

3 December 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held remotely using audio visual link and open to members of the community via webcast on **Wednesday 9 December 2020** commencing at **3.30pm**.

Yours faithfully

Barry W Paull
Acting General Manager

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

Business

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Ordinary Meeting of Council held on 25 November 2020

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19.2 Tender for Water and Sewer Main Renewals - Throsby Street, Moss Vale

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

19.3 Land Acquisition - Bowral

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

20. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

21. 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 and Webcasting of Ordinary and Extraordinary Meetings of Council

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Please ensure that all electronic devices including mobile phones are switched to silent.

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 Application 19/1439.02 to Modify Development Consent 19/1439.01 - Information and Education Facility and Function Centre, Lot 15 DP846332, 93-95 Kirkham Road, Bowral

Reference:	19/1439.02
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Mr C A Robson
Owner:	Mr C A Robson
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

PURPOSE

The purpose of this report is to present modification application 19/1439.02 for the Council's consideration and recommends determination by REFUSAL for the reasons specified in Attachment 1.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT application 19/1439.02 for modification of development consent 19/1439.01 for an information and education facility and function centre at Lot 15 DP 846332, No 93-95 Kirkham Road, Bowral be REFUSED for the reasons specified in Attachment 1 to the report.

REPORT

Subject Site and Locality

Lot 15 DP 846332, 93-95 Kirkham Road Bowral is a developed 2384m² industrial lot on the northwestern side of Kirkham Road in Bowral, around 500m southwest of the town centre. Its location and layout are illustrated in Attachment 2.

Background

Original development application 19/1439

The original development application 19/1439 proposed "use of premises for occasional functions & tours", comprising two components:



“Tours – arranged for groups by appointment only, arriving by coach (bus). These could occur on any day of the week, but most likely on weekdays...there would never be more than two coaches on site at any one time – approximately 100 people. Tours are not available for individual walk up visitors. Tours could operate throughout the day...it is possible that up to 8 tours each day (9am-5pm) would be accommodated...”

“Functions – obviously functions would be by appointment only, catering for up to 100 guests at any one function. There would be no tours conducted when a function is booked...the majority of guests to a function would arrive in private vehicles...”

Council's assessing officer assessed development application 19/1439 in accordance with section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, and recommended refusal of consent. Council determined the application by refusing consent on 27 June 2019, specifying the following reasons:

1. *Council requested the applicant provide a car parking and traffic study to support the proposed development. Council is not satisfied that the information furnished provides a sound evidence base which demonstrates that the majority of the proposal's car parking demand can be accommodated on local streets while complying with the objectives of the IN1 'General Industrial' zone of Wingecarribee Local Environmental Plan 2010 and Council's Industrial Lands DCP. The use of on street car parking to accommodate the majority of the proposal's car parking demand is not considered to be in the public interest.
(Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning and Assessment Act 1979)*
2. *The proposal would significantly reduce on street car parking supply to the detriment of the efficient operation of the local road system. The use of on street car parking to accommodate the majority of the proposal's car parking demand is not considered to be in the public interest. The development therefore does not meet the objectives of the IN1 'General Industrial' zone of Wingecarribee Local Environmental Plan 2010 and Section B.5 of the Industrial Lands Development Control Plan.
(Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning and Assessment Act 1979)*
3. *The proposal would generate an on-street car parking demand that would prejudice the efficient and effective operation of surrounding employment generating and commercial activity in the locality, both current and future, to the detriment of the local economy. The use of on street car parking to accommodate the majority of the proposal's car parking demand is not considered to be in the public interest. The development is therefore inconsistent with the objectives of the IN1 'General Industrial' zone of Wingecarribee Local Environmental Plan 2010 and Section B.5 of the Industrial Lands Development Control Plan.
(Section 4.15 (1) (a) (b) (c) (d) (e) of the Environmental Planning and Assessment Act 1979)*

Review of determination of development application 19/1439

The applicant made application 19/1439.01 on 9 July 2019 seeking review of Council's determination by refusal of development application 19/1439, which resulted in consent being granted for the proposed development, subject to conditions, on 1 August 2019.

Details of Proposed Modification

The subject modification application seeks deletion of condition 14 of Council's development consent 19/1439.01, i.e. removal of the requirement to pay developer contributions.

Condition 14 of Council's development consent 19/1439.01 specifies:

14. Water Management Act - Certificate of Compliance

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

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

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

- *Water Supply Development Servicing Plan;*
- *Sewerage Development Servicing Plan; and*

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

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

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

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 09 December 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES



<i>CPI Period</i>		<i>Water DSP</i>	<i>Sewer DSP</i>	<i>Stormwater DSP</i>
01/06/2019 31/10/2019	–	\$35,170.83	\$34,096.86	\$0
<i>Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au <http://www.abs.gov.au>.</i>				

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

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

Compliance Certificate

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

Water \$250.00 + Sewer \$250.00 + Stormwater \$0 = \$500.00

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

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

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

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

At the time of consent, developer contributions payable to Council under condition 14 amounted to \$69,767.69.

Information accompanying the modification application suggests development the subject of development consent 19/1439.01 will not increase demand for public water supply or sewerage infrastructure from the demands generated by the land's past use for industrial

and/or warehouse purposes. The accompanying information also quotes Council's previous advice:

"...the initial contributions were calculated significantly higher than what was ultimately levied on the DA. The initial calculation for a change of use from a warehouse to a function centre came out at 13.48ETs, in accordance with Council's policy. [Council staff] reviewed these calculations, and applied the highest credit possible under Council's Policy, being for 'Industrial, multi-purpose future use unknown' (albeit, the development technically did not warrant that level of credit). This reduced the ET calculation from 13.48ETs to 6.35ETs.

"Further...in consultation with [Council's Deputy General Manager], we applied a significant discount to the calculations set out in our policy, to reflect the fact that the facility will not operate on a full time basis (albeit not conditioned that way), and there is no commercial kitchen proposed. The discounted calculation came out at 3.175ETs, which is significantly lower than what should technically be levied under Council's policy of 13.48ETs".

The information accompanying the application asserts:

"The Council has not properly taken into account the number of potential staff that could be employed on the premises if occupied for industrial purposes.

"The Council has not properly taken into account the fact that the demand for services from such full time occupation as an industrial premise would greatly exceed the limited time that visitors would be present at the information and education facility that would have an average on site attendance time per person of just 2 hours, significantly reducing the likely demand from these visitors upon the water and sewer services".

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979, section 4.55—Modification of consents—generally

Section 4.55 (1A) and (3) of the Act specifies as follows:

4.55 Modification of consents—generally

- (1A) *Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*
- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*

- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The proposed modification of development consent 19/1439.01 is considered satisfactory with respect to section 4.55 (1A) (a) and (b). With respect to section 4.55 (1A) (c) and (d), neither the *Environmental Planning and Assessment Regulation 2000* nor any development control plan specifies any requirement to notify the modification application. Despite this, Council received one submission regarding the proposed development, discussed later.

With respect to section 4.55 (3) of the Act, the proposed modification has been considered with regard to the matters referred to in section 4.15 (1) that are relevant to the development the subject of the modification application, as discussed below.

Environmental Planning and Assessment Act 1979, section 4.15—Evaluation

Section 4.15 (1) of the Act specifies as follows:

4.15 Evaluation

- (1) ***Matters for consideration—general*** *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*
 - (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

(v) *(Repealed)*

that apply to the land to which the development application relates,

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

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

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

(e) *the public interest.*

The modification application is not considered to carry any implications with respect to the provisions of applicable environmental planning instruments that are relevant to the proposed development, including:

- State Environmental Planning Policy No 55—Remediation of Land
 - Clause 2—Object of this Policy
 - Clause 7—Contamination and remediation to be considered in determining development application
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
 - Clause 3—Aims of Policy
 - Clause 9—Recommended practices and performance standards of Water NSW
 - Clause 10—Development consent cannot be granted unless neutral or beneficial effect on water quality
- *Wingecarribee Local Environmental Plan 2010* (the LEP)
 - Clause 1.2—Aims of Plan
 - Clause 1.4—Definitions
 - Clause 2.3—Zone objectives and Land Use Table
 - Clause 7.5—Natural resources sensitivity—water
 - Clause 7.9—Flood planning.

Development Control Plans

Industrial Land Development Control Plan (the DCP)

Whilst a range of the DCP's provisions are relevant to the development the subject of the proposed modified consent, only section B.9, which provides for Council's collection of developer contributions for industrial development, is relevant to the proposed modification itself.

Section 64 of the *Local Government Act 1993* specifies as follows:

64 Construction of works for developers

Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 applies to a council exercising functions under this Division in the same way as it applies to a water supply authority exercising functions under that Act.

Within Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*, sections 305 and 306 (2) (a) and (3) specify as follows:

305 Application for certificate of compliance

- (1) *A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) *An application must be accompanied by such information as the regulations may prescribe.*

306 Authority may impose certain requirements before granting certificate of compliance

- (2) *As a precondition to granting a certificate of compliance for development, a water supply authority may, by notice in writing served on the applicant, require the applicant to do either or both of the following—*
 - (a) *to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
- (3) *In calculating an amount for the purposes of subsection (2) (a)—*
 - (a) *the value of existing water management works and the estimated cost of projected water management works may be taken into consideration, and*
 - (b) *the amount of any government subsidy or similar payment is not to be deducted from the relevant value or cost of the water management works, and*
 - (c) *consideration is to be given to any guidelines issued for the time being for the purposes of this section by the Minister.*

Council is the water supply authority over the land. Condition 14 of development consent 19/1439.01 requires application to be made to Council for a certificate of compliance for the proposed development pursuant to section 305 (1) of the *Water Management Act 2000*. It also, pursuant to section 306 (2) (a) of that Act, gives written notice to the applicant that as a precondition to granting a certificate of compliance for the proposed development, Council requires the applicant to pay a specified contribution to Council towards the cost of the water management works specified by condition 14.

In assessment of application 19/1439.01 for review of Council's determination of development application 19/1439, Council calculated the specified contribution amount in accordance with section 306 (3) of the *Water Management Act 2000* and Council's Water Supply and Sewerage Development Servicing Plans. The initially calculated contribution amounts were considerably higher than ultimately specified by condition 14 of the consent.

However, Council staff revised these calculations, applying the highest credit practicable under Council's Policy to the land and existing development thereon. This considerably reduced the proposed development's projected water supply and sewerage services infrastructure demands and, in turn, the applicable contributions under section 306 of the *Water Management Act 2000*. Revision of the proposed development's projected water supply and sewerage services demands reflected an understanding that the proposed development will not operate on a full-time basis and does not include a commercial kitchen. In all, this revision reduced the proposed development's allowed demands on water supply and sewerage services infrastructure by some 76%. Notwithstanding, due to the nature of the proposed development and potential for large gatherings of people for several hours at a time, the activity would generate more waste water for treatment and water usage than would be expected from a warehousing or light industrial usage involving a small number of employees.

Development consent 19/1439.01 could perhaps be modified to still require application to be made to Council for a certificate of compliance under section 305 of the *Water Management Act 2000*, but no longer specify the requirement to pay a specified contribution amount to Council towards the cost of specified water management works. However, this would not remove the lawful ability of Council, as the water supply authority, to separately notify the applicant in writing of a requirement to pay a specified contribution amount as a precondition to the granting of a certificate of compliance. Indeed, in such circumstances, Council's calculation of a contribution amount payable may not necessarily include the concessions made by the revisions discussed above; therefore, the contributions amount payable may be significantly and legitimately greater.

Given the above, it is considered appropriate to refuse to modify development consent 19/1439.01 by deleting condition 14 as proposed, and retain condition 14 without change.

Section 4.15 Evaluation

(1) **Matters for consideration—general** *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

As discussed earlier, no provisions of any environmental planning instrument applicable to the development the subject of the proposed modified consent (including the LEP) are relevant to the proposed modification of development consent 19/1439.01.

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

Not applicable.

(iii) *any development control plan, and*

As discussed earlier, section B.9 of the DCP regarding development contributions applies in the consideration of the modification application. No other DCP provisions are relevant to the proposed modification itself.

- (iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.

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

No provisions of Division 8 of Part 6 of the Regulation are relevant to the proposed modification.

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

Not applicable.

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

The proposed modification is considered likely to have significant negative economic and social impacts. Removal of the requirement of condition 14 to pay developer contributions to Council will result in the entire cost burden of providing and/or augmenting water supply and sewerage infrastructure demanded by the development being borne by Council and, in turn, the Wingecarribee community.

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

The land's suitability for the development the subject of the proposed modified consent is not considered relevant to the proposed modification itself.

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

A main basis for Council's granting of consent for the proposed development is the proposed development's potential to attract tourism income. Whilst this is acknowledged, the proposed waiving of contributions required by condition 14 of development consent 19/1439.02 is considered directly contrary to the public interest.

Developer contribution funds received pursuant to section 306 of the *Water Management Act 2000* go towards the cost of Council's provision and augmentation of water supply, sewerage and/or stormwater drainage infrastructure, the demands for and on which are increased by ongoing development. If such contributions were not levied and received, the expense of providing and augmenting water supply, sewerage and stormwater drainage infrastructure demanded by development would be entirely borne by Council and, in turn, the wider Wingecarribee community. It is therefore considered in the public interest to retain the requirement of condition 14 of development consent 19/1439.01 for payment of contributions, without change.

CONSULTATION

Pre-lodgement Meeting

No formal pre-lodgement meeting was held with Council officers regarding the proposed development prior to development application 19/1439, review application 19/1439.01 or the subject modification application 19/1439.02.

External Referrals

There is no requirement or need to have referred the modification application externally to Council.

Internal Referrals

The modification application was referred to Council's Coordinator Strategic Land Use Planning, who confirmed applicable developer contributions were correctly calculated in assessment of application 19/1439.01 to review Council's determination of development application 19/1439, and subsequently revised and reduced by some 74% before being specified by condition 14 of development consent 19/1439.01.

Neighbour Notification (or Advertising)/Public Participation

The modification application is not required by the *Environmental Planning and Assessment Regulation 2000*, any development control plan, nor Council's Community Participation Plan to have been notified or advertised. Council nonetheless received one submission in support of the proposed development and modification of consent.

SUSTAINABILITY ASSESSMENT

- ***Environment***

There are no environmental impacts in relation to this report.

- ***Social***

The proposed removal of the requirement of condition 14 of development consent 19/1439.01 to pay developer contributions to Council is expected to shift the entire cost burden of providing and/or augmenting water supply and sewerage infrastructure demanded by the development to Council and, in turn, the Wingecarribee community. The proposed modification is therefore considered likely to have significant negative social impact.

- ***Broader Economic Implications***

It is acknowledged that the development the subject of the proposed modified consent may be expected to make a significant economic contribution through tourist income. However, the proposed removal of the requirement of condition 14 of development consent 19/1439.01 to pay developer contributions to Council is expected to shift the entire cost burden of providing and/or augmenting water supply and sewerage infrastructure demanded by the development to Council and, in turn, the Wingecarribee community. Additionally, it may be presumed that local tourism income generated by the proposed development will not ultimately be put towards the cost of provision and/or augmentation of water supply and sewerage services infrastructure demanded by the proposed development. Finally, if Council removes the requirement of condition 14 of development consent 19/1439.01 to pay developer contributions on the basis of overriding financial benefit from tourism income, it may be taken to imply that all tourism and other business income generating developments

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in the Wingecarribee Shire should be given similar contributions concessions, further reducing funds available for Council's adequate provision of water supply, sewerage and stormwater drainage services infrastructure in response to ongoing development demands.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The application has been considered in accordance with the relevant matters specified by section 4.55 of the *Environmental Planning and Assessment Act 1979* and any other relevant matters.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2020/21: OP167 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposed modification of development consent 19/1439.01 has been made with regard to the matters specified by section 4.55 of the *Environmental Planning and Assessment Act 1979*.

OPTIONS

The options available to Council are:

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Option 1

Council refuses to modify development consent 19/1439.01 as proposed, for the reasons specified in Attachment 1 to the report.

Option 2

Council modifies development consent 19/1439.01 by removal of condition 14.

Option 1 is the recommended option to this report.

CONCLUSION

Application 19/1439.02, for modification of development consent 19/1439.01 by deletion of condition 14 of the consent, has been considered in accordance with the relevant provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979*. The proposed modification of development consent 19/1439.01 is considered likely to cause significant negative social and economic impacts, and is considered directly contrary to the public interest. It is therefore recommended that Council refuse to modify development consent 19/1439.01 as proposed.

ATTACHMENTS

1. 19/1439.02 Draft reasons for refusal
2. 19/1439.02 Locality Plan and Aerial Image

9.1 Application 19/1439.02 to Modify Development Consent 19/1439.01 -
Information and Education Facility and Function Centre, Lot 15 DP846332,
93-95 Kirkham Road, Bowral

ATTACHMENT 1 19/1439.02 Draft reasons for refusal



19/1439.02 DRAFT REASONS FOR REFUSAL

1. The application proposes modification of Council's development consent 19/1439.01 by rescission of condition 14 of the consent. Pursuant to section 306 (2) (a) of the Water Management Act 2000, condition 14 of the consent conveys a requirement, as a precondition to Council (the water supply authority) granting a certificate of compliance under the Water Management Act 2000, for the developer to pay a specified amount to Council by way of a contribution towards the cost of water management works expected to be demanded by the development.

In the absence of the developer's payment of any contribution towards the cost of water management works expected to be demanded by the development, the full cost burden of such works will be borne by Council and, in turn, the Wingecarribee Shire community.

Given the above, and having regard to sections 4.55 (3) and 4.15 (1) (b) & (e) of the Environmental Planning and Assessment Act 1979:

- (a) Council considers the proposed modification of development consent 19/1439.01 likely to have significant negative social and economic impacts
- (b) Council considers the proposed modification of development consent 19/1439.01 contrary to the public interest.

[Environmental Planning and Assessment Act 1979, sections 4.55 (3) and 4.15 (1) (b) & (e)]





9.2 Development Application 19/1650 - Proposed Eco-Tourist Facility at 198 Foxgrove Road, Canyonleigh

Reference:	19/1650
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Frank Maly c/- Hogan Planning
Owner:	Frank Maly
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

Council at its meeting of 25 November 2020 considered Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh, and resolved:

THAT the matter be deferred to 9 December 2020 so that a comprehensive report be brought before Council that refers to the possible application of restrictions to user under the Conveyancing Act 1919 to ensure the application of conditions are complied with.

This report is the same as the report considered by Council on 25 November 2020 with the inclusion of a new section under the heading discussion of Key Issues to address the application of restrictions to user as resolved by Council on 25 November 2020.

The purpose of the report is to reconsider Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh. The subject application has been called up to be determined by full Council and consequently this report is prepared for determination, and recommends **APPROVAL**, by way of a deferred commencement consent, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh be **APPROVED**, by way of a deferred commencement consent, subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site is known as Lot 999 DP 818282, being "Morton Park" 198 Foxgrove Road Canyonleigh (**Attachment 2**). The 52.6 hectare site is located at the northern end of

Foxgrove Road Canyonleigh, and contains numerous buildings, dwelling house and secondary dwelling house. The northern and eastern portions of the site are well vegetated, containing Mittagong Sandstone Woodland and Southern Highlands Shale Woodland Endangered Ecological Community. The site is well screened by vegetation to the northern, eastern and southern boundaries, however it has an open paddock view to the adjoining western property which is 64 hectares in area containing a dwelling house.

Proposed Development

Development Application 19/1650 was lodged with Council seeking consent for an Eco-Tourist Facility / accommodation development. The proposed development includes use of existing buildings as cabins, kitchen / dining room area, amenities and games room building, with associated upgrade works to achieve compliance with Building Code of Australia requirements, and on site camping within 15 nominated areas on site. A maximum of 48 guests in total (cabins and camping) is proposed, including a maximum of 18 guests in cabins.

The cabins, kitchen / dining room area, amenities, games room building and main campsite area are located within the central portion of the site to the north of the main dwelling and east of an existing row of trees. A "Remote Campsite North" is located to the north east of main eco tourist area, where cleared paddock area meets the area of native vegetation within the north eastern portion of the site.

In response to Council's request for additional information, the applicant has also submitted an Eco Farm Management Plan which includes the following statements, which are useful in understanding the proposed development:

Mission Statement

To maintain as well as increase the local habitat within Morton Park, at the same time providing the opportunity for adults, children, families and schools to experience the natural beauty that is Morton Park.

Our philosophy is zero footprint! Each visitor is required to adhere to our fundamental requirement of zero footprint. This includes as they arrive, while they stay and when they depart.

We will engage with the local aboriginal land council to facilitate an indigenous experience for our guest, so that they connect to the land and learn more about what the land means to the local indigenous people and build a deeper respect for our wonderful country.

We will also educate our guests on the habitats around Morton Park, what it is made up of, what to look out for and how together we can maintain and promote the habitat.

Environmental history of the area

The area that is today call Morton Park, was one of the oldest established properties in the area, with the landowner a coal mine owner and operator. An old steam driven timber mill operated at Morton Park for some year, but primarily Morton Park has been a cattle and sheep farm.

Backing onto large extents of bush land, Morton Park sees many native animals call Morton Park home. This is a good indication that the farming and use practises have not scared off the native animals, and in fact, many endangered faunas such as glossy black cockatoos, gang-gang cockatoos, koalas, greater gliders.

Plants and Wildlife

Much of the natural vegetation at Morton Park has been maintained, with approximately 40% cleared in the past.

Water and water use

The main source of water at Morton Park is rainwater. Large catchments fill the 4 dams on the property. Most structures have water tanks and this water is used for the homestead, cottage, campsite area, as well as shed water, and secure water sources for firefighting.

One dam, our main dam, which is called Wellspring Dam, is a spring fed dam, and maintains a water level even during dry periods.

Our aquaponics system uses minimal water compared to mainstream farming. Aquaponic grown herbs and greens only use 3% of the water compared to ground based growing. In addition, there is no soil degradation, no runoff, no contaminants, so our system is very ecologically sound.

