Legal Expenditure February 2018 \$	Legal Expenditure YTD \$	Total Expenditure Life to Date \$
B Robertson (Montrose Berry Farm)	-	3,738.64	2,492.50	36,748.04	50,469.18
Village Lane Holdings (Seniors Living Development in Robertson)	-	2,227.27	-	16,400.49	27,138.26
Tipglen (Wembly Road Moss Vale)	-	2,518.64	1,507.50	20,638.42	28,020.56
Willow Pty's	-	6,920.45	923.00	18,978.00	25,898.45
Oxley College	-	5,568.18	-	11,238.50	16,806.68
Oporto Mittagong	-	5,011.36	5,354.00	23,801.00	28,812.36
Moss Vale Projects (Woolworths)	-	20,576.59	590.00	37,499.26	60,614.85
Centennial	-	-	-	134,920.10	177,678.20
Fenwick	-	1,600.00	-	-	25,486.45
RG Capital Erith St, Bundanoon	-	-	1,562.00	4,725.50	4,725.50
O'Shanassy	-	-	194.67	5,485.45	426,549.37
Lema & Mitchell Huxley St, Mittagong	-	4,454.55	-	4,747.00	9,201.55
Sarah King East St, Moss Vale	-	-	798.00	9,329.50	9,329.50
Blackbrook, Building Work Order	-	-	3,625.50	11,453.00	11,453.00
Tuxworth, Seniors Living 605 Argyle St, Moss Vale	6,045.45	6,045.45	3,804.00	5,818.00	11,863.45
Evoke Corporation (Aldi's Moss Vale)	-	-	2,113.50	4,484.50	4,484.50
Tujilo Pty Ltd s96 Modification at Milton Park, Bowral	-	-	1,892.50	4,188.45	4,188.45

14.1 Legal Report

ATTACHMENT 1

Legal Costs February 2018



Turland Mittagong Rd, Bowral	-	-	5,860.97	5,860.97	5,860.97
Malcolm Holdings Exeter Rd, Exeter	-	-	1,226.50	1,226.50	1,226.50
Deluxe Projects Seniors Living Development in East Bowral	-	-	620.00	620.00	620.00
Baron Corp P/L Construction Cert refusal for s/d Farnborough Dr, MV	-	-	7,671.00	7,671.00	7,671.00

Notes:

- Total Legal costs paid 1 February 2108 to 28 February 2018 - \$40,235.64
- Total Consultants paid 1 February 2018 to 28 February 2018 – \$6,045.45
- Total Legal and Consultant costs paid 1 July 2017 to 28 February 2018 - \$424,494.81

Fees Recovered - February 2018

Legal Matter	Fees Recovered February 2018 \$	Fees Recovered YTD \$	Fees Recovered Life to Date \$
Gadeley	1,100	9,350	17,700.00
O'Shanassy	750	4,500	5,018.00
Nielsen	250	1,068	1,068.00
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 Minutes of the Traffic Committee held on Thursday 1 March 2018

Reference:	107/6
Report Author:	Administration Officer
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

This report provides the Minutes of the Traffic Committee Meeting held on Thursday, 1 March 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 6.1 Road Safety Officer progress report

TC2/18

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:

- *Little Blue Dinosaur Launch*

Coordinated and conducted the launch of the Little Blue Dinosaur Foundation (LBDF) child pedestrian holiday campaign. 70 signs with the message "SLOW DOWN - Kids Around It's Holiday Time" installed at key tourist areas where the school holiday period results in increased pedestrian foot traffic and an amplified number of vehicles in the area. The LBDF campaign was launched by Mayor Ken Halstead 1 December at Winifred West Park Mittagong (see end of report for photos).

- *'Look out before your step out' Pedestrian Safety*

A second round of highly visible 'Look Out Before You Step Out' footpath stickers supplied by the Roads and Maritime Services RMS, will be installed at 30 locations in Moss Vale, Mittagong and Bowral. The locations identify with high risk pedestrian activity areas and pedestrian crash locations. The stickers are a reminder to pedestrians at the point of behaviour to 'Look Out Before You Step Out' and will be located at key pedestrian crossing points for three months (see end of report for images).

Item 6.2 Police report on road crashes in the Shire

TC3/18

THAT the information be received and noted.

