

3 August 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 8 August 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, 8 August 2018 at 3.30 pm.

Time	Item
3.30pm	<b>Opening of meeting</b> – 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.
	<b>Acknowledgement of Country</b> - Cllr G M Turland
3.32pm	<b>Opening Prayer</b> – Reverend Gavin Perkins, Bowral Anglican
3.35pm	<ul style="list-style-type: none"> <li>• <b>Apologies</b> (<i>if any</i>)</li> <li>• <b>Adoption of Previous Minutes</b></li> <li>• <b>Business Arising</b> (<i>if any</i>)</li> <li>• <b>Declarations of Interest</b> (<i>if any</i>)</li> <li>• <b>Mayoral Minute</b> (<i>if any</i>)</li> <li>• <b>Public Forum</b> (<i>if any</i>)</li> <li>• <b>Motion to move into Committee of the Whole</b> - Cllr G M Turland</li> <li>• <b>Visitor Item</b> - <i>Nil</i></li> <li>• <b>Council Reports</b></li> </ul>
5.30pm	<b>Motion to move into Council and the Mayor resumes the Chair</b>
5.30pm	<b>Questions from the Public - <i>to be read</i></b> <b>Continuation of Council Reports</b> <b>General Business Questions</b> <b>Questions with Notice</b> <b>Notices of Motion</b>
7.40pm	<b>Closed Council</b>
8.00pm	<b>Meeting Closed</b>

Ann Prendergast  
General Manager



## Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**  
Nil
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**  
Ordinary Meeting of Council held on 25 July 2018
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST** ..... 1
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

## COMMITTEE OF THE WHOLE

### 10. VISITOR MATTERS

#### OPERATIONS, FINANCE AND RISK

Nil

#### CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Nil

### 11. EN BLOC MOTION

### 12. OPERATIONS FINANCE AND RISK

- 12.1 Post Exhibition - Revised Leased area - part unformed Road being  
Part Daphne Street, Bowral ..... 2

### 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

- 13.1 Development Applications Determined from 25 June 2018 to 22 July  
2018 ..... 9
- 13.2 Development Applications Received from 25 June 2018 to 22 July  
2018 ..... 15
- 13.3 Amendment to Council's Community Engagement and Notification of  
Development and Planning Proposals Policy Position ..... 28
- 13.4 Update of the Pesticides Notification Plan..... 62
- 13.5 Wingecarribee Community Safety Plan 2015 - 2020 Amendment to  
Provide CCTV Cameras Along Bong Bong Street, Bowral ..... 79
- 13.6 Regional Art Gallery Proposal ..... 82
- 13.7 Motions for Local Government NSW Annual Conference 2018..... 83



**Mayor to resume chair at 5.30 pm**

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**COUNCIL MATTERS**

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**14. GENERAL MANAGER**

14.1 Request for Leave of Absence - Cllr Peter Nelson..... 87

**15. DELEGATE REPORTS**

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**16. PETITIONS**

16.1 Petition 07/2018 5 Alice Street Mittagong ..... 90

**17. CORRESPONDENCE FOR ATTENTION**

Nil

**18. COMMITTEE REPORTS**

Nil

**19. QUESTIONS WITH NOTICE**

Nil

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**20. NOTICES OF MOTION**

20.1 Notice of Motion 23/2018 - Notices of Motion - Preamble length..... 91

20.2 Notice of Motion 24/2018 - External Grants - Applications and Outcomes ..... 92

**21. GENERAL BUSINESS**

Nil

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**22. CLOSED COUNCIL**

Moving into Closed Session.....93

**22.1 Regional Art Gallery Proposal**

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

**23. RESUMPTION OF OPEN COUNCIL**

Resumption of Open Council

Adoption of Closed Session

**24. ADOPTION OF COMMITTEE OF THE WHOLE**

**25. MEETING CLOSURE**

## Our Mission, Our Vision, Our Values

### OUR MISSION

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

### OUR VISION

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

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

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

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

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

### OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality



## **Council Chambers**

### **Recording of Ordinary and Extraordinary Meetings of Council**

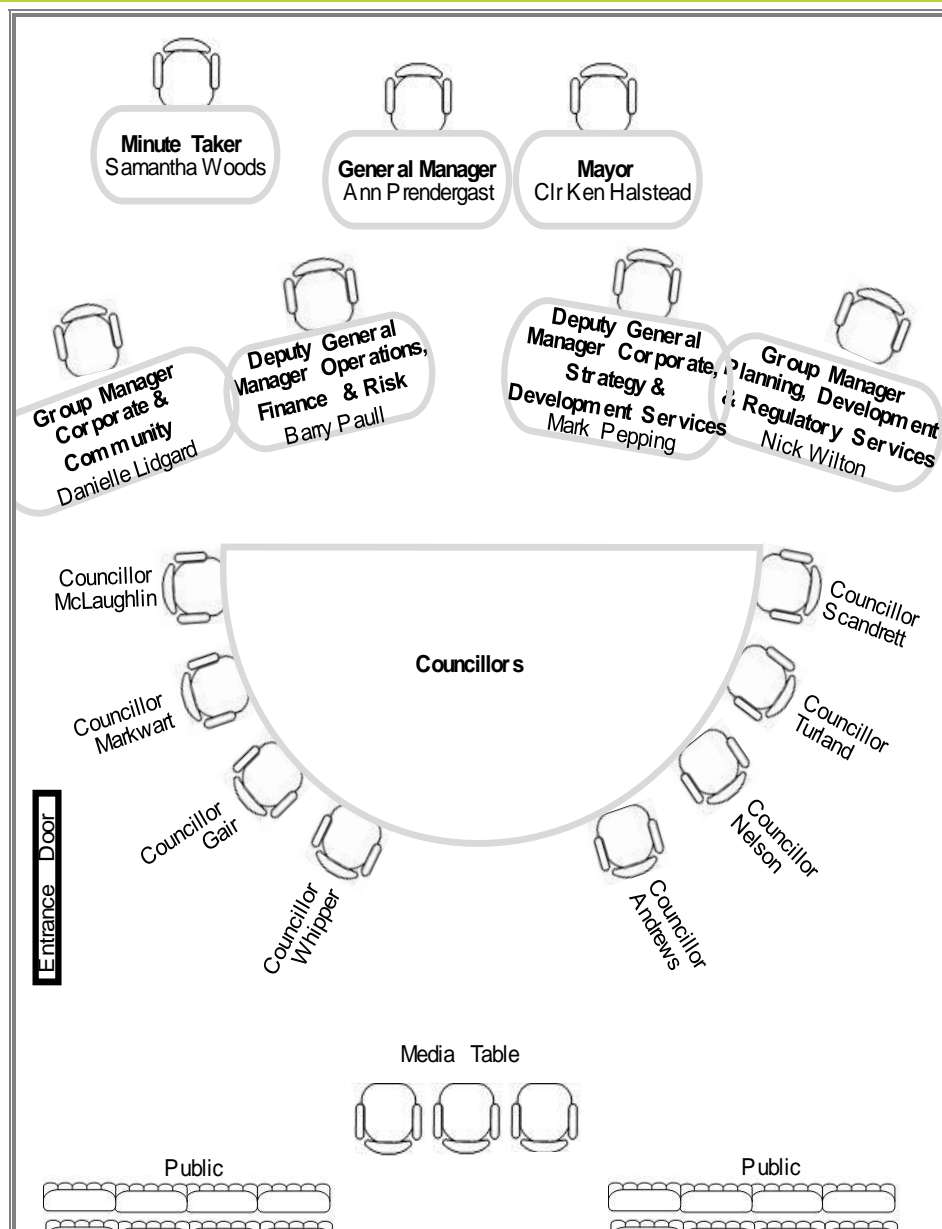
As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

Recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording is also not permitted. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.

# AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 8 August 2018



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## **ACKNOWLEDGEMENT OF COUNTRY**

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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.

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## **APOLOGIES**

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Nil at time of print.

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## **DECLARATIONS OF INTEREST**

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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.

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## COMMITTEE OF THE WHOLE

### 12 OPERATIONS FINANCE AND RISK

#### 12.1 Post Exhibition - Revised Leased area - part unformed Road being Part Daphne Street, Bowral

Reference:	RD1536
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

#### PURPOSE

The purpose of this report is to advise Council of written submissions received following a period of public notice. The public notice was given in respect of a revised area of unformed road (being part Daphne Street, Bowral) being leased to the adjoining landowner.

#### RECOMMENDATION

1. **THAT** Council confirm the proposed revised area of the Lease of part unformed road being part Daphne Street, Bowral as shown in Attachment 1 to this report.
2. **THAT** the persons who made a submission in respect of the proposed revised leased area be notified in writing of Resolution 1 above.

#### REPORT

##### **BACKGROUND**

At its meeting of 13 December 2017, Council considered a report to enter into a five (5) year lease with the adjoining land owner of the full length of Lot 53 being 148A Bowral Street, Bowral, and half the width of the road reserve. Lease of the half width would then still allow access to the public along Daphne Street.

Public notification was undertaken prior to the report being presented to Council with submissions closing on 28 July 2017. There were two submissions made to the proposed lease of part unformed road being part Daphne Street, Bowral, which were addressed in the report presented to Council on 13 December 2017.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

### REPORT CHIEF FINANCIAL OFFICER



Council resolved the following:

1. *THAT Council approve a short-term 5 year lease of part of the unformed road known as Daphne Street, Bowral to the adjoining landowner (148A Bowral Street, Bowral).*
2. *THAT all parties who made a submission in response to the public notice be notified in writing of these resolutions of Council.*
3. *THAT upon payment of the application fee for Lease of Road, lease documents be issued to the applicant, being the owner of 148A Bowral Street, Bowral.*
4. *THAT it be noted that the rental in the first year in respect of the lease of road referred to in resolutions 1 and 2 above is Five Hundred Dollars (\$500.00) exclusive of GST in the first year, with annual increases at CPI (Sydney All Groups Index) or 5%, whichever is greater.*
5. *THAT the General Manager and Mayor be delegated authority to execute the lease of road referred to in resolution 1 above AND THAT the General Manager and Mayor be delegated authority to affix the Common Seal of the Council to those documents (if required).*

### **REPORT**

As outlined above, Council had previously publicly advertised its Notice of Intention to lease unformed road being part Daphne Street, Bowral. At its meeting on 13 December 2017 Council approved a short-term lease to the adjoining owner.

Accordingly, the lease of the unformed road was then executed by Council and the Lessee. The Lessee had installed a fence at the western end of the boundary in a suitable and safe location to define the segment of leased road, but when queried by a neighbour in March 2018 as to the extent of the road leased, the Lessee contacted Council querying the dimensions of the leased area. The Lessee understood that the leased area would adjoin the entire length of their northern property boundary.

Unfortunately it was found that an error had been made in the aerial map attached to the Public Notice showing an area less than that which was agreed to be leased. To remedy the error in the mapping and, for transparency, Council then re-exhibited the amended map with an explanatory public notice. The amended map accurately reflected the extent of the leased unformed road – **Attachment 1**.

This was advertised on Council's page in the Southern Highland News for six (6) consecutive weeks. It was also advertised on Council's website and copies of the notice were exhibited at the Civic Centre and Mittagong, Moss Vale and Bowral Libraries. A notice board was also placed on the site of the unformed road.

Written submissions were received up until 29 June 2018. Four (4) written submissions were received in respect of the revised leased area of part Daphne Street, Bowral. Concerns within the submissions are in the table attached to this report – **Attachment 2**. Officer responses to the submissions made are also incorporated in **Attachment 2**.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

### REPORT CHIEF FINANCIAL OFFICER



As the Roads Authority under section 156(1) of the *Roads Act 1993*, Council may grant the lease, either with or without alteration.

This report recommends that Council confirm that the lease of the unformed road is for the entire length of the northern boundary of the Lessee's property and half width of the road reserve, confirming its original intention and also retaining a 10-metre wide unformed road for access purposes benefiting other adjoining owners.

### IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified

### COMMUNICATION AND CONSULTATION

#### Community Engagement

Public notice of the revised leased area was exhibited for more than the minimum twenty eight (28) day period.

#### Internal Communication and Consultation

Deputy General Manager Operations Finance & Risk

#### External Communication and Consultation

- Lessee.
- Public Notice was given for 28 days in the local newspaper, Council's notice boards, libraries, on-site and on Council's website. Four (4) responses were received from residents in close vicinity to the subject unformed road.

### SUSTAINABILITY ASSESSMENT

#### • Environment

There are no environmental issues in relation to this report.

#### • Social

There are no social issues in relation to this report.

#### • Broader Economic Implications

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

#### • Culture

There are no cultural issues in relation to this report.

#### • Governance

The conditions of the short term lease of the unformed road comply with the provisions of the *Roads Act 1993*. The amended map was re-exhibited for transparency purposes.

## **AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

### **REPORT CHIEF FINANCIAL OFFICER**



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#### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications in regards to this report.

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#### **RELATED COUNCIL POLICY**

None identified.

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#### **CONCLUSION**

It is recommended that Council confirm that the revised leased area of part unformed road being part Daphne Street, Bowral, forms part of the existing lease in place between Council and the adjoining land owner of 148A Bowral Street, Bowral.

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#### **ATTACHMENTS**

1. Revised Leased Area - Map
2. Table of Submissions

Barry W Paull

**Deputy General Manager Operations, Finance and Risk**

Friday 3 August 2018

12.1 Post Exhibition - Revised Leased area - part unformed Road  
being Part Daphne Street, Bowral

ATTACHMENT 1 Revised Leased Area - Map



**ATTACHMENT 1**



Wingecarribee Shire Council

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

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12.1 Post Exhibition - Revised Leased area - part unformed Road being Part Daphne Street, Bowral  
ATTACHMENT 2 Table of Submissions



No.	Submission	Response
1.	<ul style="list-style-type: none"> <li>Have not been given notice of the Lease or notification of revised area.</li> <li>Aware of cattle trucks reversing in to the residents driveway</li> <li>Does not think it is appropriate activity in a built up area</li> <li>Could cause damage to his driveway.</li> </ul>	<ul style="list-style-type: none"> <li>No notification was given as the resident does not adjoin the road in question. Section 154(b) of the <i>Roads Act 1993</i> states that the Roads Authority need to serve notice on the owner of each parcel of land adjoining the length of public road concerned.</li> </ul>
2.	<ul style="list-style-type: none"> <li>Access is restricted for them and other ratepayers of the Shire. Closure of additional section of the road for the purpose of Lease would restrict access</li> <li>10m strip can allow access but no turning room – any vehicle reversing in to the corner of Myrtle / Daphne St has no sight of any traffic or pedestrians at that point</li> <li>Owner of 148b has longer term ambitions to subdivide land</li> <li>Zoned R5 – inappropriate and the 2 cattle are loud and odour, grazing causing degradation of that property.</li> </ul>	<ul style="list-style-type: none"> <li>Council intentionally approved half the width of the portion of Daphne Street so that it would not impede access. Council has inspected site.</li> <li>Look in to putting a mirror/sign at Lessees cost?</li> <li>This resident has a main access off another street.</li> <li>Council has only granted a lease over the portion of road. Council have not approved the closure of the road and therefore cannot be sold to the adjoining landowner.</li> </ul>
3.	<ul style="list-style-type: none"> <li>Extension was proposed by Lessee to gain access to Myrtle St - Lessee already had access to Myrtle St through own gate – does not need extension</li> <li>Limiting Access to neighbouring properties – extended area is only level area that allows easy off St parking - grating of extended area will force delivery drivers and tradesmen</li> </ul>	<ul style="list-style-type: none"> <li>The Lessee installed a gate at the western end of the boundary as it is the most , level, safe and suitable location for access. There is another gate further down the embankment which the submitter is referring to which is not as suitable.</li> <li>All other neighbouring properties have alternate main access to their properties which can be used for delivery drivers and tradesmen.</li> <li>Council has not approved the garden beds installed on the road reserve by this resident. In usual</li> </ul>

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 8 August 2018

### 12.1 Post Exhibition - Revised Leased area - part unformed Road being Part Daphne Street, Bowral ATTACHMENT 2 Table of Submissions



	<p>to park on corner of Myrtle and Daphne St which will cause unsafe traffic.</p> <ul style="list-style-type: none"><li>Streetscape - submitter has continuously maintained the Council area directly south of property &amp; established trees/flowers.</li></ul>	<p>circumstances a Lease will be required to be put in place.</p>
4.	<ul style="list-style-type: none"><li>Existing barbed wire fencing on boundary between the road and boundary of 148A is still in situ despite clause 4.7 of the lease stating that it needs to be removed and new fencing material be in place immediately.</li></ul>	<ul style="list-style-type: none"><li>Council will ensure new fencing is in place in accordance with Lease.</li></ul>

## 13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Development Applications Determined from 25 June 2018 to 22 July 2018

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

#### PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 25 June 2018 to 22 July 2018

#### RECOMMENDATION

**THAT** the information relating to Development Applications Determined for the period 25 June 2018 to 22 July 2018 be received and noted.