Energy and resources

Morton park is not connected to town water, so we utilise rainwater for all aspects of our farm.

We have also installed a 10KW three phase solar system that powers the entire property.

As well as a large evacuated glass solar hot water system on our homestead, and in the future, we will install the same solar hot water at the cottage and at the campsite area.

Traditional cultural activities

Morton park management will work with the local indigenous groups to provide the following :-

Spirituality

We will present Creation stories to our visitors. They will learn about their importance to spiritual life and ceremonies. They will also hear about the night sky and its significance to Creation stories. We will explain about totems, families and language groups of the area. (by the local elders)

Ceremonies and rituals

We will explain the importance of ceremony and ritual to our visitors. We will only provide information that can be made public. As we visit places in the environment, we will explain the actions for maintaining and protecting our resources. (by the local elders)

Language and kinship

We will teach our visitors some simple words in our traditional language. These words will relate to their experiences on the beach and bush walks. We will name plants (which will also be signed), animals, handcraft and parts of the landscape. (by the local elders)

Song and dance

Our traditional dances of greeting and farewell will be presented to our visitors. They will have the opportunity to learn the public welcome dance. Other songs will be presented to the sounds of the clapsticks on the camp in the evening. These songs and dances have been handed down from the past and will relate to the activities that visitors experience during the day. (by local elders)

Handcraft

Manufacture and use of different items of handcraft will be demonstrated to visitors. These include boomerangs and spears, fishing spears and nets, firesticks, grass fibre and mat weaving, and water travel. (by the local elder)

Zero Footprint

To ensure that we maintain the natural beauty of Morton Park, we will limit the number of people visiting Morton park, as well as giving strict rule associate with their stay.

- *Flora and Fauna rules*
- *Waste Rule*
- *Driving rules*
- *Noise Rules*
- *Fire safety*

Restrictions

There will be certain restrictions, these are highlighted in the guest orientation guide

1. *No hunting*
2. *No 4WDing*
3. *No motorbikes or quads*
4. *Minimal noise*
5. *Night curfews from 10pm*
6. *No damage to habitat*

Morton Park EcoFund for habitat maintenance and development

We will establish a Morton Park EcoFund. Guests can contribute to the fund, and then be placed on our Morton Park Ecofund newsletter. Each quarter, we will have an EcoDay at Morton Park, for example, tree planting, habitat creation, weed clearing and more. Guests can join in with our EcoDay each quarter. The money in the fund will be used to fund the specific EcoDay activity, such as purchase of trees, bushes, for example.

Project could include, but not limited to

1. *Tree planting, such as Ribbon gum E. viminalis, River red gum E. camaldulensis, Black She-oak Allocasuarina littoralis*
2. *Hollows as Homes habitats for bird life.*
3. *Weed eradications*
4. *Koala data logging*
5. *Bird Data logging*
6. *Night-time spotting of bats and possums and logging observations*

Old Motorbike track converted to a nature walk

The area where the old motocross track is has already be transformed into a bushy, tree filled area. We will continue to add native trees and bushes into the area to attract wildlife. Some of the planting in this area may be part of the EcoDay activities.

Variety of trees will include, but not limited to :-

- *Ironbark Peppermint Eucalyptus smithii*
- *Silver-top Ash Eucalyptus sieberi*

- *Blue-leaved Stringybark Eucalyptus agglomerata*
- *White Stringybark Eucalyptus globoidea*
- *Sydney Peppermint Eucalyptus piperita*
- *Narrow-leaved Peppermint Eucalyptus radiata*
- *Black She-oak Allocasuarina littoralis*

Education sessions

As an engineer with a science background, I will be running educational sessions for school groups, or other groups of children or adults. This will include flora and fauna educational sessions but also broader aspects such as waste management technologies, green power, climate change, low impact farming (ie aquaponics and vertical growing) and more.

A full copy of the Eco Farm Management Plan is provided within **Attachment 6** to this report.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Council's Environmental Health Officer raises no objection to the proposed development and has provided conditions of consent, including conditions addressing asbestos register and asbestos management plan, removal of asbestos, and clearance certificate which are to be addressed by way of deferred commencement conditions (**Attachment 1 - deferred commencement conditions 1 - 4**), and general conditions of consent addressing the management of asbestos containing material and the historic sheep dip (**Attachment 1 - condition 7**).

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing wastewater management, operational environmental plan, and construction activities (**Attachment 1 - condition 39**).

State Environmental Planning Policy 44 (Koala Habitat Protection)

The proposed Eco Tourist development does not propose the removal of native vegetation, and does not propose the removal of Koala Feed Tree species identified under State Environmental Planning Policy 44 (Koala Habitat Protection). State Environmental Planning Policy (Koala Habitat Protection) 2019 commenced on 1 March 2020, however it is not applicable as the development application was made prior to commencement of the new policy (cl.15 Savings provision relating to development applications).

Local Environmental Plan

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned E3 Environmental Management and in this zone, an eco-tourist facility is permissible with development consent.

The objectives of the E3 Environmental Management zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- To provide for a limited range of development that does not have an adverse effect on those values.*
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.*
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.*
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.*
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.*

An eco-tourist facility is defined by *Wingecarribee Local Environmental Plan 2010* as meaning a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and*
- (b) is located in or adjacent to an area with special ecological or cultural features, and*
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Clause 5.13 Eco-tourist facilities

Clause 5.13 of *Wingecarribee Local Environmental Plan 2010* specifically addresses Eco-tourist facilities as follows:

- (1) The objectives of this clause are as follows—*
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.*
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—*

- (a) *there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
- (b) *the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
- (c) *the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
- (d) *the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
- (e) *the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*
- (f) *waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
- (g) *the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*
- (h) *any infrastructure services to the site will be provided without significant modification to the environment, and*
- (i) *any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
- (j) *the development will not adversely affect the agricultural productivity of adjoining land, and*
- (k) *the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—*
 - (i) *measures to remove any threat of serious or irreversible environmental damage,*
 - (ii) *the maintenance (or regeneration where necessary) of habitats,*
 - (iii) *efficient and minimal energy and water use and waste output,*
 - (iv) *mechanisms for monitoring and reviewing the effect of the development on the natural environment,*
 - (v) *maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

Clause 7.4 Natural resources sensitivity - biodiversity

The subject site is also within the Regional Wildlife Habitat Corridor identified within *Wingecarribee Local Environmental Plan 2010*. Clause 7.4 (3) and (4) of *Wingecarribee Local Environmental Plan 2010* states:

- (3) *Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following—*

- (a) the native ecological community,*
- (b) the habitat of any threatened species, population or ecological community,*
- (c) any regionally significant species of fauna, flora or habitat,*
- (d) habitat elements providing connectivity.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or*
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The submission of the Morton Park Eco Farm Management Plan (**Attachment 6**), Dust Analysis report, reports submitted with the development application including Flora and Fauna report, and wastewater management report address the above requirements of clauses 5.13 and 7.4 of *Wingecarribee Local Environmental Plan 2010*. Compliance with the above is discussed later within this report.

Development Control Plans

Rural Lands Development Control Plan

The Rural Lands Development Control Plan contains no particular provisions relevant to the proposed eco-tourist development, however the proposal is considered consistent with the relevant objectives of the Rural Lands Development Control Plan, subject to conditions of consent which are discussed later within this report.

Section 4.15 Evaluation

(1) Matters for consideration—general

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

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*

The site is zoned E3 Environmental Management and in this zone, an eco-tourist facility is permissible with development consent.
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Not applicable.
 - (iii) any development control plan, and*

The Rural Lands Development Control Plan contains no particular provisions relevant to the proposed development, however the proposed

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eco-tourist facility development is considered consistent with the relevant objectives of the Rural Lands Development Control Plan, subject to conditions of consent which are discussed later within this report.

- (iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.

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

Not applicable.

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

Not applicable.

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

The impacts of the proposed development, including noise, traffic, flora and fauna, are discussed in the Discussions of Key issues section of this report.

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

The site is considered suitable for the proposed eco-tourist facility development, subject to conditions as discussed throughout this report and in the Discussions of Key issues section of this report.

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

The proposed eco-tourist facility development is not considered contrary to the public interest subject to conditions as discussed throughout this report and in the Discussion of Key issues section of this report.

CONSULTATION

External Referrals

Referrals	Advice/Response/Conditions
Water NSW	Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing wastewater management, operational environmental plan, and construction activities (Attachment 1 - condition 39) .
Rural Fire Service	Rural Fire Service raise no objection to the proposed development, subject to conditions addressing Asset Protection Zones, Water and Utilities, Access, Evacuation and Emergency Management, Design and Construction, and Landscaping

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Referrals	Advice/Response/Conditions
	(condition 38).

Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed development and has provided conditions of consent.
Development Engineer	Council's Development Engineer raises no objection to the proposed development and has provided conditions of consent, including conditions addressing car parking spaces and parking for people with disabilities (conditions 14 and 26).
Environmental Health Officer	Council's Environmental Health Officer raises no objection to the proposed development and has provided conditions of consent, including conditions addressing asbestos register and asbestos management plan, removal of asbestos, and clearance certificate which are to be addressed by way of deferred commencement conditions (deferred commencement conditions 1 – 4), and general conditions of consent addressing the management of asbestos containing material and the historic sheep dip, food premises, and noise control (conditions 7, 29, 30, 33 and 34).
Environment and Sustainability	<p>Council's Manager of Environment and Sustainability notes that the submitted Flora and Fauna study outlines no clearing of native vegetation or habitat with the development, however there is insufficient information / detail in the submitted Management Plan with respect to compliance with the requirements to minimise impact on the natural environment, and that should the additional information be obtained as a condition of consent, then Environment and Sustainability assessment of the additional information will be provided at that stage.</p> <p>This is discussed within the Discussion of Key Issues section of this report.</p>

Neighbour Notification (or Advertising)/Public Participation

The development application has been neighbour notified and advertised in accordance with Council's Notification of Development Proposals Policy. Four submissions have been received, including one letter containing four signatories.

The issues raised from all four submissions regarding the proposed Eco-Tourist facility have been summarised and are considered below:

Issues	Response
The proposal states that it is an application for continued use for eco-tourism purposes. However, the previous use for this facility under the current owners has been for a farm stay accommodation and for motor bike activities.	Compliance matters are investigated separately to the development application process. Development

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Issues	Response
Therefore, application for a continued use for eco -tourism purposes is not valid and misleading. The Flora and Fauna report refers to this application as a formalisation of the existing use as eco -tourism. This again is false and misleading.	Application 19/1650 is being assessed as a proposed new use of the site for an Eco Tourist facility.
Object to any use of the motocross track and trail bike riding for commercial purposes. The previous use of this activity has resulted in a significant amount of noise pollution and of probable harm to the threatened species it now purports to promote.	No approval is sought by this application for a motocross track and trail bike riding for commercial purposes. A condition of consent confirming the conversion of the motocross bike track to a bushwalking track with revegetation to the sides is appropriate (conditions 1 and 16).
The property has horses, sheep, goats and alpacas and promotes the feeding of the animals which is not a basis for eco-tourism.	The proposed development satisfies Clause 5.13 Eco tourism facility requirements, as discussed within the Discussion of Key Issues section of this report.
The proposal has no information regarding the ongoing management of an eco-tourism facility. The proposal does not address many of the objectives in Clause 5.13 Eco tourism facility of the <i>Wingecarribee Environmental Plan 2010</i> . On reading the information submitted, Council cannot be satisfied that the development satisfies Clause 5.13 Eco tourism facility requirements.	The proposed development satisfies Clause 5.13 Eco tourism facility requirements, as discussed within the Discussion of Key Issues section of this report.
Impact of the increased usage of an unsealed road to the facility. Foxgrove Road is unsealed and predominantly a single lane road. Current width of carriageway varies between 3.6m to 5m wide. This is not suitable for use in any commercial purposes and can be dangerous with an increased traffic flow. There are houses built in a close proximity to the road and the increased dust exposure poses a foreseeable risk to the residents. Increased traffic impacts. Road widening would be required, to accommodate emergency vehicles, which would result in removal of native vegetation. Foxgrove Road would rapidly deteriorate from increased usage, with maintenance impacts for Council. Road sealing should be required, similar to Jadinbrunbi development. Ratepayers should not have to pay for road upgrade. Safety concern as several residences along Foxgrove Road have concealed driveways. At Easter 2018 and 2019 fifty cars, campers and caravans per hour were using the road, with dust impacts causing cattle sickness and death. Concerned regarding	Traffic impacts of the development are discussed within the Discussion of Key Issues section of this report.

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Issues	Response
speeding of tourists on Foxgrove Road – city people will drive as if they are still on the freeway.	
This application is classified within a bushfire prone area and in the bushfire risk and management plan submitted on page 40, there is a recommendation that the overall accommodation for tourists does not exceed 12. That is significantly less than the maximum number of tourists of 48 tendered. If Council approves the application, who is going to check on numbers each weekend?	Rural Fire Service has considered the proposed development, including the proposed maximum of 48 guests. Rural Fire Service has provided their approval in accordance with section 100B of the <i>Rural Fires Act 1997</i> .
<p>The fact that this proposal only provides the information that there are existing dwellings and that the property has ecological significance does not allow for the approval of an eco-tourism facility.</p> <p>Furthermore, the previous disregard to the environment and to Council obligations demonstrates a contradiction to the ethos of eco-tourism and the need for a more detailed approach to this proposal.</p> <p>I do not oppose the approval of eco-tourism accommodation as implied, but I do oppose the notion that this proposal assumes it to be.</p>	Compliance matters are investigated separately to the development application process. Development Application 19/1650 is being assessed as a proposed new use of the site for an Eco Tourist facility. The proposed development satisfies Clause 5.13 Eco tourism facility requirements, as discussed within the Discussion of Key Issues section of this report.
Noise impacts of the development, particularly at night time. The topography of the location is such that noise from the site has no barrier. Background noise is very low given the remote location of Foxgrove Road, so our properties are very susceptible to this issue.	Council's Environmental Health Officer raises no objection to the noise impacts of the development and has provided conditions of consent, including conditions addressing noise control (conditions 33 and 34).
Farm stay accommodation is an option that is permissible on the land. Such use would be of much lower intensity.	While other uses are permissible within the E3 Environmental Management zone, Development Application 19/1650 seeks development consent for an Eco Tourist facility only, therefore Council assesses the application as submitted.
Were any DA's placed for alterations and additions to the house and timber cottage and earthworks?	Compliance matters are investigated separately to the development application process.
The Hogan report says it has been used for eco-tourism since 1972. I have lived here since 1948 and Morton Park was only used by different owners for eight of those years.	Compliance matters are investigated separately to the development application process. Development

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Issues	Response
	Application 19/1650 is being assessed as a proposed new use of the site for an Eco Tourist facility.

DISCUSSION OF KEY ISSUES

Traffic / Dust impacts

A maximum of 48 guests in total (cabins and camping), including a maximum of 18 guests in cabins is proposed. This maximum can be addressed by a condition of consent (**condition 1**). The traffic generated by the proposed development, including the 48 guests, has been considered by Council's Development Engineer, and no road upgrading or widening works to Foxgrove Road are required due to the proposed development. However, to minimise dust impacts upon properties fronting Foxgrove Road, the applicant recommends that Morton Park Eco Farm management will

- insist that guests travelling on Foxgrove Road drive at or below 50kph
- insist that guests towing caravans on Foxgrove Road, drive at or below 30kph
- spray water along a 100m stretch of Foxgrove road (either side of the two closest houses), when a larger group of guests plan to arrive at Morton Park (ie greater than 10 cars) and that below 10 cars, the dust impact is so minimal that the watering of the 100m stretch of Foxgrove Road will have negligible impact.

The above recommendations will reduce dust impacts for properties fronting Foxgrove Road, while also limiting traffic speeds which assists in traffic safety for tourists who may be unfamiliar with rural road conditions, and who are unaware of concealed driveways along Foxgrove Road. This is considered reasonable and is reinforced by a condition of consent (**condition 31**).

Road widening or upgrading works to Foxgrove Road are not required by Rural Fire Service within their general terms of approval, and is not required by Council's Development Engineer.

Noise

The applicant advises that the proposed Eco Tourist development will operate with certain restrictions including no 4WDing, no motorbikes or quads, minimal noise, and night curfews from 10pm. This can be reinforced by a condition of consent (**condition 34**).

Council's Environmental Health Officer raises no objection to the proposed development and has provided conditions of consent, including conditions addressing noise control particularly that operational noise levels not exceed the background level by more than 5dB(A) when measured at the boundary of the nearest affected property (**condition 33**).

Eco-tourist facility

Clause 5.13 of *Wingecarribee Local Environmental Plan 2010* specifically addresses Eco-tourist facilities, particularly matters that must satisfy Council as detailed earlier in Local Environmental Plan section of this report.

Combined factors of the proposed development and its location, including:

- The location of the site within the Regional Wildlife Habitat Corridor, and adjoining Crown land to the north which also contains Southern Highlands Shale Woodland Endangered Ecological Community

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- the retention and protection of Southern Highlands Shale Woodland Endangered Ecological Community on the site
- cabins and camping within existing cleared portion of the site
- predominant use of existing buildings for the eco-tourist development
- no removal of native vegetation with the proposed development
- conversion of motorbike track to walking trail with native trees and bushes
- the portion of the site to be used for the Eco Tourist development not being visible to adjoining properties
- on site water collection and use, aquaponics system minimal water usage compared to mainstream farming, solar power
- inclusion of local elders in explanation of creation stories, spirituality, ceremonies, rituals, language, kinship, song, dance, handcraft to visitors
- restrictions on visitors including no hunting, no 4WDing, no motorbikes or quads, minimal noise, night curfews from 10pm, no damage to habitat
- eco fund and a quarterly EcoDay including tree planting, weed eradication, koala and bird data logging, night time spotting of bats and possums and logging observations
- education sessions including flora and fauna, waste management technologies, green power, climate change, low impact farming (i.e. aquaponics and vertical growing)
- Waste plan requirement for people camping is that whatever they bring to Morton Park, they need to remove, to ensure waste management load from campers is zero. Waste levy for guests in cabins for items to be taken to Moss Vale Resource Recovery Centre. Green waste to be handled on site
- On site external audit conducted within the first 12 months and then every three years after by Ecotourism Australia to retain certification as an Ecotourism Australia Certified Ecotourism business

results in a development proposal which is considered to satisfy the clause 5.13 requirements of *Wingecarribee Local Environmental Plan 2010*.

Natural resources sensitivity - biodiversity

The subject site is also within the Regional Wildlife Habitat Corridor identified within *Wingecarribee Local Environmental Plan 2010*. Clause 7.4 (3) and (4) of *Wingecarribee Local Environmental Plan 2010* states that before granting development consent for development within the Regional Wildlife Habitat Corridor, Council must consider any potential adverse impact of the proposed development on the native ecological community, the habitat of any threatened species, population or ecological community, any regionally significant species of fauna, flora or habitat, habitat elements providing connectivity, and that development consent must not be granted unless Council is satisfied that—

(a) *the development is designed, sited and managed to avoid any potential adverse environmental impact, or*

(b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Considering the submitted Flora and Fauna report, and the key components of the proposed development including no removal of native vegetation, no damage to habitat, the retention and protection of Southern Highlands Shale Woodland Endangered Ecological Community on the site, cabins and camping within existing cleared portion of the site, predominant use of existing buildings for the eco-tourist development, and conversion of motorbike track to walking trail with native trees and bushes, it is considered that this results in a development proposal which satisfies the clause 7.4 (3) and (4) requirements of *Wingecarribee Local Environmental Plan 2010*.

Contamination

Samples of fragments of fibrous cement sheeting collected from the surface of the bike track on 29 May 2019 returned positive for asbestos. The fragments were described as being of two different types of fibrous cement sheeting. A preliminary site investigation and detailed site investigation has been undertaken by the applicant's consultant. Council's Environmental Health Officer advises that Council has a duty to ensure that all asbestos containing material fragments on the bike track have been accounted for and removed from the bike track surface before the use of the premises as an eco-tourist facility commences. Council's Environmental Health Officer raises no objection to the proposed development in terms of contamination and has provided conditions of consent, including conditions addressing asbestos register and asbestos management plan, removal of asbestos, and clearance certificate which are to be addressed by way of deferred commencement conditions (**Attachment 1 - deferred commencement conditions 1 – 4**), and general conditions of consent addressing the management of asbestos containing material and the historic sheep dip (**Attachment 1 - condition 7**). A condition of consent confirming the conversion of the motocross bike track to a bushwalking track with revegetation to the sides is appropriate (**conditions 1 and 16**).

Possible Application of Restriction as to User under the Conveyancing Act 1919

Council at its meeting held on 25 November 2020 resolved that the report refer to the possible Application of Restriction as to User under the *Conveyancing Act 1919* to ensure the application of conditions are complied with.

Should development consent be issued for the proposed Eco-Tourist facility, the development consent notice will clearly describe the type of development which has been approved, and will contain conditions of consent. Should the approved Eco-Tourist facility development operate contrary to conditions of consent, Council's Compliance Officer can commence proceedings against the operator / applicant. The addition of a Restriction as to User under the Conveyancing Act 1919 to ensure the application of conditions are complied with, is an option which is available but is considered unnecessary, as the *Environmental Planning and Assessment Act 1979* already contains provisions by which Council can enforce compliance with conditions of consent.

Environment and Sustainability

Council's Manager of Environment and Sustainability notes that the submitted Flora and Fauna study outlines no clearing of native vegetation or habitat with the development, however there is insufficient information/detail in the submitted Management Plan with respect to compliance with the requirements to minimise impact on the natural environment, and that should the additional information be obtained as a condition of consent, then Environment and Sustainability assessment of the additional information will be provided at that stage.