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Item 6.3 Traffic Arrangements for ANZAC Day

TC4/18

THAT permission be granted for the 2018 ANZAC Day traffic arrangements subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

Item 6.4 2018 Remembrance Day Service at Mittagong

TC5/18

1. *THAT traffic management plans be prepared for the 2018 Remembrance Day Services in Mittagong and Bundanoon and submitted to the next Traffic Committee meeting;*
2. *THAT the Mittagong RSL Sub-Branch advise the shopkeepers affected by the proposed traffic arrangements and submit any comments to the next Traffic Committee meeting.*

Item 6.5 Traffic Arrangements for Winterfest 2018

TC6/18

THAT there is no objection to the traffic and parking arrangements proposed by Bundanoon Community Association for their Winterfest event on Friday 6 July 2018 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and an approved LUA for the event.

Item 6.6 2018 Trek for Timor

TC7/18

THAT there is no objection to the traffic and parking arrangements for the 2018 Trek For Timor event on Saturday 5 May 2018 subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 3 Event.

Item 6.7 2018 Southern Highlands Endurance Ride

TC8/18

THAT there is no objection to the traffic and parking arrangements for the 2018 Southern Highlands Endurance Ride event on Saturday 26 and Sunday 27 May 2018 subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 3 Event.

Item 6.8 Intersection of Spencer Street and Yarrawa Road, Moss Vale

TC9/18

THAT the matter be deferred and reported back to the next Traffic Committee meeting on 3 May 2018 pending further investigation.

Item 6.9 Linemarking in Aitken Road, Bowral

TC10/18

THAT a 20m long barrier line be marked in Aitken Road, Bowral north from Kangaloon Road.

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COMMITTEE REPORTS



Item 6.10 Front in parking in Empire Cinema Car Park, Bowral

TC11/18

THAT the six undercover parking spaces in the Empire Cinema Car Park in Bowral adjoining the G Beavan Funerals property be signposted as 90 DEGREE PARKING, FRONT TO KERB, VEHICLES UNDER 6M ONLY.

Item 6.11 Stop sign on Holly Road at Sullivan Road, Burradoo

TC12/18

THAT a stop sign and markings is not considered to be warranted on Holly Road at its junction with Sullivan Road, Burradoo.

Item 6.12 Stop sign on Kings Road at Argyle Street, Moss Vale

TC13/18

THAT a Stop sign and markings replace the Give Way sign on Kings Road at its junction with Argyle Street in Moss Vale.

Item 6.13 Date of the next Traffic Committee meeting

TC14/18

THAT the date of the next Traffic Committee meeting is Thursday 3 May 2018.

Item 6.14 Traffic Committee Action Sheet

TC15/18

THAT the information be received and noted.

GENERAL BUSINESS

1. Hostile Vehicle Mitigation at special events

TC16/18

1. *THAT the implementation of Hostile Vehicle Mitigation measures for special events be investigated and reported to the next Traffic Committee meeting;*
2. *THAT consultation take place with Police, RMS, Council, Berrima Buslines and other relevant stakeholders.*

2. Mobile phone use while driving

TC17/18

THAT the Police brief the Committee on measures to address mobile phone use whilst driving at the next Traffic Committee meeting.

4. Resignation of the Road Safety Officer

TC18/18

THAT a formal expression of thanks on behalf of the Committee and Council go to the Road Safety Officer, Melanie Lausz upon her resignation from Council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

COMMITTEE REPORTS



RECOMMENDATION

THAT recommendations Nos TC1/18 to TC18/18 – as detailed in the Minutes of the Traffic Committee Meeting held on Thursday, 1 March 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Traffic Committee meeting on Thursday 1 March 2018



ATTACHMENT 1



MINUTES

of the Traffic Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Thursday 1 March 2018

The meeting commenced at 9:30am

File No. 107/6



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. DECLARATIONS OF INTEREST**
- 6. AGENDA REPORTS 3**
 - 6.1 Road Safety Officer progress report..... 3
 - 6.2 Police report on recent road crashes in the Shire..... 4
 - 6.3 Traffic Arrangements for ANZAC Day 5
 - 6.4 2018 Remembrance Day Service at Mittagong 6
 - 6.5 Traffic Arrangements for Winterfest 2018 7
 - 6.6 2018 Trek for Timor 8
 - 6.7 2018 Southern Highlands Endurance Ride 9
 - 6.8 Intersection of Spencer Street and Yarrawa Road, Moss Vale.....10
 - 6.9 Linemarking in Aitken Road, Bowral11
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 - 6.12 Stop sign on Kings Road at Argyle Street, Moss Vale.....14
 - 6.13 Date of the next Traffic Committee meeting15
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18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 1 MARCH 2018 COMMENCING AT 9:34AM.