#### APPROVED APPLICATIONS BY DATE RANGE Date range: 25 June 2018 to 22 July 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	16/0003.03	121 BRESNAHANS LANE AVOCA NSW 2577 Lot 3 DP 1015257	GD GROOTEMAAT, PE GROOTEMAAT	Section 4.55 Modification (relocate main dwelling)	11/05/2018	0	48	48	28/06/2018
2	18/0469	25 RAILWAY PARADE BALMORAL NSW 2571 Lot 8 Sec 2 DP 2500	IZ JANOSKA	Secondary Dwelling	24/04/2018	0	71	71	04/07/2018
3	18/0569	HISTORIC MUSEUM 1A MARKET PLACE BERRIMA NSW 2577 Lot 1 DP 854821 & Reserve No 89886	WINGECARRIBEE SHIRE COUNCIL	Alterations and Additions (New Visitor Entrance for Berrima Museum)	15/05/2018	8	55	63	18/07/2018
4	17/0935.04	14 KIMBERLEY DRIVE BOWRAL NSW 2576 Lot 18 DP 746488	TN HARTWRIGHT, MJ HARTWRIGHT	Section 4.55 Residential Alterations and Additions (Carport, Storage Area)	25/06/2018	0	11	11	06/07/2018

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	17/1523.01	374-378 BONG BONG STREET BOWRAL NSW 2576 Lot 1 DP 1025926	ENNEVER ENTERPRISES PTY LTD	Section 4.55 Modification (Delete DA Consent Conditions 6 & 7 and retain existing shop front)	09/03/2018	0	118	118	05/07/2018
6	18/0006	117 MERRIGANG STREET BOWRAL NSW 2576 Lot 8 Sec C DP 979526	HACOTE PTY LTD	Residential Alterations and Additions (Extend ground floor at rear. Add 2nd storey for two bedrooms and bathroom)	03/01/2018	106	84	190	13/07/2018
7	18/0144	44 LINDEN WAY BOWRAL NSW 2576 Lot 32 DP 835302	CJ DONAT	Residential Alterations and Additions (Extend ground floor. Two outbuildings for home business and garden workshop)	14/02/2018	21	118	139	04/07/2018
8	18/0198	26 MANSFIELD ROAD BOWRAL NSW 2576 Lot 104 DP 1227641	SJ WRIGHT, JC BRADLEY	Residential Alterations and Additions (Garage/Workshop. Pool Room, Bathroom, Equipment Storage)	26/02/2018	52	76	128	06/07/2018
9	18/0269	17 AYRSHIRE PARADE BOWRAL NSW 2576 Lot 216 DP 1239600	PR FORD, CE FORD	New Dwelling	14/03/2018	0	104	104	26/06/2018
10	18/0309	8 AYRSHIRE PARADE BOWRAL NSW 2576 Lot 104 DP 1231974	D4 RETFORD PTY LTD	New Dwelling	21/03/2018	0	96	96	26/06/2018
11	18/0415	153 MERRIGANG STREET BOWRAL NSW 2576 Lot 8 DP 1240587	TA SCHYMITZEK, BL SCHYMITZEK	New Dwelling	13/04/2018	31	62	93	16/07/2018
12	18/0549	7A HOPEWOOD ROAD BOWRAL NSW 2576 Lot 4 DP 882583	JC CHAPMAN, MR CHAPMAN	Residential Alterations and Additions (Shed, Deck and Pergola)	10/05/2018	28	32	60	10/07/2018
13	18/0562	59 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 302 DP 1234848	LP PONGRASS	New Dwelling	15/05/2018	2	46	48	03/07/2018
14	18/0568	7 WARWICK CLOSE BOWRAL NSW 2576 Lot 225 DP 1239600	MD LAUGHTON	New Dwelling	15/05/2018	0	45	45	30/06/2018
15	13/0055.01	11 EVANS LANE BOWRAL NSW 2576 Lot 100 DP 1142239	BJ BADENOCK-JONES	Section 4.55 Modification (Modify easement for services)	29/01/2018	0	154	154	02/07/2018
16	18/0669	160 OBRIENS ROAD BULLIO NSW 2575 POR 17 DP 751256	MJ KEAN, KE KEAN	Residential Alterations and Additions (Deck & Bathroom)	08/06/2018	0	24	24	03/07/2018

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17	18/0649	38 ROCHESTER DRIVE BUNDANOON NSW 2578 Lot 19 DP 1220014	MI GARSKE, KA GARSKE	New Dwelling	04/06/2018	0	30	30	05/07/2018
18	18/0297	16 RANELAGH ROAD BURRADOON NSW 2576 Lot 2 DP 630180	J JASINSKI	Residential Alterations and Additions (Garage, Additions)	19/03/2018	0	101	101	29/06/2018
19	18/0470	110 BURRADOON ROAD BURRADOON NSW 2576 Lot 12 DP 270382	DK STAMM, CJ STAMM	Residential Alterations and Additions (Pergola)	24/04/2018	0	71	71	04/07/2018
20	18/0497	51A OSBORNE ROAD BURRADOON NSW 2576 Lot 22 DP 830666	ET MEAGHER	Residential Alterations & Additions (Swimming Pool and Sauna)	02/05/2018	0	68	68	09/07/2018
21	18/0613	148 OSBORNE ROAD BURRADOON NSW 2576 Lot 12 DP 858747	CAP HEINRICH, ST HEINRICH	Alterations and Additions (New kitchen and meals extension, terrace, pergola, new front and side entry porches)	24/05/2018	0	35	35	29/06/2018
22	10/0452.02	2 LINKS ROAD BURRADOON NSW 2576 No related land	TERRIGAL GROSVENOR LODGE PTY LIMITED	Section 4.55 Modification (Delete loft and staircase. Alter shape of conservatory)	04/06/2018	0	39	39	11/07/2018
23	15/1201.03	2367 CANYONLEIGH ROAD CANYONLEIGH NSW 2577 Lot 4 DP 1188556	KA WITHERS, S WITHERS	Section 4.55 Modification (New Dwelling Design)	04/07/2018	0	13	13	17/07/2018
24	15/0874.02	34 BUNDANOON ROAD EXETER NSW 2579 Lot 5 Sec 10 DP 3373 Lot 28 Sec 10 DP 3373 Lot 6 DP 1017039	JAW FLETT	Section 4.55 Modification (Alter setback. Include carport)	11/04/2018	0	77	77	28/06/2018
25	17/0707.04	24 RINGWOOD ROAD EXETER NSW 2579 Lot 3 DP 777551	OD JONAS, MO JONAS	Section 4.55 Modification - (Increase width of addition, increase depth of deck, awnings over north-east windows)	28/06/2018	0	13	13	11/07/2018
26	18/0362	104 OLD ARGYLE ROAD EXETER NSW 2579 Lot 2 DP 711999	SR WALKER, J WALKER	Dual Occupancy (detached)	29/03/2018	6	83	89	27/06/2018
27	18/0542	10 WILSONS LANE EXETER NSW 2579 Lot 24 Sec 6 DP 3373	MJ HARDEN, DM HARDEN	Dual Occupancy (Detached)	09/05/2018	0	48	48	26/06/2018

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
28	17/1104.04	55 CUMBERTEEN STREET HILL TOP NSW 2575 Lots 27-29 Sec 52 DP 1384	NL ELLICK	Section 4.55 Modification (Modify Garage)	04/06/2018	0	39	39	13/07/2018
29	18/0532	14 CUMBERTEEN STREET HILL TOP NSW 2575 Lot 146 DP 1240307	ZP SZABLAN, AE SZABLAN	Residential Alterations and Additions (Shed)	07/05/2018	0	51	51	28/06/2018
30	18/0295	1239 KANGALOO ROAD KANGALOO NSW 2576 Lot 11 DP 600844	RJ COLVIN, GB COLVIN	Demolition of Existing Garage & Residential Alterations and Additions (dwelling addition & garage)	19/03/2018	51	51	102	30/06/2018
31	16/0923.03	34 LOUISA STREET MITTAGONG NSW 2575 Lot 54 DP 1097617	RW LUCK, HJ EDWARDS	Section 4.55 Modification (Alter roofs to skillion form. Alter cladding materials.)	25/06/2018	0	24	24	19/07/2018
32	17/1753	SPRINGFIELDS 546 RANGE ROAD MITTAGONG NSW 2575 Lot 4 DP 787900	MA BAXTER	New Dwelling	13/12/2017	0	203	203	04/07/2018
33	18/0213	4 SIEMENS STREET MITTAGONG NSW 2575 Lot 3 DP 585091	MR SPENCER, TJ SPENCER	Residential Alterations and Additions (Conservatory, Deck and Pergola)	01/03/2018	0	123	123	03/07/2018
34	18/0341	654 RANGE ROAD MITTAGONG NSW 2575 Lot 3 DP 1236691	AT SEMPLE, JM SEMPLE-NOLAN	New Dwelling	27/03/2018	0	91	91	26/06/2018
35	18/0433	ARABEL 475 OLD SOUTH ROAD MITTAGONG NSW 2575 Lot 1 DP 751282 Lot 2 DP 707944	VE ABEL, JL ABEL	Residential Alterations and Additions (Swimming Pool & Pond)	18/04/2018	29	60	89	17/07/2018
36	18/0513	66 COLO STREET MITTAGONG NSW 2575 Lot 71 DP 857842	HA READ	Residential Alterations and Additions (Demolition of Existing Carport. New garage, ensuite and WIR)	03/05/2018	0	71	71	14/07/2018
37	18/0631	59B SOUTHEY STREET MITTAGONG NSW 2575 Lot 403 DP 1190040	AJ JACOBS, DL JACOBS	New Dwelling	30/05/2018	17	29	46	16/07/2018

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
38	16/1313.04	618-620 ARGYLE STREET MOSS VALE NSW 2577 Lot 1 DP 217785	PB LILLEY, CJ LILLEY	Section 4.55 Modification (Reduce window height, remove loft guest suite from Coach House)	29/05/2018	0	33	33	02/07/2018
39	17/1616	60 THROSBY STREET MOSS VALE NSW 2577 Lot 4 DP 8915 Lot 5 DP 8915	MA PILGRIM, IA PILGRIM	Residential Alterations and Additions (Re-site existing dwelling. Demolish existing dining, laundry & WC. Renovate existing bathroom)	15/11/2017	0	131	131	02/07/2018
40	18/0230	FUNERAL DIRECTORS 415-417 ARGYLE STREET MOSS VALE NSW 2577 Lot 10 DP 832397	INVOCARE AUSTRALIA PTY LIMITED	Commercial Alterations & Additions (Funeral Home – alter rear of garage area for mortuary use)	06/03/2018	0	110	110	25/06/2018
41	18/0243	9-11 WYATT STREET MOSS VALE NSW 2577 Lot 19 Sec 2 DP 940 Lot 20 Sec 2 DP 940	A PITTOLO	New Dwelling & retain existing cottage as studio.	08/03/2018	71	41	112	28/06/2018
42	18/0288	CHURCH 16 WAITE STREET MOSS VALE NSW 2577 Lot 21 Sec 1 DP 38 Lot 22 Sec 1 DP 38	ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY	Church Alterations and Additions	16/03/2018	0	103	103	27/06/2018
43	18/0529	9 WARRAWONG DRIVE MOSS VALE NSW 2577 Lot 109 DP 1232222	IJ STEWART, M STEWART	New Dwelling	07/05/2018	19	43	62	09/07/2018
44	18/0651	MOSS VALE HIGH 21 NARELLAN ROAD MOSS VALE NSW 2577 2/740888 & 2/232103 & 1/343982 & 1-2/445189 & 1/782364 & 1/782368 & 1/782432 - AREA 6.83H	DEPARTMENT OF EDUCATION	LED Sign	05/06/2018	22	21	43	18/07/2018
45	18/0671	LOTS 4-5 5 CHERRY TREE CLOSE MOSS VALE NSW 2577 Lot 54 DP 838431	AJ DECK, JG DECK	Residential Alterations and Additions (Sunroom)	08/06/2018	0	32	32	11/07/2018
46	18/0753	47 BAKER STREET MOSS VALE NSW 2577 Lot 4024 DP 1242576	LPH HOLMES, MR TIEBOSCH	New Dwelling	25/06/2018	0	8	8	04/07/2018
47	18/0388	96 NORTH STREET ROBERTSON NSW 2577 Lot 16 DP 258509	KI LARSEN, A JOSHI	Residential Alterations and Additions (Studio and Alteration to Dwelling)	09/04/2018	0	86	86	04/07/2018

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
48	18/0421	79-81 ILLAWARRA HIGHWAY ROBERTSON NSW 2577 Lot 5 Sec 13 DP 758882	AKISSS PROPERTY PTY LTD	Commercial Premises (boutique bakery for production of wedding cakes in vacant shop)	16/04/2018	0	72	72	27/06/2018
49	18/0397	12324 HUME HIGHWAY SUTTON FOREST NSW 2577 Lot 1 DP 124496 Lots 1-2 DP 124497 Lots 1-2 DP 124498 Lot 2 DP 213223 Lots 10-11 DP 262736 Lot 23 DP 262737	FENUGREEK INVESTMENTS PTY LTD	Fence and business identification signs	10/04/2018	69	10	79	28/06/2018
50	07/0949.03	7312 ILLAWARRA HIGHWAY SUTTON FOREST NSW 2577 Lot 8 DP 32 Lot 9 DP 32	AB STEPHEN, JE STEPHEN	Section 4.55 Modification (changes to external materials and layout of dwelling)	16/04/2018	0	79	79	30/06/2018
51	18/0427	50 BLENCOWES LANE WILDES MEADOW NSW 2577 Lot 4 DP 560298	J GILVARRY, JZ GILVARRY	Secondary Dwelling and Shed	17/04/2018	0	91	91	17/07/2018
52	18/0586	5A DRAPERS ROAD WILLOW VALE NSW 2575 Lot 21 DP 1192192	SA GEE, CG GEE	Secondary Dwelling (Detached)	17/05/2018	0	42	42	28/06/2018
53	18/0703	60 RAILWAY TERRACE WILLOW VALE NSW 2575 Lot 10 Sec 8 DP 792	B LEAN	Relocate laundry & construct pantry, Partial enclosure of front veranda to create WIR.	15/06/2018	0	21	21	06/07/2018
54	18/0330	32 FOREST ROAD WINGELLO NSW 2579 Lot 5 DP 1103842	MA BATHO, SP BATHO	New Dwelling	23/03/2018	55	48	103	06/07/2018
55	18/0769	26 BUMBALLA ROAD WINGELLO NSW 2579 Lot 1 DP 1222169	RL DAVIDSON	Residential Alterations and Additions (New ensuite, extend bedroom, alter laundry)	27/06/2018	0	22	22	20/07/2018
56	18/0518	14-16 HAMBRIDGE ROAD YERRINBOOL NSW 2575 Lot 4 DP 869092	SP TOOHEY, WA TOOHEY, SA TOOHEY	Residential Alterations and Additions (Living Area)	04/05/2018	0	55	55	29/06/2018

**ATTACHMENTS**

There are no attachments to this report.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



## 13.2 Development Applications Received from 25 June 2018 to 22 July 2018

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

**Link to Community Strategic Plan:** Effective and efficient Council service delivery is provided within a framework that puts the customer first

### PURPOSE

The purpose of this report is to update Councillors on the Development Applications received in the period from 25 June 2018 to 22 July 2018

### RECOMMENDATION

**THAT** the information relating to Development Applications Received from 25 June 2018 to 22 July 2018 be received and noted.

### RECEIVED APPLICATIONS BY DATE RANGE Date range: 25 June 2018 to 22 July 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	19/0059	35 RAILWAY PARADE BALMORAL NSW 2571 Lot 210 DP 1240094	CM LUCACI, NJ LUCACI	New Dwelling	12/07/2018		#PENDING		
2	19/0096	32-34 VICTORIA STREET BALMORAL NSW 2571 Lot 25 Sec 1 DP 2500 Lot 26 Sec 1 DP 2500	LD MUNRO, KL MUNRO	New Dwelling	19/07/2018		#PENDING		
3	18/0783	19 OLDBURY STREET BERRIMA NSW 2577 Lot 1 DP 777763	JJ THOMAS, DGF MORGAN	Dual Occupancy (Detached)	29/06/2018		#PENDING		
4	18/0785	17 OLD HUME HIGHWAY BERRIMA NSW 2577 Lot 1 DP 568701	PW BRUCE, L BRUCE	Commercial Alterations and Additions (Attached store/garage & washroom)	29/06/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	18/0791	100 OLD MANDEMAR ROAD BERRIMA NSW 2577 Lot 2 DP 788363	K SANKEY, D SANKEY	Residential Alterations and Additions (Swimming Pool)	29/06/2018		#PENDING		
6	16/1105.03	29A OXLEY DRIVE BOWRAL NSW 2576 Lot 3 DP 1197464	J GHASSIBE, CA GHASSIBE	Section 4.55 Modification (Retaining Wall)	17/07/2018		#PENDING		
7	16/1267.05	3 CLARKE STREET BOWRAL NSW 2576 Lot 7 DP702375 (Akas 7 CLIFF STREET)	PG NASH, AM HEALEY	Section 4.55 Modification (Alter roof design)	02/07/2018		#PENDING		
8	17/0935.04	14 KIMBERLEY DRIVE BOWRAL NSW 2576 Lot 18 DP 746488	TN HARTWRIGHT, MJ HARTWRIGHT	Residential Alterations and Additions (Carport, Storage Area)	25/06/2018		#APPROVED	06/07/2018	
9	18/0756	VENABLES PARK MERRIGANG STREET BOWRAL NSW 2576 Lot B DP 160166 Lot 1 DP 160497	WINGECARRIBEE SHIRE COUNCIL	Subdivision (2 Lots)	26/06/2018		#PENDING		✓
10	18/0766	3 BLOOMFIELD CLOSE BOWRAL NSW 2576 Lot 2 DP 1231895	ASSOCIATED WORLD INVESTMENTS PTY LTD	New Dwelling	27/06/2018		#PENDING		
11	18/0770	39 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 232 DP 1239600	AH PULLAN	New Dwelling	27/06/2018		#PENDING		
12	18/0771	12 BRADMAN AVENUE BOWRAL NSW 2576 Lot A DP 354399	VILD, VILD	Residential Alterations and Additions (Conservatory)	27/06/2018		#PENDING		
13	19/0003	2-18 CENTENNIAL ROAD BOWRAL NSW 2576 Lot 1 DP 1101892 Lot 2 DP 1101892 Lot 4 DP 1109214 Lot 5 DP 1109214 And 6 More	WATERBROOK BOWRAL PTY LIMITED	Exhibition Home (Associated with Seniors Living Development)	02/07/2018	✓	#PENDING		✓
14	19/0021	42 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 211 DP 1239600	DA BEAUCHAMP, GE BEAUCHAMP	New Dwelling	05/07/2018		#PENDING		
15	19/0032	155 MERRIGANG STREET BOWRAL NSW 2576 Lot 4 DP 1240587	ME CAWTHORN	New Dwelling	06/07/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
16	19/0037	44 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 212 DP 1239600	TJ PAILING, ME PAILING	New Dwelling	06/07/2018		#PENDING		
17	19/0067	14 GINAHGULLA DRIVE BOWRAL NSW 2576 Lot 209 DP 1239600	PV AGIUS, RA AGIUS	New Dwelling	13/07/2018		#PENDING		
18	19/0092	12C ROSE STREET BOWRAL NSW 2576 Lot 6 DP 1073148	JB SMITH, DJ SMITH	New Dwelling	19/07/2018		#PENDING		
19	19/0095	THE COACH HOUSE 91A BENDOOLEY STREET BOWRAL NSW 2576 Lot 51 DP 880942	RJ NEUHOLD	Residential Alterations and Additions (Swimming pool)	19/07/2018		#PENDING		
20	19/0097	51 BOARDMAN ROAD BOWRAL NSW 2576 Lot 1 DP 882935	BC DETHRIDGE	Residential Alterations and Additions (Shed)	19/07/2018		#PENDING		
21	19/0101	460 KANGALOO ROAD BOWRAL NSW 2576 Lot 22 DP 792646	BONG BONG PICNIC RACE CLUB LTD	Clause 2.8 Temporary Use of Land - Festival of Christmas	19/07/2018	✓	#PENDING		
22	19/0102	460 KANGALOO ROAD BOWRAL NSW 2576 Lot 22 DP 792646	BONG BONG PICNIC RACE CLUB LTD	Clause 2.8 Temporary Use of Land - Home & Garden Show	19/07/2018	✓	#PENDING		
23	19/0109	91 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 133 DP 1231974	R MATTIUZZO, G MATTIUZZO	New Dwelling	20/07/2018		#PENDING		
24	19/0009	17 PIKKAT DRIVE BRAEMAR NSW 2575 Lot 91 DP 1187747 Lot 7 DP 1208056	WILLOW PROPERTIES PTY LTD	Subdivision (3 Lots)	03/07/2018		#PENDING		
25	18/0792	2 FERNDAL ROAD BUNDANOON NSW 2578 Lot 1 DP 1194737	KJ GRAY	Subdivision (2 Lots)	29/06/2018		#PENDING		
26	19/0030	38 PENROSE ROAD BUNDANOON NSW 2578 Lot 4 DP 587081	SJ PRESS, AE PRESS	Residential Alterations and Additions - (Demolish existing rear deck. Construct three new bedrooms, new kitchen/family area and new deck)	06/07/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
27	19/0087	34 ROCHESTER DRIVE BUNDANOON NSW 2578 Lot 17 DP 1220014	SM WHYTE, CL PARASYN, A PARASYN	New Dwelling	18/07/2018		#PENDING		
28	19/0091	131 ELLSMORE ROAD BUNDANOON NSW 2578 Lot 61 DP 1041322	SILVERLAND PTY LTD	Subdivision (38 Lots)	18/07/2018		#PENDING		✓
29	17/1817.04	2 RANELAGH ROAD BURRADOO NSW 2576 Lot 2 DP 1219070	PJ BYRNE, AK BYRNE	Section 4.55 Modification (Minor Internal Alterations. Alter garage to include gym)	20/07/2018		#PENDING		
30	19/0010	11B LINKS ROAD BURRADOO NSW 2576 Lot 106 DP 1049376	GJ MARSH, LAE MARSH	Residential Alterations and Additions (Deck)	03/07/2018		#PENDING		
31	19/0014	10 SUTHERLAND PARK DRIVE BURRADOO NSW 2576 Lot 16 DP 1220167	RJ MORGAN	New Dwelling	04/07/2018		#PENDING		
32	19/0039	16 SUTHERLAND PARK DRIVE BURRADOO NSW 2576 Lot 19 DP 1220167	RJ TIPPING, M TIPPING	New Dwelling	09/07/2018		#PENDING		
33	19/0094	COTTONWOODS 51 ERIDGE PARK ROAD BURRADOO NSW 2576 Lot 11 DP 1063603	AM LONERAGAN	Farm Building - Machinery Shed	19/07/2018		#PENDING		
34	19/0100	10 LOYALTY LANE (Priv) BURRADOO NSW 2576 Lot 21 DP 1225783	DE DAVIES	Residential Alterations and Additions (Swimming Pool)	19/07/2018		#PENDING		
35	19/0079	12 BURRAWANG STATION ROAD BURRAWANG NSW 2577 Lot 23 DP 1005645	JJ FREDERICKS	New Dwelling	17/07/2018		#PENDING		
36	15/1201.03	2367 CANYONLEIGH ROAD CANYONLEIGH NSW 2577 Lot 4 DP 1188556	KA WITHERS, S WITHERS	Section 4.55 Modification (New dwelling design)	04/07/2018		#APPROVED	17/07/2018	