Considering the above, the additional details addressing maintaining improvements on an on-going basis in accordance with relevant International Organisation for Standardisation ISO 14000 standards relating to management and quality control, so as to minimise impacts of the development on the natural environment, will be more specific in detail, and can be required by a deferred commencement condition (**deferred commencement condition 5**) to the satisfaction of Council's Manager of Environment and Sustainability, and must be complied with as part of the operation and use of the Eco-tourist facility (**condition 32**).

ISO 14000 is a series of environmental management standards developed and published by the International Organisation for Standardisation (ISO) for organisations, and is referred to in Clause 5.13 (k)(v) of *Wingecarribee Local Environmental Plan 2010*.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications associated with this report.

- **Culture**

There are no broader cultural implications associated with this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

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

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

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RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy 44 (Koala Habitat Protection), and the Rural Lands Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

THAT Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh be APPROVED, by way of a deferred commencement approval subject to conditions as described in Attachment 1 to the report.

Option 2

THAT Council determine Development Application 19/1650 by way of refusal, and nominate reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

It is recommended that Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh, be supported subject to conditions.

The proposal is considered satisfactory in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979*, therefore it is recommended that the development application be approved by way of a deferred commencement approval, subject to the attached draft conditions of consent nominated in **Attachment 1**.

ATTACHMENTS

1. Draft conditions
2. Site Location
3. Zoning Plan
4. Site Plan
5. Elevation Plans
6. Morton Park Eco Farm Management Plan

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 3 December 2020



ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

SCHEDULE 1

DEFERRED COMMENCEMENT CONDITIONS OF DEVELOPMENT CONSENT THAT MUST BE SATISFIED BEFORE THE CONSENT CAN OPERATE

Environment – Health & Safety (deferred commencement)

1. Asbestos Register and Asbestos Management Plan

The applicant shall have the following prepared in accordance with the guideline *How to Manage and Control Asbestos in the Workplace Code of Practice* by Safe Work Australia (SWA):

- Asbestos Register, and
- Asbestos Management Plan.

Both the Asbestos Register and Asbestos Management Plan must be submitted to Council prior to the commencement of any asbestos removal work.

Reason: Provisions for health & safety and compliance with relevant legislation, guidelines and codes.

2. Removal of Asbestos

The applicant shall engage a licensed asbestos removalist to remove and dispose of any asbestos containing material (ACM) from the bike track area and its vicinity in accordance with the applicable legislation, standards, codes of practice and guidelines. In this document the 'bike track area' refers to the area marked as 'Area AEC1' on Figure 3 in the report *Morton Park Eco Tourism Stage 2 Detailed Site Investigation* by International Environmental Consultants Pty Limited, dated June 2020.

Reason: Provisions for health & safety and compliance with relevant legislation, guidelines and codes.

3. Asbestos Removal Control Plan

Prior to the commencement of the ACM removal from the bike track area, an Asbestos Removal Control Plan shall be prepared by a licensed asbestos removalist and a copy submitted to Council. The Asbestos Removal Control Plan shall include:

- the details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used, and
- the details of the asbestos to be removed, including the location, type and condition of the asbestos.

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Reason: Provisions for health & safety and compliance with relevant legislation, guidelines and codes.

4. Clearance Certificate

Upon the completion of the ACM removal from the bike track area, the applicant shall submit to Council a Clearance Certificate completed by an independent competent person who meets the definition of a 'competent person' in the Safe Work Australia (SWA) *How to Manage and Control Asbestos in the Workplace Code of Practice*. The Clearance Certificate must clearly state that the bike track area and its vicinity are free of visible asbestos contamination.

Reason: Provisions for health & safety and compliance with relevant legislation, guidelines and codes.

Environment and Sustainability (deferred commencement)

5. ISO 14000 standards

Additional details shall be provided to the satisfaction of Council's Manager of Environment and Sustainability to address maintaining improvements on an on-going basis in accordance with relevant *ISO 14000 standards* relating to management and quality control, so as to minimize impacts of the development on the natural environment.

Reason: To minimize impacts of the development on the natural environment.

Proof of compliance with deferred commencement conditions 1 - 5 shall be submitted to the satisfaction of Council prior to general conditions of consent being enacted.

Deferred Commencement conditions 1 – 5 are required to be addressed to the satisfaction of Council within 12 months of X December 2020 prior to General Development Consent Conditions 1 – X being acted upon.

Note: The consent shall operate from the date in which Council acknowledges compliance with the condition within Schedule 1 of this Deferred Commencement of Consent, and shall lapse X December 2025.

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SCHEDULE 2 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of an Eco-Tourist facility for a maximum of 48 guests in total (cabins and camping), including a maximum of 18 guests in cabins.

No approval is granted by this consent for a motocross track and trail bike riding for commercial purposes. The motocross track shall be converted to a bushwalking track with revegetation using species selected from the Southern Highlands Shale Woodland Endangered Ecological Community to the sides.

Reason: *To confirm the use of the approved development.*

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Plans	S0021119-01A, 01B, 01C, 01D	SOWDES	6/05/19
Plans	DA101B, DA106B	James Tonkin Architect	23/10/19
Plan	DA102A, DA103A, DA104A, DA105A, DA107A, DA108A, DA109A, DA110A, DA111A	James Tonkin Architect	9/05/19
"Morton Park Emergency Assembly" plan	marked "A" as held on Council's file	Applicant	Undated
Statement of Environmental Effects		Hogan Planning	May 2019
Wastewater Management Plan		SOWDES	6 May 2019
Flora and Fauna Study	Ref 18018	Hayes Environmental	19 May 2019
Dust Suppression on Foxgrove Road – An investigation and analysis		Frank Maly	Undated – received 12 September 2019
Morton Park Eco Farm Management Plan		Frank Maly	Undated – received 22 October 2019

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Bushfire Hazard Assessment and Bushfire Risk & Emergency Management Plan Report		SOWDES	6 May 2019
Traffic Impact Assessment		Dominic Lucas	October 2019
Stage 1 Preliminary Site Investigation	20-10632-01-LC Rev 0	Clearsafe Environmental Solutions	12/09/19
Morton Park Eco Tourism Stage 2 Detailed Site Investigation		International Environmental Consultants Pty Ltd	June 2020

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

3. Inconsistency between documents

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

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

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

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

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

5. Erection of Signs

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

- (a) Showing the name, address and telephone number of the Principal Certifier (PC) for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

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

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

6. Compliance with Disability Discrimination Act 1992

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

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

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

7. Management of Asbestos Containing Material (ACM) and the historic sheep dip

With reference to the recommendations in the report *Morton Park Eco Tourism Stage 2 Detailed Site Investigation* by International Environmental Consultants Pty Limited, dated June 2020:

- All asbestos containing material (ACM) shall be managed in accordance with Safe Work Australia guidelines and codes, in particular model code of practice *How to Manage and Control Asbestos in the Workplace Code of Practice* and the Australian Federal Government Environmental Health Standing Committee guideline *Asbestos: A guide for Households and the General Public*.
- The applicant must effectively notify the visitors and campers on the presence of asbestos cement sheeting on the camp kitchen building and that the historic sheep dip may contain residual pesticides. This shall include placing appropriate signs in all relevant locations.

Reason: *Provisions for health & safety and compliance with relevant legislation, guidelines and codes.*

8. Camping sites

Camping sites are limited to the camp site areas marked in red as shown in plan titled "Morton Park Emergency Assembly" marked "A" as held on Council's file.

Reason: *To minimise impacts upon Southern Highlands Shale Woodland Endangered Ecological Community and to respect bushfire protection.*

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

9. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or a Principal Certifier (PC) for a Construction Certificate

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to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (e) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

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

Note: *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier (PC), and lodgement of Notice of Commencement.*

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

10. Appointment of Principal Certifier (PC)

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

- (a) A Construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and

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

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

11. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

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

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

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

12. Section 7.11 Contributions (formerly Section 94)

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 7.11 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities

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- Resource Recovery Centre 2009
- Central Library Facility
- Section 7.11 Administration 2011 to 2031
- Open Space & Recreation Facilities

A "Developer Charges - Notice of Payment" is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the issue of the Construction Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Note: *Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.*

Note: *Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 7.11". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).*

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

13. Building Materials & Colour Scheme

New external building materials and colours shall be recessive in the surrounding landscape as required by Councils Development Control Plan.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

14. Accessible Car Parking Spaces

2 (two) car parking spaces for people with disabilities shall be constructed and identified in accordance with the National Construction Code (NCC) Part D3.5, Australian Standard AS/NZS 2890.6 and with regard to the *Disability Discrimination Act 1992* and Premises Code. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

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

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

15. Erosion and Sediment Control Plan

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

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- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.
- (h) Sediment control devices shall be installed prior to any site works being carried out and prior to construction work commencing and remain in position until the disturbed soils are turfed, 70% vegetated or otherwise stabilised.

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

16. Landscape Plan

A Landscape Plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

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- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- Areas of replanting / regeneration including species from the Southern Highlands Shale Woodland Endangered Ecological Community for the conversion of the motocross track to a bushwalking track with revegetation to the sides
- Areas of replanting / regeneration including species from the Southern Highlands Shale Woodland Endangered Ecological Community to be undertaken within the western portion of the property Lot 999 DP 818282 to provide a further visual buffer for the adjoining western property.
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity.*

17. Fire Safety Upgrade - Rebuilding, alterations, enlargement or extension of an existing building (cl. 94 of the Regulation)

Council considers pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 that the existing buildings are to be upgraded to comply with the current National Construction Code (NCC) in relation to the following:

1. All class 1(b) cabins shall be upgraded to comply with:
 - a) Smoke Alarms and Evacuation Lighting in accordance with the provisions of NCC Part 3.7.5 (Volume 2);
 - b) The proposed accessible cabin including accessway to the common use facilities to comply with NCC Part D3 (Volume 1);
2. The existing kitchen / dining and games room buildings shall be upgraded to comply with:
 - a) NCC Sections D and E (Volume 1).

If applicable, the Construction Certificate plans and specifications required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation shall detail the above building upgrade works.

The Certifying Authority shall be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the NCC in force at the date of lodgment of the Construction Certificate application.

All upgrade works shall be completed prior to the issue of any Occupation Certificate or the use of the buildings.

Notes:

- i. All new building works must comply with the current National Construction Code;

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- ii. If an alternative solution to the “deemed to satisfy” provisions of the National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.
- iii. The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the National Construction Code (NCC), the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the National Construction Code (NCC), these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 8.2 or amended under section 4.55 of the Environmental Planning and Assessment Regulation 2000.

Reason: *To ensure compliance with statutory requirements.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

18. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council’s website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days’ notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Principal Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

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Reason: Statutory requirement.

Advice: Attached Notice of Commencement form to be completed.

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

19. Approved Plans to be available on site

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

Reason: To ensure compliance with approved plans.

20. Approved hours of Construction/Demolition

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

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

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

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

21. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: To ensure that building materials are not washed into storm water drains.

22. Maintenance of the site

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

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

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

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and

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

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

Reason: *Environmental amenity.*

23. Temporary Onsite Toilet

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

Each toilet shall:

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

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

24. Waste Management

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

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

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

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

25. Occupation Certificate

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

The Principal Certifier (PC) is required to be satisfied, amongst other things, that:

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

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have been met.

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

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

Note: *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

26. Accessible Car Parking Spaces

Construction of 2 (two) accessible car parking spaces as per the requirements of AS2890.6 – Parking Facilities; Off-street parking for people with disabilities, prior to the issue of the Occupation Certificate.

Reason: *To ensure that there is adequate disabled car parking spaces provided for the development.*

27. Landscaping Plan

Landscaping as per the approved Landscaping Plan shall be established prior to the issue of the Occupation Certificate.

Reason: *To ensure that the landscaping is completed prior to occupation.*

28. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

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

29. Food Shop Requirements

Prior to the issue of the Occupation Certificate, any commercial food premises (as defined above) shall be set up in accordance with:

- Food Standards Code, Food Standard 3.2.3;
- Australian Standard AS4674–2004 *Design, Construction and Fit out of Food Premises*; and
- Australian Standard AS1668.2–2012 *The use of ventilation and airconditioning in*

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buildings: Mechanical ventilation in buildings.

Reason: *Statutory requirement.*

30. Food Shop Notification Requirement

Occupation of any commercial food premises (as defined above) shall not occur until a notification form has been submitted to Council for the food business conducted on the premises.

Evidence of compliance of the above shall be submitted to Council prior to the issue of the Occupation Certificate and commencement of business.

Reason: *Registration and notification to relevant authorities.*

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

31. Dust suppression on Foxgrove Road

The recommendations of the report titled "Dust suppression on Foxgrove Road – An Investigation and analysis" authored by Frank Maly (undated – received 12 September 2019) shall be undertaken by the Morton Park Eco Farm Management (MPEF management) during the operation and use of the Eco-Tourist development so as to minimise dust impacts upon properties in Foxgrove Road as follows.

1. MPEF management will insist that guests travelling on Foxgrove Road drive at or below 50kph
2. MPEF management will insist that guests towing caravans on Foxgrove Road, drive at or below 30kph
3. MPEF Management will spray water along a 100m stretch of Foxgrove road (either side of the two closest houses), when a larger group of guests plan to arrive at Morton Park (ie greater than 10 cars)
4. Below 10 cars, the dust impact is so minimal that the watering of the 100m stretch of Foxgrove Road will have negligible impact.

The 100 metre stretch of Foxgrove Road that will be sprayed with water will adjoin the two closest houses which are located at 131 Foxgrove Road (Lot 24 DP 751251) and 132 Foxgrove Road (Lot 2 DP 1060378).

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

32. Morton Park Eco Farm Management Plan

The approved Eco-Tourist development shall operate in accordance with the commitments made within the Morton Park Eco Farm Management Plan prepared by Frank Maly (undated – received by Council 22 October 2019, as held on Council's file). The operation and use of the Eco-tourist facility shall occur in accordance with the additional details provided to the satisfaction of Council's Manager of Environment and Sustainability to address deferred commencement condition 5 regarding maintaining improvements on an on-going basis in accordance with relevant *ISO 14000 standards* relating to management and quality control, so as to minimize impacts of the development on the natural environment.

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Reason: *To minimize impacts of the development on the natural environment.*

33. Operational Noise Levels

The Applicant shall ensure operational noise levels (L_{Aeq}) for the development do not exceed the background (L_{A90}) level by more than 5 dB(A) when measured at the boundary of the nearest affected property. Without limiting the above, operational noise levels must also fall within the requirements of the acceptable noise level amenity of the area as specified by the NSW EPA *Noise Policy for Industry*. In the event that operational noise is identified as exceeding the requirements of this condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council.

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

34. Noise Control

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

In accordance with the Morton Park Eco Farm Management Plan prepared by Frank Maly (undated – received by Council 22 October 2019, as held on Council's file) no 4WDing, no motorbikes or quads, minimal noise, and night curfews from 10pm apply to the development.

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

35. Annual Fire Safety Statement

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

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

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

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

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

36. Food Premises - General

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The construction and operation of commercial food premises (i.e. premises used for the preparation and/or other handling of food for sale, as per the definition of 'sell' in section 4 of the *Food Act 2003*) shall comply with all applicable legislation and standards, including:

- The *Food Act 2003*;
- Food Regulation 2010;
- Food Standards Code, Food Standard 3.2.3;
- Australian Standard AS4674–2004 *Design, Construction and Fit out of Food Premises*; and
- Australian Standard AS1668.2–2012 *The use of ventilation and airconditioning in buildings: Mechanical ventilation in buildings*.

In the event that the design, construction and/or fit-out of food handling areas is inadequate for the food handling activities carried out on the premises, the Applicant will be required to undertake such works as is necessary to remedy any non-compliance with the above-mentioned legislation and Standards within a period determined by Council.

Reason: Compliance legislation and standards.

37. Food premises compliance to be assessed prior to the issue of the Construction Certificate

Prior to the issue of the Construction Certificate, detailed drawing of the design, construction and fit-out of any proposed commercial food premises (as defined above) shall be submitted to either Council or the nominated Accredited Certifier to be assessed for compliance with the following standards:

- Food Standards Code, Food Standard 3.2.3;
- Australian Standard AS4674–2004 *Design, Construction and Fit out of Food Premises*; and
- Australian Standard AS1668.2–2012 *The use of ventilation and airconditioning in buildings: Mechanical ventilation in buildings*.

Reason: To ensure compliance with statutory requirements.

INTEGRATED DEVELOPMENT CONDITIONS

38. General Terms of Approval - NSW Rural Fire Service

General Terms of Approval have been granted by the NSW Rural Fire Service for the development pursuant to section 100B of the *Rural Fires Act 1997*. The conditions provided by the NSW Rural Fire Service are provided below and form part of this Notice of Determination.



1. The refuge building shall comply with the occupancy levels permissible for a Class 9b Assembly Building ('Public Hall') and 'area per person' requirements (being 1sq metre per person) as specified under the Building Code of Australia.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. Prior to the commencement of operation of the ecotourism facility, and in perpetuity, the area around the existing primary dwelling (refuge building) shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows:
 - West: Inner Protection Area (IPA) for a minimum distance of 60 metres;
 - North: IPA for a minimum distance of 70 metres; and



- East and South: IPA for a minimum distance of 85 metres.
- 3. To allow for emergency service personnel to undertake property protection activities, a minimum 10 metre unobstructed asset protection zone (APZ) shall be provided around all buildings and all open air spaces associated with the ecotourism development. This APZ shall be established prior to the commencement of operation of the ecotourism facility and be managed for the life of the development as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- 4. The provision of all new and the modification of any existing water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- 5. The Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- 6. In recognition of the isolated location of the proposed development a Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.



8. Prior to the commencement of operation, the existing primary dwelling being used as the onsite refuge for the ecotourism facility shall be upgraded to comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

9. All landscaping within the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

The proposal has been assessed as an eco tourist facility and as such the cabins have not been assessed under AS3959. The cabins may therefore be considered as perishable assets and undefendable in the event of a bush fire.

CONCURRENCE CONDITIONS

39. Concurrence - Water NSW

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW are provided below and form part of this Notice of Determination.

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**General**

1. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by Hogan Planning (dated May 2019) and shown on the Site Plan (Dwg. No 0021119-01A; Sheet 1 of 4; Amdt. A, dated 06/05/2019) prepared by SOWDES. No revised site layout, staging or external works that will have any impacts on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Wastewater Management

2. The septic tank and absorption bed shall be designed, located and installed in accordance with the recommendations in the Wastewater Management Report (dated 6 May 2019) and shown on the Wastewater Management Site Plan (Dwg. No 0021119-01B; Sheet 2 of 4; Amdt. A, dated 06/05/2019) both prepared by SOWDES, and Designing and Installing On-Site Wastewater Systems (Sydney Catchment Authority, 2012). This system shall:
 - include an outlet filter fitted to the septic tank
 - include an effluent distribution pipe from the septic tank to the absorption bed that is buried at a minimum depth of 300 mm (500 mm under a vehicular access way) and is laid in a manner that provides protection against mechanical damage or deformation
 - ensure that the absorption bed is fenced off/protected from livestock and vehicles, and
 - include the installation of switching valves and/or a dosing/distribution mechanism to ensure the effluent is evenly distributed to different parts of the bed.
3. No changes to the wastewater treatment and disposal systems that may have any impacts on water quality shall be permitted without the agreement of Water NSW.
4. The existing septic tank wastewater system shall be decommissioned in accordance with the NSW Health Advisory Note No 3 (Revised dated January 2017) for Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF).
5. All effluent shall be fully assimilated within the boundaries of the property.
6. Appliances and fixtures with at least a four star ratings shall be installed in the amenities block to minimise the volume of wastewater produced.
7. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater management and effluent disposal system.
8. The installers of the wastewater management and effluent management systems shall certify to Council in writing that the wastewater management and effluent management systems have been constructed and installed as per these conditions of consent and in accordance with Designing and Installing On-Site Wastewater Systems (Sydney Catchment Authority, 2012), and that the systems have been tested and are functioning properly.
9. The wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines On-site Sewage Management for Single Households (1998), AS/NZS 1547:2012 On-site Domestic Wastewater Management, and the manufacturer's specifications.

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10. No use of the eco-tourist precinct shall be allowed until Council has received the certification from the installers and approved the onsite wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.

Reason for Conditions 3 to 10 – To ensure that the on-site wastewater management system is appropriately designed, located and constructed to have a sustainable neutral or beneficial effect on water quality over the longer term.

Operational Environmental Management Plan

11. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with and to the satisfaction of Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate. The OEMP shall:

- include the details about:
 - the management of the recycled hydroponic water from the Igloo Greenhouse which shall be consistent with best management practices such as
 - the information in Nursery Industry Water Management Best Practice Guidelines (Nursery & Garden Industry Australia, 2010), and
 - information in managing wastewater from intensive horticulture: a wetland system Agnote DPI-381 (NSW Agriculture November 2002)
 - the location and type of on-site wastewater management systems
 - the existing water management structures such as rainwater tanks and storage dam, and
 - management and storage of chemicals
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all water management structures, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
- include checklists for recording inspections and maintenance activities.

12. All water and wastewater management structures and processes including management of hydroponic wastewater shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

Reason for Conditions 11 & 12 – To ensure that all operations on the site are managed in a manner to have an overall sustainable neutral or beneficial effect on water quality over the longer term.