Present:

Councillors:	Clr Ian Scandrett	Chair
	Mrs Jayd Marsh	Roads and Maritime Services
	Mrs Katherine Wood	Representing Member for Goulburn
	Mr Marcus Hewitt	Representing Member for Wollondilly

Agency

Representatives:	Mr Chris Moule	Berrima Buslines
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Council Staff:

Mr Frank Perger	Traffic Engineer
Ms Melanie Lausz	Road Safety Officer
Mrs Liz de Graaf	Administration Assistant

Absent:

Mr Frank Iacono

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Sergeant Matt Hoffman.

RECOMMENDATION

THAT the apology of Matt Hoffman be accepted and leave of absence granted.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 23 NOVEMBER 2017

RECOMMENDATION

THAT the minutes of the Traffic Committee Meeting held on Thursday 23 November 2017 TC120/17 to TC148/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

4. BUSINESS ARISING

Nil

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



5. DECLARATIONS OF INTEREST

Nil

EN BLOC MOTION

The Chairman, Cllr Scandrett moved a motion to adopt En Bloc agenda items 6.1 to 6.2, 6.4 to 6.7, 6.9 to 6.14

TC1/18

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING
 Thursday 1 March 2018



6. AGENDA REPORTS

6.1 Road Safety Officer progress report

Reference: 7410/5
 Report Author: Road Safety Officer
 Authoriser: Traffic Engineer
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on promotions and activities of the Road Safety Officer (RSO)

RECOMMENDATION

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:

☐ ***Little Blue Dinosaur Launch***

Coordinated and conducted the launch of the Little Blue Dinosaur Foundation (LBDF) child pedestrian holiday campaign. 70 signs with the message "SLOW DOWN - Kids Around It's Holiday Time" installed at key tourist areas where the school holiday period results in increased pedestrian foot traffic and an amplified number of vehicles in the area. The LBDF campaign was launched by Mayor Ken Halstead 1 December at Winifred West Park Mittagong (see end of report for photos).

☐ ***'Look out before your step out' Pedestrian Safety***

A second round of highly visible 'Look Out Before You Step Out' footpath stickers supplied by the Roads and Maritime Services RMS, will be installed at 30 locations in Moss Vale, Mittagong and Bowral. The locations identify with high risk pedestrian activity areas and pedestrian crash locations. The stickers are a reminder to pedestrians at the point of behaviour to 'Look Out Before You Step Out' and will be located at key pedestrian crossing points for three months (see end of report for images).

TC2/18

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.2 Police report on recent road crashes in the Shire

Reference: 7410
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Provide safe and efficient road, cycle and where appropriate, walking paths between and within town and villages, and conveniently located parking areas for cars and bicycles. Ideally, all road reserves to include provision for safe walking and cycling

PURPOSE

Reporting on recent road crashes in the Shire recorded by Police

RECOMMENDATION

THAT the information be received and noted

TC3/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.3 Traffic Arrangements for ANZAC Day

Reference: 7420/3
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic arrangements for ANZAC Day in 2018

RECOMMENDATION

THAT permission be granted for the 2018 ANZAC Day traffic arrangements subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

TC4/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.4 2018 Remembrance Day Service at Mittagong

Reference: 7420/3
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Requesting Council support for a commemorative service on Remembrance Day in 2018 through Mittagong

RECOMMENDATION

1. *THAT traffic management plans be prepared for the 2018 Remembrance Day Services in Mittagong and Bundanoon and submitted to the next Traffic Committee meeting;*
2. *THAT the Mittagong RSL Sub-Branch advise the shopkeepers affected by the proposed traffic arrangements and submit any comments to the next Traffic Committee meeting.*

TC5/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.5 Traffic Arrangements for Winterfest 2018

Reference: 7420/3
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Provide safe and efficient road, cycle and where appropriate, walking paths between and within town and villages, and conveniently located parking areas for cars and bicycles. Ideally, all road reserves to include provision for safe walking and cycling

PURPOSE

Reporting on traffic arrangements for the 2018 Winterfest in Bundanoon

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed by Bundanoon Community Association for their Winterfest event on Friday 6 July 2018 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and an approved LUA for the event.

TC6/18

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.6 2018 Trek for Timor

Reference: 7420/3
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Provide safe and efficient road, cycle and where appropriate, walking paths between and within town and villages, and conveniently located parking areas for cars and bicycles. Ideally, all road reserves to include provision for safe walking and cycling

PURPOSE

Reporting on traffic arrangements for the 2018 Trek for Timor.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements for the 2018 Trek For Timor event on Saturday 5 May 2018 subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 3 Event.

TC7/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.7 2018 Southern Highlands Endurance Ride

Reference: 7420/3
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on traffic arrangements for the 2018 Southern Highlands Endurance Ride

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements for the 2018 Southern Highlands Endurance Ride event on Saturday 26 and Sunday 27 May 2018 subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 3 Event.