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
37	18/0789	WALSH BRIDGEWATER 2622 CANYONLEIGH ROAD CANYONLEIGH NSW 2577 Lot 1 DP 1053805	FILETRON PTY LIMITED	Subdivision (8 Lots)	29/06/2018		#PENDING		✓
38	18/0408.02	38 AZALEA STREET COLO VALE NSW 2575 Lot 1 DP 1239087	DJ OKEEFE, EK O'KEEFE	New Dwelling	04/07/2018		#PENDING		
39	18/0793	75-77 BANKSIA STREET COLO VALE NSW 2575 Lots 1-3 DP 137020	R WHITNEY, DJ FLANAGAN	Residential Alterations and Additions - Swimming Pool	29/06/2018		#PENDING		
40	17/0707.04	24 RINGWOOD ROAD EXETER NSW 2579 Lot 3 DP 777551	OD JONAS, MO JONAS	Section 4.55 Modification (Increase width of addition, increase depth of deck, awnings over north- east windows)	28/06/2018		#APPROVED	11/07/2018	
41	18/0224.05	27 MIDDLE ROAD EXETER NSW 2579 Lot 6 Sec 6 DP 3373	TJ HAYTER	Section 4.55 Modification (Relocate ETA bed for AWTS Septic)	29/06/2018		#PENDING		
42	19/0044	92 CORNWALL ROAD EXETER NSW 2579 Lot 2 DP 1237042	NL STREETING, BN STREETING	New Dwelling	09/07/2018		#PENDING		
43	19/0105	44 WESTGROVE ROAD EXETER NSW 2579 Lot 1 DP 1188820	CG BLUNT, SA FREER	Plant Nursery	20/07/2018		#PENDING		✓
44	18/0747	1252 NOWRA ROAD FITZROY FALLS NSW 2577 Lots 99-102/104- 105/298 DP751303	R PACE, GJ PACE	Secondary Dwelling	25/06/2018		#PENDING		
45	18/0759	205 HIGH RANGE LANE HIGH RANGE NSW 2575 Lot 3 DP 1076561	D SAVILL	Tourist & Visitor Accommodation (Farm Stay) and Secondary Dwelling	26/06/2018		#PENDING		
46	19/0045	1961 WOMBEYAN CAVES ROAD HIGH RANGE NSW 2575 Lot 6 DP 1210240 & Enclosure Permit 43397	ST LEE, MT LEE	Residential Alterations and Additions (Awning & Carport)	09/07/2018		#PENDING		
47	17/1544.04	26 PEARCE STREET HILL TOP NSW 2575 Lot 3 DP 1232616	SG LONSDALE, JM LONSDALE	Dual Occupancy (Detached)	16/07/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
48	19/0011	7 JAMES STREET HILL TOP NSW 2575 Lot 169 DP 817974	DM MCKAY, JA BROWN	Residential Alterations and Additions (Convert existing garage to bedroom. New detached garage)	03/07/2018		#PENDING		
49	19/0013	200 WILSON DRIVE HILL TOP NSW 2575 Lot 6 Sec 1 DP 6221	AM HILL, KJ HILL	New Dwelling	03/07/2018		#PENDING		
50	19/0004	1640 JOADJA ROAD JOADJA NSW 2575 Lot 7 DP 858859	AT MEDWAY	New Dwelling	02/07/2018		#PENDING		
51	16/0923.03	34 LOUISA STREET MITTAGONG NSW 2575 Lot 54 DP 1097617	RW LUCK, HJ EDWARDS	Section 4.55 Modification (Alter roofs to skillion form. Alter cladding materials.)	25/06/2018		#APPROVED	19/07/2018	
52	17/0249.04	38 OXLEY DRIVE MITTAGONG NSW 2575 Lot 1 DP 505042 Vol 9526 Fol 00070	RT BLOOR	Section 4.55 Modification (New Garage /Carport & New Deck)	29/06/2018		#PENDING		
53	17/1753.03	SPRINGFIELDS 546 RANGE ROAD MITTAGONG NSW 2575 Lot 4 DP 787900	MA BAXTER	Section 4.55 Modification (Remove conditions 11 & 12 relating to S94 Charges)	16/07/2018		#PENDING		
54	17/0207.03	OAK TREE RETIREMENT VILLAGE 50 WILLOW DRIVE MOSS VALE NSW 2577 Lot 24 DP 585487	OAK TREE RETIREMENT VILLAGE MOSS VALE PTY LIMITED	Section 4.55 Modification (Implement staging plan. Temporary refuse collection area. Amend condition of consent to enable separate construction certificates for each stage of proposed development)	28/06/2018		#PENDING		✓
55	17/1081.02	6115 ILLAWARRA HIGHWAY MOSS VALE NSW 2577 Lot 11 DP 777259	DA FRASER, TJ FRASER	Section 4.55 Modification (windows and eaves added to garage)	28/06/2018		#PENDING		
56	18/0753	47 BAKER STREET MOSS VALE NSW 2577 Lot 4024 DP 1242576	LPH HOLMES, MR TIEBOSCH	New Dwelling	25/06/2018		#APPROVED	04/07/2018	
57	18/0763	17 OLD DAIRY CLOSE MOSS VALE NSW 2577 No Related Land	SITECAT PTY LIMITED	Proposed continued use of stormwater	27/06/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
58	18/0768	26 KINGS ROAD MOSS VALE NSW 2577 Lot 2 DP 1222061	WF HOLZ, CJ AWDRY	New Dwelling	27/06/2018		#PENDING		
59	18/0782	377 NOWRA ROAD MOSS VALE NSW 2577 Lot 2 DP 1125424	BA HILL, JA MALCOLM, TAK HILL	Subdivision (2 Lots)	29/06/2018		#PENDING		
60	18/0786	7 JOYCE STREET MOSS VALE NSW 2577 Lot 4044 DP 1242576	MJ WALLACE	New Dwelling	29/06/2018		#PENDING		
61	18/0790	73-75 PARKES ROAD MOSS VALE NSW 2577 Lot 10 DP 569475 Lot 11 DP 569475	DF LENTON, DK WARD	Subdivision (5 Lots)	29/06/2018		#PENDING		
62	18/0794	19 VICTOR CRESCENT MOSS VALE NSW 2577 Lot 19 DP 839969	JR HUNTER, VC HUNTER	Residential Alterations and Additions (Shed)	29/06/2018		#PENDING		
63	19/0002	12 VALETTA STREET MOSS VALE NSW 2577 Lot 6 DP 999151	KL BAGULEY, IJ BAGULEY	Subdivision (2 Lots)	02/07/2018		#PENDING		
64	19/0025	2 THROSBY PARK ROAD MOSS VALE NSW 2577 Lot 1 DP 513113	LJ DAENELL	Residential Alterations and Additions (Extend to north & west. New roof. Changes to internal layout.)	05/07/2018		#PENDING		
65	19/0038	27 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 129 DP 1232222	MJ FURNESS, RE FURNESS	New Dwelling	06/07/2018		#PENDING		
66	19/0060	81 SUTTOR ROAD MOSS VALE NSW 2577 Lot 6 DP 710556	DJ LOPEZ, JA CATLIN	Residential Alterations and Additions (New family room, entry porch. Alter internal layout)	12/07/2018		#PENDING		
67	19/0061	1 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 116 DP 1232222	GR MERCHANT, C MERCHANT	New Dwelling	12/07/2018		#PENDING		
68	19/0078	23 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 127 DP 1232222	RM NOAKES	New Dwelling	17/07/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
69	19/0090	53A THROSBY STREET MOSS VALE NSW 2577 Lot 2 DP 557687	CA JOHNSON, ME CRAIG	Residential Alterations and Additions (Enclose deck)	18/07/2018		#PENDING		
70	19/0099	9 SIMON PLACE MOSS VALE NSW 2577 Lot 7 DP 792655	JA RIDDEN	New Dwelling	19/07/2018		#PENDING		
71	19/0106	3/1D VICTOR CRESCENT MOSS VALE NSW 2577 Lot 5 DP 1214724	NW BUTCHER, LP BUTCHER	Residential Alterations and Additions (Shed)	20/07/2018		#PENDING		
72	19/0111	1 JAMES TAUNTON DRIVE MOSS VALE NSW 2577 Lot 14 DP 874136	KS CAMPBELL, C CAMPBELL	Residential Alterations and Additions (Shed)	20/07/2018		#PENDING		
73	18/0751	6 ALLEN AVENUE RENWICK NSW 2575 Lot 142 DP 1221206	MJ WARN, M GATES	New Dwelling	25/06/2018		#PENDING		
74	18/0754	46 MAXTED STREET RENWICK NSW 2575 Lot 1237 DP 1221207	CL LARKIN, LC LARKIN	New Dwelling	25/06/2018		#PENDING		
75	18/0765	44 MAXTED STREET RENWICK NSW 2575 Lot 1236 DP 1221207	J ABBODD, MR ABBODD	New Dwelling	27/06/2018		#PENDING		
76	18/0772	17 ROTY AVENUE RENWICK NSW 2575 Lot 75 DP 1221206	MJ WILLS	New Dwelling	27/06/2018		#PENDING		
77	18/0774	33 CHALLONER RISE RENWICK NSW 2575 Lot 1227 DP 1221207	JD LOUREY, MM LOUREY	New Dwelling	27/06/2018		#PENDING		
78	18/0777	28 ROTY AVENUE RENWICK NSW 2575 Lot 26 DP 1221206	VJ VELLA, R VELLA	New Dwelling	28/06/2018		#PENDING		
79	18/0787	4 GREEN STREET RENWICK NSW 2575 Lot 19 DP 1221206	PJ STOPHER, BK STOPHER	New Dwelling	29/06/2018		#PENDING		
80	19/0005	24 GREEN STREET RENWICK NSW 2575 Lot 40 DP 1221206	AK MATHEW, AE SAJI	New Dwelling	03/07/2018		#PENDING		
81	19/0022	5 JEFFERIS AVENUE RENWICK NSW 2575 Lot 59 DP 1221206	SL WAPLES, KA BUCKLEY	New Dwelling	05/07/2018		#PENDING		
82	19/0034	38 MAXTED STREET RENWICK NSW 2575 Lot 1222 DP 1221207	JK BEASLEY	New Dwelling	06/07/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
83	19/0036	22 MACKELLAR CIRCUIT RENWICK NSW 2575 Lot 6205 DP 1241316	SJ KAROTT, T THOMAS	New Dwelling	06/07/2018		#PENDING		
84	19/0040	41 CHALLONER RISE RENWICK NSW 2575 Lot 1248 DP 1221207	LS GRANT, MJ GRANT	New Dwelling	09/07/2018		#PENDING		
85	19/0047	30 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 85 DP 1221206	TE HAWKE, EL BRINDLEY-HAWKE	New Dwelling	09/07/2018		#PENDING		
86	19/0051	14 CHALLONER RISE RENWICK NSW 2575 Lot 5 DP 1221206	GJ CORFIELD, ST CORFIELD	New Dwelling	10/07/2018		#PENDING		
87	19/0057	13 JEFFERIS AVENUE RENWICK NSW 2575 Lot 55 DP 1221206	JW STEWART, CO FOX	New Dwelling	12/07/2018		#PENDING		
88	19/0069	29 CHALLONER RISE RENWICK NSW 2575 Lot 1229 DP 1221207	MINISTER FOR COMMUNITY SERVICES & ASSISTANT MINISTER FOR HEALTH	New Dwelling	13/07/2018		#PENDING		
89	19/0070	9 OLDFIELD ROAD RENWICK NSW 2575 Lot 131 DP 1221206	MA TODD, TC MCGLADDERY	New Dwelling	13/07/2018		#PENDING		
90	19/0072	12 ALLEN AVENUE RENWICK NSW 2575 Lot 145 DP 1221206	GGC STANLEY, LJ STANLEY	New Dwelling	13/07/2018		#PENDING		
91	19/0076	11 ALLEN AVENUE RENWICK NSW 2575 Lot 102 DP 1221206	KM KAISER, JA KAISER	New Dwelling	16/07/2018		#PENDING		
92	19/0082	12 ROTY AVENUE RENWICK NSW 2575 Lot 117 DP 1221206	SW AVERY, HL AVERY	New Dwelling	18/07/2018		#PENDING		
93	19/0086	30 MAXTED STREET RENWICK NSW 2575 Lot 1218 DP 1221207	JH HART, M HART	New Dwelling	18/07/2018		#PENDING		
94	19/0113	4 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 136 DP 1221206	MINISTER FOR COMMUNITY SERVICES & ASSISTANT MINISTER FOR HEALTH	New Dwelling	20/07/2018		#PENDING		

# AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
95	18/0758	QUIET HILLS 1 OLD JAMBEROO ROAD ROBERTSON NSW 2577 Lot 1 DP 126614	SOUTHERN LAND HOLDINGS PTY LTD	Farm Buildings (machinery shed, stock feed shed, amenity building and carport)	26/06/2018		#PENDING		
96	18/0780	10 VAUGHAN AVENUE ROBERTSON NSW 2577 Lot 332 DP 734696	GJ TUTT, PA TUTT	Residential Alterations and Additions (Alter internal layout and extend dwelling to the north)	29/06/2018		#PENDING		
97	19/0031	37 HODDLE STREET ROBERTSON NSW 2577 Lot 32 DP 534111	THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (NSW)	Subdivision (Boundary Adjustment)	06/07/2018		#PENDING		
98	19/0088	VAUGHAN AVENUE ROBERTSON NSW 2577 Lot 342 DP 833879	BW SEATH	Residential Alterations and Additions - Additions - CARPORT	18/07/2018		#PENDING		
99	12/0154.02	558 BELMORE FALLS ROAD ROBERTSON NSW 2577 Lot 1 DP 1149647 Lot 2 DP 1149647	SJH NATILLI	Section 4.55 Modification (Alter from framed structure with weatherboards on bearers & joists to rammed earth perimeter wall on concrete slab)	09/07/2018		#PENDING		
100	18/0761	7312 ILLAWARRA HIGHWAY SUTTON FOREST NSW 2577 Lot 8 DP 32 Lot 9 DP 32	AB STEPHEN, JE STEPHEN	Residential Alterations and Additions (New Swimming Pool & Tennis Court)	26/06/2018		#PENDING		
101	19/0056	PENROSE PARK - MONASTRY 120 HANGING ROCK ROAD SUTTON FOREST NSW 2577 Lot 9 DP 241054	TRUSTEES OF THE PAULINE FATHERS & BROTHERS	Commercial Alterations and Additions (Solar Energy System)	12/07/2018		#PENDING		
102	19/0081	64 JOADJA STREET WELBY NSW 2575 Lot 60 DP 1238051	CV ZAMMIT, HJ ZAMMIT	New Dwelling	17/07/2018		#PENDING		
103	18/0775	144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846	IM SCANDRETT, JA SCANDRETT	Farm Building (Shed)	28/06/2018	✓	#PENDING		✓
104	18/0755	131 CLEARYS LANE WILDES MEADOW NSW 2577 Part Lot 27 DP 1238924	BURGOYNE INVESTMENTS PTY LTD	Residential Alterations and Additions - (Replace deck, internal alterations, new colorbond roof)	25/06/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
105	18/0788	MYRAVALE 421 MYRA VALE ROAD WILDES MEADOW NSW 2577 Lot 1 DP 725832 Lot 14 DP 661321 Lot 14 DP 1080826	LASOVASE PTY LTD	Building Envelope for future New Dwelling	29/06/2018		#PENDING		
106	19/0062	46 WILDES MEADOW ROAD WILDES MEADOW NSW 2577 Lot 2 DP 1014722	RA JACKSON	New Dwelling	12/07/2018		#PENDING		
107	19/0098	WINTERLEE 1288 BELMORE FALLS ROAD WILDES MEADOW NSW 2577 Lot 4 DP 1048960	AJ HARRISSON, J MCINTYRE	Subdivision (Boundary Adjustment)	19/07/2018		#PENDING		
108	18/0750	4B DRAPERS ROAD WILLOW VALE NSW 2575 Lot 3 DP 1221560	ZS ROBERSON, CL ROBERSON	New Dwelling	25/06/2018		#PENDING		
109	19/0008	12 DRAPERS ROAD WILLOW VALE NSW 2575 Lot 6 DP 10008	RM HANBURY, CL HANBURY	Self Storage Facility (158 units within 3 separate buildings)	03/07/2018		#PENDING		✓
110	19/0049	8 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 9 Sec 1 DP 2687	PT RUST	New Dwelling	10/07/2018		#PENDING		
111	19/0064	2 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 6 DP 1240585	PR DAWES, CA DAWES	New Dwelling	13/07/2018		#PENDING		
112	19/0065	10 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 8 Sec 1 DP 2687	SR ARMSTRONG, KE ARMSTRONG	New Dwelling	13/07/2018		#PENDING		
113	18/0769	26 BUMBALLA ROAD WINGELLO NSW 2579 Lot 1 DP 1222169	RL DAVIDSON	Residential Alterations and Additions (New ensuite, extend bedroom, alter laundry)	27/06/2018		#APPROVED	20/07/2018	
114	18/0779	1360 HIGHLAND WAY WINGELLO NSW 2579 Lot 2 DP 838894	DW MCDONALD	Secondary Dwelling	28/06/2018		#PENDING		