Construction Activities

13. No works shall commence until effective erosion and sediment controls have been installed for the installation of new wastewater management system and decommissioning of existing system. The controls shall:

- prevent sediment or polluted water leaving the site or entering any natural drainage system, and
- be regularly inspected, maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

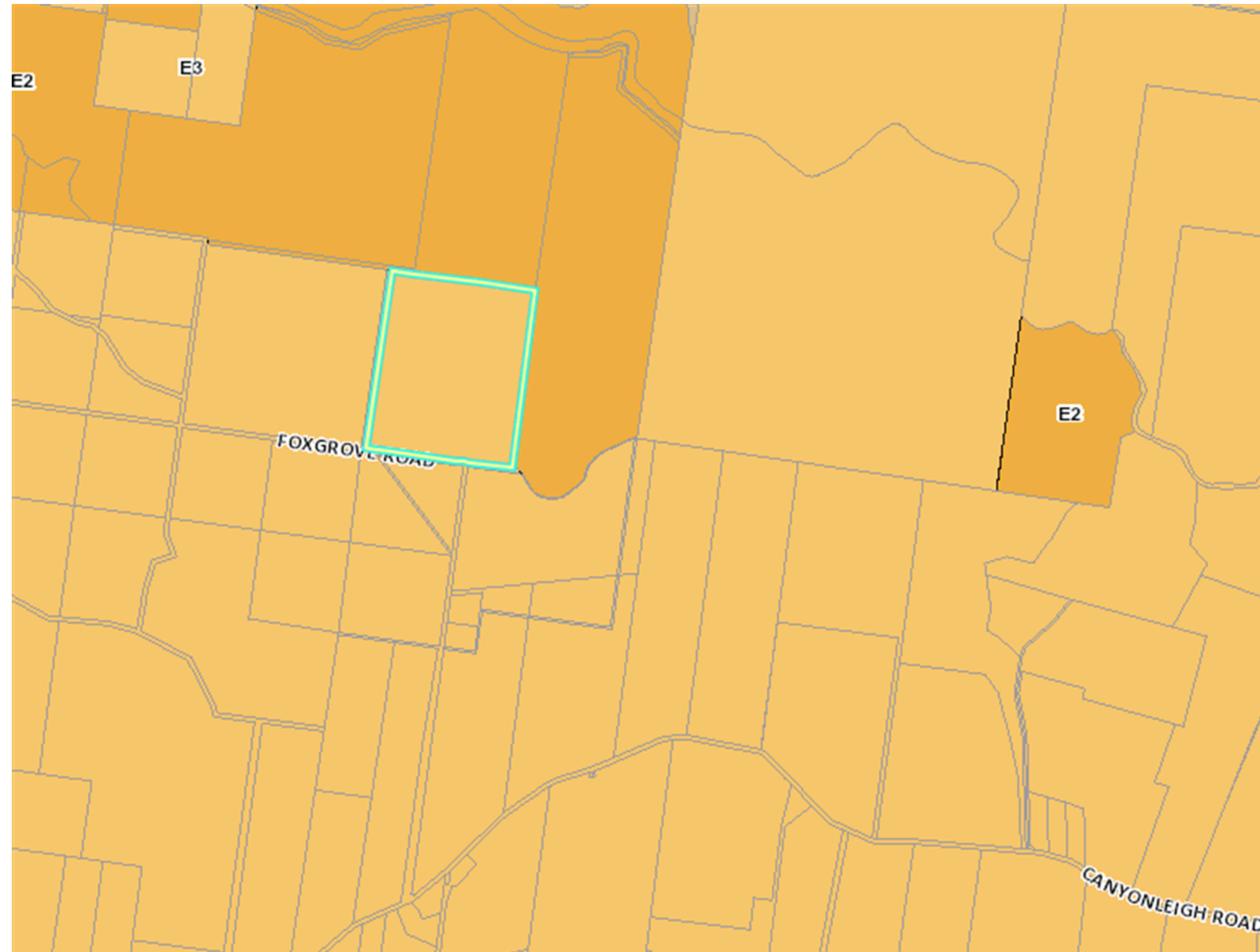
Reason for Conditions 13 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

END OF CONDITIONS

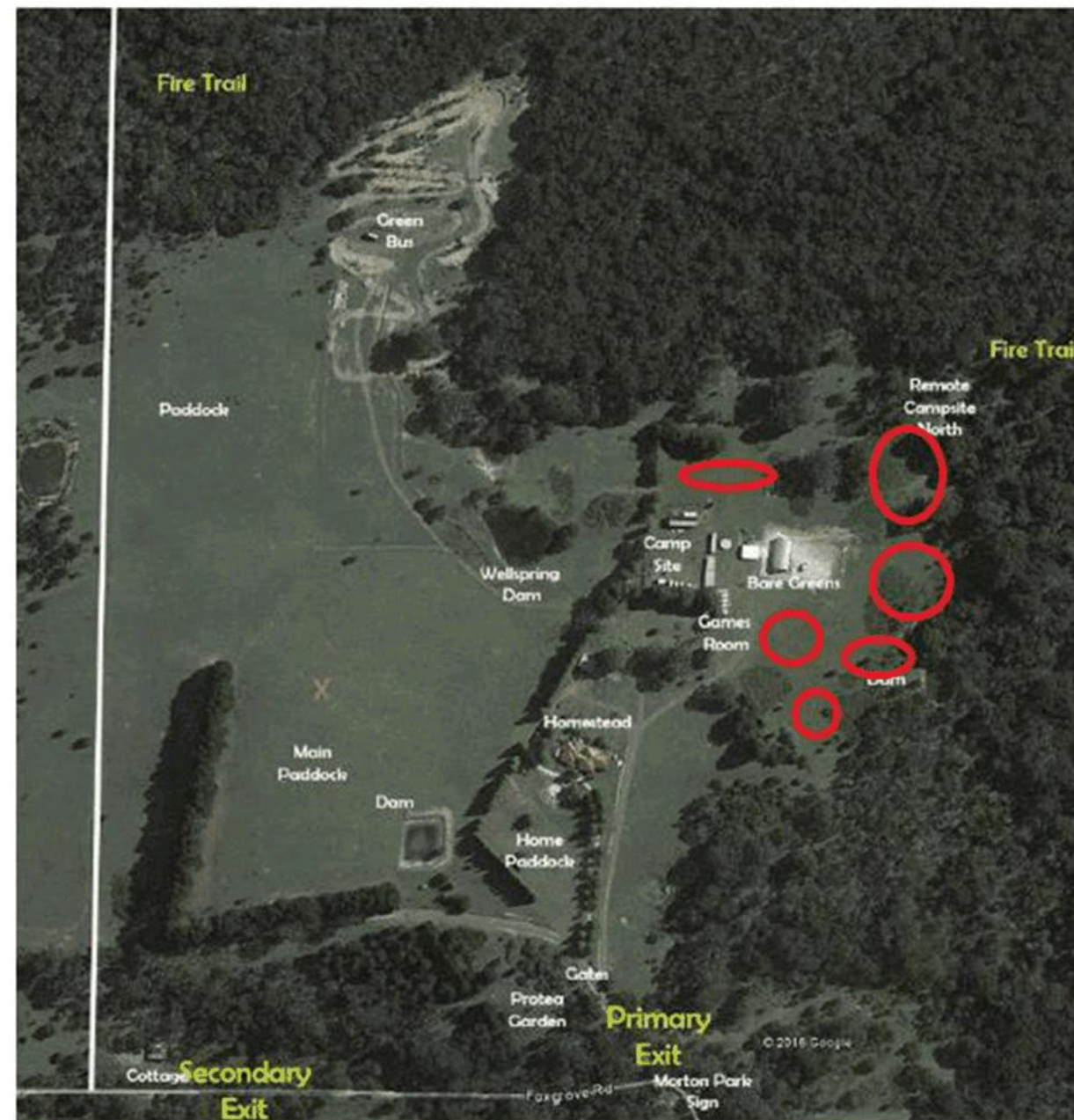
ATTACHMENT 2 – SITE LOCATION



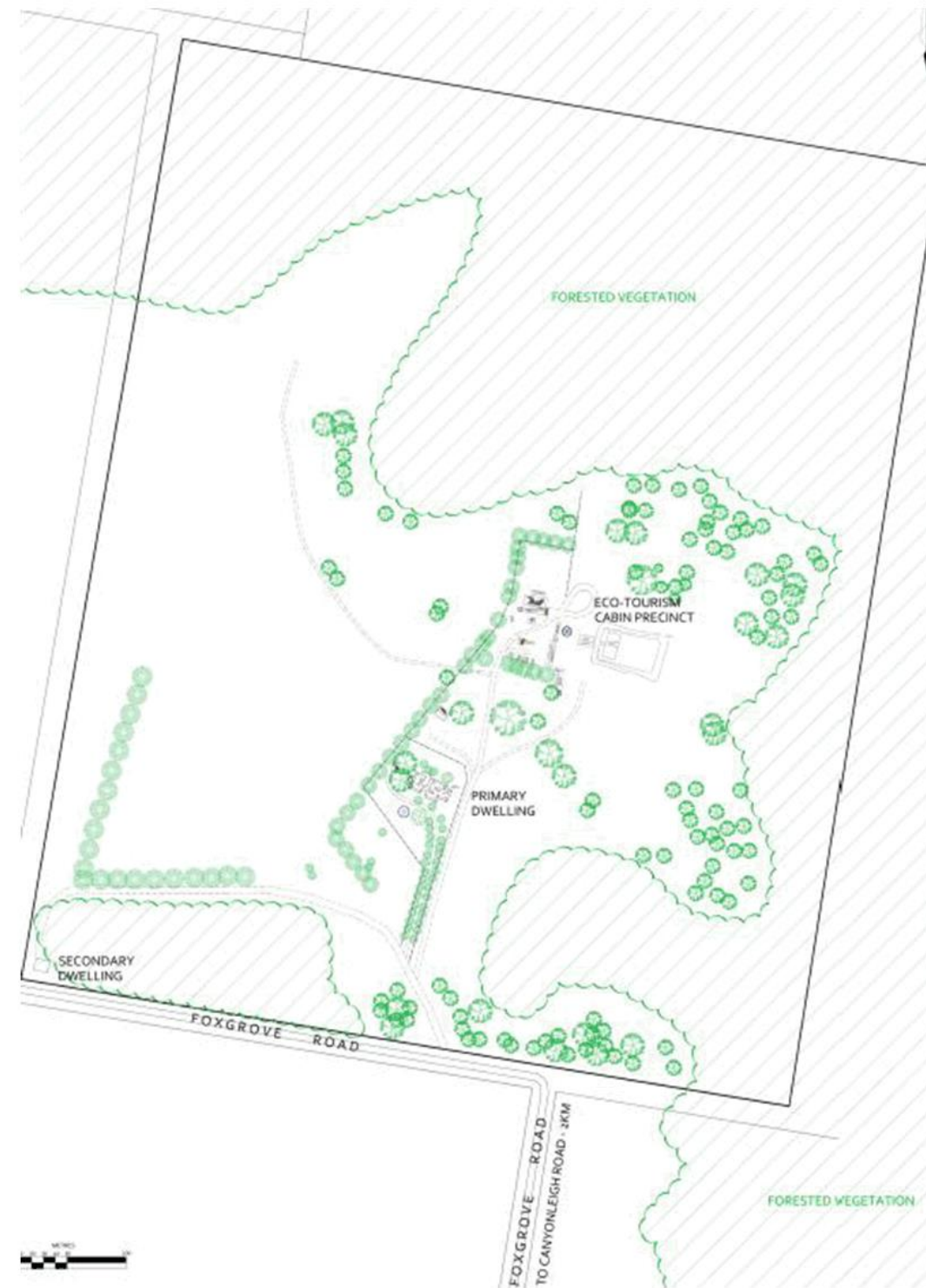
ATTACHMENT 3 – ZONING



ATTACHMENT 4 – SITE PLAN

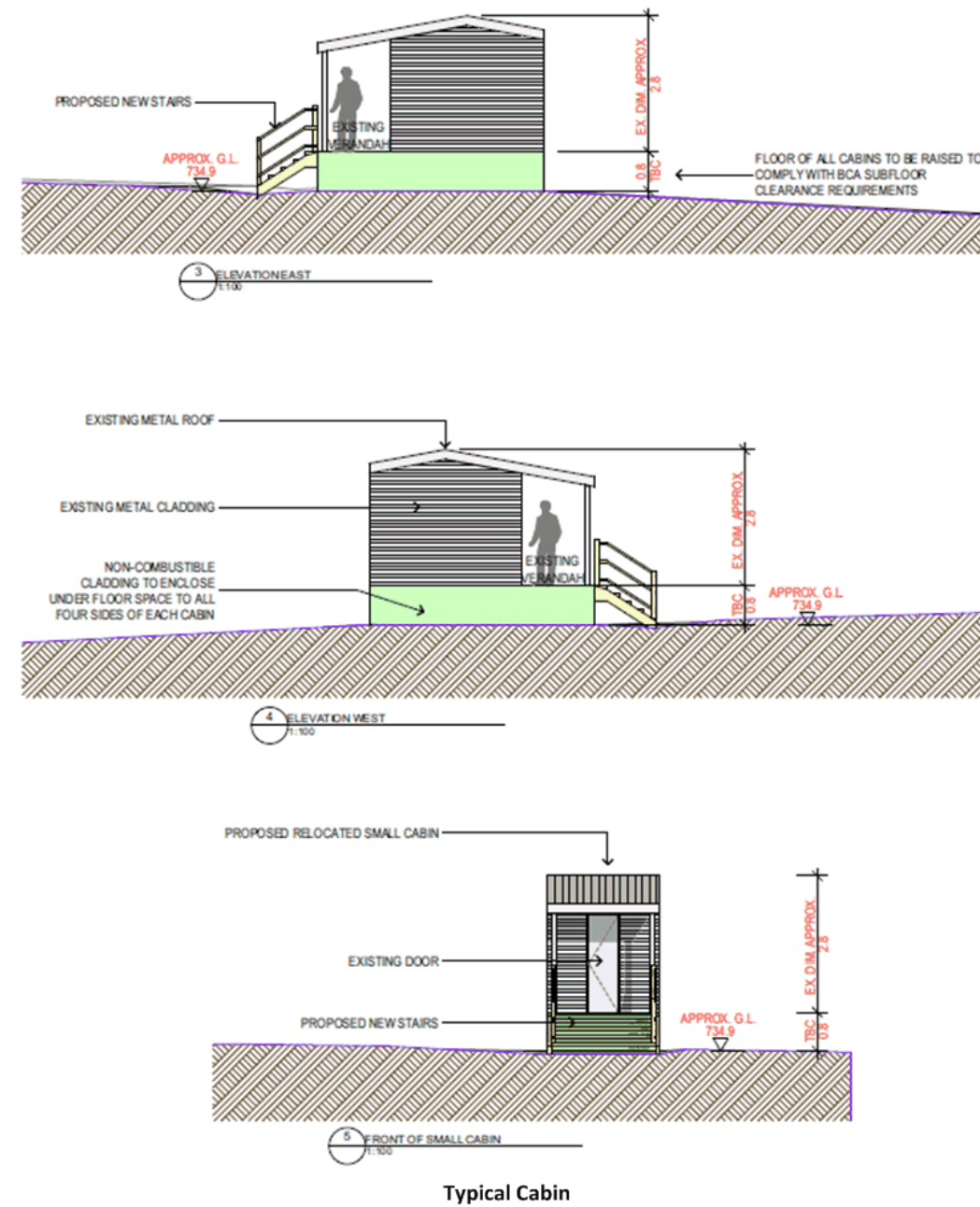


Proposed Camping Sites marked in red

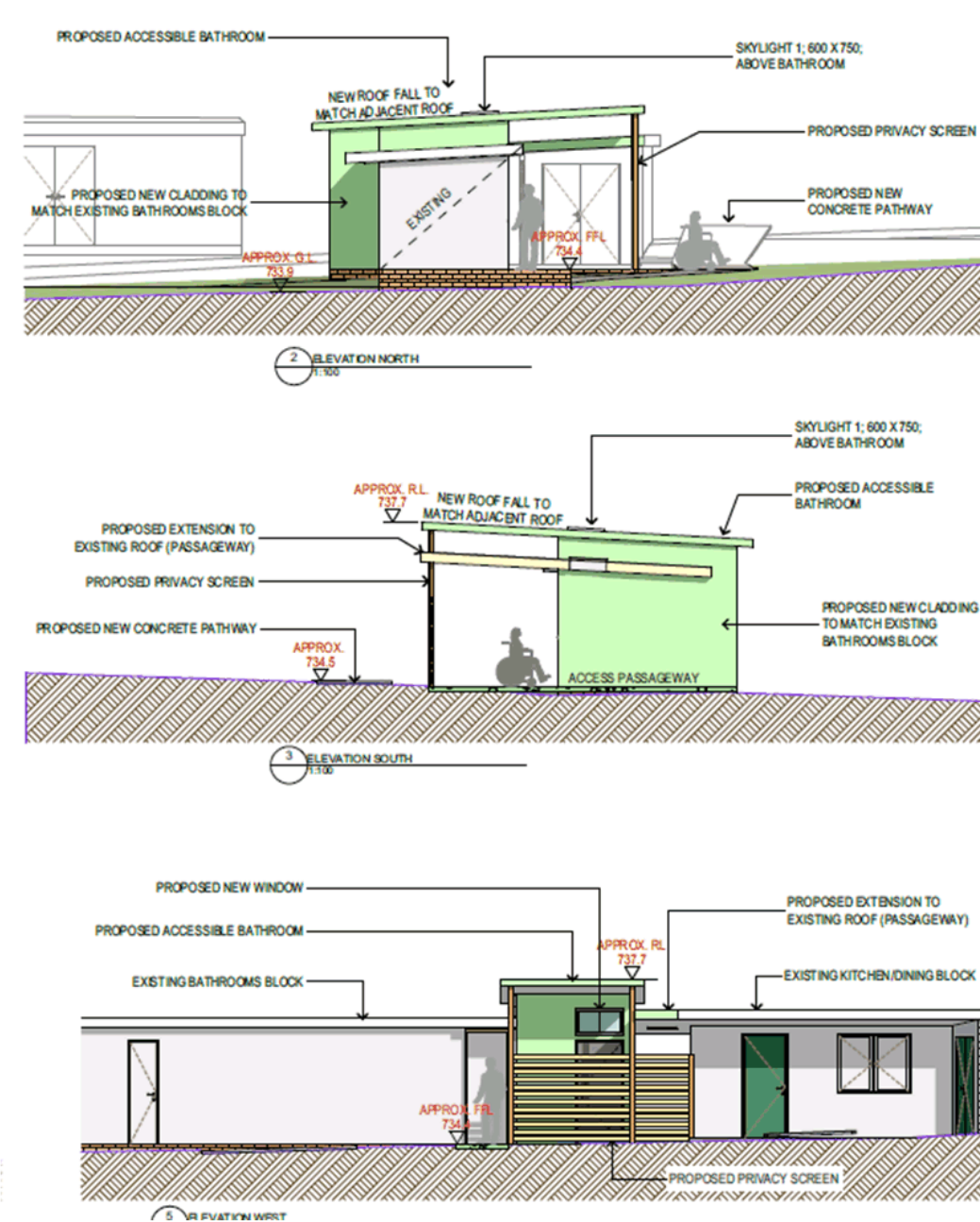




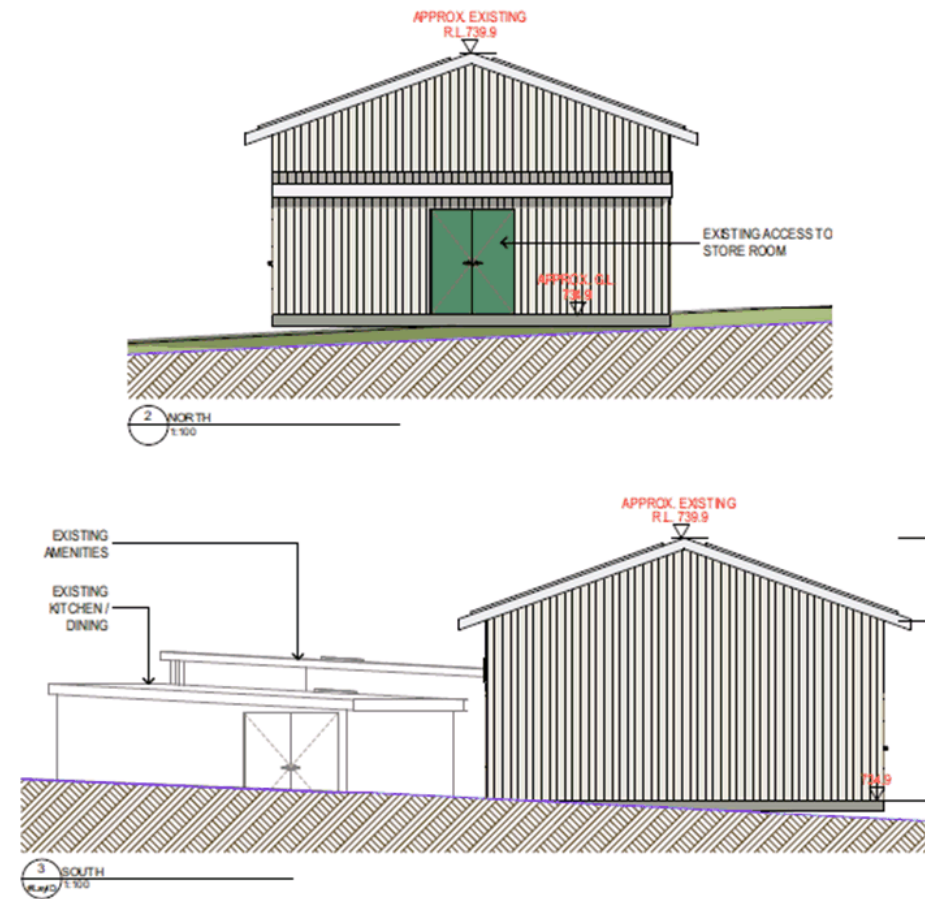
ATTACHMENT 5 – ELEVATION PLANS



Typical Cabin



Proposed Accessible Bathroom



Games Room



ATTACHMENT 6 – MORTON PARK ECO FARM MANAGEMENT PLAN

Morton Park Eco Farm Management Plan

Mission Statement

To maintain as well as increase the local habitat within Morton Park, at the same time providing the opportunity for adults, children, families and schools to experience the natural beauty that is Morton Park.

Our philosophy is zero footprint! Each visitor is required to adhere to our fundamental requirement of zero footprint. This includes as they arrive, while they stay and when they depart.