TC8/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.8 Intersection of Spencer Street and Yarrawa Road, Moss Vale

Reference: 7460/26
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Provide safe and efficient road, cycle and where appropriate, walking paths between and within town and villages, and conveniently located parking areas for cars and bicycles. Ideally, all road reserves to include provision for safe walking and cycling

PURPOSE

Requesting improved safety at the intersection of Spencer Street and Yarrawa Road, Moss Vale

RECOMMENDATION

THAT the matter be deferred and reported back to the next Traffic Committee meeting on 3 May 2018 pending further investigation.

TC9/18

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.9 Linemarking in Aitken Road, Bowral

Reference: 7460/8

Report Author: Traffic Engineer

Authoriser: Manager Assets

Link to Delivery Program: Work in partnership to ensure a safe road network

PURPOSE

Requesting linemarking in Aitken Road, Bowral

RECOMMENDATION

THAT a 20m long barrier line be marked in Aitken Road, Bowral north from Kangaloon Road.

TC10/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.10 Front in parking in Empire Cinema Car Park, Bowral

Reference: 7460/8, 7470/6
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on ways to prevent vehicles damaging the fence in the Empire Cinema Car Park in Bowral adjoining G Beavan Funerals

RECOMMENDATION

THAT the six undercover parking spaces in the Empire Cinema Car Park in Bowral adjoining the G Beavan Funerals property be signposted as 90 DEGREE PARKING, FRONT TO KERB, VEHICLES UNDER 6M ONLY.

TC11/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.11 Stop sign on Holly Road at Sullivan Road, Burradoo

Reference: 7460/11
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Requesting a stop sign on Holly Road at Sullivan Road, Burradoo

RECOMMENDATION

THAT a stop sign and markings is not considered to be warranted on Holly Road at its junction with Sullivan Road, Burradoo.

TC12/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.12 Stop sign on Kings Road at Argyle Street, Moss Vale

Reference: 7460/26
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Requesting a Stop sign on Kings Road at its junction with Argyle Street in Moss Vale

RECOMMENDATION

THAT a Stop sign and markings replace the Give Way sign on Kings Road at its junction with Argyle Street in Moss Vale.

TC13/18

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.13 Date of the next Traffic Committee meeting

Reference: 107/6
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the date of the next Traffic Committee meeting.

RECOMMENDATION

THAT the date of the next Traffic Committee meeting is Thursday 3 May 2018.

TC14/18

Unanimous support

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



6.14 Traffic Committee Action Sheet

Reference: 107/6
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the Traffic Committee Action Sheet

RECOMMENDATION

THAT the information be received and noted

TC15/18

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



7. GENERAL BUSINESS

1. HOSTILE VEHICLE MITIGATION AT SPECIAL EVENTS

7420/3

The Manager of Berrima Buslines, Chris Moule raised the issue of Hostile Vehicle Mitigation at special events. It was recommended:-

1. THAT the implementation of Hostile Vehicle Mitigation measures for special events be investigated and reported to the next Traffic Committee meeting;
2. THAT consultation take place with Police, RMS, Council, Berrima Buslines and other relevant stakeholders.

TC16/18

Unanimous support

2. MOBILE PHONE USE WHILE DRIVING

7410

The representative for Jai Rowell MP, Member for Wollondilly raised the safety issue of motorists using mobile phones while driving. It was recommended:-

THAT the Police brief the Committee on measures to address mobile phone use whilst driving at the next Traffic Committee meeting.

TC17/18

Unanimous support

3. SAFETY ON GOLDEN VALE ROAD AND AT ITS JUNCTION WITH THE HUME HIGHWAY

RD3704

The representative for Pru Goward MP, Member for Goulburn raised safety on Golden Vale Road at Sutton Forest. The RMS advised as follows:

1. The RMS is undertaking works at the junction of Golden Vale Road and the Hume Highway;
2. The RMS is undertaking a speed zone review on Golden Vale Road and that the Committee will be advised of the outcome;
3. That investigations are taking place in relation to incidents on the Hume Highway.

18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018
ATTACHMENT 1 Minutes of the Traffic Committee meeting on
Thursday 1 March 2018



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 1 March 2018



4. RESIGNATION OF THE ROAD SAFETY OFFICER

107/6

The Traffic Committee was advised that Council's Road Safety Officer, Melanie Lausz has resigned from Council. It was recommended:-

THAT a formal expression of thanks on behalf of the Committee and Council go to the Road Safety Officer, Melanie Lausz upon her resignation from Council.