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

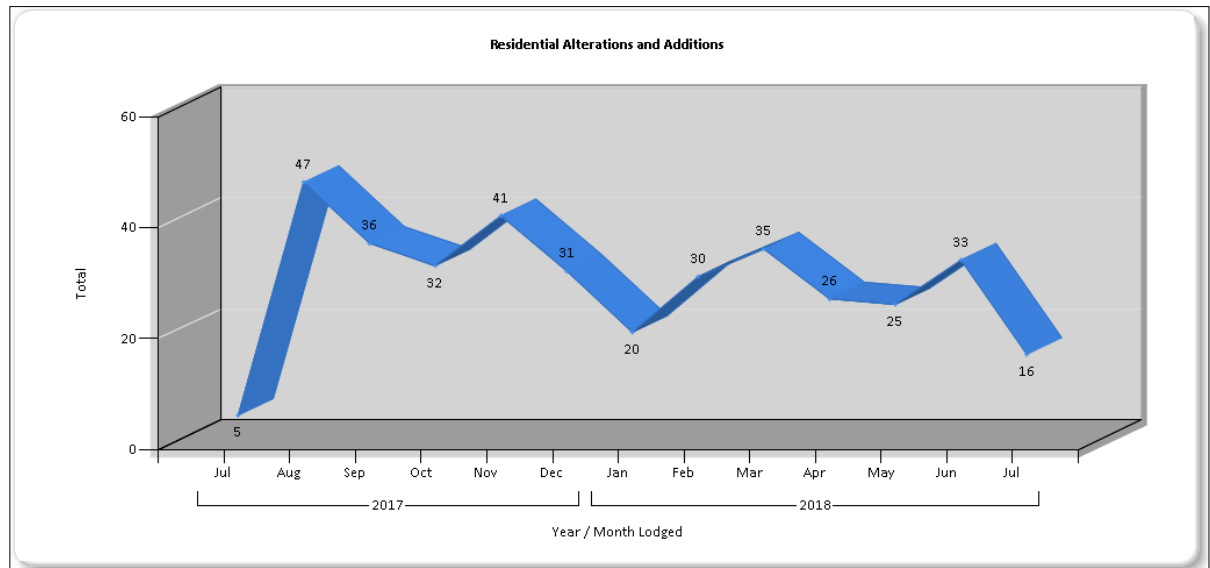
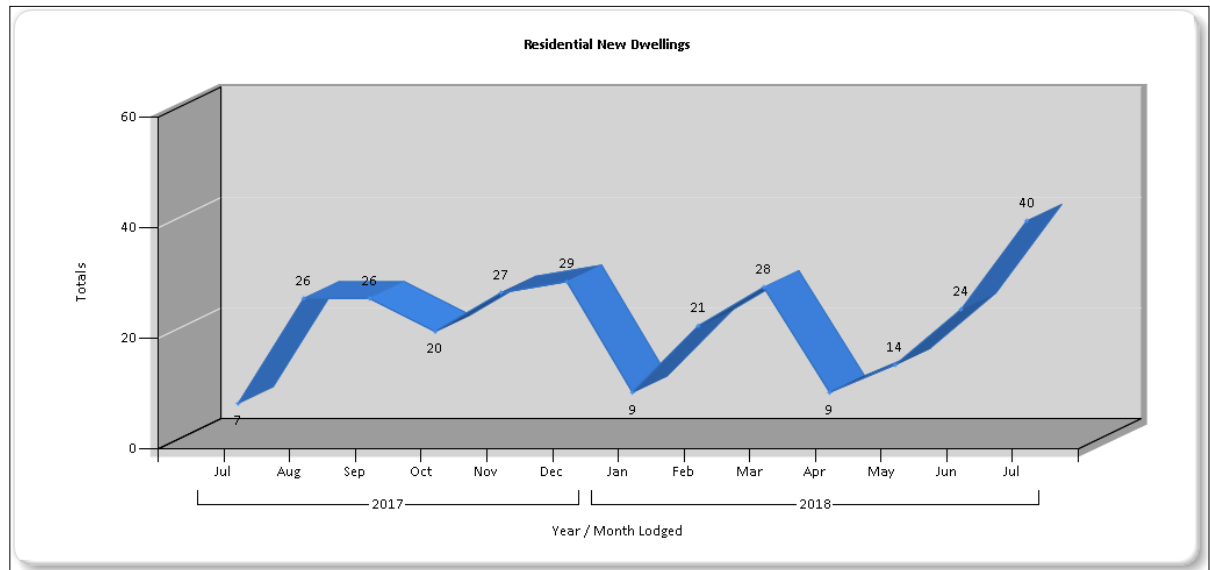
**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY  
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
115	19/0071	1 BUMBALLA ROAD WINGELLO NSW 2579 Lot 2 Sec 1 DP 759097	JS BIRD, A BIRD	Dual Occupancy (Detached)	13/07/2018		#PENDING		
116	18/0773	2680 OLD HUME HIGHWAY WOODLANDS NSW 2575 Lot 10 DP 776861	VJ SCANLAN, DD SCANLAN	Residential Alterations and Additions (Swimming Pool)	27/06/2018		#PENDING		
117	19/0077	315 WOMBEYAN CAVES ROAD WOODLANDS NSW 2575 Lot 23 DP 252864	EP KENNEDY, CM KENNEDY	New Dwelling	16/07/2018		#PENDING		
118	19/0108	232 KELLS CREEK ROAD WOODLANDS NSW 2575 Lot 1 DP 567199	JG MCCOMAS	Residential Alterations and Additions - Pergola, Swimming Pool	20/07/2018		#PENDING		
119	19/0073	26 SUNRISE ROAD YERRINBOOL NSW 2575 Lot 120 DP 9882	C MARQUIS, V MARQUIS	Residential Alterations and Additions (Carport)	13/07/2018		#PENDING		

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



## ATTACHMENTS

There are no attachments to this report.

### 13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position

Reference:	5704/6
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

#### PURPOSE

The purpose of this report is to consider amendments to Council's Community Engagement and Notification of Development and Planning Proposals Policy to enable greater responsiveness in decision making surrounding new residential development and residential alterations and additions in urban release areas within the Shire.

The amendment also seeks to provide clarity on Council's current policy position through minor administrative amendments, while making more general amendments to reflect recent changes in legislation.

#### RECOMMENDATION

1. **THAT** Council endorses the draft 'Notification of Development Proposals' policy (Attachment 2).
2. **THAT** Council places the draft 'Notification of Development Proposals' on public exhibition for a period of 28 days.
3. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

#### REPORT

##### **BACKGROUND**

Council's current policy position on Community Engagement and Notification of Development and Planning Proposals was adopted by full Council on 22 February 2012 and served to provide direction to Councillors, staff and the Community about who will be notified of development proposals, and the manner in which they will be notified.

The current policy has been and continues to be widely used by Council for the purposes of enabling community participation in the development application process, allowing members

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



of the community to voice their opinions, concerns or support relating to development proposals that are being considered in their Local Government Area.

Management reviews and associated industry consultation has in recent times identified concerns that elements of the existing policy create uncertainty and act as a barrier to responsive assessment of routine type development. One key area of uncertainty is the 'inform' component of the policy which provides courtesy advice of an application being lodged, however does not provide any ability for a member of the public to provide a submission to Council on an application. Traditionally this has caused confusion with notified parties and provides no additional benefit in terms of enabling community participation in the development application process.

A number of legislation changes have also occurred since the policy's adoption in 2012, which have required administrative amendments to be made to the existing policy. On 1 March 2018, changes to the *Environmental Planning and Assessment Act 1979* mandated that Council will be required to scope and implement a Community Participation Plan (CPP) over the next 12 months that is aimed at providing greater community input in strategic policy decisions and the development assessment process. The CPP also aims to ensure that community consultation is re-focused on strategy rather than development and accordingly requires more detailed consultation to occur prior to plans being adopted by both Council and the Department of Planning and Environment.

The current policy also contains redundant clauses that have been superseded as a result of changes to the way planning proposals are considered and mandatory notification or advertisement periods are imposed by the Gateway process.

### **REPORT**

Council has renewed its commitment to ensuring that residential dwelling houses and residential alterations and additions, particularly in new release areas throughout the Shire, are assessed and determined in a more responsive manner. The amendment to the existing Community Engagement and Notification of Development and Planning Proposals Policy seeks to achieve this commitment through balancing community consultation with responsive outcomes on 'routine development' throughout the Shire.

More broadly the revision of this policy seeks to:

- Balance community consultation and public participation with responsive development outcomes;
- Provide certainty of position with respect to community engagement in development processes;
- Scale notification requirements to the type of development being considered;
- Remove redundant clauses from the existing policy position;
- Re-name the policy in order to better reflect the purpose of the policy;
- Modernise the existing policy to reflect corporate policy requirements; and
- Incorporate legislative changes introduced in 2018 within the *Environmental Planning and Assessment Act 1979*.

The revised policy, entitled Notification of Development Proposals, provides further clarity of where and when public notification of a proposed development will be carried out. There are also prescribed processes for public notification and participation for *advertised and designated* development. This policy also stipulates when additional uses are to be managed in a similar method as *Advertised Development*.

Key changes considered in the revised policy position include:

- The introduction of definitions including the *Environmental Planning and Assessment Act 1979*; Development Control Plans and also the *Wingecarribee Local Environmental Plan 2010*.
- The introduction of key responsibilities for Councillors, Executive and Staff for the implementation of the policy.
- The introduction of performance measures to test the effectiveness of the policy and breaches of the policy position.

The revised policy position has removed the following provisions:

**1. Inform requirements.**

Under the current policy, Council is required to provide 'inform letters' to adjoining land owners in order to provide 'courtesy' notification that a development is likely to occur on the adjoining property. The inform requirement only provides information to adjoining land owners on the property to be developed and also the 'characterisation' or 'type' of development proposed. The notice does not provide plans nor does it allow the 'informed' party to provide a submission or participate in the development assessment process. The current requirements create uncertainty and confusion to adjoining landowners regarding their rights to participate in community consultation, and also create duplication where Council is often required to later notify formally under the policy in certain circumstances.

The removal of the inform requirement will ensure certainty of policy position and create efficiency through removal of duplication of notification, while enabling and promoting responsiveness in development outcomes.

The repeal of these provisions was signalled in the recent management review undertaken by Council of the Delivery of Development Services in 2017. The report found that the inform procedure was of little to no benefit to adjoining landowners, caused confusion, resulted in adverse impacts on productivity and was considered an impost on Council resources. Accordingly, it has been recommended that an alternate policy position recognises that this requirement should be abandoned.

**2. Two storey dwellings in Urban Release Areas**

The draft policy seeks to remove the requirement to notify two storey dwellings located in an identified urban release area. The basis of this is to allow discretion by Council's assessment staff where there is no expected privacy or overshadowing issues identified in the development proposal.

The reasoning for this amendment is that in new urban release areas, it is expected that vacant land will be developed and development control plans when applied correctly will provide certainty to minimise and/or ameliorate issues associated with privacy and overshadowing. Council staff would be provided with the ability to notify adjoining properties in accordance with the provisions of the draft policy in instances where there are uncontrolled or unexpected impacts on adjoining lots as a result of the proposed development.

### **3. Voluntary Planning Agreements**

The section on Voluntary Planning Agreements has been removed from the revised policy as this section is duplicated in an existing Council policy document, namely the Planning Agreements Policy 2005 – Clause 3.12 – 3.16 ‘Public Notification of Planning Agreements’. Removal from Council’s Community Engagement and Notification of Development and Planning Proposals Policy means this is considered in a stand-alone consolidated policy document.

### **4. Planning Proposals**

The process of how Council will engage with the public with regard to a planning proposal has also been removed under the draft policy. With the introduction of ‘gateway review’ processes as an initiative of the Department of Planning to consider the strategic merit of planning proposals, the Gateway Determination Process now prescribes how planning proposals shall be exhibited and the period for which they must be exhibited. Accordingly, this section of the policy is considered to be redundant.

The policy amendment is considered minor in nature and is seeking to achieve Council’s commitment to ensuring responsive decision making without eroding existing policy positions on community engagement of development. Council would continue to engage with the community in relation to development where it is likely that a proposal could affect the amenity of adjoining property or in situations where there are unmanageable impacts.

A comprehensive review of Council’s Community Engagement and Notification of Development and Planning Proposals Policy will be undertaken as part of the development of the Community Participation Plan (CPP) once the Department provides the associated guidelines. The policy amendment is considered to be an interim administrative update to Council’s existing policy until such times as the more comprehensive review is undertaken.

## **IMPACT ON COUNCIL’S FIT FOR THE FUTURE IMPROVEMENT PLAN**

The outcomes of this report will not impact on Council’s *Fit for the Future Improvement Plan*.

## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

As required under the *Local Government Act 1993*, the draft revised policy position if adopted will be placed on public exhibition for a period of 28 days and will be advertised in the Local Newspaper (Southern Highlands News), Council’s website and social media.

### **Internal Consultation**

Internal consultation was undertaken with council’s town planners, certifiers and strategic planners on the policy amendments. More broadly, Council’s Community Engagement Coordinator was consulted on the proposed amendments.

### **External Consultation**

Council undertook consultation with development industry representatives on the current policy position as part of its management review of the ‘delivery of development services’ in 2017.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

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

- **Social**

There are no expected social issues associated with this report.

- **Broader Economic Implications**

There are no expected economic issues associated with this report.

- **Culture**

There are no expected cultural issues associated with this report.

- **Governance**

This policy provides an updated framework for Council staff in their decision making as to whether a development or planning proposal should be publicly notified or advertised. The revised policy provides a streamlined notification process to ensure the public are appropriately informed of relevant planning considerations.

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## **COUNCIL BUDGET IMPLICATIONS**

There are no expected Council budget implications as a result of this draft policy.

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## **RELATED COUNCIL POLICY**

This policy relates to the adopted Community Engagement Policy of Council.

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## **OPTIONS**

The options available to Council are:

### **Option 1**

That Council adopt the draft Notification of Development Proposals Policy in Attachment 2 and place the draft policy on public exhibition for a period of not less than 28 days.

### **Option 2**

That Council not adopt the draft Notification of Development Proposals Policy in Attachment 2 and provide direction on an alternative policy position.

**Option 1** is the recommended option to this report.

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## **CONCLUSION**

The draft policy position will enable greater clarity of policy position with respect to community engagement on development applications. The amendments proposed under

## **AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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



the draft policy seek to address updates in legislation, responsiveness in development outcomes whilst also balancing community participation in decision making.

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#### **ATTACHMENTS**

1. Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012
2. Draft Notification of Development Proposals Policy

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position****ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012****ATTACHMENT 1****Policy for Community Engagement and Notification of Development and Planning Proposals****DIVISION:** Environment and Planning**SECTION:** Environmental Assessment**SUBJECT:** Community Engagement with Development and Planning Proposals**FILE NOS:** 104/3**APPROVAL DATE:** 22<sup>nd</sup> February 2012**MINUTE NO:** OC 35/12**BACKGROUND**

Council as part of its core functions processes development applications under the Environmental Planning and Assessment Act 1979. Council also considers Planning Proposals, these being requests to change Councils current Local Environmental Plan. There is a strong expectation within the community that processes will be developed by Council to inform and also consult potentially affected community members when these proposals are submitted for assessment. Conversely applicants for these proposals have an expectation that whilst some appropriate community consultation occur, the development processes should be efficient and meet their expectations.

This Policy and the associated Policy Guidelines outline Councils procedures that are aimed toward meeting these expectations.

**OBJECTIVES**

1. To allow the public to be informed of proposed development activity
2. To set out the matters Council will consider when determining whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development. This then leads to a decision to notify a proposal.
3. To specify the circumstances when notification is mandatory.
4. To specify the types of development that should be managed in a similar way to 'advertised' development under the EPA Act 1979.
5. To detail the exhibition processes for a planning proposal.
6. To detail the exhibition processes for a Voluntary Planning Agreement
7. To specify the procedure Council will follow in the community engagement process and how it deals with submissions that are received.

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012**



**SCOPE**

This Policy applies to all land in the Shire of Wingecarribee.

The Policy applies to all Development Applications and Planning Proposals submitted to Wingecarribee Council.

**POLICY**

To clearly set out Council's requirements for informing and engaging the community, when different types of developments are proposed or planning proposals are received. The Policy does not apply to development categorised as exempt or complying development under the State or Local Environmental Planning Policies or Plans. The attached Policy guidelines provide the detail for Councils procedures around the implementation of the above objectives and policy intent.

**DEFINITIONS/RELATED INFORMATION**

*Inform* – To provide the public with information to assist them in understanding the development application and may involve information sessions and information letters.

*Consult* – This involves obtaining public feedback on the development application and may take the form of a neighbour notification or advertising process.

**Associated Planning Instruments and Plans**

This Policy shall be read in conjunction with WLEP 2010 and relevant State Environmental Planning Policies, Councils Development Control Plans as well as the Environmental Planning and Assessment Act 1979.

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position****ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012****Policy Guidelines for Community Engagement and Notification of Development and Planning Proposals****BACKGROUND**

Council considers it appropriate and in some instances is required to specify, pursuant to the Environmental Planning and Assessment Act 1979, and Regulations 2000, where and when public notifications of a proposed development will be carried out. Further to this process, pursuant to section 79C of the Act, Council must consider and assess any submissions made in respect of a proposed development. There are also prescribed processes for public notification and participation for *advertised and designated* development and Voluntary Planning Agreements (VPA) and these are specified in the Environmental Planning and Assessment Act 1979 (the Act) and Regulations 2000. Council also stipulates within this policy additional uses that are to be managed in a similar method as Advertised Development under the Act.