We will engage with the local aboriginal land council to facilitate an indigenous experience for our guest, so that they connect to the land and learn more about what the land means to the local indigenous people and build a deeper respect for our wonderful country.

We will also educate our guests on the habitats around Morton Park, what it is made up of, what to look out for and how together we can maintain and promote the habitat.

Ecotourism Australia ECO certification

Morton Park Farm management will strive to apply and become an EA certified ecotourism business.

Once granted our DA and consent to run our ecotourism business, our management team will

1. Visit the ECO Certification page on the EA website and apply
2. Fill out the online application form, and pay our once-only application fee
3. Receive a confirmation email and follow the instructions to commence our application
4. Obtain free coaching session, and contact the EA office with any questions, or clarifications
5. Submit our completed application to EA
6. Our application will then be assessed and any corrections will be followed up with our management team.
7. Once the certification is granted, on-site external audit will be conducted within the first 12 months and then every three years thereafter.

Impact of the Environment

Environmental history of the area

The area that is today called Morton Park, was one of the oldest established properties in the area, with the landowner a coal mine owner and operator. An old steam driven timber mill operated at Morton Park for some years, but primarily Morton Park has been a cattle and sheep farm.

Backing onto large extents of bush land, Morton Park sees many native animals call Morton Park home. This is a good indication that the farming and use practices have not scared off the native animals, and in fact, many endangered faunas such as glossy black cockatoos, gang-gang cockatoos, koalas, greater gliders.

Land care

There has been minimal grazing at Morton Park over the last 20 years, and minimal weedicides and no pesticides or fertilizers. The only weedicides were spot spraying of serrated tussock, primarily in one paddock, as no evidence of serrated tussock has invaded other parts of Morton Park.

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ATTACHMENT 6 Morton Park Eco Farm Management Plan**



Plants and Wildlife

Much of the natural vegetation at Morton Park has been maintained, with approximately 40% cleared in the past. See the detailed ecology report on the flora and fauna of Morton Park.

Water and water use

The main source of water at Morton Park is rainwater. Large catchments fill the 4 dams on the property. Most structures have water tanks and this water is used for the homestead, cottage, campsite area, as well as shed water, and secure water sources for firefighting.

One dam, our main dam, which is called Wellspring Dam, is a spring fed dam, and maintains a water level even during dry periods.

Our aquaponics system uses minimal water compared to mainstream farming. Aquaponic grown herbs and greens only use 3% of the water compared to ground based growing. In addition, there is no soil degradation, no runoff, no contaminants, so our system is very ecologically sound.

Energy and resources

Morton park is not connected to town water, so we utilise rainwater for all aspects of our farm.

We have also installed a 10KW three phase solar system that powers the entire property.

As well as a large evacuated glass solar hot water system on our homestead, and in the future, we will install the same solar hot water at the cottage and at the campsite area.

Traditional cultural activities

Morton park management will work with the local indigenous groups to provide the following :-

Spirituality

We will present Creation stories to our visitors. They will learn about their importance to spiritual life and ceremonies. They will also hear about the night sky and its significance to Creation stories. We will explain about totems, families and language groups of the area. (by the local elders)

Ceremonies and rituals

We will explain the importance of ceremony and ritual to our visitors. We will only provide information that can be made public. As we visit places in the environment, we will explain the actions for maintaining and protecting our resources. (by the local elders)

Language and kinship

We will teach our visitors some simple words in our traditional language. These words will relate to their experiences on the beach and bush walks. We will name plants (which will also be signed), animals, handcraft and parts of the landscape. (by the local elders)

Song and dance

Our traditional dances of greeting and farewell will be presented to our visitors. They will have the opportunity to learn the public welcome dance. Other songs will be presented to the sounds of the clapsticks on the camp in the evening. These songs and dances have been handed down from the past and will relate to the activities that visitors experience during the day. (by local elders)

Handcraft

Manufacture and use of different items of handcraft will be demonstrated to visitors. These include boomerangs and spears, fishing spears and nets, firesticks, grass fibre and mat weaving, and water travel. (by the local elder)

9.2 Development Application 19/1650 - Proposed Eco-Tourist Facility at 198
Foxgrove Road, Canyonleigh
ATTACHMENT 6 Morton Park Eco Farm Management Plan



Greeting Process and in person orientation

Upon arrival at Morton Park, guest will be required to meet a member of Morton Park at the main campsite area. Here the guest will be given an orientation, to reinforce our zero-footprint policy, as well as all the other requirements.

Guests responsibilities with regards to: -

1. Waste management
2. Noise
3. Location of facilities and Morton Park boundaries
4. Awareness of fauna
5. Awareness of flora
6. Contributing to the Morton Park EcoFund
7. Fire protocols
8. Emergency exit
9. Morton Park Management contact details.

Zero Footprint

To ensure that we maintain the natural beauty of Morton Park, we will limit the number of people visiting Morton park, as well as giving strict rule associate with their stay.

- Flora and Fauna rules
- Waste Rule
- Driving rules
- Noise Rules
- Fire safety

Designated tracks

While at Morton Park, guests are to use designated tracks to drive to their camping location. No driving around the property is permitted. When departing MP to go into town, guests can only use the most direct route to the nearest track. A map will be provided to guests to reinforce where tracks are, where their campsite is located.

Restrictions

There will be certain restrictions, these are highlighted in the guest orientation guide

1. No hunting
2. No 4WDing
3. No motorbikes or quads
4. Minimal noise
5. Night curfews from 10pm
6. No damage to habitat

**9.2 Development Application 19/1650 - Proposed Eco-Tourist Facility at 198
Foxgrove Road, Canyonleigh
ATTACHMENT 6 Morton Park Eco Farm Management Plan**



Aboriginal Guide for larger groups

I have started to contact the Aboriginal land council, and the Gundungurra and Tharawal people (Aunty Sharron) and I will attempt to organise (pre booked) for a paid Aboriginal Guide to talk with larger groups. This will be a paid activity, the cost being that set by the land council. I would like to promote any aboriginal significance of Morton park, as well as trying to expose as many young students to the cultural aspects of the Gundungurra and Tharawal people and their connection to the land.

I would consider this activity, mainly for school groups, or larger groups of adults. This may also be a collaborative project between Morton Park and the previous Tugalong Station.

This is a developing project, so more detail will be added to the management plan over time.

Morton Park EcoFund for habitat maintenance and development

We will establish a Morton Park EcoFund. Guests can contribute to the fund, and then be placed on our Morton Park EcoFund newsletter. Each quarter, we will have an EcoDay at Morton Park, for example, tree planting, habitat creation, weed clearing and more. Guests can join in with our EcoDay each quarter. The money in the fund will be used to fund the specific EcoDay activity, such as purchase of trees, bushes, for example.

Project could include, but not limited to

1. Tree planting, such as Ribbon gum *E. viminalis*, River red gum *E. camaldulensis*, Black She-oak *Allocasuarina littoralis*
2. Hollows as Homes habitats for bird life.
3. Weed eradications
4. Koala data logging
5. Bird Data logging
6. Night-time spotting of bats and possums and logging observations

Old Motorbike track converted to a nature walk

The area where the old motocross track is has already be transformed into a bushy, tree filled area. We will continue to add native trees and bushes into the area to attract wildlife. Some of the planting in this area may be part of the EcoDay activities.

Variety of trees will include, but not limited to :-

- Ironbark Peppermint *Eucalyptus smithii*
- Silver-top Ash *Eucalyptus sieberi*
- Blue-leaved Stringybark *Eucalyptus agglomerata*
- White Stringybark *Eucalyptus globoidea*
- Sydney Peppermint *Eucalyptus piperita*
- Narrow-leaved Peppermint *Eucalyptus radiata*
- Black She-oak *Allocasuarina littoralis*

Education sessions

As an engineer with a science background, I will be running educational sessions for school groups, or other groups of children or adults. This will include flora and fauna educational sessions but also broader aspects such as waste management technologies, green power, climate change, low impact farming (ie aquaponics and vertical growing) and more. I will attempt to include guest speakers with specific knowledge and experience relevant to the topic at hand.

9.2 Development Application 19/1650 - Proposed Eco-Tourist Facility at 198
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I will define a series of possible educational sessions, and groups can choose their area of interest.

In addition to outdoor projects and fieldwork, some sessions will be held in the games room, with access to photos and technical details as well as presentation on the large screen.

As a night activity, I will also be holding astronomy lessons, teaching the students how to identify various stars, planets, constellation, and to be able to find due south at night, to know what direction you are walking.

As this will be an ongoing developing project, I will have a section on our website dedicated to educational events.

Waste Plan

Our first requirement for people camping is that whatever they bring to Morton Park, then need to remove. So the waste management load from campers should be zero.

If guests stay in the cabin, we will have a small waste levy, so that items placed in bin will be taken to the Moss Vale Resource Recovery Centre. We are well setup for the various wastes produced, general household waste, recycled waste and green waste.

Green waste we can handle onsite, with vegetable food scraps given to our animals (chicken, sheep, goats and pig).

We have a large number of bins for general waste, which we transport to the Moss Vale Resource Recovery Centre.

We also have designate bins for paper, plastic, glass and cans. Again, this is transported to the Moss Vale resource recovery centre.

Fire Plan

Morton Park has secure water sources for the rural bush fire service.

We have a dedicated 22,000L tank, with a Davey firefighting pump, with two hose that can cover the main campsite area.

A second 22,000L tank has a second pump, a 1000L tank and trailer, as a mobile firefighting solution of spot fires.

There are three additional water tanks, not dedicated, but have large quantities of water, available in an emergency.

1. Another 22,000L tank at my work shed
2. A 100,000 L concrete tank at the campsite area.
3. A 125,000L concrete tank at my house
4. Approximately 2,000,000L of water in a spring fed dam, with excellent access for rural fire tankers to fill up, or even a helicopter.

In addition to the water we also have fire extinguishers within buildings as some external (ie on located next to the pizza oven)

Our bushfire plan is detailed below.

11 OPERATIONS FINANCE AND RISK

11.1 Post Exhibition Report - Proposed Road Closure - Part Waverley Parade, Mittagong

Reference:	RD 3211
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain formal approval from Council for the closure of part of the road reserve at Waverley Street, Mittagong.

RECOMMENDATION

1. **THAT** pursuant to Part 4 Division 3 of the *Roads Act 1993*, Council as roads authority formally approve the closure of part Waverley Parade Mittagong.
2. **THAT** upon registration of the newly created lot, positive covenants/restrictions be registered against the title to the land.
3. **THAT** the Mayor and Acting General Manager be delegated authority to execute under the Common Seal of Council all documents associated with the road closure.
4. **THAT** authority be delegated to the Mayor and Acting General Manager to execute on behalf of Council any other documents associated with the road closure which does not require the affixing of the Common Seal of Council.

REPORT

BACKGROUND

At its meeting held on the 23 September 2020 Council resolved to endorse an application for the partial road closure of Waverley Parade, Mittagong for the purposes of public exhibition and community consultation.

The road closure was requested by the applicant to alleviate safety concerns surrounding the need for students to cross Waverley Parade to access Sturt Gallery.

The request for the closure of part Waverley Parade was raised during Council's discussions with the applicant regarding the proposed acquisition by Council of a portion of land on the corner of Colo Street and Range Road Mittagong, within the Frensham School Grounds.

At its meeting on 23 September 2020 Council resolved as follows: (MN 384/20)

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1. *THAT Council endorse an application for the partial road closure of Waverley Parade, Mittagong adjoining Frensham School (owned by Winifred West Schools Ltd).*
2. *THAT Council provide a minimum twenty eight (28) day public notice period of its intention to close the road adjoining Frensham School AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.*
3. *THAT if there are no objections received by Council during the period of public notice; that pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the proportion of Council Public Road referred to in Resolution 1 above and that upon closure the newly created lot will be classified as Operational Land pursuant to the Local Government Act 1993.*
4. *THAT the Mayor and General Manager be delegated authority to execute under the Common Seal of Council the plan of Road Closure required to be lodged with NSW Land Registry Services to enable closure of the portion of Council Public Road referred to in Resolution 1 above.*
5. *THAT the Traffic and Transport Planning Engineer and other Council staff associated with the Range Road Bridge Project be acknowledged for their contributions in relation to the very positive outcome of this project.*

REPORT

The area of the proposed closure is identified in **Attachment 1**. The area proposed to be closed is approximately 2,582 sqm (subject to final survey).

Following Council's resolution of the 23 September 2020, the proposed road closure was initially placed on public exhibition from the 30 September 2020 to close of business 30 October 2020.

Substantial public interest was received early in the exhibition period. Following requests from residents, additional advertising signage was placed in the vicinity of the proposed closure. This resulted in five (5) double sided signs in total, including one on either side of Range Road and signs placed outside of Mittagong preschool and on the corner of Oxford Street.

The period of public exhibition was also extended by two (2) weeks to conclude on the 13 November 2020 to allow additional time for submissions.

Council has undertaken the following procedures in accordance with legislative requirements under the *Roads Act 1993*:

- Five (5) double sided temporary public notice signs were erected on the site of the area of proposed closure, on Range Road, on the corner of Range Road and Waverley Parade, on the corner of Waverley Parade and Oxford Street and outside the preschool on Waverley Parade which remained in place during the period of public exhibition.
- The proposed road closure was advertised on Council's website, on yoursaywingecarribee and on notice boards at Council libraries.
- The relevant notifiable authorities (including NSW Fire and Rescue and NSW Rural Fire Service) were given notice in writing of the proposed road closure.

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- Neighbour notifications were sent to **486** residents in the vicinity of the proposed portion of road to be closed.

All public notice signs were updated to reflect the extended exhibition period and a second notification was forwarded to local residents advising of the extension (again to 486 residents).

During the period of public exhibition 137 submissions were received.

A summary of submissions received, both for and against the road closure, are outlined in **Attachment 2**.

A summary of the community feedback received during the public exhibition period is provided.

Traffic issues and volume of vehicular movements:

Traffic concerns were the most frequently raised issues. The majority of these submissions raised concerns over increased traffic congestion to surrounding streets including Oxford Street and Tyndall Street.

Council's Traffic Section has provided the following advice:

Council placed traffic classifiers in Waverley Parade in two locations over a two week period between 29 October and 12 November 2019:

- *adjacent to Clubbe Hall*
- *west of Stanley Street*

Traffic classifiers record vehicle volumes for each direction of travel, class of vehicle (i.e. car, various truck sizes, car and trailer, etc.) and vehicle speed.

Traffic volumes recorded were low at 372 vehicles per day (5 day average) and 392 vehicles per day (7 day average). The peak weekday traffic volume was recorded at 69 vehicles per hour (combined directions and ranging between 24 and 69 vehicles per day on the busiest day, between 8am and 5pm). The weekend peak was recorded on Saturday at 89 vehicles per hour (ranging between 62 and 89 vehicles per hour between 9:00am and 1:00pm).

During the weekday period (i.e. during the normal 40km/h school zone periods) 8:00 – 10:00am the peak volume was 38 vehicles per hour (combined directions), and between 2:00pm and 4:00pm the peak volume was 69 vehicles per hour.

Given that the school is a traffic generator (teachers, visitors, Sturt Gallery, etc.) it is likely that a significant proportion of the traffic is not external to the school (i.e. generated by the school itself).

Other than the preschool on the corner of Waverley Parade and Oxford Street, there are no other significant traffic generators in this precinct. Observations of movements to and from the preschool are that most movements to the preschool are undertaken on Oxford Street with only minor movement travelling to and from the preschool on Waverley Parade between Range Road and Oxford Street past Clubbe Hall.

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Travel speed which was recorded at 38 km/h (85th percentile) and 42 km/h (95th percentile) averaging over 24 hours. Speeds were analysed during the 8:00am to 9:30am and 2:30pm to 4:00pm 40km/h School Zone speed restriction and the recorded speeds were 36 km/h (85th percentile) and 40.5km/h (95th percentile).

The recorded speeds are already close to the posted limits for a school zone. It is probable that even with the closure that speeds would not be significantly reduced.

The impact of the closure, given the grid system of the road network and giving consideration to the low recorded volume, would be minimal. Also, as it is likely that a significant volume of traffic is considered to be generated by the school then the increase of traffic on other roads would be minimal and would not likely be reflected as a drop in amenity for residents in the area.

Carparking issues (including times of community use to Clubbe Hall and Sturt):

The primary concerns regarding parking were in relation to the loss of approximately 25 carparking spaces and increased parking to the remainder of Waverley Parade and surrounding streets. Further concerns were raised regarding parking issues during community events at Clubbe Hall and Sturt Gallery.

Council's Traffic Section has provided the following advice:

Waverley Parade, particularly between Stanley Street (closed) and Range Road, is generally fully parked on both sides during school days, accommodating up to approximately 25 cars and is heavily used on most weekends. Event parking can see Waverley Parade fully parked between Range Road and Oxford Street and over long lengths on each side of Range Road.

Should it be intended by the applicant to deny access to the proposed section of closure and remove parking on the current road formation, satisfactory offset parking will need to be identified by the applicant. Waverley Parade west of Stanley Street can accommodate some parking on a widened section on the southern side of Waverley Parade but is insufficient to completely accommodate the parking supply in the proposed closed section should it be intended that parking be denied.

To avoid impact on adjacent residents due to the applicant's generated parking demand, it is recommended that parking on Waverley Parade over the length of closure be maintained for the exclusive use of the applicant.

Pedestrian access:

The majority of these submissions raised concerns regarding loss of pedestrian access between Range Road and Oxford Street. Submissions also raised the dangers presented to pedestrians due to the lack of footpaths in the general vicinity.

Many submissions stated no objection to the road closure provided pedestrian access was maintained. The applicant has confirmed that pedestrian access to the area of closure will be maintained.

Council's Traffic Section has provided the following advice:

There are no dedicated footpaths on Oxford Street. However, there are wide grass verges on both sides of Oxford Street and this arrangement is similar to other local roads in the Shire and considered appropriate for assumed pedestrian activity in the area.

Safety issues/bushfire prone land/access for emergency vehicles:

Safety concerns were expressed due to the surrounding area being bushfire prone land. These concerns have been compounded by the recent bushfire events. Submissions also raised concerns that the closure would impair emergency services.

The road closure was referred to the Commissioner of Fire and Rescue NSW and the Commissioner of the NSW Rural Fire Service. No comments or submissions were received from either of these organisations in relation to the closure.

When Council refers proposed road closures to statutory authorities, Council includes a statement that, if we do not hear from the authority, we will proceed on the assumption that the authority has no objection to the proposed closure.

General comments:

Other submissions received generally related to:

- Project costs
- Loss of public asset
- Benefit to private entity
- The setting of a precedent
- Alternative options being available (i.e. crossing etc)
- Safety concerns for students of Mittagong Preschool

Issues that have been raised through submissions have been summarised in **Attachment 2**. Council's response to submissions have been included in the attachment.

In principle, Council officers have no substantive opposition to the partial closure and transfer of the road reserve to the applicant.

Council's Traffic Section are of the professional view that the re-routing of traffic that is not generated by the applicant itself is not significant and can be accommodated by the surrounding network. Given the high number of students that cross Waverley Parade adjacent to Clubbe Hall and the modest impact on traffic re-routing through the adjacent network, on balance, the removal of the conflict between vehicles and students is a positive safety outcome for the community.

The main impacted external service provider, being Berrima Buslines, have been consulted and they are of the view that a bus stop close to the Waverley Parade intersection on Range Road will meet their requirements. Berrima Buslines have advised that they can readily use the network to meet their route direction requirements. Berrima Buslines will be consulted further should this proposal be adopted by Council.

Management of appropriate access control measures and the installation of locks that can be opened by Emergency Services, public utility authorities and Council, when required, should adequately address ongoing emergency access requirements.

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It is recommended that the applicant prepare Traffic Management Plans for normal day to day use, weekend activity and events for further evaluation by Council and consideration of the Local Traffic Committee.

If the closure of the section of Waverley Parade is approved by Council, a new lot would be created following registration of the Plan of Road Closure at NSW Land Registry Services.

RESTRICTION ON THE FUTURE USE OF LAND

After discussions with the applicant it has been agreed that, if the road closure is supported, positive covenants/restrictions on the use of land would be registered on the title to the newly created lot (being the area of closed road) as follows:

- The area is to be retained 'as is' (i.e. formed road).
- Staff of the School would continue to use the area for parking.
- Appropriate access control measures will be put in place which will allow for access for emergency services, public utility authorities and Council.
- The applicant will prepare Traffic Management Plans for the normal day to day use, weekend activity and events for further evaluation by Council.
- Public pedestrian access will remain in place from Range Road to allow access through to Oxford Street.

COMMUNICATION AND CONSULTATION

Community Engagement

Public notice of the proposed road closure was advertised for a period of six (6) weeks which is in excess of the minimum 28 days.

Internal Communication and Consultation

Executive

Assets (Traffic Section)

External Communication and Consultation

Adjoining owners

Statutory Agencies

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

• Social

The closure will have a marked and positive impact on the School community with significantly improved safety moving between Clubbe Hall and Sturt Gallery.

• Broader Economic Implications

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

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Governance matters in relation to the proposed land swap will be the subject of a future report to Council, should the proposed part closure of Waverley Parade be formally approved by Council.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications in relation to this report.

The budget implications in relation to the proposed land swap and the roadworks required to address safety issues at the intersection of Range Road, Railway Parade and Colo Street will be the subject of a future report to Council.

RELATED COUNCIL POLICY

None identified.

OPTIONS

The options available to Council are:

Option 1

Resolve to formally close the section of Waverley Parade as requested.

Option 2

Decline the request to close the road.

Option No. 1 is the recommended option.