TC18/18

Unanimous support

8. MEETING CLOSURE

The next meeting will be held on Thursday 3 May 2018 in Council Chambers
Civic Centre, Elizabeth Street, Moss Vale commencing at 9:30am.

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



18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

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

PURPOSE

This report provides the Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2017.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

DEM 1/18

THAT the apology of Mayor, Cllr Ken Halstead be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

DEM 2/18

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 06 December 2017 MN DEM8/17 to MN DEM12/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Wingecarribee Land & Housing Monitor

DEM 3/18

THAT the presentation regarding the Wingecarribee Land and Housing Monitor be noted.

Item 6.2 Strategic Planning Programme for 2018

DEM 4/18

- 1. THAT the presentation and information presented regarding the Strategic Planning Programme for 2018 be noted.*
- 2. THAT the Committee's concerns regarding the ability of the State Government to overrule Council's policy position on greenfields development as in the case of Chelsea Gardens/Coomungie be noted.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

COMMITTEE REPORTS



Item 6.3 Affordable Housing Policy

DEM 5/18

1. THAT the presentation regarding the Affordable Housing Policy be noted.
2. THAT the Committee invite representatives from the Department of Planning to attend the next meeting with the Demographic and Housing Committee, Councillors and invited stakeholders at a suitable time to discuss the Wingecarribee Shire needs in regard to developing an Affordable Housing Policy.

RECOMMENDATION

THAT recommendations Nos DEM 1/18 to DEM 5/18 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 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, 7 March 2018



ATTACHMENT 1



MINUTES

of the Demographics and Housing Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 7 March 2018

The meeting commenced at 5.00pm

File No. 1823/3

18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 7 March 2018



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **BUSINESS ARISING FROM THE MINUTES**
Demographics and Housing Advisory Committee Meeting held on 6 December 2017
5. **DECLARATIONS OF INTEREST**
6. **AGENDA REPORTS** 3
 - 6.1 Wingecarribee Land & Housing Monitor..... 3
 - 6.2 Strategic Planning Programme for 2018 4
 - 6.3 Affordable Housing Policy 5
7. **DATE OF NEXT MEETING** 6
8. **MEETING CLOSURE** 6

18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 7 March 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 7 MARCH 2018 COMMENCING AT 5.00PM.

Present:	Clr L A C Whipper Clr I M Scandrett	<i>Chair</i> <i>Alternate Chair</i>
Community Representatives:	Ms Laurel Cheetham Mr Nicholas Dyer Mr Alan Hunt Mr Tristan Ryall Mr Peter Wurfel Ms Amanda Frew	<i>Regional Manager, Argyle Community Housing</i>
In Attendance:	Mr Mark Pepping Mr Nick Wilton Mr Michael Park Ms Susan Stannard Ms Leesa Stratford	<i>Deputy General Manager Corporate, Strategy and Development Services</i> <i>Group Manager Planning, Development and Regulatory Services</i> <i>Coordinator Strategic Land Use Planning</i> <i>Senior Strategic Land Use Planner</i> <i>PA for Mayor, Minute Taker</i>

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Mayor, Clr Ken Halstead

DEM 1/18

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

THAT the apology of Mayor, Clr Ken Halstead be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr Larry Whipper acknowledged country:

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

18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 7 March 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 6 DECEMBER 2017

DEM 2/18

MOTION moved by Mr A Hunt and seconded by Ms L Cheetham

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 06 December 2017 MN DEM8/17 to MN DEM12/17 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 were no declarations of Interest declared at this meeting.

18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 7 March 2018



6. AGENDA REPORTS

6.1 Wingecarribee Land & Housing Monitor

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

PURPOSE

Data will be provided indicating the number of new lots and dwellings in each of the towns and villages within the Shire over the past 15 months. This will provide a starting point for ongoing monitoring as part of the broader strategic planning programme proposed for this year.

DEM 3/18

MOTION moved by Cllr I M Scandrett and seconded by Ms L Cheetham

THAT the presentation regarding the Wingecarribee Land and Housing Monitor be noted.

PASSED

18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 7 March 2018



6.2 Strategic Planning Programme for 2018

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

PURPOSE

To discuss a proposed Strategic Land Use Planning programme for 2018 resulting from the introduction of amendments to the *Environmental Planning & Assessment Act*, on 1 March 2018 and the requirement under the South East and Tablelands Regional Plan to prepare a Local Housing Strategy. Associated work will include a comprehensive review of the development Control Plans.

Staff will make a presentation at the meeting on options for the structure and methodology of this work as a basis for discussion with the committee.