**OBJECTIVE**

Specify the When, Why and How for Council notification and the consideration of submissions for proposed development activities and Planning Proposals within the Wingecarribee Shire area.

**SCOPE**

The policy applies to all development applications and planning proposals lodged within the Wingecarribee Shire area.

**POLICY****1. What will Council consider when forming an opinion that enjoyment of land may be detrimentally affected with a development application ?**

With all new development applications received, along with proposed amendments and reviews, Council will consider:

- i. Views to and from the land
- ii. Overshadowing and solar access
- iii. Privacy
- iv. Amenity impacts (such as potential noise impacts)
- v. Visual aspects of the building in relation to streetscape including heritage considerations
- vi. Other localised issues such as access, previous land uses and drainage.

Council will generally determine whether there is a detrimental affect in terms of the above criteria using relevant standards and Councils adopted Development Control Plans and any other adopted Policy or Guideline. The Council may broaden the above criteria and subsequent extent of notification depending on the type and scale of development and following an inspection of the proposed development site. Some applications will be notified on a mandatory basis, see section 2.

### 13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position

#### ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012



*When assessing these criteria, Council will utilise the development standards detailed in the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to assist in making a decision on whether notification will occur.*

#### 2. When and how will Council engage with property owners?

With most forms of residential development, and in some instances amendments to developments, Council will notify the public regardless of the assessment conducted in section One of this policy guideline. The table in **Attachment One** shows how Council will firstly *inform* people of any proposed residential scale development and then potentially also *consult* them.

Council will inform direct neighbours at the application lodgement stage. The letter shown in **Attachment Two** contains the typical detail that will be provided with this correspondence. **Attachment Three** details the content of letters where the site is within a Heritage Conservation Zone or is an Item of Heritage.

Once an assessment is completed on the site, in accordance with Part 1 above, Council may then also *notify* the development proposal. A typical detail for a notification letter is shown in **Attachment Four** and will also have a plan of the proposed development attached. This will be a plan that indicates the siting of the proposal on the subject allotment and also the external configuration of the building and will **not** include floor plans.

Notification will generally occur for fourteen (14) days, or a greater period if deemed necessary. With development proposals that incorporate the following, mandatory notification will occur:

- i Two storey residential buildings or associated residential two storey buildings in all residential zonings
- ii Dual Occupancy or secondary dwelling development or other residential accommodation development where up to an additional two dwellings are being added to the site.
- iii Any new dwelling or additions or alterations to an existing residential building or ancillary building where the proposed floor level is greater than 600mm above existing ground level on the property AND is deemed by the assessing officer to be a detrimental impact upon surrounding properties.
- iv New Commercial and Industrial Premises where the zoning upon directly adjoining properties OR properties on the opposite side of a public road is a Residential zoning.
- v Subdivision of land
- vi Applications where a variation to Council's policies are being proposed, eg: building lines, setbacks, and height, however not including controls relating to cut and fill.
- vii All new development in Heritage Conservation areas or upon the site of a Heritage Item, where the proposed works are visible from a public street.
- viii A Tower for the purposes of a Telecommunication facility as provided for under SEPP Infrastructure.

The following specific types of **new** development are classified as 'Advertised' development pursuant to this Policy and are advertised in the same manner as advertised development under the EPA Act 1979 and Regulations 2000;

- i Pubs and Hotels
- ii Educational Establishments

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012**



- iii Hospitals
- iv Place of Public Worship and
- v Residential accommodation (as defined in WLEP 2010) that incorporates an additional three or more dwellings.

Where the development involves an addition or alteration to existing above mentioned development types, notification rather than advertising will occur if an assessment under Part One determines a potential for impact to occur. The advertising of development occurs to local residents and through a local newspaper advertisement for a period of not less than thirty (30) days, unless it is of a type referenced in the Act. A sign is also placed on the site where the proposed development is to occur.

**Which applications will not result in a Council notification?**

Any application where an assessment under part 1 of this Policy guideline indicates there is no detrimental impact upon adjoining property owners.

**3. Who will be Informed?**

Council will inform all directly adjoining landowners of a proposed development in accordance with **Attachment One**. Two typical scenarios are shown in **Figure 1** below.

**Figure One** – direct neighbours to be informed of development proposal.



**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012**



**4. Who will be notified?**

When an application is to be notified or advertised, Council will notify:

- Owners of land adjoining the site upon which the development is proposed as above Figure One.
- Owners of land in close proximity to the site, upon which development is proposed, who may be potentially affected. This will be dependant upon the scale of the proposal.
- Other more remote landowners that are potentially affected through impacts such as noise or increased traffic movements where the development is a large scale development.
- Some applications will need to be referred to other Government authorities for notification or concurrence.
- If the plans have been endorsed by a body corporate the Manager or Secretary of the Body Corporate, or an Association (under Community Land Development Act 1989) will be sent a notice. If not endorsed, each owner in the title scheme will be notified.
- Council will determine who is to be notified by referencing the owner's name and address as indicated in Council's Property information system as at the date the neighbour notification process.

**Notes**

Receipt of a change of property ownership from the Land and Property Information Service takes 6-8 weeks.

All letters sent under this policy guideline will be directed by normal Australia Post mail service to landowners at the address registered upon Councils Property Information System.

**5. What about Amendments, Modifications and requests for Review of a Determination?**

The plans for a proposed development may be amended prior to consent or modified after consent is issued.

- |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Amendments –                  | The applicant may submit amended plans that address the concerns raised by Council or from a previous notification. In these instances Council will generally choose not to renotify the development proposal. Where issues have not been addressed in the opinion of staff, the application may be renotified and /or reported to a committee or Council meeting outlining all of the issues and dealing with submissions received.         |
| b. Modifications after Consent - | For applications that have consent a Section 96 application may be submitted and this is an application to modify a development consent. These applications may be of a minor nature (S.96(1) and 1(a)) of the Act ) or more significant (S.96(2) of the Act). Council will notify in accordance with the requirements of the Act. If the application is lodged under S.96(2) of the Act a renotification for fourteen (14) days will occur. |

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012**



- c. Reviews - A Section 82A review is a request to have Council reconsider either a condition(s) of consent or reconsider the refusal of an application. Section 82A applications are notified in accordance with the Act and Regulations

**6. Viewing of Plans and details and making submissions**

- Time periods

A notification allows fourteen (14) days and advertising generally a minimum thirty (30) days from the date of notification to make a written submission.

An additional time period may be specified having regard to the circumstances of a particular case or if the development application is submitted to Council in the Christmas/New Year or other holiday period. If you need extra time to prepare a full submission, then a preliminary submission stating this should be provided within the specified time.

- Viewing of Plans and details

Plans relating to development applications are available for viewing on Council's DA tracking website and also at Council's Customer Services Centre at the Civic Centre, Moss Vale, between 8.30am - 4.30pm any week day except Public Holidays.

- Making Submissions

Submissions made in respect of applications must be:

- i. In writing
- ii. Addressed to the General Manager
- iii. Clearly indicate name, phone number and address of person making the submission; and
- iv. If the submission is an objection, clearly specify the grounds for objection.

Special arrangements can be made where any difficulty exists in providing a written submission. Objection details should not relate to personal disputes or issues and relate generally to the items listed in Part One of this policy guideline. In consulting with the community in accordance with this policy, Council is seeking input on the proposal and this may include support of a proposal. Council may also obtain valuable information that may impact upon a development such as localised drainage issues. Making a submission is not mandatory.

Acknowledgement of submissions will occur at time of lodgement.

- Will the applicant be advised of an objection?

The applicant will be advised of submission content if Council believes details raised in the submission warrant further information or need to be addressed by the applicant. If an application is made for release of information under the Government Information (Public Access) Act 2009 Council must release appropriate information in accordance with this Act. Personal details may be withheld in accordance with a request made under the Personal Information Protection Act 1998.

**7. Council Procedures with Submissions**

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012**



- An objection to a proposed development is assessed objectively by Council staff. The objection content will be taken back to the applicant where matters are considered pertinent to the assessment process as listed under the EPA Act 1979, Regulations 2000, WLEP 2010 and Council's Development Control Plans. If an objection is lodged this does not automatically result in a deferral or refusal of the application or a report to Council.
- Where the Director Environment & Planning or delegate considers it necessary, an on-site meeting may be convened. This meeting may be between the objector, the applicant and a senior member of the Operations Division, to discuss the issues of concern. The objective of the meeting will be to attempt to achieve consensus. Areas for amendment will also be discussed if the objection is considered valid. Where consensus cannot be obtained, the matter will be finalised by reference to Council's controls within its Development Control Plans and WLEP 2010.
- Where Senior Council staff consider it appropriate, or where applications are called forward to a Council meeting by a Councillor, the proposal will be the subject of a report to Council or one of its committees. In these instances, Council may grant an opportunity for both the applicant and a representative of those making a submission on a development, to address a meeting of the elected Council or committee. Many applications are however dealt with under delegated authority and with most submissions the issues will be assessed and finalised by staff.
- For developments where there is a large number of submissions, Council may choose to hold an information session on a development proposal. This would occur after the notification period has been finished and prior to any report to Council or committee dealing with determination of the development application. Council would notify all submission authors of the proposed meeting.
- Council may also choose to appoint a mediator or facilitator to work through specific issues of concern.
- Council will give notice of the determination of an application to each person who made a submission.

**8. How does Council fund the cost of Notification?**

Council funds the cost of carrying out notifications by charging a fee as set in Council's revenue policy on all Development Applications. This fee is not refundable.

**9. Planning Proposals to amend Wingecarribee Local Environmental Plan 2010 (WLEP 2010)**

Any resolution of Council to amend WLEP 2010 is forwarded to the NSW Department of Planning and Infrastructure in the form of a Planning Proposal. The Planning Proposal is assessed by the Department's LEP Gateway Panel and a Gateway Determination is provided to Council. If the Gateway Determination supports the Planning Proposal, it will set out the consultation required with the community and relevant public authorities. The Determination also identifies what documentation is to be included with the public exhibition.

The public exhibition of a Planning Proposal which applies to a particular site or location, includes letters being mailed to property owners within an area determined by Council. An advertisement is placed on Council's Community Update page in the local newspaper for the

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012**



period of the exhibition advising that the Planning Proposal is on exhibition, indicating the time span of the exhibition period and advising where documentation regarding the Planning Proposal may be viewed.

Documentation will be available on Council's website as well as at Council's Customer Service Counter. Additional copies of documentation will also be available at relevant libraries. In some of the outer villages of the Shire, documentation may also be made available at the local post office or other local business.

**10. Voluntary Planning Agreements (VPA)**

A VPA is to be managed in accordance with Council's adopted policy on planning agreements. The EPA Act and Regulations prescribe time periods for public notification. This notification will be conducted to all persons deemed to be affected by a VPA in the same fashion as a development application.

**MORE INFORMATION**

Council Contacts:

In Person:	Civic Centre, Kirkham Street, Moss Vale
By Telephone:	(02) 4868 0888
By Facsimile:	(02) 4869 1203
By Mail:	PO Box 141, Moss Vale NSW 2577 or DX 4961 Bowral
By Email:	<a href="mailto:wscmail@wsc.nsw.gov.au">wscmail@wsc.nsw.gov.au</a>

View plans using LUA reference number on DA tracking on Council's website  
[www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)

## 13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy

Position

ATTACHMENT 1  
2012

Current Policy for Community Engagement and Notification of Development and Planning Proposals



## Attachment One – What and how does Council notify or advertise

Type of development* – note only where a development consent is required and does not include complying or exempt development	No notification likely to occur	Inform letter as per attachment two or three (sent within one week of development application being lodged)	Notify as per letter in attachment Four (usually within two weeks of application being lodged)	Advertise – letters sent as per attachment Four, a notice will be placed in the local paper and a sign placed on the subject property
<b>Residential</b>				
Outbuildings that are ancillary to a residential usage of the land (eg sheds, pools, garages, carports)		✓	Mandatory if specified under Part 2 otherwise possibly after assessment under Part 1 of this policy guideline	
New Dwelling house or alterations and additions to a dwelling or dwelling houses		✓	Mandatory if specified under Part 2 otherwise possibly after assessment under Part 1 of this policy guideline	
Residential accommodation where there are up to two additional dwellings being added			✓	
Residential accommodation where there are three or more dwellings being added				✓
Demolition		✓		
<b>Commercial</b>				
New premises			✓	✓ if in Part 2 of this Policy guideline
Additional and alterations to commercial premises			Mandatory if specified under Part 2 otherwise possibly after assessment under Part 1 of this policy guideline	
Change of use	✓			
First occupancy	✓			
Signage	✓			

Version One – Approved 22<sup>nd</sup> February 2012

43

13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy  
Position

ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals  
2012



Type of development *— note only where a development consent is required and does not include complying or exempt development	No notification likely to occur	Inform letter as per attachment Two or three (sent within one week of development application being lodged)	Notify as per letter in attachment Four(usually within two weeks of application being lodged)	Advertise – letters sent as per attachment Four, a notice will be placed in the local paper and a sign placed on the subject property
<b>Subdivision</b>				
Subdivision of land into two or more lots			✓	
Subdivision known as boundary adjustment	✓			
<b>Tourist and visitor accommodation</b>				
New facilities or alterations or additions to these facilities or a Change of usage			Mandatory if specified under Part 2 otherwise possibly after assessment under Part 1 of this policy guideline	✓ If in Part 2 of this policy
<b>Rural industries</b>			✓	
<b>Industries/storage</b>				
New industry/factory buildings			Mandatory if specified under Part 2 otherwise possibly after assessment under Part 1 of this policy guideline	
Alterations and additions to buildings	✓			
Change of Usage	✓			
Tower used to site Telecommunications facilities			✓	

Version One – Approved 22<sup>nd</sup> February 2012

### 13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position

#### ATTACHMENT 1 Current Policy for Community Engagement and Notification of Development and Planning Proposals 2012



Type of development *— note only where a development consent is required and does not include complying or exempt development	No notification likely to occur	Inform letter as per attachment Two or three (sent within one week of development application being lodged)	Notify as per letter in attachment Four(usually within two weeks of application being lodged)	Advertise #— letters sent as per attachment Four, a notice will be placed in the local paper and a sign placed on the subject property
<b>Extractive Industries</b>				
New			✓	
Alterations and additions			Subject to assessment under Part 1 of this Policy guideline	
<b>Hospital/Religious/Educational establishments</b>				
New				✓
Additions and alterations			Subject to assessment under Part 1 of this policy guideline	
Other types of development			Subject to assessment under Part 1 of this policy guideline	

\* The descriptions in type of development relate to definitions contained within Wingecarribee Local Environmental Plan 2010.

# The EPA Act 1979 specifies certain types of development to be advertised in specific ways. This is outside of the detail of these guidelines.  
Version One – Approved 22<sup>nd</sup> February 2012

**13.3 Amendment to Council's Community Engagement and  
Notification of Development and Planning Proposals Policy  
Position**

**ATTACHMENT 2 Draft Notification of Development Proposals  
Policy**



Attachment Two

Re  
Pty

Council advises the above development application has been lodged. The details of the application may be viewed on the Council website at (DA tracking link) or alternatively by visiting Councils Customer Services Centre.

Council Environmental Assessment staff are assessing the application and as part of this process a notification letter **may** be sent if it is determined that the proposal presents the potential to have an impact upon your property as assessed under councils Community Engagement and Notification Policy.

\*\*\*\*\*

**Officer**

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position****ATTACHMENT 2 Draft Notification of Development Proposals Policy****Attachment Four**

[document initials]

Date

[fmt\_nm1] [fmt\_nm2]  
[fmt\_ad1]  
[fmt\_ad2]  
[fmt\_ad3]

Dear Sir/Madam,

**RE: NOTIFICATION OF PROPOSED DEVELOPMENT**

**SITE DESCRIPTION:** [property address NPC]  
[property title]

Council has received a development application for the development of land as detailed below.

**APPLICANT:** [applicant name]

**DA NO:** [document number]/[document year]

**EXHIBITION PERIOD:** FROM [actiondate 4 open]  
TO [actiondate 4 close]

**WRITTEN SUBMISSIONS MUST BE RECEIVED BY 4.30 PM ON:** [actiondate 4 close]

**PROPOSED DEVELOPMENT:** [short proposal][full proposal]

You are being notified in respect of this application due to your proximity to the proposed development, in accordance with the provisions of Wingecarribee Council's Community Engagement and Notification of Development and Planning Proposals Policy.

Details of the proposal have been enclosed for your information as part of Council's consultation process. If any additional information is required, please view Council's DA tracking facility at Council's website [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) or alternatively contact Council's Service Centre between 8.30am – 4.30 p.m. Monday to Friday.

Should you desire to make a submission on the proposal, it must be in writing, addressed to the General Manager, and be received by Council no later than the date and time specified above. Submissions must clearly indicate the

**13.3 Amendment to Council's Community Engagement and  
Notification of Development and Planning Proposals Policy  
Position**

**ATTACHMENT 2 Draft Notification of Development Proposals  
Policy**



Attachment Three

Re  
Pty

Council advises that the above development application has been lodged. The details of the application may be viewed on the Council website at (DA tracking link) or alternatively by visiting Councils Customer Services Centre.

Due to the subject proposal being located within a Heritage Conservation Zone /or involving an item of heritage Council undertakes additional assessment utilising a community heritage reference group and appropriate staff and advisory services. Councils Environmental Assessment staff are now assessing the application and as part of this process a notification letter **may** be sent if it is determined that the proposal presents the potential to have an impact upon your property as assessed under councils Community Engagement and Notification Policy.

\*\*\*\*\*

**Officer**

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position****ATTACHMENT 2 Draft Notification of Development Proposals Policy**

name and address of the person making the submission and details of the proposal to which the submission relates. Please refer to the land use application (LUA) number in lodging a submission and provide a **contact telephone number**.

All written submissions are considered in the determination of an application and you will be notified of Council's decision. In some cases Council may attempt to resolve objections considered to be valid by way of mediation or by requesting amendments to be made to plans and proposals. Where valid objections cannot be resolved, a report may be submitted to Council for consideration. It is important to be aware that not all applications are referred to Council for final determination and some may be determined by Council staff under delegated authority.

All submissions received will become public documents and pertinent issues will be included in any report that may be submitted to Council in relation to the application.

*The Local Government and Planning Legislation Amendment (Political Donations) Act 2008* requires any applicant for a development application or an application to modify a development application to disclose any *reportable political donation or gift* as defined in Part 6 of the *Election Funding and Disclosures Act 1981* at the time of lodging that application or making a submission in relation to the application. A copy of the Disclosure Statement is available for download from Council's website, [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) or from Council's Customer Service Counters. If you have made a *reportable political donation or gift* to any Councillor of Wingecarribee Shire Council or Council employee within the past 2 years, you must disclose this in accordance with the Act. A register of disclosures made to Council is available for public inspection at the Moss Vale office.