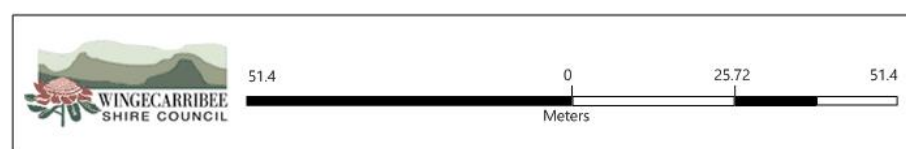
CONCLUSION

It is recommended that Council resolve to formally approve the road closure pursuant to the authority delegated to it under Part 4 Division 3 of the *Roads Act 1993*.

It is also recommended that authority be delegated to the Mayor and Acting General Manager to execute any documentation required under the Common Seal of Council.

ATTACHMENTS

1. Attachment 1 - Aerial map
2. Attachment 2 - Public Exhibition Submissions



Waverley Parade

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Proposed Road Closure – Waverley Parade, Mittagong



Public Exhibition Feedback Summary Table

Summary of Submissions against closure	Council response
<p><u>Traffic issues:</u></p> <ol style="list-style-type: none"> 1. Increased traffic congestion to surrounding streets including Oxford Street and Tyndall Street 2. Restricted vision from Tyndall Street turning on to Range Road 3. Closure would force Emergency vehicles, cars, trucks and buses to travel up and down Oxford Street to Tyndall Street and then on to Range Road 4. The closure could cause an accident on the corner of Waverley Parade and Oxford Street adjacent to Mittagong Preschool due to traffic having to come out past the stop sign to see traffic coming down Oxford Street when making a right hand turn 5. Reduction of traffic route options available to residents outweigh the concerns asserted by the applicant 6. Housing density in the immediate area has increased and it is vital growth is supported by sufficient road networks, especially in a community with limited public transport options <p>(70 responses)</p>	<ol style="list-style-type: none"> 1. There has been an assessment of traffic on Waverley Parade based on November 2019 traffic count data. The traffic data collected in November 2019 indicates that existing traffic volumes on Waverley Parade between Range Road and Oxford Street are low, averaging out at 392 vehicles per day (7 day average). Monash University "Traffic Engineering and Management" state (A. Obrien – "Residential Area Planning" that "<i>at traffic volumes above 2,000 vehicles per day, safety and amenity problems occur</i>". Traffic volumes on Oxford Street (June 2017 count) recorded an average of 843 vehicles per day. Even if all of the traffic were to transfer from Waverley Parade to Oxford Street, the volume would still be 60% below the start of where traffic volumes would be a consideration, being 1235 vehicles per day. As the proposed section of closure would still be used for day to day parking requirements of the applicant (under a Traffic Management Plan to be provided by the applicant) the maximum transfer of traffic to the adjoining network would be about half of the existing volume, being in the order of some 200 vehicles per day (peak of about 20 vehicles per hour), raising the volume in Oxford Street to about 1050 vehicles per day, just over half of the 2,000 vehicle per day that would warrant a closer look at the impact. So the concern is not supported. 2. Traffic section of Council does not agree that there is restricted vision from Tyndall Street turning onto Range Road. Tyndall Street is located on the outside of the bend in Range Road. This position enables good sight lines in each direction along Range Road. Traffic travelling along Range Road, in each direction, have good sight lines to vehicles waiting to turn onto Range Road from Tyndall Street. 3. The closure of Waverley Parade is proposed to be undertaken by placing appropriate access control measures east of Stanley Street and on the alignment of Range Road. The applicant will ensure unrestricted access for Emergency Services, public utility authorities and Council. In the event of bush fires either side of the closure, other existing public roads are considered to provide adequate and efficient access. Given that

11.1 Post Exhibition Report - Proposed Road Closure - Part Waverley Parade,

Mittagong

ATTACHMENT 2

Attachment 2 - Public Exhibition Submissions



	<p>emergency service vehicles would travel across the railway line either on Range Road or via the Bessemer Street underpass, diversion via Waverley Parade is considered to not be a first option and is no faster than using these other roads.</p> <p>The existing town service bus routes are not impacted by this proposal. Discussions with the Manager of Berrima Buslines have been undertaken. Waverley Parade is used to pick up and drop off students from other schools when there are special events during school days at Clubbe Hall. A proposal has been developed to meet this demand by incorporating a bus bay in Range Road close to Clubbe Hall. This will address the existing issue that occurs whereby the bus loading and unloading activities blocks traffic movements in Waverley Parade due to the constraints of the parking and the physical characteristics of the pedestrian kerb extensions adjacent to Clubbe Hall.</p> <p>4. The closure of Waverley Parade to through traffic between Range Road and Oxford Street will actually reduce traffic (as minor as that reduction is considered to be) crossing the intersection at Oxford Street. The existing Stop signs on Waverley Parade at the Oxford Street intersection already require vehicles to come to a complete Stop and look carefully for oncoming traffic. This situation will not change. The volumes that are being considered do not challenge the efficiency of the intersection. There have not been any reported accidents on readily available records dating back to 1 July 2012 at this intersection.</p> <p>5. The volumes of through traffic are shown in the data to be low so re-routing of low volumes is not seen as an issue when readily available alternative routes are available.</p> <p>Traffic section believes that the high volume of students that cross between the main campus and the teaching activities at Sturt (advised by the applicant to be in the order of 1000 student movements per day) do justify the serious consideration of this proposal. The proposal will remove the conflict between these movements and through vehicular traffic on Waverley Parade. Given the low through volumes on Waverley Parade and the availability of alternate routes, on balance, the proposal will deliver a safer outcome for the precinct.</p> <p>6. Any development and the potential increase in traffic</p>
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	<p>would not, it is considered, rely upon this connection in the network. The existing connectivity provided by Waverley Parade between Range Road and Oxford Street is about 50% used by the applicant (this will not change post closure – except for up to 20 bus movements per day). Much of this function will be retained for normal day to day use. The applicant will be requested to produce a Traffic Management Plan (TMP) which will require that the operation of the appropriate access control measures, access to Sturt Galleries and parking will be practically managed. Council will assess the TMP and work with the applicant to ensure that the traffic operation of the post closure network is adequately managed.</p>
<p><u>Volume of vehicular movements for Waverley Parade:</u></p> <ol style="list-style-type: none"> 1. Waverley Parade is a busy thoroughfare from Waverley Parade to Range Road 2. Waverley Parade is used frequently for cars and heavy goods vehicles linking to Range Road and on to Old South Road 3. With continual growth in the Southern Highlands vehicles are using Waverley Parade more frequently as an alternative link to access East Bowral, Robertson, Bowral and Moss Vale to avoid the main road 4. Many vehicles use Waverley Parade to bypass the speed humps in Range Road <p>(37 responses)</p>	<ol style="list-style-type: none"> 1. See traffic assessment outlined above. 2. The percentage of heavy vehicles, determined from the traffic vehicle classifier counts is 4.6%, 3.93% being buses servicing the school (advising that this is in the order of 12 to 19 buses per week day). These will be redirected to Range Road and these buses may use Tyndall Street to turn about in the network which is not considered to be problematic. Therefore, the use of this section of Waverley Parade by heavy vehicles is low and not considered significant. 3. The traffic volumes do not support the concern that Waverley Parade is being used by a significant number of heavy goods vehicles. The heavy vehicles are generally mostly buses or delivery vehicles which are found to service the wider network and as such can be found on even quiet residential streets. Waverley Parade does not provide a logical link between Range Road and areas outside of Mittagong and this is supported by the existing low volumes of traffic recorded in Waverley Parade. 4. Traffic data (June 2017) for Range Road (east of Tyndall Street) shows that Range Road is carrying 4243 vehicles



	<p>per day (5 day average). Given that the traffic data on Waverley Parade is 392 vehicles per day and Oxford Street is 843 vehicles per day, the view that vehicles are using alternate routes to avoid the “speed humps” is not supported.</p>
<p><u>Carparking issues:</u></p> <ol style="list-style-type: none"> 1. Increased parking in remaining section of Waverley Parade 2. Several teachers and P plate licensed students park on Waverley Parade – concerns raised as to where these students will park if the road is closed 3. Concerns raised regarding parking at Clubbe Hall when functions are held Area of Waverley Parade provides access to overflow parking for functions at Clubbe Hall, Sturt Workshops and Frensham School in general 4. The closure will result in increased parking on Range Road which is a dangerous and busy thoroughfare <p>(14 respondents)</p>	<ol style="list-style-type: none"> 1. The applicant has advised that for normal day to day activities they will allow parking (e.g. teachers and staff) to enter the closed area to park. There will likely be a loss of several spaces to accommodate placement of appropriate access control measures, however that degree of loss is not considered to be significant. 2. As stated above, most of these parking requirements, as advised by the applicant, will not be significantly impacted by the proposed closure. 3. The applicant will need to reflect the parking management in a Traffic Management Plan that they will produce and submit to Council for review, however, as the closure will be controlled by appropriate access control measures, parking during events at Clubbe Hall and Sturt will not be significantly impacted. 4. Range Road is already used heavily for parking. The permanent 40 km/hr speed environment provides a low speed environment which supports parking and un-parking manoeuvres. The proposed closure is not considered to cause a parking concern.
<p><u>Pedestrian access:</u></p> <ol style="list-style-type: none"> 1. The closure would put pensioners, old and young residents and children more at risk of being hit by a car, truck or bus than they are at present, as they have to walk on the road up and down Oxford Street due to lack of footpaths 2. Closure would cause increased pedestrian traffic to Oxford Street which has no footpaths on either side and most locals currently walk on the roadway 3. Waverley Parade is used by many pedestrians to access preschool and also for people walking dogs etc 	<ol style="list-style-type: none"> 1. There are no dedicated footpaths on Oxford Street. However, there are wide grass verges on both sides of Oxford Street and this arrangement is similar to other local roads in the Shire and considered appropriate for assumed pedestrian activity in the area. 2. The applicant has indicated that pedestrian access is to be maintained through the area proposed to be closed. 3. This use would continue and the area will remain open for pedestrians. Many submissions stated no objection to the road closure if pedestrian access was maintained.

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<p>The area should be allowed to remain open for pedestrian access as it has a high volume of usage for pedestrians as well as vehicles</p> <p>(60 responses)</p>	
<p><u>Access to Sturt and Clubbe Hall:</u></p> <p>1. Concerns raised regarding access to Sturt and Clubbe Hall</p> <p>(15 responses)</p>	<p>This has been responded to above.</p>
<p><u>Safety issues/bushfire prone land/Mt Gibraltar:</u></p> <p>1. Bushfire prone area and must be kept open</p> <p>2. Imperative to maintain continual egress and access to properties in Waverley Parade for emergency services which was highlighted during the recent bushfire season</p> <p>3. More of a safety risk to close off road for residents than currently posed to students – the safety of Mittagong residents must be a priority</p> <p>4. Closure will be a serious impediment to traffic in the area of Mt Gibraltar, particularly in times bushfire</p> <p>(58 responses)</p>	<p>1. The road closure was referred to Transport NSW, Fire and Rescue NSW and NSW Rural Fire Service. No submissions were received which is taken by Council as no objection.</p> <p>2. It will be a requirement that locks placed on any gates across Waverley Parade will be a universal lock that can be accessed by emergency services, public utility providers and Council.</p> <p>3. The consideration of overall community benefit has been commented on above.</p> <p>4. As stated above, the area has a number of readily available roads to connect through the network. The removal of this connection is considered to not place undue stress on traffic movement throughout the network.</p>
<p><u>Impediment for Emergency Access:</u></p> <p>1. Access from Waverly Parade to Range Road is vital for all emergency services (ie. ambulance, fire, police)</p> <p>2. Closure would force emergency vehicles to travel up and down Oxford Street to Tyndall Street and then on to Range Road</p> <p>(51 respondents)</p>	<p>1. The road closure was referred to Transport NSW, The Commissioner of Fire and Rescue NSW and the Commissioner of the NSW Rural Fire Service. No submissions were received which is taken by Council as no objection.</p> <p>2. Discussion regarding emergency service access has been commented on above.</p>



<p><u>Project costs/loss of public asset/benefit to private entity:</u></p> <ol style="list-style-type: none"> 1. No valuation comparison provided for value of road reserve and land required 2. If approved it is a cost to the community and the community should be reimbursed 3. Council should not be “gifting” public asset to wealthy private school who already own a large amount of land 4. It is not Council’s duty to raise money by doing commercial deals that result in loss of public asset and access 5. If for safety of students, other schools in the area should have similar treatment 6. Closure is for the sole convenience of the applicant but would cause inconvenience to the general community and is not in the public’s best interests 7. Concerns regarding setting of a precedent if allowed to proceed 8. Not in the interest of Mittagong residents, depriving them of access, safety and amenity 9. Waverley Parade was already established before the school was built 10. Roads are generally closed when not in use and not in key areas of major towns – this is not the case here <p>(38 responses)</p>	<ol style="list-style-type: none"> 1. The road closure is a proposal only. If the road closure is to proceed, the costs of the project would be evaluated at that time. 2. If the closure is to proceed, in exchange for the closure, the applicant would be providing land for the Colo Street roundabout which would be of great benefit to the community. 3. If the closure proceeds, the road would not be ‘gifted’ to the school. The road would be closed to vehicular traffic in exchange for the land required from the applicant for the new roundabout at Colo Street. 4. Council is not raising money from the proposed closure. 5. This is a very broad statement. Not all schools are located in similar trafficable areas. 6. As stated by Council’s traffic engineers previously, the use of the road is considered low. Upgrade of the rail bridge and new roundabout would provide benefit and much improved safety to the whole community. 7. Each proposed road closure is always considered on its merits by Council on an individual basis. 8. The upgrade of the rail bridge and construction of the new roundabout is in the best interest of all residents of Mittagong providing much improved safety at this busy intersection. 9. Noted. 10. Road closure applications are considered on a case by case basis. This is not the case and road closures have occurred in Bowral and Mittagong (although not in high trafficable areas) which is not the case here.
<p><u>Indigenous Culture/Heritage values:</u></p> <p>Ancient walking track of the Gundangarra</p>	<p>Noted. It has been confirmed by the applicant that pedestrian</p>



<p>People and should be kept open as a walking route</p> <p>(1 response)</p>	<p>access will not be restricted.</p>
<p><u>Colo Street Bridge Upgrade:</u></p> <ol style="list-style-type: none"> 1. Objections to land swap arrangement - the issue of the construction of the new bridge and the closure of Waverley Parade should not be linked 2. Land swap should not be considered - the land required for the railway bridge is a conflation of two unrelated matters – the land required for the new bridge should be purchased or compulsorily acquired <p>(12 responses)</p>	<ol style="list-style-type: none"> 1. Council has followed due process in relation to the road closure (as it would with any road closure request) and has placed the proposed closure on public exhibition for comment. 2. See above.
<p><u>Alternate options available to the applicant:</u></p> <ol style="list-style-type: none"> 1. Safer crossing for students could be established by creating a go slow area to help students cross when necessary 2. Calming road design methods could be implemented in Waverley Parade to enhance the safety of the students which have proven to be effective on Range Road 3. Reduction of speed limited 4. Installation of a pedestrian crossing, lights or a foot bridge are alternatives that could be considered 5. Shared zone with vehicles and pedestrians <p>(46 responses)</p>	<ol style="list-style-type: none"> 1. The proposal to remove through traffic is considered to be the safest and best long term outcome. 2. The applicant has advised that there are numerous students crossing Waverley Parade every day and traffic calming methods will not remove the risk to students. Closing the road is the most effective way to ensure student safety. 3. See comment above. 4. See comment above. 5. See comment above.
<p><u>Roads already transferred to the applicant:</u></p> <ol style="list-style-type: none"> 1. Part of Stanley Street has already been closed and transferred to the applicant 	<p>The closure of Stanley Street is unrelated to this proposed road closure.</p>

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(8 responses)	
<p><u>Issues associated with Mittagong Preschool:</u></p> <ol style="list-style-type: none"> 1. Closure would put children attending Mittagong Preschool in danger from turning traffic past where they get picked up in Oxford Street 2. School pick-ups and drop-offs coincide with preschool peak drop-off and pick-up hours. If the road closure is approved the high volume of cars that pass through Waverley Parade between Range Road and Oxford Street in the morning and afternoon may utilise the resulting cul-de-sac (at the junction of Waverley Parade and Stanley Street) instead. This could have the effect of increasing the usage of the already busy intersection of Waverley Parade-Oxley Street intersection, on which Mittagong Preschool is located 3. Young children are at greater risk of being accidentally run over due to their fast and often unpredictable movements, small stature and limited ability to interpret dangerous situations. The increased car traffic, including the parking and reversing of vehicles in the vicinity of Mittagong Preschool could place the younger members of the preschool community at greater risk of harm <p>(44 responses)</p>	<p>Preschools do not fall within school zone legislation and therefore do not have dedicated 40 kph zones, marked advisory signs or pedestrian crossing facilities. The majority of pre-school children are driven to/from the site and are accompanied by adults/carers at all times.</p> <p>The vehicles park close to the preschool (note: there are no stopping timed restriction on north side of Waverley Parade).</p>
<p><u>Other:</u></p> <ol style="list-style-type: none"> 1. The applicant's request to close the road because of safety concerns for students is not perceived as a valid reason for road closure – Range Road has a higher traffic volume and students cross Range Road without incident more frequently 2. Request from Bowral Primary School for closure of Boolwey Street refused 	<ol style="list-style-type: none"> 1. Range Road is a higher volume traffic road and closure would not be supported by Council. The applicant first approached Council in 2004 raising safety concerns for students crossing Waverley Parade. 2. The two schools are located in very different areas. Bowral Primary School is located in the middle of a busy commercial town centre whereas Waverley Parade is not a high traffic area.

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<p>by Council some years ago for much younger students</p> <p>3. If Waverley Parade is closed now, how will Council justify this closure to the community in light of the Bowral Primary School denial?</p> <p>4. No provision of compelling reason for the proposed closure</p> <p>(21 submissions)</p>	<p>3. See above comment.</p> <p>4. The applicant has requested the closure due to safety concerns held for their students.</p>
<p><u>Total submissions received objecting to closure:</u> 119</p>	
Summary of submissions in favour of closure	Council response
<p><u>Council comment forms returned in favour of proposal:</u></p> <ul style="list-style-type: none"> • Excellent proposal and much needed for the school • Providing added safety for the school children to reach Sturt is supported <p>11 responses</p>	<p>Noted</p>
<p><u>Additional points raised in favour of closure:</u></p> <ul style="list-style-type: none"> • Do not agree with community flyers being circulated to do with increased traffic and high risk of accidents – the greatest risk to public safety and pedestrians in the zone is the excessive speed of vehicles up and down Oxford Street • Closing the road to general traffic will be much safe for students and discourage vandalism in the area as it removes an additional escape route • Frensham, the culture, the grounds and 	

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<p>the business it brings to the local area is invaluable and the school's function should be supported</p> <ul style="list-style-type: none"> • The provision by the applicant of the land for the new bridge/roundabout project is of huge benefit to the community and is a fair trade • Members of the community like to walk along Waverley Parade and exercise their dogs – this is a lovely environment which has in part been created by the applicant and this should not be taken for granted • The campaign against the closure is deliberately misleading • In favour of closure if pedestrian access was to remain • The closure is supported provided the essential parts of the larger project to replace the rail bridge and construct the new roundabout is undertaken • The letterbox drop letter that was circulated to residents made a sweeping assertion surrounding bushfire and emergency access that is not supported by any hard evident • Well thought out street closure can create greatly improved residential amenity in terms of reduced noise, air pollution, better personal safety, better health and improved property values • No suggestion from NSW Fire & Rescue, the RFS or residents that single entry point increases risk • Mittagong Preschool is listed on Council's bushfire assessment maps as low risk • There is no reason given as to the requirement to keep the street open 	
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<p>due to being located in a bushfire prone area</p> <ul style="list-style-type: none"> • There is adequate access for fire trucks to enter any property in the vicinity • It is much safer to enter Range Road via Tyndall Street than Waverley Parade as drivers can see up Devons Street to the right, Range Road to the left and straight up Range Road ahead • Lessening of traffic proceeding down Waverley Parade to Oxford Street will lessen the bottleneck situation at the preschool which is a busy drop off and pick up area on a very dangerous curve • The statement that the closure would force emergency vehicles etc to travel up and down Oxford Street to Tyndall Street has no evidence of exasperating the situation but rather to alleviate current problems as stated above • The statement that pensioners old and young people and children are more at risk of being hit by a vehicle then they are at present is absurd as these people are already walking along Oxford Street • The statement that the closure would put children from Mittagong preschool in danger of turning traffic is another absurd statement and not at all relevant as the vehicles turning would be proceeding at a much slower speed that they would be travelling at were they to be proceeding straight • The objection that the closure would cause a traffic accident at the corner of Waverley Parade and Oxford Street has no basis as the situation will not change from the present time • The suggestion that a go slow zone should be made is not support as this creates frustrations for drivers and 	
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<p>should be a last resort</p> <ul style="list-style-type: none"> • Closure of the road would result in improved safety for students at minimal inconvenience or downside risk to other residents and road users • Residents at the western end of Waverley Parade will benefit from the reduced traffic flow past their properties • Traffic calming measures (as suggested as an alternative in letterbox drop) such as on Range Road are not appropriate • In the event of evacuation, residents will still have multiple exit routes towards residential areas along Oxford Street (north and south) and west along Waverley Parade • Given the difference between bushfires spreading through bushland compared to residential areas, the removal of access between Waverley Parade and Range Road is unlikely to affect residential evacuations • The road is not a busy road for through-traffic relative to the surrounding streets on account of the slower driving speeds requiring when passing the school and turning right from Waverley Parade on to Range Road • The assertion that emergency services would be impacted is not correct and alternate routes are likely to prove faster even if the road remains open • The applicant has partnered with the community since establishment in 1913. • Replacement of the bridge is supported and slowing vehicles exiting the bridge by entering a roundabout with suitable footpaths will enhance the safety of 	
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<p>Range Road for all users</p> <ul style="list-style-type: none"> • The construction of a new bridge and roundabout with suitable footpaths will greatly enhance the safety of pedestrians crossing the railway bridge • The school's land required for the new roundabout is a very important parcel of land for the school as it forms part of the Lower Holt rehabilitation zone, is used by students for recreation and exercise and provides a buffer from the road for use of the Lower Holt • Sturt and Frensham campuses are divided by Waverley Parade. Sturt is used for educational purposes and the School is managing an increasing number of students crossing Waverley Parade • In the hierarchy of risk mitigation, the closure of Waverley Parade is the most effective way to ensure student safety when crossing • Construction of a bus parking bay in Range Road upon closure will greatly improve safe community access to Clubbe Hall. Currently buses stop on the crest of Waverley Parade to drop off patrons to Clubbe Hall. • Closure will improve the safety of all involved in the continuance of shared facilities with the community. Current shared facilities include Clubbe Hall, Glenn Music Centre, Sturt Gallery and the Parker Gymnasium. • Frensham was used as a refuge for the RFS during the 2019-2020 catastrophic fire season and it is Frensham's expectation to remains so if future need arises • Frensham provides ongoing community access to the Centenary Pool and 	
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<p>Games Fields, within WSC agreed parameters</p> <ul style="list-style-type: none"> • The school understands it will be sharing the cost to achieve the important safety outcome for students • Removal of risk by closing the road is the most effective way to ensure the safety of students • Traffic calming measures in Range Road do not eliminate the risk but are a means of lowering the risk to students and other pedestrians • The School is in a bushfire prone area and will work within the requirements of the relevant authorities • The closure of Waverley Parade would result in the loss of approximately 25 car spaces which would be adequately managed in Stanley Street or surrounding streets • The safety concerns have been held by the school for many years and were first raised with Council in 2004 <p>7 responses (in addition to the above responses)</p>	
<p><u>Total submissions received in favour of closure:</u> 18</p>	

11.2 Tender for SCADA and Control System Support and Maintenance

Reference:	6330/20.15
Report Author:	Electrical Engineer
Authoriser:	Group Manager Water & Sewer
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the SCADA and Control System Support and Maintenance.