DEM 4/18

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

1. **THAT** the presentation and information presented regarding the Strategic Planning Programme for 2018 be noted.
2. **THAT** the Committee's concerns regarding the ability of the State Government to overrule Council's policy position on greenfields development as in the case of Chelsea Gardens/Coomungie be noted.

PASSED

18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

ATTACHMENT 1 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 7 March 2018



6.3 Affordable Housing Policy

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

PURPOSE

To discuss the development of an Affordable Housing Policy in accordance with Council Resolution of 14 February 2018:

1. THAT Council, through the Demographics and Housing Advisory Committee, investigate the development of a policy that requires major subdivisions incorporate a minimum percentage of land for the purposes of Affordable/Social/Community Housing.
2. THAT once this policy is developed, exhibited and endorsed by Council, Council then establish dialogue with social housing providers to develop appropriate partnerships to manage, develop and provide housing accessibility and affordable rental opportunities for residents of the Shire.

Staff will make a presentation at the meeting on options for the format and content of the policy as a basis for discussion with the committee.

DEM 5/18

MOTION moved by Mr P Wurfel and seconded by Mr A Hunt

1. THAT the presentation regarding the Affordable Housing Policy be noted.
2. THAT the Committee invite representatives from the Department of Planning to attend the next meeting with the Demographic and Housing Committee, Councillors and invited stakeholders at a suitable time to discuss the Wingecarribee Shire needs in regard to developing an Affordable Housing Policy.

PASSED

**18.2 Minutes of the Demographic and Housing Advisory Committee
Meeting held on Wednesday, 7 March 2018**

**ATTACHMENT 1 Minutes of the Demographics and Housing
Advisory Committee Meeting held on Wednesday, 7 March 2018**



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

Wednesday 7 March 2018



7. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 6 June 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 6.46 PM

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

Reference: 700/40
Report Author: Organisational Support Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Develop and implement initiatives which allow rural industries to innovate, adapt and prosper

PURPOSE

This report provides the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

SOU 1/18

THAT the apologies of Cllr Grahame Andrews, Mr Neil Townsend and Mr Barry Paull be accepted and a leave of absence granted.

Item 2 Adoption of Minutes of Previous Meeting

SOU 2/18

THAT the minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday 09 February 2018 MN SOU 24/17 to MN SOU 27/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Interim Financial Performance Report – December 2017

SOU 3/18

THAT the financial performance report for the period ending 31 December 2017 be received and noted.

Item 6.2 2017/18 Q2 Throughput

SOU 4/18

THAT the report be noted

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

COMMITTEE REPORTS



Item 6.3 GHD Service Delivery Review

SOU 5/18

THAT following the presentation of the GHD Draft Report to Council, an extraordinary meeting of the SRLX Advisory Committee be called to discuss the report.

Item 6.4 Future SRLX Committee Meeting Dates 2018

SOU 6/18

THAT the committee confirm that their preferred dates for committee meetings will be Friday 4th of May, Friday 3rd of August and Friday 16th November 2018.

RECOMMENDATION

THAT recommendations Nos SOU 1/18 to SOU 6/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 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 Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

**18.3 Minutes of the Southern Regional Livestock Exchange Advisory
Committee Meeting held on Friday, 16 March 2018**

**ATTACHMENT 1 Minutes of the Southern Regional Livestock
Exchange Advisory Committee Meeting held on Friday, 16 March
2018**



ATTACHMENT 1



MINUTES

of the Southern Regional Livestock Exchange Advisory Committee Meeting

held in

Nattai Room, Civic Centre, Elizabeth Street, Moss Vale

on

Friday 16 March 2018

The meeting commenced at 9.00 am

File No. 107/40

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
- 4. BUSINESS ARISING FROM THE MINUTES**
Southern Regional Livestock Exchange Advisory Committee Meeting held on 9 February 2018
- 5. DECLARATIONS OF INTEREST**
- 6. AGENDA REPORTS 3**
 - 6.1 Interim Financial Performance Report - December 2017 3
 - 6.2 2017/18 Q2 Throughput..... 4
 - 6.3 GHD Service Delivery Review 5
 - 6.4 Future SRLX Committee Meeting Dates 2018 6
- 6A. UPDATE ON GRANT APPLICATION 7**
- 7. DATE OF NEXT MEETING 8**
- 8. MEETING CLOSURE 8**

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 16 MARCH 2018 COMMENCING AT 9.00 AM.