Further enquiries in respect of this matter should be directed to [document officer] on (02) 48 680 888.

Yours sincerely,

**[document officer]**  
**ASSESSMENT OFFICER**  
(Development Branch)

encl/s

## Notification of Development Proposals Policy

### Leadership

#### 1.2 COUNCIL COMMUNICATES AND ENGAGES WITH THE COMMUNITY IN A DIVERSE, OPEN AND INCLUSIVE WAY

Adoption Date:	<i>DRAFT - TBA</i>
Council Reference:	<i>DRAFT - TBA</i>
Policy Owner:	<i>Group Manager Planning, Development and Regulatory Services</i>
Next review date:	<i>February 2020</i>
File Reference:	<i>(Departmental File Number)</i>
Related Policies/Legislation:	<i>Environmental Planning Act 1979 and Regulations Local Government Act 1993 and Regulations Wingecarribee Shire Council Code of Conduct</i>
Related Documents:	<i>Communications Strategy, 2014 Community Engagement Strategy, 2014</i>
Superseded Policy/GM Practice Note:	<i>Community Engagement and Notification of Development and Planning Proposals Policy 2.4</i>

### OBJECTIVES

The objectives of this policy are to:

- Provide the opportunity for public participation in the development assessment decision making process that is appropriate to the type and form of the development proposed.
- Ensure a consistent, transparent and effective development assessment process.
- Identify circumstances when notification of development is not required.

### SCOPE

This policy applies to:

- All land within the Wingecarribee Shire Council Local Government Area.
- All development requiring development consent under the Wingecarribee Local Environmental Plan 2010.

### POLICY STATEMENT

#### POLICY OVERVIEW

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position****ATTACHMENT 2 Draft Notification of Development Proposals Policy**

Council considers it appropriate and in some instances is required to specify, pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act), and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), where and when public notifications of a proposed development will be carried out. Further to this process, pursuant to section 4.15 of the EP&A Act, Council must consider and assess any submissions made in respect of a proposed development.

There are also prescribed processes for public notification and participation for *advertised and designated* development and these are specified in the EP&A Act and EP&A Regulation. Council also stipulates within this policy additional uses that are to be managed in a similar way as Advertised Development under the EP&A Act.

**POLICY GUIDELINES****1. Matters that Council considers when forming an opinion that enjoyment of land may be detrimentally affected or have uncontrollable impacts associated with a development application.**

With all new development applications received, along with proposed amendments, modifications and reviews, Council will consider:

- i) Views to and from the land
- ii) Overshadowing and solar access
- iii) Privacy
- iv) Traffic and Access
- v) Ground Levels
- vi) Amenity impacts (such as potential noise, odour, light or other impacts)
- vii) Visual aspects of the building in relation to streetscape including heritage considerations.
- viii) Other localised issues such as natural hazards and stormwater / drainage.

Council will generally determine whether there is a detrimental effect or unmanageable impact in terms of the above criteria using relevant standards and Council's adopted Development Control Plans (DCP) and any other adopted Policy or Guideline.

Council may broaden the above criteria and subsequent extent of notification depending on the type and scale of development and following an inspection of the proposed development site. Some applications will be notified in accordance with this policy; see Section 2 below.

**2. Circumstances in which Council will engage with property owners.**

Once an assessment is completed of the proposed development, in accordance with Section 1 above, Council may *notify* the development proposal. The table in SCHEDULE 1 outlines when and how Council will engage with property owners for a variety of development types. A notice of proposed development letter may be accompanied by a plan of the proposed development attached. This will be a plan that indicates the siting of the proposal on the subject allotment and also the external configuration of the building in relation to the lot boundaries but will not include floor plans.

Notification will generally occur for a minimum of fourteen (14) days, or a greater period if deemed necessary by the assessing officer. With development proposals that incorporate the following, Council may undertake notification of the proposed development:

- 1. Any new single storey residential dwelling or additions or alterations to an existing residential building or ancillary building, not in a defined urban release area where the proposed floor levels are greater than 600mm above existing ground level on the property AND is deemed by the assessing officer to be a detrimental or unmanageable impact on surrounding properties.

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 2 Draft Notification of Development Proposals Policy**



2. Two storey residential buildings, or ancillary residential two storey buildings, in all residential zonings, unless the subject site is located within an identified urban release area. The assessing officer at their discretion may notify the development in identified urban release areas where it is considered that there is a detrimental or unmanageable impact on surrounding properties.
3. In circumstances where it is proposed to be more than one dwelling on the site (for clarity - including Secondary Dwellings and Dual Occupancies).
4. New Commercial and Industrial premises where it is considered by the assessing officer to have a potential impact on adjoining land or where the proposed development is either adjoining or adjacent to a Residential Zoning.
5. Proposed subdivision of land (excluding boundary adjustments and strata title subdivision).
6. Applications where a variation to Council's policies are being proposed (which is greater than 10%), e.g. building lines, setbacks and height, excluding controls relating to cut and fill.

Note: With regard to mapped Urban Release Areas in the opinion of Council Assessing Officers there is a detrimental or uncontrollable impact on adjoining land as a result of the departure from Council's Policies, Council may notify the application to adjoining property owners.

7. All new development in Heritage Conservation Areas or upon the site of a Heritage Item, where the proposed works are visible from a public street (excluding mapped urban release areas).
8. Any Temporary Use of Land under Clause 2.8 of the Local Environmental Plan.
9. A Tower for the purposes of a Telecommunication facility as provided for under *State Environmental Planning Policy (Infrastructure) 2007*.

The following specific types of new development are classified as 'Advertised' development pursuant to this Policy and are advertised in the same manner as advertised development under the EP&A Act and EP&A Regulation:

- i) Pubs and Hotels
- ii) Educational Establishments
- iii) Hospitals
- iv) Places of Public Worship, and
- v) Residential accommodation (as defined in *Wingecarribee Local Environmental Plan 2010 (WLEP)*) that incorporates an additional three or more dwellings.

Where the development involves an addition(s) or alteration(s) to an existing above mentioned development type (i-v), notification rather than advertising will occur if an assessment under Section 1 determines a potential for impact to occur.

The advertising of development occurs to adjoining and adjacent local residents and through a local newspaper advertisement for a period of not less than thirty (30) days, unless it is of a type referenced in the Act. A sign in an approved form is also placed on the site where the proposed development is to occur.

**Applications that will not result in notification.**

Any application where an assessment under Part 1 of this Policy indicates in the opinion of a Council Assessment Officer that there is no detrimental or uncontrollable impact upon adjoining property will not be notified.

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position****ATTACHMENT 2 Draft Notification of Development Proposals Policy****3. Parties to which will be notified.**

When an application is to be notified or advertised, Council will notify:

- Owners of land adjoining and adjacent to the site upon which the development is proposed as per figure 1 below.

At the discretion of the assessing officer Council may also notify:

- Owners of land in close proximity to the site, upon which development is proposed, who may be potentially affected. This will be dependent upon the scale of the proposal.
- Other more remote property owners that are potentially affected through impacts such as noise or increased traffic movements where the development is of significant scale.

Where the adjoining property to be notified is a body corporate, the Manager or Secretary of the Body Corporate, or an association (under Community Land Development Act 1989) will be forwarded the notice of proposed development correspondence.

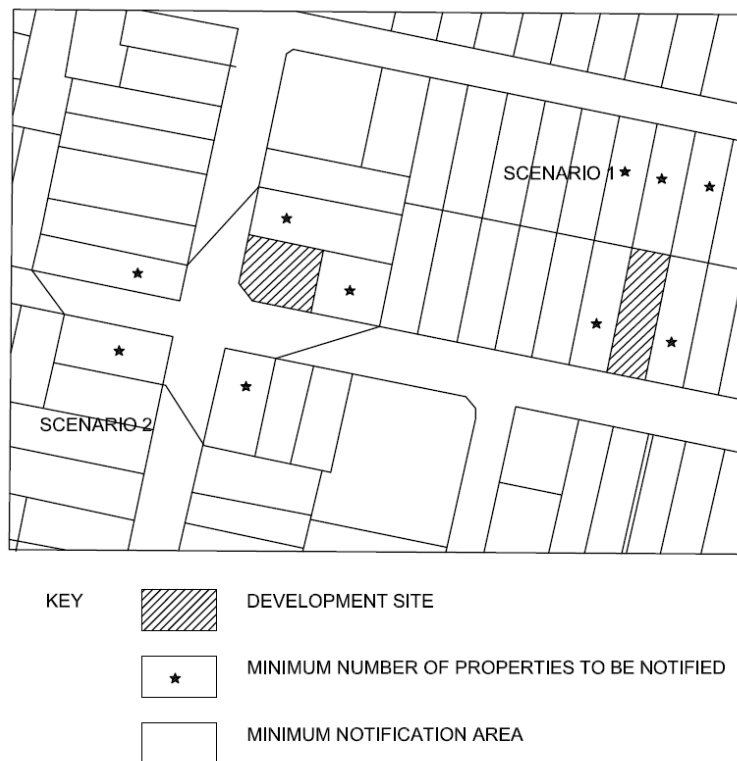
Council will determine who is to be notified by referencing the registered owner's name and their respective nominated registered address as indicated in Council's Property Information System as at the date the notification correspondence is prepared by Council. Where premises are unoccupied or tenanted, Council will only notify the registered owner of the property.

Notification of a change of ownership from the Land and Property Information Service to Council can take approximately 6-8 weeks. All letters sent under this policy position will be directed by normal Australia Post mail service to property owners at the address registered upon Council's Property Information System at the time the notification correspondence is prepared. It is the responsibility of the vendor to advise any future purchasers of the notification where there is likely to be a change in ownership.

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 2 Policy**

**Draft Notification of Development Proposals**



**Figure 1** – Adjoining and adjacent properties to be notified of the proposed development.

**4. Notification of amendments to Plans and Documentation (cl.55), Modifications (s.4.55) to Development Consent and Requests for Review (s8.2).**

The plans for a proposed development may be amended by the applicant prior to its determination under clause 55 of the *Environmental Planning and Assessment Regulation 2000* or modified in the case where an application is determined by way of approval. Amended plans can also be considered by Council following a request for review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*.

**a) Amendments:**

The applicant may submit amended plans in order to address concerns raised by Council or to address concerns raised by an objector in a submission in response to the notification process. In these circumstances it is not expected that Council will renotify the development proposal. Where issues have not been addressed through the submission of amended plans and supporting documentation, or where there is a significant change in the proposed application which will create detrimental or unmanageable impacts, Council's assessing officers may at their discretion re-notify the proposal.

**b) Modifications following determining an application by way of consent**

For applications that have been determined by way of approval, a section 4.55 modification application may be submitted to Council for consideration. These applications can be of a minor nature (s4.55(1) and s4.55(1A) of the *Environmental Planning and Assessment Act 1979* involving minimal environmental impact or addressing an error or mis-description in an application. More significant modifications will be considered under (s4.55(2)). Council will generally not notify applications made under section 4.55(1) and s4.55(1A), however in the case of a s4.55(2) or a s4.55(AA) modification, if the original development application was

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy**

**ATTACHMENT 2  
Position  
Policy**

**Draft Notification of Development Proposals**



previously notified or advertised, any future modification involving environmental impact will be notified or advertised in the same manner.

**c) Review of determination**

In the case of where an application has been determined by way of refusal or in the case of an approval where a condition(s) of consent have been imposed, a proponent may request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*. Where a request is made under this section, Council shall notify the section 8.2 application in the same manner as the original development application was notified or advertised.

**5. Public inspection of Plans and Documentation and making of submissions.**

**• Time periods for notification and advertisement**

Any notification made under this policy provides for fourteen (14) days for written submissions to be received by Council from the date of the notice of proposed development. In the case of advertised development, the advertisement period is 30 days.

Council will provide an additional two (2) weeks to the standard notification period where Council notifies or advertises a development proposal between the 20<sup>th</sup> December and the 2<sup>nd</sup> January in any calendar year.

Requests for additional time to prepare a submission may be made in writing addressed to the Group Manager Planning, Development and Regulatory Services and must be received prior to the expiry of the notification or advertisement period. Council may consider at its discretion the circumstances surrounding the request and may grant in writing additional time to provide a submission. Any additional time granted shall not exceed 2 weeks from the date of the request.

**• Viewing of Plans and details**

Plans and documentation relating to notified or advertised development applications are available on Council's online Development Application Tracker and also are available for public inspection at the Customer Services Centre during normal business hours.

**• Making Submissions**

Submissions made in response to notification or advertisement of a development application must:

1. Be made in writing;
2. Be addressed to the General Manager;
3. Provide the Application Number and Property Address of the development application.
4. Clearly indicate the Name, Address and Phone Number of the party making the submission;
5. Provide an email address on the submission;
6. Clearly state the reasons or grounds for the Support of or Objection to the proposal.

Objections should not be focussed on civil disputes and should be based on planning grounds generally related to the items listed in Section 1 of this policy.

In consulting with the community in accordance with this policy, Council is seeking input on the proposal and this can include support for a development or activity. Well founded,

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 2 Draft Notification of Development Proposals Policy**



balanced and factual submissions can inform and influence the development assessment process and Council can obtain valuable information on localised issues that may apply to the development being considered. Making a submission is not mandatory.

Council will acknowledge receipt of any submissions received at the conclusion of the assessment process and advise that the submission has been taken into account during the assessment of the proposal. Council may also provide basic information on the development assessment outcome.

- **Applicant may be provided with copies of submissions**

The applicant will be advised of submission content if Council believes details raised in the submission warrant further information or need to be addressed by the applicant. If an application is made for release of information under the Government Information (Public Access) Act 2009 (GIPA) Council may release information that it holds in relation to the submission in accordance with the provisions of that Act. Personal details may be withheld in accordance with a request made under the Personal Information Protection Act 1998 where permitted by law or where the GIPA Act prevents its release.

## **6. Council Procedures with Submissions**

All submissions received during the notification period in accordance with the requirements of this policy will be considered during the assessment of the development application under section 4.15 or in the case of a modification application under section 4.55, or a review of determination under section 8.2. Submissions are considered objectively by Council's assessment officers and will inform the development assessment process.

Council may consult with the applicant where issues raised in the notification or advertising period are considered to have merit and are pertinent to the development assessment process. The applicant may be requested by Council to amend their proposal in order to address detrimental or unmanageable impacts associated with the development or in the case where the proposal is supportable, Council may impose conditions of development consent, or amended conditions in the case of a modification, to ensure that impacts are managed appropriately.

Applications that receive wide community interest may be considered by Council as 'public interest matters'. Where such circumstances arise the matter may be referred to full Council for determination rather than being considered under delegated authority. The Group Manager Planning Development and Regulatory Services in accordance with his / her delegations, generally will determine whether an application will be considered as a 'public interest matter' where a business paper report will be prepared and referred to full Council for determination. Council shall include all issues raised within the notification period within the business paper report for consideration, along with an appropriate response by Council's assessing officer.

In the instance where an application is referred to full Council for determination, Council will provide courtesy advice of the application being referred to Council and the proposed date and time in which the matter will be heard. Such notification is expected to be provided to submitters 3 days prior to the ordinary meeting of the Council by email. Where an email address has not been provided in the submission Council will provide the courtesy notice by mail.

In accordance with Council's Code of Meeting Practice, submitters and also the applicant may be provided with the opportunity to address the full Council when the proposal is reported as a business paper agenda item. Any person seeking to address Council on an item must register with Council to speak at the meeting.

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy**

**ATTACHMENT 2 Draft Notification of Development Proposals Policy**



**7. Funding of Notification Processes**

Costs incurred by the Council for notifying and or advertising development proposals is cost recovered through the levying of a fee at the time of lodgement of the application. The fee is adopted annually in Council's Revenue Policy, in the Operational Plan.

**MORE INFORMATION**

Council Contacts:

Person:	Duty Planner / Certifier Civic Centre, 68 Elizabeth Street, Moss Vale
By Telephone:	(02) 4868 0888
By Mail:	PO Box 141, Moss Vale NSW 2577
By Email:	<a href="mailto:mail@wsc.nsw.gov.au">mail@wsc.nsw.gov.au</a>

View plans using Development Application reference number using DA Tracking on Council's website: [www.wsc.nsw.gov.au/DATracker](http://www.wsc.nsw.gov.au/DATracker)

**DEFINITIONS**

**EP&A Act:** The *Environmental Planning and Assessment Act 1979*

**EP&A Regulation:** *Environmental Planning and Assessment Regulation 2000*

**WLEP:** Wingecarribee Local Environmental Plan 2010

A Local Environmental Plan (LEP) is an instrument that is prepared in accordance with the *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2000* and is approved by the Minister for Planning and Environment.

A LEP is a legal instrument that zones land, imposes standards to control development, or implements a state or local policy outcome. It is a means to implement strategies, giving legal effect to where and under what circumstances places should be developed or particular environmental controls imposed.

**DCP:** Council's adopted Development Control Plans

A DCP provides specific, comprehensive guidelines for certain types of development, or area specific requirements for localities. The DCP is an important planning tool because it provides a flexible means of identifying additional (to the WLEP) development controls and standards for addressing development issues at a local level.

**RESPONSIBILITIES**

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

✓ Councillors:

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy**

**ATTACHMENT 2  
Policy**

**Draft Notification of Development Proposals**



- To lead the community in their understanding of and compliance with the *Notification of Development* policy.
- Comply with Council's *Notification of Development Proposals* policy  
✓
- ✓ Executive:
  - To communicate, implement and comply with the *Notification of Development* policy.  
✓
- ✓ Staff:
  - Comply with the *Notification of Development* policy.
  - Ensure development proposals are notified and / or advertised in accordance with the guidelines set out in the *Notification of Development* policy.

## PERFORMANCE MEASURES

The success of this policy will be measured by:

- Zero or limited incidents of non-compliance with this policy.

## BREACHES OF THE POLICY

Failure to comply with this policy may constitute a breach of employment terms and, depending on the circumstances, a breach of the Wingecarribee Shire Council Code of Conduct.

Breaches of the policy may also invite third party appeals to the New South Wales Land and Environment Court on procedural matters.