RECOMMENDATION

1. **THAT** in relation to the report concerning the tender for SCADA and Control System Support and Maintenance - Council adopts the recommendations contained within the Closed Council report – Item 19.1.

OR

2. **THAT** the report concerning the tender for SCADA and Control System Support and Maintenance - be considered in Closed Council – Item 19.1. This report is confidential in accordance with section 10A(2) of the *Local Government Act 1993*, under section 10A(2)(d)(i).

Note: The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice).

Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).

REPORT

BACKGROUND

A number of assets within Council's water and sewer branch operate and communicate using variety of control systems that include Clear SCADA, Citect SCADA, Programmable Logic Controllers (PLC's), Remote Terminal Units (RTUs), radios, electrical switch boards and instrumentation.

The locations of these critical assets are as follows :

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Water:

- 2 Raw Water Dams
- 3 Water treatment plants
- 31 Reservoirs
- 13 Water pumping stations

Sewer:

- 6 Sewage treatment plants
- 80 Sewage pumping stations
- 4 Remote Chemical dosing pump stations

As part of its adopted planned maintenance program and to ensure operational performance of the assets, Council has sought tenders from suitable and qualified contractors to provide SCADA and control system support and maintenance.

REPORT

Council sought tenders from suitable and qualified Contractors to perform SCADA and Control System Support and Maintenance through a schedule of rates tender submission for a two (2) year period, with provision in place for two (2) x one (1) year optional extension periods.

The Contract period will be for a maximum possible combined total of five (5) years, with the provisional extension options to be exercised at Council's discretion.

In accordance with section 55(3)(n) of the *Local Government Act 1993*, Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

ADVERTISING

The tender advertising period was from 8 September 2020 to 29 September 2020 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	08 September 2020
Newspaper – Southern Highlands News	16 and 23 September 2020
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

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TENDERS RECEIVED

A total of ten (10) tender submissions were received:

Company Name	Location	Postcode
Alliance Automation Pty Ltd	Thornton, NSW	2322
BCJ Exclusive Plumbing Pty Ltd	Cranebrook, NSW	2749
Coengineer Pty Ltd	Parramatta, NSW	2150
Concept Engineering Services Pty Ltd	Mittagong, NSW	2575
Hunter H2O Holdings Pty Limited	Mayfield West, NSW	2304
Process Safety and Automation Engineering Pty Ltd	Ormeau, QLD	4208
SAFEgroup Automation Pty Ltd	Morpeth, NSW	2321
SAGE Automation Pty Ltd	North Ryde, NSW	2113
Triple I Pty Ltd	Unanderra, NSW	2526
Watters Electrical Pty Ltd	Albury, NSW	2640

LATE TENDERS

There were no late tender submissions.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

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

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

Non-Cost Selection Criteria & Weighting:

Non-Cost Criteria	Weighting
Capability & Experience	30%
Specifications, Service & Support, Fit for Purpose	15%
Community & Social (including local content)	10%
Total	55%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	55%
Total Cost Criteria	45%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of four (4) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
BCJ Exclusive Plumbing Pty Ltd	No Volume 2 documentation submitted
Process Safety and Automation Engineering Pty Ltd	Didn't pass the non-cost threshold
Triple I Pty Ltd	Mandatory Criteria – EMS accreditation
Watters Electrical Pty Ltd	Mandatory Criteria – EMS accreditation

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Consultation took place between representatives of Water and Sewer, Information Services and Finance, Procurement and Fleet. This consultation included scope, technical requirements, skills, relevant experience and evaluation methodologies.

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

11.3 Tender for Water and Sewer Main Renewals - Throsby Street, Moss Vale

Reference:	6330.20.27
Report Author:	Project Manager - Civil
Authoriser:	Manager Design, Construction and Maintenance
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Water and Sewer Renewals – Throsby Street, Moss Vale.

RECOMMENDATION

1. **THAT** in relation to the report concerning the Tender for the Water and Sewer Renewals – Throsby Street, Moss Vale - Council adopts the recommendations contained within the Closed Council report – Item 19.2.

OR

2. **THAT** the report concerning the Tender for the Water and Sewer Renewals – Throsby Street, Moss Vale - be considered in Closed Council – Item 19.2. This report is confidential in accordance with section 10A(2) of the *Local Government Act 1993*, under section 10A(2)(d)(i).

Note: The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice).

Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).

REPORT

BACKGROUND

Wingecarribee Shire Council has sought tenders from suitably qualified and experienced contractors for the renewal of water and sewer mains within Throsby Street, Moss Vale. The extent of mains to be renewed is from Spring Street to Spencer Street.

Water main renewal works include decommissioning and exhumation of existing asbestos concrete water mains and construction of approximately 700 metres of new water main, including renewal of all service fittings and connections to properties.

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Sewer main renewal works include decommissioning and exhumation of existing asbestos concrete sewer mains including all existing structures and construction of approximately 550 metres of new sewer main including renewal of all structures and property connection junctions.

REPORT

Council sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents

In accordance with section 55(3)(n) of the *Local Government Act 1993*, Council is required to invite tenders where estimated expenditure is greater than \$250,000 (GST inclusive).

ADVERTISING

The tender advertising period was from the 20 October 2020 to 10 November 2020 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	20 October 2020
Newspaper – Southern Highlands News	21 October 2020 & 28 October 2020
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of seven (7) tender submissions were received:

Company Name	Location	Postcode
Carve Earthworks & Construction Pty Ltd	29 Cokeworks Road, Coledale	NSW 2515
Civil & Civil Co	169/50 Eyre Street, Kingston	ACT 2604
Golden Pipe and Civil Pty Ltd	12 Greenwood Avenue, Belmont	NSW 2280
Killard Infrastructure Pty Ltd	60 Robinson Street, Goulburn	NSW 2580

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Company Name	Location	Postcode
Mikcon Pty Ltd	1 Boundary Road, Box Hill	NSW 2765
Murphy McCarthy and Associates Pty Ltd	43 Hubert street, Leichardt	NSW 2040
Watertight Group Pty Ltd	39 Buxton Ave, Buxton	NSW 2212

LATE TENDERS

There were no late tender submissions received.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Mandatory Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle – Comprehensive – Market Value
Works Insurance – 130% of Contract Value
Bank Guarantee – 5% of Contract Value
Current plumber's licence and Certificate of Competency for Electrofusion and Butt Weld of PE Pipelines

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

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Non-Cost Selection Criteria & Weighting:

Non-Cost Criteria	Weighting
Local Procurement	10%
Experience	10%
Methodology	5%
Program of Works	10%
Quality Assurance	5%
Work Health and Safety, Environment & Sustainability	10%
Total	50%

Summary of Selection Criteria & Weighting:

Criteria	Weighting
Total Non-Cost Criteria	50%
Total Cost Criteria	50%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of four (4) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
Civil & Civil Co	Submission did not meet the minimum non-cost criteria threshold required for further assessment
Golden Pipe and Civil Pty Ltd	Submission did not meet the minimum non-cost criteria threshold required for further assessment
Mikcon Pty Ltd	Submission did not meet the minimum non-cost criteria threshold required for further assessment
Murphy McCarthy and Associates Pty Ltd	Submission did not meet the minimum non-cost criteria threshold required for further assessment

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

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Internal Consultation

Consultation took place between representatives of Water and Sewer, Infrastructure Services and Finance, Procurement and Fleet. This consultation included scope, technical requirements, skills, relevant experience and evaluation methodologies.

External Consultation

None

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

11.4 Draft Masterplan - Casburn Park

Reference:	6559/2
Report Author:	Asset Strategy Officer Sport and Recreation
Authoriser:	Asset Coordinator Parks and Buildings
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 the report is to seek Council endorsement for the Draft Masterplan for Casburn Park to be placed on public exhibition with the community to be invited to provide feedback and comments.

RECOMMENDATION

1. **THAT the Draft Casburn Park Masterplan be endorsed for public exhibition for a period of twenty-eight (28) days commencing 27 January 2021.**
2. **THAT the Draft Casburn Park Masterplan incorporating community submissions be submitted to Council for adoption following the public exhibition.**

REPORT

BACKGROUND

Casburn Park is situated within Wingello Village opposite to the Wingello train station dissected by Railway Parade. The Wingello Rural Fire Service Station is located on the eastern precinct, while on the western precinct is the Wingello Mechanics Institute (Wingello Hall) and public toilets and bordering the Wingello Village Store. The site also consists of a newly built half court popular for basketball.

Recently the community have faced devastation following the bushfires of January 2020. Numerous homes and businesses within the Village were lost or damaged because of the bushfires. Subsequently, Council has allocated \$50,000 from the Bushfire Local Economic Recovery Fund towards commissioning a Masterplan for Casburn Park and associated works.

Council has engaged a specialist consultant to assist in the development of the Draft Casburn Park Masterplan. The Masterplan proposal is in line with the following Council adopted strategies:

- **Parks Strategy 2016** – Casburn Park is identified as a Community Park, level of service 1.
- **Playspace Strategy 2020** – the playspace at Casburn Park is categorised as level of service 1.
- **Public Toilet Strategy 2017** – Wingello Hall public toilet is categorised as a Community Toilet and intended to be renewed in a more desirable location within Casburn Park.

The Draft Masterplan responds to specific requirements and action items identified in the strategies.

REPORT

The Draft Casburn Park Masterplan encompasses the vision and requirements of the community, stakeholders and the Council. The vision is:

“Casburn Park will become a welcoming and inclusive meeting place that supports the village activities through the provision of multifunctional spaces that promote social interaction and play in a safe parkland setting”.

The purpose of the Draft Masterplan is to set a clear and concise plan for the redevelopment of Casburn Park in its entirety. It also sets out detailed costing and staged works providing clear priorities and sequence in delivering the scheme.

COMMUNITY ENGAGEMENT

Council representatives and the specialist consultant have met with key stakeholders and community members. The objective of the event was to gain an in-depth knowledge and understanding of the needs of stakeholders/community to help shape the Draft Casburn Park Masterplan.

The event allowed Council to present three options to generate discussion and ideas. A survey was also provided to collate feedback from stakeholders and community. The key themes included:

- Safer streets and neighbourhood;
- Better parking facilities and public transport access;
- Better play equipment that responds to various age groups; and
- Better park facilities and accessible amenities including public toilet.

The specialist consultant has reviewed, assessed and reported on the feedback from the event. The Draft Casburn Park Masterplan is closely aligned with the outcomes of the community engagement.

Subsequent to the stakeholder engagement day, the ‘YourSay’ page also provided the community a platform to “Share Your Ideas” for the Draft Casburn Park Masterplan. The platform generated 9 separate ideas and comments on potential outcomes for the park which were also considered in shaping the Draft Masterplan.

Key stakeholders included representatives from the following groups/ associations:

- Wingello Village Store
- Wingello Rural Fire Service Station
- Wingello Public School
- Wingello Mechanics Institute Hall Management Committee
- Wingello Village Association

Key Indigenous representatives and the traditional land owners were also contacted during the stakeholder engagement.

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Based on the consultation and site assessment, the Draft Masterplan has adopted key objectives to drive outcomes for Casburn Park. These key objectives include:

- A park that is safe and welcoming;
- A park that promotes social interaction and fun;
- A park that is well connected and accessible;
- A park that is relaxing and green; and
- A park that celebrates the village narrative and character.

MASTERPLAN

In alignment with the vision and objectives, the Draft Masterplan implements the following design outcomes:

- Rationalise the public parking and bus stop area on Railway Parade.
- Gateway to village by implementing a “Village Plaza” and “Village Laneway” that tie the park, community hall and the village store into one cohesive public space.
- Replace exiting playspace with a Level 1 Playspace in line with the Playspace Strategy 2020. The proposed playspace will offer:
 - 3 x inclusive play items;
 - 2 x nature play elements;
 - 2 x champion piece item including rope climber/slide and a flying fox;
 - 1 x bicycle pump track; and
 - Over 20 x play features from the proposed play items.
- New accessible public toilet to align with Public Toilet Strategy 2017.
- New picnic shelters, BBQ facility, park furniture and informal open space for passive recreation.
- New laneway access at the rear of site with additional parking and service vehicle access.

COMMUNICATION AND CONSULTATION

Community Engagement

Once endorsed for public exhibition the Casburn Park Masterplan will be placed on exhibition for a period of 28 days, to allow the wider community to provide feedback on the proposed masterplan. Engagement activities will include:

- Exhibition of the Masterplan via YourSay page;
- Masterplan poster will be displayed at the community noticeboard at Wingello Mechanics Institute Hall;
- Hardcopies of the masterplan to be supplied to Wingello Village Store and playspace for distribution to the general community;
- Update Wingecarribee newsletter and Facebook page;
- Notification posted at Civic Centre and public libraries; and
- Email all key stakeholders with final masterplan and invite comments.

Internal Communication and Consultation

During the masterplan development various internal stakeholder meetings were conducted by the Assets team and specialist consultant. The internal stakeholders were also informed about the outcomes at key stages of the project. The internal stakeholders included:

- Infrastructure Services
- Roads and Traffic

External Communication and Consultation

The NSW Rural Fire Service was consulted in relation to Casburn Park being a Neighbourhood Safer Place. Feedback indicated the Draft Masterplan proposal is consistent with the requirements of a Neighbourhood Safer Place.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental implications in relation to this report.

- **Social**

The inclusion of all-abilities play equipment, appropriate parking and access paths will enhance the social aspects of the park for the community. The Masterplan has been designed to ensure that all visitors to the park can access the amenities, the playground and the parking area via safe pathways that meet Australian Standards. The inclusion of all-abilities play equipment and nature play aspects meet the Everyone Can Play guidelines and will ensure that Wingecarribee Shire is moving in step with the NSW Government's best practice recommendations.

The proposal enhances the social meeting centre for the village of Wingello, promoting positive health and wellbeing benefits including community resilience following the bushfires and enduring outcomes into the future.

- **Broader Economic Implications**

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

- **Culture**

The proposed Masterplan celebrates the rich history of Wingello Village by incorporating interpretive elements into the design interventions including the use of public art.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The funding strategy for the adopted Masterplan will be considered as part of the Annual Budget review process. It is intended that grant funding will be sought to progress the detailed design and construction of selected stages of the plan.

RELATED COUNCIL POLICY

Asset Management Policy

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OPTIONS

The options available to Council are:

Option 1

1. THAT the Draft Casburn Park Masterplan be endorsed for public exhibition for a period of twenty-eight (28) days commencing 27 January 2021.
2. THAT the Draft Casburn Park Masterplan incorporating community submissions be submitted to Council for adoption following the public exhibition.

Option 2

THAT Council does not endorse the Draft Casburn Park Masterplan for public exhibition.

Option No. 1 is the recommended option to this report.

CONCLUSION

Placing the Draft Casburn Park Masterplan on public exhibition and providing further opportunity for community feedback will enable the final masterplan to be submitted to Council for adoption.

ATTACHMENTS

1. Draft Casburn Park Masterplan - *circulated under separate cover*

11.5 Classification of Land - Renwick Community Centre

Reference:	PN1828910
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to classify the Renwick Community Centre at 55 Renwick Drive, Renwick (being Lot 100 in Deposited Plan 1267562) as Operational Land.

RECOMMENDATION

1. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to classify Lot 100 in Deposited Plan 1267562 in Renwick as Operational Land **AND THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
2. **THAT** if there are no objections during the period of public exhibition, the land known as Lot 100 in Deposited Plan 1267562 be classified as Operational Land pursuant to the *Local Government Act 1993*.
3. **THAT** the Mayor and General Manager be delegated authority to execute under the Common Seal of Council any documentation to enable the transfer to Council and classification of Lot 100 in Deposited Plan 1267562 referred to in Resolution 1 above.
4. **THAT** authority be delegated to the Mayor and General Manager to execute on behalf of Council any document associated with the transfer and classification referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

REPORT

BACKGROUND

The recently constructed Renwick Community Centre forms part of Renwick Estate and is located at 55 Renwick Drive, Renwick (being Lot 100 DP 1267562).

Attachment 1 to this report is an aerial map of the Centre.

Construction of the Community Centre was completed in October 2020 and handover of the Centre to Council has now taken place. Legal title to the land is in the process of being transferred to Council's ownership.

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REPORT

Pursuant to section 25 of the *Local Government Act 1993*, land must be classified as either Operational land or Community land.

Before Council acquires land, or within three (3) months after it acquires land, a Council may resolve that the land be classified as Community land or Operational land. Any land that is acquired by a Council that is not classified at the end of the period of three (3) months is taken to have been classified as community land.

All community land must be covered by a Plan of Management. No lease or licence can be entered into for any Council owned land that is not covered by a Plan of Management.

Attachment 2 to this report is a floor plan of the Renwick Community Centre.

Section 34 of the *Local Government Act 1993* provides for public notice to be given of classification by Council resolution. Public notice must include the terms of the proposed resolution and a description of the public land concerned. Public notice must specify a period of not less than 28 days during which submissions may be made to Council.

It is important to note that the classification of land as operational does not impose a particular use on Council. The classification of land is distinct from zoning or other planning controls which establish permissible use.

Classification as operational land does, however, provide flexibility for Council to deal with the land and to generate potential future leasing opportunities (where no Plan of Management is in place), enabling a positive outcome for the community.

COMMUNICATION AND CONSULTATION

Community Engagement

Following acquisition of the land, Council will issue a public notice of its intention to classify the land as Operational. This notice will be advertised for a minimum twenty eight days.

Internal Communication and Consultation

Assets

External Communication and Consultation

No external communication is required.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

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- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications.

RELATED COUNCIL POLICY

None identified

CONCLUSION

It is recommended that Council give a minimum twenty eight (28) days public notice of its intention to classify Lot 100 in Deposited Plan 1267562 in Renwick as Operational Land; and that if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.

ATTACHMENTS

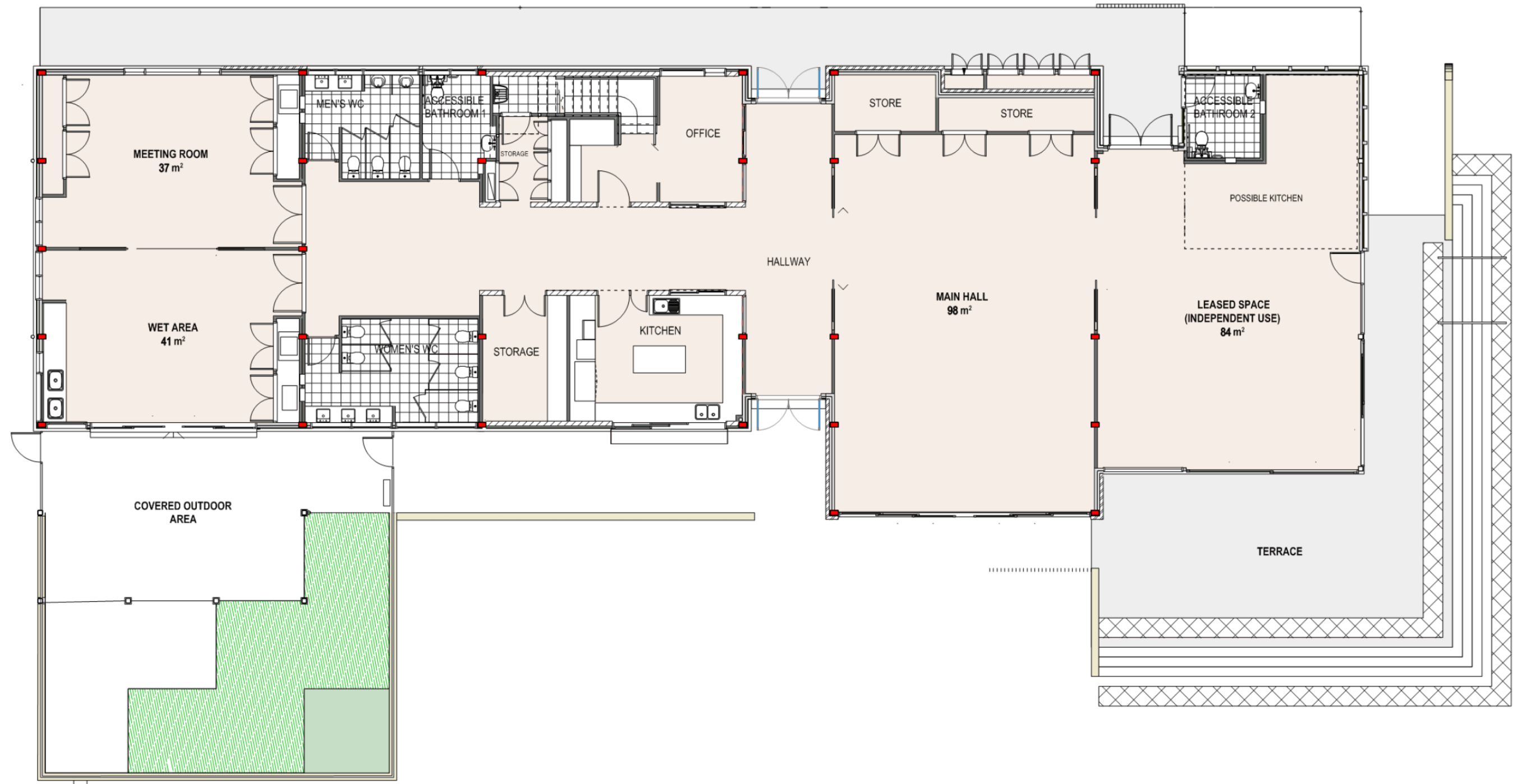
1. Attachment 1 - Aerial map
2. Attachment 2 - Plan of Renwick Community Centre



Attachment 1 - Aerial map

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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11.6 Application to be Appointed as Reserve Trust Manager of Various Crown Reserves Within Wingecarribee Shire

Reference: R19861, R100106, R190, R191, R253, R530062, R73406
Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for a number of Crown reserves which are currently managed by Council as devolved land.