Present:

Councillors:	Clr T D Gair	<i>Chair</i>
	Clr G M Turland	<i>Alternate Chair</i>
	Mayor K J Halstead	

Community Representatives: Mr Geoff Byrne
Mr Anthony Guinness
Mr Carl Peterson
Mr Grahame Tooth

In Attendance:	Ms Ann Prendergast	<i>General Manager</i>
	Mr Richard Mooney	<i>Chief Financial Officer</i>
	Mr Chris Murphy	<i>Coordinator Business Services</i>
	Ms Danielle Lidgard	<i>Coordinator Corporate Strategy and Governance</i>
	Ms Amanda Lawrence	<i>Organisational Support Officer</i>

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr Grahame Andrews, Mr Neil Townsend and Mr Barry Paull.

SOU 1/18

MOTION moved by Mr G Byrne and seconded by Mr C Peterson

THAT the apologies of Clr Grahame Andrews, Mr Neil Townsend and Mr Barry Paull be accepted and a leave of absence granted.

MOTION PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr T D Gair 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 Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018
ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING
Friday 16 March 2018



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING HELD ON FRIDAY 10 NOVEMBER 2017

SOU 2/18

MOTION moved by Cllr G M Turland and seconded by Mr C Peterson

THAT the minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday 09 February 2018 MN SOU 24/17 to MN SOU 27/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

Mr G Tooth requested an update on the progress of the Security Gate. Council responded that it is waiting for the contractor to finalise some IT details and anticipates the work will commence shortly thereafter.

5. DECLARATIONS OF INTEREST

Nil.

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



6. AGENDA REPORTS

6.1 Interim Financial Performance Report - December 2017

Reference: 107/40
Report Author: Chief Financial Officer

PURPOSE

The purpose of this report is to present to the Advisory Committee the interim financial performance report of the Southern Regional Livestock Exchange (SRLX) for the period ending 31 December 2017.

SOU 3/18

MOTION moved by Cllr G M Turland and seconded by Mr C Peterson

THAT the financial performance report for the period ending 31 December 2017 be received and noted.

PASSED

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



6.2 2017/18 Q2 Throughput

Reference: 107/40
Report Author: Organisational Support Officer

PURPOSE

The purpose of this report is to present to the Committee an update on Q2 throughput and general market conditions.

SOU 4/18

MOTION moved by Mr A Guinness and seconded by Cllr G M Turland

THAT the report be noted.

PASSED

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



6.3 GHD Service Delivery Review

Reference: 107/40
Report Author: Organisational Support Officer

PURPOSE

The purpose of this report is to update the committee on the GHD Service Delivery Review.

The Coordinator Corporate Strategy and Governance addressed the Committee on this matter.

SOU 5/18

MOTION moved by Cllr G M Turland and seconded by Mr G Byrne

THAT following the presentation of the GHD Draft Report to Council, an extraordinary meeting of the SRLX Advisory Committee be called to discuss the report.

PASSED

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018
ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING
Friday 16 March 2018



6.4 Future SRLX Committee Meeting Dates 2018

Reference: 107/40
Report Author: Organisational Support Officer

PURPOSE

The purpose of this report is to assist the Committee to decide on the remaining dates for the SRLX Advisory Committee meetings for 2018.

SOU 6/18

MOTION moved by Mr G Byrne and seconded by Mr G Tooth

THAT the committee confirm that their preferred dates for committee meetings will be Friday 4th of May, Friday 3rd of August and Friday 16th November 2018.

PASSED

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



6A. UPDATE ON GRANT APPLICATION

The General Manager addressed the Committee on the progress of the SRLX grant application and provided an update. She advised that the grant has been submitted, however noted that we have been advised that it will be at least a couple of months and possibly not before the end of the year before Council has any further information on its progress.

18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 March 2018



7. DATE OF NEXT MEETING

The next meeting will be held on 4 May 2018 in the Nattai Room, Civic Centre Moss Vale commencing at 9.00 AM.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.50 AM

19 QUESTIONS WITH NOTICE

19.1 Question with Notice 02/2018 - Biodiversity Legislation

Reference: 101/2, 5450/20
Report Author: Administration Officer
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Cllr Garry Turland

Received: 21 March 2018

Subject: Biodiversity Legislation

Question:

Would Council arrange to hold a Briefing Session on the new Biodiversity Legislation with staff and accredited consultant, Beck Hogan?

Response:

A number of Council staff have attended various sessions relating to the new Biodiversity Legislation. Initially it would be appropriate for staff only to brief the Councillors on the new Legislation.

RECOMMENDATION

THAT the information in relation to Question with Notice 02/2018 – Biodiversity Legislation - be noted.