## APPROVED BY:

**WINGECARRIBEE SHIRE COUNCIL**

**TBA**

**13.3 Amendment to Council's Community Engagement and  
Notification of Development and Planning Proposals Policy  
Position**

**ATTACHMENT 2 Draft Notification of Development Proposals  
Policy**



## SCHEDULE 1

Development Type	Type of Notification		
	Neighbour Notification	Advertised Development *	No requirements
<b>Residential</b>			
New Residential Single Storey Dwellings.			✓
New Residential Single Storey Dwelling (and Residential alterations and additions) with change in ground level >600mm and not in an urban release area and has identifiable impacts on adjoining or adjacent properties in the opinion of a Council assessing officer.	✓		
New Residential Two Storey Dwellings or ancillary two storey buildings in all residential zones (and two storey residential alterations and additions) unless the subject site is located within a mapped urban release area.	✓		
Outbuildings that are ancillary to a residential usage of the land (eg sheds, pools, garage and carports).			✓
Residential accommodation where there is up to two additional dwellings being proposed.	✓		
Residential accommodation where there is three or more additional dwellings being proposed (Including Boarding Houses, Multi Dwelling Housing and Residential Flat Buildings)	✓	✓	
Demolition (unless in a heritage conservation area or an item of heritage)			✓
<b>Commercial</b>			
New Commercial Premises	✓		
New Commercial and Industrial premises where it is considered by the assessing officer to have a potential impact on adjoining land or where the proposed development is either adjoining or adjacent to a Residential Zoning.	✓	✓	
Additions and Alterations to a Commercial Premises	✓		
Change of Use	✓		

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 2 Draft Notification of Development Proposals Policy**



Development Type	Type of Notification		
	Neighbour Notification	Advertised Development *	No requirements
First Occupancy of a new premises	✓		
Signage	✓		
<b>Subdivision</b>			
Subdivision of land into two or more lots	✓		
Boundary Adjustments			✓
<b>Tourist and Visitor Accommodation</b>			
New Facilities or alterations and additions to existing facilities or a change of use	✓	✓	
<b>Rural Industries</b>			
Rural Industries	✓		
<b>Industries / Storage</b>			
New Industry / Factory Buildings	✓		
Alterations and Additions to Buildings	✓		
Change of use	✓		
Tower used to site telecommunication facilities	✓	✓	
<b>Extractive Industries</b>			
Extractive Industries - Not designated	✓	✓	
Extractive Industries - Designated Development	✓	✓	
<b>Hospital / Religious / Education Establishments</b>			
New	✓	✓	
Alterations and Additions	✓	✓	

**13.3 Amendment to Council's Community Engagement and Notification of Development and Planning Proposals Policy Position**

**ATTACHMENT 2 Draft Notification of Development Proposals Policy**



Development Type	Type of Notification		
	Neighbour Notification	Advertised Development *	No requirements
<b>Temporary use of Land</b>			
Uses under Clause 2.8 of the Wingecarribee Local Environmental Plan	✓	✓	
<b>Other Development not listed within this policy</b>			
Subject to assessment of impacts by Council's assessing officer. Where it is found to have uncontrolled or unmanageable impacts on surrounding properties the assessing officer shall determine the level of notification required.			✓

\* Advertised development includes an advertisement in the Newspaper circulating the Local Government Area and also a sign on the development site in a prominent location.

## 13.4 Update of the Pesticides Notification Plan

Reference:	5450/2
Report Author:	Environmental Policy Officer
Authoriser:	Environment and Health Systems Coordinator
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

### PURPOSE

A Pesticide Use Notification Plan is required under the *Pesticides Regulation 2017*. Council's Pesticide Notification Plan has been reviewed and an updated draft is at **Attachment 1**. This report seeks approval for the public exhibition of the draft Plan prior to adoption by Council.

### RECOMMENDATION

**THAT** Council endorses the public exhibition of the draft Pesticides Notification Plan at **Attachment 1** for 28 days.

### REPORT

#### **BACKGROUND**

Under the *Pesticides Regulation 2017* (the Regulation), Council is required to have a Pesticide Use Notification Plan (the Plan) for use of pesticides in outdoor public places that are owned or managed by Council. This includes parks, gardens, sports grounds and other public land.

Council's Pesticide Notification Plan has been in place since 2006 and was last reviewed in 2013. An update is now required.

The Plan applies to Council staff and contractors. The Plan aims to meet the community's general right to be made aware of pesticides applied to public places and to allow the community to make informed decisions to avoid contact with pesticides.

The Plan outlines how Council will notify members of the community of any pesticide applications made by Council in and around outdoor public places. The Plan describes:

- what public places are covered
- who is most likely to use or access these public places and the likely level of use
- how and when Council provides the community with information and notification about its pesticide applications
- how the community will be informed of the Plan

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



- how future reviews of the Plan will be conducted
- Council contact details for additional information.

Council only uses pesticides that are registered for use by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The application of pesticides is in accordance with label requirements or APVMA permit conditions. Council ensures that pesticides are applied to public places in a safe and responsible manner.

### **REPORT**

A review of Council's Pesticide Notification Plan has been undertaken. The review identified a number of updates required to reflect current operational practices. The key updates made in the draft Plan are:

- streamlining the format of the Plan to remove duplication
- additional information on what types of pesticides are used and the methods of application
- updating notification processes to be more specific and appropriate to individual contexts of pesticide use
- updating when no notification is given for activities that have minimal risk or likelihood of community contact
- more specific information about notification for sensitive areas.

As there are numerous small edits, the changes are not marked-up in the draft Plan at **Attachment 1**. The draft Plan has been prepared in accordance with the requirements of Part 5 Division 2 of the Regulation.

The next step is to place the draft Plan on public exhibition for at least 28 days in line with the requirements of the Regulation. The public exhibition period will be advertised in the Southern Highlands News and on Council's website. During the exhibition period, the Plan will be available on Council's website, on request at the Civic Centre or by phoning Council.

A further report will be provided to Council following the exhibition period.

### **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

The policy does not have an impact on the Fit for the Future Improvement Plan.

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Information on the consultation process is contained in the report above.

#### **Internal Communication and Consultation**

The draft Plan has been developed with input from the following managers and teams: Manager Open Space, Recreation and Building Maintenance; Manager Environment and Sustainability; Open Spaces; Business Services; Community Engagement.

### **External Communication and Consultation**

No external consultation has been undertaken prior to the public exhibition of the draft Plan. Once the plan is adopted, Council is required to notify the Environment Protection Authority and place a notice in the Gazette.

### **SUSTAINABILITY ASSESSMENT**

- **Environment**

Council uses pesticides as an effective means to control the spread of weeds and pests. Council ensures that pesticides are used in line with the label requirements or APVMA permit conditions. Council staff and contractors who apply pesticides are accredited in the use of pesticides including taking the weather into consideration.

- **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**

Adoption of the Plan would meet Council's responsibilities under the *Pesticides Regulation 2017*.

### **COUNCIL BUDGET IMPLICATIONS**

There are no additional budget implications.

### **RELATED COUNCIL POLICY**

Council Operations Environment Policy 2017

### **OPTIONS**

The options available to Council are:

#### **Option 1**

**THAT** Council endorses the public exhibition of the draft Pesticides Notification Plan at **Attachment 1** for 28 days.

#### **Option 2**

**THAT** Council makes further amendments to the draft Pesticides Notification Plan prior to public exhibition.

Option 1 is the recommended option to this report.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



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#### CONCLUSION

A review of Council's Pesticide Notification Plan has been undertaken. Updates are recommended to provide more specific and up-to-date information. It is recommended that the Plan at **Attachment 1** be placed on public exhibition for 28 days in line with the *Pesticides Regulation 2017*.

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#### ATTACHMENTS

1. Draft Pesticide Notification Plan

**ATTACHMENT 1**



## Draft Pesticides Notification Plan 2018 - 2023



## Contents

<b>1. Introduction .....</b>	<b>3</b>
1.1. About the Plan .....	3
1.2. Plan period .....	3
1.3. The Pesticides Regulation .....	4
1.4. Crown Land Management Act .....	4
<b>2. Public places covered by this Plan .....</b>	<b>4</b>
2.1. Area of Operation .....	4
2.2. Public Places .....	4
2.3. Leased public outdoor properties .....	5
2.4. Pesticide use by Contractors .....	5
2.5. Pesticide use by members of the public .....	5
<b>3. Who uses these public places .....</b>	<b>5</b>
<b>4. How and when notification will occur .....</b>	<b>7</b>
4.1. What information will be provided .....	7
4.2. How notification will be given .....	7
4.3. When will notification be given .....	9
4.4. Special notification measures for sensitive places .....	10
<b>5. Situations where Council will not provide notification .....</b>	<b>10</b>
5.1. Hand applications .....	10
5.2. Emergency pesticide use .....	10
<b>6. Situations not covered by this Plan .....</b>	<b>11</b>
6.1. Unscheduled substances .....	11
6.2. Pesticide Control Order .....	11
6.3. Pesticide used by another public authority (or other) in a prescribed public place .....	11
<b>7. Types of pesticides used .....</b>	<b>11</b>
<b>8. Communication of this Plan .....</b>	<b>13</b>
<b>9. Future reviews of this Plan .....</b>	<b>13</b>
<b>10. Contact .....</b>	<b>13</b>



## 1. Introduction

### 1.1. About the Plan

This Pesticide Notification Plan (Plan) has been prepared in accordance with the requirements of Part 5 Division 2 of the Pesticides Regulation 2017 (the Regulation). The Plan sets out how Wingecarribee Shire Council (Council) provides notification of pesticide application in public places that Council owns or controls.

For the purpose of this Plan, the term pesticide includes fungicides, growth regulators, herbicides, insecticides, molluscicides and rodenticides. Further information on the types of pesticides and application methods is found in section 7.

This Plan aims to meet the community's general right to be made aware of pesticides applied to outdoor public places. The Plan also allows members of the community to make informed decisions as to appropriate action they may wish to take to minimise contact with pesticides.

Council will ensure that pesticides are applied to public places in a safe and responsible manner. Council will only use pesticides that are registered for use by the Australian Pesticides and Veterinary Medicines Authority (APVMA). Pesticides are applied in accordance with all label requirements applicable to the pesticide being used. In some situations, Council may apply to APVMA for off-label use. The APVMA administers a permits scheme that allows for the legal use of chemicals in certain ways that are contrary to the label instructions. Where Council has received a permit for off-label use Council will follow the conditions of the approval.

This Plan describes:

- which public places are covered by the Plan
- the types of regular users or visitors to these public places and an estimate of the level of use
- how and when Council will provide the community with information and notification about pesticide applications
- how the community will be informed of the Plan
- how future reviews of the Plan will be conducted
- contact details for anyone who would like to discuss the Plan or pesticide notification.

### 1.2. Plan period

Start date: TBA

Completion date: TBA



### 1.3. The Pesticides Regulation

Under the Regulation, a public authority such as Council must not use, or allow any person to use, any pesticide in a prescribed public place (public place) that is owned by or is under the control of the public authority unless the public authority has first:

- prepared, finalised and notified the Environment Protection Authority of a plan in accordance with Part 5 Division 2 of the Regulation, and
- given public notice of the proposed use of pesticide in accordance with that plan.

The Regulations defines prescribed public places as:

- a) any of the following to which the public is entitled to have access (whether or not on payment of a fee):
  - i. a public garden, picnic area, playground, park, sporting field or oval,
  - ii. public land owned or controlled by a public authority (for example, a road verge, rail easement or an easement for electricity purposes or for the purposes of other utilities),
  - iii. land reserved under the National Parks and Wildlife Act 1974 or any State forest or Crown land, or
- b) the grounds of any government school (within the meaning of the Education Act 1990) or any establishment maintained by the Technical and Further Education Commission,

but does not include the inside of any building or structure located at such a place.

### 1.4. Crown Land Management Act

Council complies with the Crown Land Management Act 2016.

## 2. Public places covered by this Plan

### 2.1. Area of Operation

This Plan covers prescribed public outdoor places in the Wingecarribee Local Government Area.

### 2.2. Public Places

The public places covered by this Plan include the following areas that Council owns or controls that the public is entitled to access:

- Public Reserves, Parks and Gardens
- Playgrounds
- Sporting Fields and Ovals



- Road Verges
- Laneways and Pathways
- Drains and Easements
- Golf courses (Council owned or controlled and leased to others)
- Caravan Parks (Council owned or controlled and leased to others)
- Cemeteries
- Swimming Pool Grounds
- Council car parks
- Resource Recovery Centre
- Council buildings (interior and exterior).

### **2.3. Leased public outdoor properties**

Any outdoor property owned by Council and leased to third parties is a public place if the public is entitled to access the property. In these situations, if Council is conducting the works, Council staff or contractors must adhere to this Plan. If the Lessee is conducting the works, the Lessee must abide by Part 5 Division 3 of the Regulation.

### **2.4. Pesticide use by Contractors**

Where contractors apply pesticides on behalf of Council, both the Council and the contractor are responsible for ensuring notification occurs in accordance with this Plan.

The requirement to follow this Plan is included in standard contract terms and conditions.

### **2.5. Pesticide use by members of the public**

Members of the public not affiliated with a Council supervised group, or other Council managed committee are not authorised or permitted to apply pesticides to public places.

All members of the public intending to use pesticide on public land must be registered as a member of a Council supervised group (e.g. Bushcare or Landcare).

In some circumstances, members of a Council supervised group (e.g. Bushcare) may use pesticides to maintain public places such as laneways and pathways or whilst undertaking environmental remediation works in public reserves. Where Council allows such pesticide use notice will be required in accordance with this Plan and within appropriate Council guidelines and supervision.

## **3. Who uses these public places**

Table 1 shows the types of regular users for each public places and the types of pesticide use.



Table 1. User Groups and Public Places

Public Places		Regular User Groups	Level of use of public place	Type of pesticide use
<b>Public reserves, parks and gardens</b>		General public (families, children, elderly people) Recreational users Visitors to the area	Medium to high	<b>Herbicides</b> (Spot Spray) <b>Insecticides</b> (Spot Spray) <b>Herbicide</b> (Stem inject, cut-stump or weeding wand) <b>Herbicide</b> (Boom Sprayer) <b>Molluscicide</b> (hand application)
<b>Playgrounds</b>		Children and families	High	<b>Herbicides</b> (Spot Spray) <b>Insecticides</b> (Spot Spray)
<b>Sporting fields and ovals</b>		Sporting clubs and associations School groups Recreational users	High	<b>Herbicides</b> (Spot Spray) <b>Insecticides</b> (Spot Spray) <b>Herbicide</b> (Boom Sprayer) <b>Growth regulator</b> <b>Fungicides</b>
<b>Road verges</b>	<b>Rural</b>	Local residents Service Providers	Low	<b>Herbicides</b> (Spot Spray) <b>Herbicide</b> (Boom Sprayer) <b>Pre-emergent Herbicides</b>
	<b>Urban</b>	General public Service Providers	High	
<b>Laneways and pathways</b>		Local residents People who work in the area Visitors to the area	Medium to high	<b>Herbicides</b> (Spot Spray)
<b>Drains and easements accessible to the public</b>		Local residents Service Providers	Low to medium	<b>Herbicides</b> (Spot Spray)
<b>Cemeteries</b>		General public Visitors to the area	Medium	<b>Herbicides</b> (Spot Spray) <b>Pre-emergent herbicides</b>
<b>Swimming pool grounds</b>		General public Visitors to the area	Low to high (seasonal)	<b>Herbicides</b> (Spot Spray) <b>Insecticides</b> (Spot Spray) <b>Rodenticide</b> <b>Spray ant control</b>
<b>Council car parks</b>		General public Visitors to the area	High	<b>Herbicides</b> (Spot Spray)



Public Places	Regular User Groups	Level of use of public place	Type of pesticide use
<b>Resource Recovery Centre</b>	General public Council staff	Low	<b>Herbicides (Spot Spray)</b> <b>Rodenticide</b> <b>Insecticides</b> <b>Other pesticides</b>
<b>Inside Council buildings including</b> Council chambers, Libraries, Community halls, Childcare facilities, Resource Recovery building and other Council buildings	General public Visitors Council staff Contractors	High	Hand application of <b>rodenticide baits, insecticides, fungicides and other fumigants and pesticides</b>

## 4. How and when notification will occur

The following notification procedures are based on Council's assessment of the:

- level and type of use for the categories of public places
- likely activities that could lead to direct contact with pesticides
- type of pesticide used.

### 4.1. What information will be provided

The following information will be provided on all notification measures required under this Plan:

- The pesticide product name as it is listed on the pesticide label
- The purpose of the application, including the pest that is being treated
- The date or date range that the pesticide was or will be applied
- The place or places that the pesticide is to be used
- Product specific warnings on the subsequent use of the land (if any are outlined on product label)
- Contact details for further information.

### 4.2. How notification will be given

General notification for different public sites will be provided by a combination of methods as outlined in Table 2. In addition, Council will respond to all reasonable requests for information

### 13.4 Update of the Pesticides Notification Plan

#### ATTACHMENT 1 Draft Pesticide Notification Plan



made to the Manager Open Space, Recreation and Building Maintenance, the operator applying pesticides, facility staff or to Council. Additional notification procedures for pesticide use adjacent to sensitive places are outlined in [Section 4.4](#).

A summary of each of the methods for notification is below:

- Prominently displaying signs at the main entrance/s. If there is no defined main entrance or the main entrance is a considerable distance from the pesticide application point, then a sign will be displayed at a suitable access point depending on the usage and pedestrian traffic of the pesticide application area.
- Displaying signs on the spray vehicle.
- Notification via email, mail or phone for user groups of certain public places as outlined below.

**Table 2. Standard methods of notification of pesticide use**

Public places	Notification method		
	Signs at entrance or treated area during the pesticide application	Signs on spray vehicle during the pesticide application	Mail, email or phone notification for user groups prior to the application
Public Reserves, Parks and Gardens	✓	✓	
Playgrounds	✓	✓	
Sporting Fields and Ovals	✓	✓	Where application is by boom spray, groups who have booked sports fields are notified by email, mail or phone 1 week prior to application.
Council Laneways and Pathways		✓	
Council Drains and Easements		✓	
Rural Road Shoulders and Verges		✓	



Public places	Notification method		
	Signs at entrance or treated area during the pesticide application	Signs on spray vehicle during the pesticide application	Mail, email or phone notification for user groups prior to the application
Urban Road Shoulders and Verges		✓	
Cemeteries	✓	✓	
Swimming Pool grounds	✓		
Council Car Parks	✓	✓	
Resource Recovery Centre outdoor public areas vehicle spraying		✓	
Inside Council buildings including Council chambers, Libraries, Community halls, Childcare facilities and the Resource Recovery Centre and other Council buildings	48 hours in advance		
Note: Additional information can be found in Section 4.3 (withholding periods), Section 4.4 (sensitive places), and Section 5.1 (Resource Recovery Centre)			

#### 4.3. When will notification be given

Signs will remain in place during the application of the pesticide and until it has dried, or until any re-entry restrictions on the label have lapsed.

There are some pesticides in pellet or granule form that may persist in the environment beyond any withholding period specified on the label. Where this is the case, Council takes steps to place the pesticide to minimise the likelihood of direct contact with the pellets or granules, for example by placing snail bait at the back of garden beds where possible.



#### 4.4. Special notification measures for sensitive places

In addition to the general notification procedures in Table 2, further notification will be provided where pesticides are used in public places that are adjacent to sensitive places. A sensitive place is defined in the Regulation as any of the following:

- a school, pre-school, kindergarten or childcare centre
- a hospital, community health centre or nursing home
- any place declared to be a sensitive place by the Environment Protection Authority by order published in the Gazette.