19.2 Question with Notice 03/2018 - Unfair Charges to Council by the Environment Protection Authority

Reference: 101/2
Report Author: Administration Officer
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Cllr Garry Turland

Received: 21/03/2018

Subject: Unfair Charges to Council by the Environment Protection Authority

Question:

Has Council had a response from the EPA and the Environment Minister re the unfair charges to WSC being charged Metropolitan \$138 per tonne and the Wollondilly Council as \$79 per tonne as they are rated as a Rural Council?

Council should request a response from our local politicians and request held from our new Canberra Region Joint Organisation.

Response:

Letters were forwarded to:

1. Ms Sarah Gardner, Executive Director Waste and Resource Recovery, Environment Protection Authority
2. The Hon Gabrielle Upton, MP, Minister for Environment and Heritage
3. The Hon Penny Sharpe, MLC, Shadow Minister for Environment and Heritage
4. The Hon Luke Foley, MP, Opposition Leader
5. The Hon Pru Goward, MP, Member for Goulburn
6. Mr Jai Rowell, MP, Member for Wollondilly

To date no responses have been received to Council's correspondence.

RECOMMENDATION

THAT the information in relation to Question with Notice 03/2018 – Unfair Charges to Council by the Environment Protection Authority - be noted.



19.3 Question with Notice 04/2018 - Minimum Lot Size Made in the LEP - Lindsay Taylor Lawyers Infocus Newsletter

Reference:	101/2
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Cllr Garry Turland

Received: 21/03/2018

Subject: **Minimum Lot Size Made in the LEP – Lindsay Taylor Lawyers Infocus Newsletter**

Question:

Can staff brief Councillors on the recent court case re the interpretation of the minimum lot size that affects strata subdivisions, townhouses/apartments?

Response:

Council staff will investigate and review the matter initially with Council's Legal Consultants and arrange a Councillor Briefing.

RECOMMENDATION

THAT the information in relation to Question with Notice 04/2018 – Minimum Lot Size Made in the LEP – Lindsay Taylor Report - be noted.

20 NOTICES OF MOTION

20.1 Notice of Motion 08/2018 - Water and Sewerage Development Servicing Plans

Reference:	100/4, 7799/14
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

Councillors Ken Halstead and Larry Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 28 March 2018:

1. **THAT Council adopt the amendment to the Water and Sewerage Development Servicing Plans with revised wording as follows:**

For development consents (including complying development certificates) granted by the Council or a Private Certifier prior to 15 September 2017 and where an application is made to the Council under section 305 of the Water Management Act 2000 for a certificate of compliance for the development prior to close of business (4.30pm) on 6 July 2018, the following developer charges apply:

- Water Supply Developer Charge - \$6,736.74 per ET
- Sewerage Developer Charge - \$8,574.04 per ET

Where an application for a certificate of compliance is made after 6 July 2018, the development will be subject to the rates as adopted by the revised Development Servicing Plan that came into effect on 15 September 2017.

2. **THAT the three (3) month moratorium period commence on Friday, 6 April 2018 and conclude at close of business (4.30 pm) on Friday, 6 July 2018.**
3. **THAT Council writes to all affected owners/applicants with existing development consents approved between 15 September 2012 and 15 September 2017 to notify them of Council's resolution.**
4. **THAT Council publicly notify the moratorium period in the local and Sydney media, signage at Council facilities, Council publications such as Wingecarribee Today and on Council's website.**
5. **THAT at the end of the moratorium period a report be provided to Council on the lost revenue for the Water and Sewerage Development Servicing Plans reductions.**

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

NOTICES OF MOTION



RECOMMENDATION

Submitted for determination.

20.2 Notice of Motion 09/2018 - Council Operated Retirement Village

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

PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 March 2018:

THAT Council invite the Mayor, General Manager and representatives of Kiama Shire Council to brief Wingecarribee Shire Councillors and General Manager in relation to the Council operated Retirement Village facility and the benefits of such operation.

RECOMMENDATION

Submitted for determination.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
 - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
 - b. *are clearly identified in the advice, and*
 - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
4. *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a. *a person may misinterpret or misunderstand the discussion, or*
 - b. *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

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

RECOMMENDATION

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

- 22.1 **Tender for Bushland and Natural Resource Management Services**

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for Bushland and Natural Resource Management Services.

- 22.2 **Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to seek Council approval to negotiate compensation for the compulsory acquisition of land by agreement. The property the subject of this report is Part Retford Farm, Old South Road Bowral (Part Lot 50 DP1141888). The purpose of the land acquisition is to secure a site for a proposed future detention basin.

- 22.3 **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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018

CLOSED COUNCIL



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 28 February 2018.

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

Ann Prendergast
General Manager

Friday 23 March 2018