Whenever a pesticide is applied to a public place under this Plan that is adjacent to a known sensitive place notification will be given to the sensitive place two weeks in advance of the pesticide application via email, mail or phone.

Council may compile a list of known sensitive places that require the above additional notification measures. Nomination of a contact person for a prescribed sensitive place can be given to the Manager Open Space, Recreation and Building Maintenance on 4868 0888 or email [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au).

Notification to sensitive places is not required in emergency situations outlined under [Section 5.2](#) of this Plan.

## 5. Situations where Council will not provide notification

### 5.1. Hand applications

Council will not provide notification for the use of pesticides involving hand-application techniques such as cut-stump, stem injection and weeding wand, in public places due to the small quantity of pesticide used and the wide availability of these pesticides for domestic purposes.

At the Resource Recovery Centre, if back-pack spraying is carried out in an area that the public does not access, notification is not required.

### 5.2. Emergency pesticide use

Where emergency pesticide applications are required to deal with a dangerous pest infestation, Council will not provide prior notification. Such situations include dealing with declared noxious pests, biting and dangerous pests, or rapidly invasive pest infestations e.g. European Wasp, spiders, bees, ants and rodents.

Council will respond to all reasonable requests for information made to the Manager Open Space, Recreation and Building Maintenance, the operator applying pesticides, facility staff or to Council.



## 6. Situations not covered by this Plan

### 6.1. Unscheduled substances

Poisons scheduling is the system used to classify substances based on their potential health risk. Decisions regarding the classification of drugs and poisons are set out in the Schedules of the [Poisons Standard](#) (Standard). Enforcement of this Standard is through the *Poisons and Therapeutic Goods Act 1966*. The heading on the product label indicates which poison schedule the pesticide relates to. Safety Data Sheets (SDS) also contain specific information relative to the pesticide.

This Plan does not cover the use of unscheduled pesticides. Unscheduled pesticides are those that do not appear in the Standard. Unscheduled substances pose very low health risks and when applied as per label directions should not pose any serious health or safety risks.

The following schedules relate to pesticides:

- Unscheduled substances are not considered poisons.
- Schedule 5 (S5) - poisons have low toxicity or a low concentration and pose only a low to moderate hazard.
- Schedule 6 (S6) - poisons have moderate to high toxicity and can cause injury if used inappropriately.
- Schedule 7 (S7) - poisons are substances with high to very high toxicity. There are restrictions on the purchase and use of S7 poisons.

### 6.2. Pesticide Control Order

This Plan does not cover notification for vertebrate pest baiting. Vertebrate pest baiting or fumigation will occur in accordance with a Pesticide Control Order under Section 38 of the *Pesticides Act 1999*.

### 6.3. Pesticide used by another public authority (or other) in a prescribed public place

This Plan does not apply to the use of pesticide by another public authority not working for Council in a prescribed public place that is owned by or is under the control of Council.

## 7. Types of pesticides used

### [APVMA pesticide definitions:](#)

- Fungicide – Any substance or mixture of substances intended for preventing, killing, destroying, repelling or controlling any fungi (vegetative mycelia, budding yeasts and/or their spores) under defined conditions.



- Growth regulator – Chemical substances (often natural or synthetic hormones) capable, at low concentrations, of modifying plant or animal growth patterns (either accelerating or retarding) or inducing developmental changes. Growth regulators may accelerate or retard the rate or growth or maturation or otherwise change the physiology or behaviour of the organism.
- Herbicide (includes pre-emergent, selective or non-selective) – Any substance or mixture of substances intended for preventing, destroying or controlling any unwanted plant, including algae or aquatic weeds.
  - Pre-emergent – A pesticide used to control a weed before it has appeared above the soil.
  - Selective – A term mainly applied to herbicides and insecticides that indicates it is capable of killing some kinds of plants or insects and not injuring others.
- Insecticide – Any substance or mixture of substances intended for preventing, destroying, repelling or controlling any of the numerous small invertebrate animals generally belonging to the class Insecta. For convenience, insecticides are also described as preventing, destroying or controlling non-insects from other (non-insect) classes of arthropods such as spiders, mites, ticks, centipedes or slaters.
- Molluscicide – A pesticide used to control snails, slugs and other molluscs
- Rodenticide – Any substance or mixture of substances intended for preventing, destroying, repelling or controlling rodents declared to be pests.

APVMA pesticide application methods definitions:

- Boom sprayer – Application equipment consisting of a rig of pipes or tubing mounted on a horizontal or vertical boom, with a series of regularly spaced nozzles that can apply pesticide evenly over a target area. Boom sprayers can be self-propelled, or fully trailed tractor- or vehicle-mounted. To reduce the occurrence of spray drift, boom height needs to be adjusted to the minimum practical height, without affecting uniformity of coverage.
- Cut-stump treatment – A treatment applied to the freshly cut surface of a stump, with the object of preventing regrowth.
- Spot spray – A spray applied to small restricted areas such as individual weeds or small patches of weeds and plants. Spot spraying is used where weed infestation is not sufficiently uniform to justify an overall spray.
- Stem injection – A method of applying a herbicide that involves drilling or cutting through the bark into the sapwood tissue in the trunks of woody weeds and trees and immediately placing herbicide into the hole or cut. The aim is to reach the sapwood layer just under the bark (the cambium growth layer), which will transport the chemical throughout the plant.



## 8. Communication of this Plan

Council will consult with the community on the draft Plan, including the types of public places covered and the proposed notification methods. The draft Plan will be placed on public display for at least 28 days, and notices will be published in the Southern Highlands News advising that the Plan is available for public comment. The draft Plan will also be posted on Council's website during the 28 day submission period. Council will consider all comments from the community prior to finalising and adopting the Plan.

Once the final Plan has been adopted, Council will advise the community by:

- making a copy available on request at the Civic Centre, Elizabeth Street, Moss Vale.
- placing a copy of the Plan on the Council website
- placing a notice in the NSW Government Gazette and a local newspaper.

## 9. Future reviews of this Plan

The Plan will be reviewed every five years. The review will include:

- a review of the implementation of the Plan
- public consultation on the notification methods outlined in the Plan
- recommendations for alterations (if required) to the Plan.

## 10. Contact

To obtain specific details of pesticide applications in public places contact the Manager Parks Open Space, Recreation and Building Maintenance on 02 4868 0888 or email [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au).

Members of the public who would like more information about the Pesticides Notification Plan can contact Council's Environmental Officer on 02 4868 0888 or email [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au).



## **13.5 Wingecarribee Community Safety Plan 2015 - 2020 Amendment to Provide CCTV Cameras Along Bong Bong Street, Bowral**

Reference:	107/35
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Enhance partnerships to maintain a safe community

### **PURPOSE**

The purpose of this report is for Council to consider amending the Community Safety Plan 2015–2020 to include the provision of CCTV cameras along Bong Bong Street, Bowral.

### **RECOMMENDATION**

**THAT Council determines its position with regard to amending the Community Safety Plan 2015–2020 to include the community safety issue of CCTV cameras along Bong Bong Street, Bowral.**

### **REPORT**

#### **BACKGROUND**

The Wingecarribee Community Safety Committee (WCSC) Minutes of Monday, 5 February 2018, which were adopted by Council on 14 February 2018, included Minute WCSC 4/18 '*That consideration be given to including the provision of CCTV cameras in Bowral in the Community Safety Plan 2015–2020*'. In order for this to be included in the Plan, Council needs to adopt this as a recommendation.

#### **REPORT**

The Community Safety Plan reflects the community's perception of safety as identified in the 2014 Community Safety Survey, along with analysis of local crime data. Extensive community consultation took place to gauge the perceptions of Wingecarribee residents in relation to safety issues and general perceptions of safety. The plan also draws on data from a number of sources on crime incidence and trends within the local area.

The strategies developed in the plan aim to reduce the incidence of crime in the Wingecarribee Shire, promote greater community awareness and utilise safer by design principles. Progress is monitored through regular reports to the Community Safety Committee.

The Community Safety issues identified and being addressed in the Plan are

- Steal from motor vehicle
- Violence against women, children and young people
- Malicious damage and graffiti

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



- Feeling unsafe outside after dark

Members of the WCSC have been requesting action be taken to have CCTV installed down the length of Bong Bong Street, Bowral. This is not a proposal that is supported in our Community Safety Plan 2015–2020.

In 2010 Council applied to the Australian Government's Crime Prevention Fund for \$150,000 to install CCTV cameras in Mittagong, Bowral and Moss Vale. This was not successful. In 2013 Council applied again to the National Crime Prevention Fund for \$150,000 to install CCTV cameras in the three town centres. This was again unsuccessful. A 2017 funding application to the NSW Community Safety Fund to have CCTV cameras installed down Bong Bong Street, Bowral was also unsuccessful.

Council funding applications compete with areas that have significantly higher rates and volume of crime than Wingecarribee. It is also difficult to attract funding for a project that is not supported by our community strategies and plans hence the request to have the provision of CCTV cameras in Bowral added to our current Community Safety Plan.

### IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

### COMMUNICATION AND CONSULTATION

#### Community Engagement

Consultation has taken place in the form of the 2014 Community Safety Survey and via the Wingecarribee Community Safety Committee.

#### Internal Communication and Consultation

Nil

#### External Communication and Consultation

The Wingecarribee Community Safety Committee is made up of community representatives including Police, Liquor Accord and Chamber of Commerce.

### 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.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



- **Governance**

There are no governance issues in relation to this report.

#### **COUNCIL BUDGET IMPLICATIONS**

The most recent quote for the provision of CCTV down Bong Bong Street, Bowral was provided in February 2017. The quote was over \$400,000 to install the system. Grant programs available require Council to provide significant funds towards the capital cost for installation of the project. It is estimated that ongoing maintenance costs would be in excess of \$15,000 per annum, providing a quarterly maintenance check, plus additional costs for any repairs and replacements. Management of the system would require appointment of additional staff. Council have two staff members authorised to review footage of CCTV cameras that operate on Council buildings as part of their roles. Additional cameras in such a populated public area would result in a significant increase in requests for footage review requiring additional staff to be engaged to ensure that service can be provided.

#### **RELATED COUNCIL POLICY**

CCTV Code of Practice and CCTV and Portable Surveillance Cameras Policy. **OPTIONS**

The options available to Council are:

##### **Option 1**

That Council adopts the recommendation of the Community Safety Committee to amend the Community Safety Plan 2015–2020 to provide for the installation of CCTV cameras along Bong Bong Street, Bowral, and that Council allocates \$450,000 to the unfunded projects list to install, maintain and manage CCTV cameras along Bong Bong Street, Bowral.

##### **Option 2**

That Council leaves the Community Safety Plan 2015–2020 in its current format.

Option No. 2 is the recommended option to this report as there is no funding for capital installation and no funding for ongoing maintenance and management.

#### **CONCLUSION**

Council needs to determine its position and give consideration to future financial implications.

#### **ATTACHMENTS**

There are no attachments to this report.

## 13.6 Regional Art Gallery Proposal

Reference:	1652
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

### PURPOSE

The purpose of this report is to seek Council's position on establishing a Regional Art Gallery within the Shire.

### RECOMMENDATION

**THAT** the report concerning the Regional Art Gallery Proposal 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.

### ATTACHMENTS

There are no attachments to this report.

## **13.7            Motions for Local Government NSW Annual Conference 2018**

<b>Reference:</b>	<b>204/2018</b>
<b>Report Author:</b>	<b>Group Manager Corporate and Community</b>
<b>Authoriser:</b>	<b>Deputy General Manager Corporate, Strategy and Development Services</b>
<b>Link to Community Strategic Plan:</b>	<b>An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities</b>

### **PURPOSE**

The purpose of this report is to:

1. Nominate motions for inclusion in the Local Government NSW Annual Conference Agenda Paper and have these items forwarded to Local Government NSW by the closing date of Friday, 24 August 2018
2. Determine the voting delegates for the 2018 Local Government NSW Annual Conference.



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## RECOMMENDATION

**THAT** the following motions be submitted to Local Government NSW for consideration in the 2018 Annual Conference Agenda Paper:

1. **THAT** Local Government NSW works with the NSW Public Libraries Association (NSWPLA) to develop a strategic partnership to:
  - a. Increase public awareness of the multiple roles that Local Government Public Libraries play in supporting the education, social, cultural and economic outcomes in local communities.
  - b. Advocate, in the lead up to the March 2019 State election, for improved State Government funding for Local Government Public Libraries in NSW to enable public libraries to meet the growing needs of our local communities.
2. **THAT** the NSW Department of Planning and Environment amend the Standard Instrument Principal Local Environmental Plan to remove Boarding Houses as mandatorily permissible with consent in the R2 Low Density Residential Zone.
3. **THAT** the NSW Department of Planning and Environment undertake action that will enable new dwelling houses and alterations and additions to dwelling houses to be considered in a single application process instead of the current development application, construction certificate and associated approvals that are required in order to achieve approval turnaround times for single residential dwellings of 20 working days.
4. **THAT** the NSW State Government address the inadequate base level of funding of \$30,000 provided to councils to comply with the Crown Land Management Act's requirement to prepare plans of management for all Crown land that they manage; and allow for a transition period greater than three years to have adopted plans in place for all Crown reserves managed as community land.
5. **THAT** a report be prepared by Local Government NSW that outlines the current diversity amongst councillors within NSW Councils, including the reasons for the varying levels of diversity across councils and a set of recommendations to promote diversity that better reflects community demographics. This report should be issued at least 15 months before the next NSW council election so individual councils can consider implementing recommendations as appropriate.

**THAT** Council determine the voting delegates for the Local Government NSW 2018 Annual Conference

- a. Mayor of the Day
- b. ....
- c. ....

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 August 2018

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



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## REPORT

### **BACKGROUND**

At the Ordinary meeting of Council held Wednesday 27 June 2018 council resolved:

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

### **REPORT**

Council is required to submit any proposed motions for the 2018 Local Government NSW Annual Conference by 24 August 2018. Feedback was sought from councillors for proposed motions. Proposed motion topics included:

1. Funding for NSW Public Libraries
2. Permissibility of Boarding Housing in regional areas
3. Assessment process of new residential dwelling and alterations and additions to dwelling houses
4. Crown Land Management Act
5. Diversity amongst Councillor in NSW councils

At its meeting on 27 June 2018 Council resolved that four Councillors (including the mayor) would attend the 2018 Local Government NSW Annual Conference. LG NSW has confirmed that Wingecarribee Shire Council will have three (3) voting entitlements, as such Council needs to determine the voting delegates for the conference.

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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



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**ATTACHMENTS**

There are no attachments to this report.

Mark Pepping

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

Friday 3 August 2018

## COUNCIL MATTERS

### 14 GENERAL MANAGER

#### 14.1 Request for Leave of Absence - Cllr Peter Nelson

Reference:	PERS, 101/1
Report Author:	PA for Mayor
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

#### PURPOSE

The purpose of this report is to ask that Council approves a leave of absence request from Councillor Peter Nelson.

#### RECOMMENDATION

**THAT** Councillor Peter Nelson be granted leave of absence from all Council commitments on Wednesday, 22 August 2018, including the Ordinary Meeting of Council and Briefing Sessions to be held that day.

#### REPORT

##### **BACKGROUND**

Councillor Peter Nelson wrote to Council on 27 July 2018 advising that he is seeking a leave of absence from all Council commitments on Wednesday, 22 August 2018 including the Ordinary Meeting of Council and Briefing Sessions to be held on that day, for personal reasons.

#### IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

#### CONSULTATION

##### **Community Engagement**

Not applicable.

##### **Internal Consultation**

Group Manager Corporate and Community

### **External Consultation**

Not applicable

## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The *Local Government (General) Regulation 2005* – Section 235A Leave of Absence – states as follows:

- (1) A Councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent.
- (2) A Councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications in relation to this request.

## **RELATED COUNCIL POLICY**

None identified.

## **OPTIONS**

The options available to Council are:

### **Option 1**

Grant the leave of absence.

### **Option 2**

Do not grant the leave of absence.

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 August 2018

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



Option 1 is the recommended option to this report.

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**CONCLUSION**

Council should consider whether Councillor Peter Nelson be granted the requested leave of absence.

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**ATTACHMENTS**

There are no attachments to this report.

Mark Pepping

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

Friday 3 August 2018



## 16 PETITIONS

### 16.1 Petition 07/2018 5 Alice Street Mittagong

Reference:	100/8
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

The purpose of this report is to present to Council a petition received regarding DA 18/0539. The petitioners object to the proposed development, which seeks to demolish the existing building at 5 Alice Street, Mittagong (known as Sunshine Lodge) and construct 14 residential apartments and a 29 room boarding house. The petitioners believe that the proposed development is out of keeping with the surrounding heritage buildings and is overdevelopment of the site.

The petition contains 46 signatures.

#### RECOMMENDATION

**THAT the petition objecting to the proposed demolition of the former Sunshine Lodge, formerly the Sisters of St Joseph's Convent, DA 18/0539 – 5 Alice Street Mittagong – be received and noted by Council.**

#### ATTACHMENTS

1. Petition 5 Alice Street Mittagong - *circulated under separate cover*

## 20 NOTICES OF MOTION

### 20.1 Notice of Motion 23/2018 - Notices of Motion - Preamble length

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 Clr G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 August 2018:

**THAT the current preamble word limit of 200 words for a Notice of Motion be changed to \_\_\_\_\_ (word limit to be determined by Council).**

#### RECOMMENDATION

**Submitted for determination.**

#### **Preamble**

Councillors to discuss what would be an agreeable word limit for preambles, as there have been a few Notices of Motion lately that have exceeded the 200 word limit.

#### **COMMENT FROM STAFF**

There is no provision in the Local Government Act 1993 or the Local Government (General) Regulation 2005 or the Code of Meeting Practice for the provision of a Preamble to a Notice of Motion by Councillor.

## 20.2 Notice of Motion 24/2018 - External Grants - Applications and Outcomes

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 Clr I M Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 August 2018:

**THAT a report be furnished to Council detailing all external grant applications in this term and the outcomes.**

The report should include the link to the funding source, amount sought, purpose, outcome or status and a brief commentary.

The report should also include a list of grants WSC is planning to apply for, and their details.

### RECOMMENDATION

**Submitted for determination.**

### Preamble

Council relies on state, federal and other external grants for a large part of its funding, especially for infrastructure and community projects, as well as resourcing Council and its various activities.

I believe the community are interested in our applications in this area, how we approach those applications and the resultant outcomes.

### COMMENT FROM STAFF

The requested information could be provided but would require significant staff resources to collate the information and prepare a report.

## 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.

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## 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 Regional Art Gallery Proposal

#### Relevant Legal Provisions

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

#### Brief description

The purpose of this report is to seek Council's position on its ongoing support for the establishment of a Regional Art Gallery within the Shire by way of committing to the funding of the reoccurring annual operating costs of such a facility.

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 3 August 2018