RECOMMENDATION

THAT Council formally lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for the following Crown Reserves:

Reserve No.	Lot/Deposited Plan No.	Location	Name Reserve Known As (unofficial)
19861	Lot 273 DP 1153794	Mandemar Road, Berrima	Apple Street Reserve
100106	Lots 138-139 DP 751271	Wilson Drive, Balmoral	Commemoration Park
190	Lot 7013 DP 1026277	Wilkinson Street, Berrima	Berrima Weir Reserve
191	Lot 7012 DP 1026277	Iran Street, Berrima	Berrima Weir Reserve
253	Lots 701-702 Sec 20 DP 92837	Bowral Street, Welby	Mt Alexandra Reserve
530062	Lot 7301 DP 1132416	Argyle Street, Berrima	Part Recreation Reserve
73406	Lot 7300 DP 1146983	Railway Parade, Medway	Part Recreation Reserve
57815	Lots 3, 7-8, 10-12, 24-25, 76-79, 101-106 DP 751267, Lot 7010 DP 1024525, Lot 7006 DP 1056760, Lot 7005 DP 1056761, Lots 7001-7003 DP 1072639, Lot 7300 DP 1130816, Lot 7303 DP 1144615, Lot 4 DP 1158322	Leopold Street, Mittagong	Mt Alexandra Reserve
530067	Lots 7306-7307 DP 1146411	Leopold Street, Mittagong	Mt Alexandra Reserve
90284	Lot 3 DP 1158322	Leopold Street, Mittagong	Mt Alexandra Reserve

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Reserve No.	Lot/Deposited Plan No.	Location	Name Reserve Known As (unofficial)
223	Lot 7003 DP 1120076, Lots 94-100, 104, 132-142 DP 751275, Lot 7018 DP 1120085	Old Hume Highway, Welby	Welby Recreation Reserve
63869	Lots 1-3 Sec 4 DP 192048	Hume Highway, Paddys River	Paddys River Reserve
86099	Lot 7004 DP 1074737, Lots 1, 11-24 Sec 1 DP 192048, Lots 5-7 DP 250693, Lots 22-23 DP 250694, Lots 7021-7022 DP 1074735, Lots 7012-7014 DP 1074736	Hume Highway, Paddys River	Paddys River Reserve
88061	Lot 7005 DP 1074737, Lot 7309 DP 1167686	Hume Highway, Paddys River	Paddys River Reserve
55750	Lot 7017 DP 1032251	Pine Tree Road, Wingello	Wingello Recreational Reserve
89582	Lots 291, 405 DP 751302	Yeola Road, Robertson	Old Garbage Depot

REPORT

BACKGROUND

The Crown reserves the subject of this report are all categorised (or intended to be categorised) as bushland reserves within the Wingecarribee Shire Local Government Area.

The reserves are currently management by Council. The subject Crown reserves are currently devolved to Council under section 48 of the *Local Government Act 1993*.

REPORT

Although Council has not been appointed as Reserve Trust Manager for the Crown reserves which are the subject of this report, Council currently oversees the management and operations of the bushland reserves and has done so for many years.

The list of Crown reserves Council is seeking approval to lodge an application to become Reserve Trust Manager for is provided below:

Reserve No.	Lot/Deposited Plan No.	Location	Name Reserve Known as (unofficial)
19861	Lot 273 DP 1153794	Mandemar Road, Berrima	Apple Street Reserve
100106	Lots 138-139 DP 751271	Wilson Drive, Balmoral	Commemoration Park
190	Lot 7013 DP 1026277	Wilkinson Street, Berrima	Berrima Weir Reserve

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Reserve No.	Lot/Deposited Plan No.	Location	Name Reserve Known as (unofficial)
191	Lot 7012 DP 1026277	Iran Street, Berrima	Berrima Weir Reserve
253	Lots 701-702 Sec 20 DP 92837	Bowral Street, Welby	Mt Alexandra Reserve
530062	Lot 7301 DP 1132416	Argyle Street, Berrima	Part Recreation Reserve
73406	Lot 7300 DP 1146983	Railway Parade, Medway	Pat Recreation Reserve
57815	Lots 3, 7-8, 10-12, 24-25, 76-79, 101-106 DP 751267, Lot 7010 DP 1024525, Lot 7006 DP 1056760, Lot 7005 DP 1056761, Lots 7001-7003 DP 1072639, Lot 7300 DP 1130816, Lot 7303 DP 1144615, Lot 4 DP 1158322	Leopold Street, Mittagong	Mt Alexandra Reserve
530067	Lots 7306-7307 DP 1146411	Leopold Street, Mittagong	Mt Alexandra Reserve
90284	Lot 3 DP 1158322	Leopold Street, Mittagong	Mt Alexandra Reserve
223	Lot 7003 DP 1120076, Lots 94-100, 104, 132-142 DP 751275, Lot 7018 DP 1120085	Old Hume Highway, Welby	Welby Recreation Reserve
63869	Lots 1-3 Sec 4 DP 192048	Hume Highway, Paddys River	Paddys River Reserve
86099	Lot 7004 DP 1074737, Lots 1, 11-24 Sec 1 DP 192048, Lots 5-7 DP 250693, Lots 22-23 DP 250694, Lots 7021-7022 DP 1074735, Lots 7012-7014 DP 1074736	Hume Highway, Paddys River	Paddys River Reserve
88061	Lot 7005 DP 1074737, Lot 7309 DP 1167686	Hume Highway, Paddys River	Paddys River Reserve
55750	Lot 7017 DP 1032251	Pine Tree Road, Wingello	Wingello Recreational Reserve
89582	Lots 291, 405 DP 751302	Yeola Road, Robertson	Old Garbage Depot

As the reserves are currently devolved to Council, Council must obtain the consent of NSW Department of Planning, Industry and Environment – Crown Lands, as owner of the land for any works requiring development approval.

If Council is appointed as Reserve Trust Manager, this will enable Council to proceed with works within those reserves without requiring the consent of Crown.

Council is progressing the development of a Plan of Management (PoM) for Bushland Reserves. Council cannot currently include reserves in the PoM that are devolved to

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Council. Appointment as Reserve Trust Manager of the reserves the subject of this report would allow inclusion of those reserves within Council's Bushland PoM.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement is required to be undertaken by Council as this is an administrative matter between Council and NSW Department of Planning, Industry and Environment – Crown Lands.

Internal Communication and Consultation

Assets

Environment and Sustainability

External Communication and Consultation

NSW Department of Planning, Industry and Environment – Crown Lands

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications in relation to this report.

RELATED COUNCIL POLICY

There are no policy issues in respect of this report.

CONCLUSION

At present Council is not the Reserve Trust Manager of the Crown reserves the subject of this report. This report seeks formal approval to lodge an application to be appointed as

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Reserve Trust Manager for the subject devolved reserves which will allow Council to include the reserves in the Plan of Management for Bushland Reserves.

ATTACHMENTS

There are no attachments to this report.

11.7 Land Acquisition - Bowral

Reference:	PN1827780
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to acquire land for water services which will facilitate the installation of a permanent backup generator to the existing Wingecarribee Shire Council water pumping station, located adjacent to the affected property.

RECOMMENDATION

THAT the report concerning the potential acquisition of land in Bowral be considered in Closed Council – Item 19.3. This report is confidential in accordance with section 10A(2) of the *Local Government Act 1993*, under section 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Note: The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice)

Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, member of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice)

ATTACHMENTS

There are no attachments to this report.

11.8 Civic Centre Refurbishment Project

Reference:	40133
Report Author:	Group Manager Capital Projects
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
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 direction with respect to opportunities within the Civic Centre Refurbishment project to enhance the functionality of the building.

RECOMMENDATION

THAT Council adopts the proposal to modify the scope of the Civic Centre Refurbishment project and formally resolve to fund the increase in the project budget by a further \$850,000 AND THAT this increase be funded through additional loan borrowings in the 2020/21 Budget of \$850,000.

REPORT

BACKGROUND

Following an open and competitive tender process, Council awarded the Tender for the Civic Centre Refurbishment project to Matrix Group Co on 11 December 2019 (MN 566/19).

During the construction process numerous opportunities to improve the functionality of the building have been explored. The ageing building has constrained floorspace which does not adequately provide accommodation for Council's existing workforce and; provides for limited storage. Furthermore, opportunities have been identified regarding the aged functional layout of the civic meeting areas and the potential integration with the Council Chambers located on the first floor.

REPORT

The first opportunity explored was the void area located above the ground floor on the Donkin Avenue side of the Civic Centre. This void was never designated for use within the approved plans but creates an ideal opportunity that has been investigated for storage purposes.

It is proposed that an engineering solution is brought forward to suitably install first floor flooring in this void area. This would be a relatively simple undertaking while the building is under construction and would provide for much needed floor space to be initially utilised for storage, and if required in the future, as additional office space should the need arise.

The second opportunity relates to the newly created floorspace above the library, which again, was only referred to in the approved plans as a void or storage space. There is more

than 300 square metres of ideally situated floor space which has been investigated in terms of functionality and how best to serve Council's operations.

Due to the proximity to the Council Chambers, it is proposed that the area be fitted out to include relocation of the Mayor's office, Councillor office and meeting space, break out space, support and administrative services, a substantial meeting room, dedicated amenities and security access/egress into the Chamber. This proposal would centralise Council's formal civic functions.

There are numerous efficiencies to be gained by incorporating the proposed additions during the current construction process. Significant constructability constraints are imposed once the building is clad and finishes are in place, and considering the contractor is currently engaged and capable of undertaking the works, benefits are further achieved in terms of site costs.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement has been required.

Internal Communication and Consultation

Consultation has been undertaken with Councils Procurement, Assets and Project Delivery departments.

External Communication and Consultation

Consultation has been undertaken with the Principal Design Consultant.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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COUNCIL BUDGET IMPLICATIONS

A provisional, high level estimate for the additional works is \$850,000. It is proposed that these works be funded through increasing the loan borrowings previously approved by Council for this project from \$2 million to \$2.85 million.

It is important for Council to note that this provisional estimate will not be exceeded, and that further detailed designs of the additional scope of works will be developed with due consideration of this estimate.

The associated debt servicing with respect to this increase in loan borrowings would need to be sourced on a recurrent basis as part of the draft 2021/22 Budget.

RELATED COUNCIL POLICY

Councils Procurement Guidelines will be used to inform the process.

OPTIONS

The options available to Council are:

Option 1

THAT Council adopts the proposal to modify the scope of the Civic Centre Refurbishment project and formally resolve to fund the increase in the project budget by a further \$850,000 AND THAT this increase be funded through additional loan borrowings in the 2020/21 Budget of \$850,000.

Option 2

THAT Council does not adopt the proposals for the Civic Centre Refurbishment project.

Option No.1 is the recommended option to this report.

CONCLUSION

Council direction is sought with respect to the additional functional requirements outlined in this report, which seek to modify the scope of the current Civic Centre Refurbishment Project.

These additional functional requirements will improve the existing civic reception area and meeting rooms, and provide additional floor space for storage and potentially additional staff accommodation should it be required in the future.

ATTACHMENTS

There are no attachments to this report.

Richard Mooney

Acting Deputy General Manager Operations Finance and Risk

Thursday 3 December 2020

12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 26 October 2020 to 23 November 2020

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 26 October 2020 to 23 November 2020.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 26 October 2020 to 23 November 2020 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date Range: 26 October 2020 to 23 November 2020

****Denotes an application for a property that has been affected by the Green Wattle Creek or Morton Bushfires.**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	21/0447	81 Bresnahans Lane Avoca NSW 2577 Lot 4 DP 1015257	NA Brigstocke, T Brigstocke	Residential Alterations and Additions (Shed)	18/09/2020	0	39	39	27/10/2020
2	21/0482	18 Knowles Road Aylmerton NSW 2575 Lot 1 DP 1262718	GD Gearside	Dwelling House	23/09/2020	0	41	41	04/11/2020
3	21/0504 **	7 River Street Balmoral NSW 2571 Lot 101 DP 801667	EM Atkin	Residential Alterations and Additions (New Shed, Garage & Addition to Existing Shed)	25/09/2020	49	7	56	20/11/2020
4	21/0550 **	377 Railway Parade Balmoral NSW 2571 Lot 471 DP 787587	P Bare, C Bare	Residential Alterations and Additions (Deck, Garage, Shed)	06/10/2020	24	13	37	13/11/2020

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	21/0643 **	7 Station Street Balmoral NSW 2571 Lot 575 DP 749231	P Mallia	Residential Alterations and Additions (Shed, Studio)	20/10/2020	22	8	30	20/11/2020
6	20/1445	493 Belanglo Road Belanglo NSW 2577 Lot 5 DP 711048	MJ Everett, Reunion Investments Pty Limited	Farmstay and Dwelling House	17/06/2020	0	154	154	18/11/2020
7	20/1284	Church 5-13 Argyle Street Berrima NSW 2577 Part Lot 2 Sec 3 DP758098 & Lots 101-104 DP1004483	Anglican Church Property Trust Diocese Of Sydney	Vegetation Clearing	15/05/2020	97	81	178	10/11/2020
8	20/1472.01	Bendooley Estate 214 Greenhills Road Berrima NSW 2577 Lot 2 DP 584423	Bong Bong Pty Limited	Section 4.55 Modification (Relocate proposed Annexe and minor increase in size. Provision of fire place)	18/09/2020	0	55	55	13/11/2020
9	21/0191	59 Old Mandemar Road Berrima NSW 2577 Lot 422 DP 751252 Lot 423 DP 751252 Lot 1 DP 653010	G Chen, Y Mao	Residential Alterations and Additions (Alterations & Extensions)	06/08/2020	11	76	87	02/11/2020
10	15/0559.05	34 Oxley Drive Bowral NSW 2576 Lot 42 DP 1061156	N Hartnell, P Hartnell	Section 4.55 Modification (Extensions and Internal Alterations)	28/09/2020	0	51	51	19/11/2020
11	20/1131	56 Kangaloon Road Bowral NSW 2576 Lot 13 DP 11348	56 Kangaloon Pty Ltd	Demolish Existing Dwelling. Construct Seniors Housing - 4 single storey detached dwellings with garaging	15/04/2020	81	130	211	13/11/2020
12	21/0144	Church 28-30 Bendooley Street Bowral NSW 2576 Lot 1 DP 995850 Lot 2 DP 995850 Lot 1 DP 155385	Uniting Church Property Committee	Place of Public Worship (Alterations and Additions)	30/07/2020	0	110	110	17/11/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
13	21/0201	14 Harley Street Bowral NSW 2576 Lot 34 DP 842059	N Chahoud, CA Chahoud	Residential Alterations and Additions (Extensions)	10/08/2020	0	80	80	29/10/2020
14	21/0228	63 Kangaloon Road Bowral NSW 2576 Lot 2 DP 567003	PR Stevens- King, JD Stevens-King	Residential Alterations and Additions (Awning, Carport)	14/08/2020	48	41	89	12/11/2020
15	21/0232	16 Harley Street Bowral NSW 2576 Lot 33 DP 842059	LM Barrett, JS Barrett	Residential Alterations and Additions (Alterations & Extension)	14/08/2020	0	76	76	30/10/2020
16	21/0279	105 Kangaloon Road Bowral NSW 2576 Lot 3 DP 373804	GD Harrison, CT Harrison	Residential Alterations and Additions (Extensions)	21/08/2020	0	73	73	03/11/2020
17	21/0358	149 Merrigang Street Bowral NSW 2576 Lot 6 DP 1240587	RW Scheen, M Scheen	Dwelling House	03/09/2020	0	63	63	06/11/2020
18	21/0359	19 St Jude Street Bowral NSW 2576 Lot 11 Sec C DP 11838	RN Alchin, PA Alchin	Residential Alterations and Additions (Carport)	03/09/2020	0	61	61	04/11/2020
19	21/0380	14 Oxley Drive Bowral NSW 2576 Lot 102 DP 538864	D Cheng	Residential Alterations and Additions (Extensions)	09/09/2020	0	69	69	17/11/2020
20	21/0468	Bellbrook Park 18 Kimberley Drive Bowral NSW 2576 Lot 34 DP 771875	RC Scott	Residential Alterations and Additions (Swimming Pool)	22/09/2020	6	34	40	02/11/2020
21	21/0476	2 Minnows Drive Bowral NSW 2576 Lot 2 DP 869173	S Walker	Residential Alterations and Additions (Shed)	23/09/2020	0	40	40	02/11/2020
22	21/0586	24 St Clair Street Bowral NSW 2576 Lot 25 DP 1261548	AC Hucker, N Hucker	Residential Alterations and Additions (Shed)	12/10/2020	0	25	25	06/11/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
23	21/0655	30 Mansfield Road Bowral NSW 2576 Lot 1 DP 1189022	W Robinson, R Gordon	Residential Alterations and Additions (Detached Workshop)	22/10/2020	0	18	18	09/11/2020
24	21/0300	14-16 Railway Parade Braemar NSW 2575 Lot 24 Sec 2 DP 792 Lot 25 Sec 2 DP 792	KG Zabel	Residential Alterations and Additions (Garage)	26/08/2020	0	71	71	05/11/2020
25	20/1228.01	7 Penola Street Bundanoon NSW 2578 Lot 27 DP 831816	DE Le Cheminant	Section 4.55 Modification (Shed/Workshop)	22/09/2020	1	41	42	04/11/2020
26	20/1502.05**	6 Evelyn Avenue Bundanoon NSW 2578 Lot 7 DP 877525	D Sawatzky, J Hutchinson	Section 4.55 Modification (Amend condition pertaining to static water supply for fire fighting purposes)	26/10/2020	0	8	8	03/11/2020
27	21/0260	26 Blue Gum Road Bundanoon NSW 2578 Lot 21 DP 1232533	RJ Court, JA Hatch	Dwelling House	19/08/2020	13	61	74	02/11/2020
28	21/0381	18 Quarry Road Bundanoon NSW 2578 Lot D DP 390701	AW Levee, BR George	Residential Alterations and Additions (Swimming Pool)	09/09/2020	6	40	46	26/10/2020
29	21/0382	69-71 Penrose Road Bundanoon NSW 2578 Lot 9 DP 8906 Lot 10 DP 8906	PS Arbib	Dwelling House	09/09/2020	4	41	45	26/10/2020
30	21/0385	8 Idolwood Ridge Bundanoon NSW 2578 Lot 15 DP 1219744	VA Riepler, K Riepler	Dwelling House	09/09/2020	0	61	61	10/11/2020
31	21/0567	26 Grice Drive Bundanoon NSW 2578 Lot 25 DP 1232533	ZG Zebergs	Dwelling House	08/10/2020	0	29	29	06/11/2020

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32	20/1473	45-47 Toongoon Road Burradoo NSW 2576 Lot 3 DP 533856	P Boggs, S Boggs	Dual Occupancy (Detached)	22/06/2020	34	109	143	13/11/2020
33	21/0066.03	14 Sutherland Park Drive Burradoo NSW 2576 Lot 18 DP 1220167	KM Conroy	Section 4.55 Modification (Relocate Pool)	15/10/2020	0	11	11	26/10/2020
34	21/0079	1 Old Bong Bong Way Burradoo NSW 2576 Lot 241 DP 838980	B Terry, SA Terry	Residential Alterations and Additions (Extensions)	15/07/2020	58	60	118	12/11/2020
35	21/0334	12 Patchway Place Burradoo NSW 2576 Lot 56 DP 793882	NN McBride	Residential Alterations and Additions (Extensions, Swimming Pool, Garage)	31/08/2020	0	56	56	27/10/2020
36	21/0352	135 Osborne Road Burradoo NSW 2576 Lot 15 DP 262402	ER O'Neil, ATL O'Neil	Residential Alterations and Additions (Demolish Existing Shed. Construct New Shed)	03/09/2020	1	67	68	05/11/2020
37	21/0437	18 Church Street Burrawang NSW 2577 Lot 51 DP 159210	BN Terry, MA Terry	Residential Alterations and Additions (Internal Alterations)	17/09/2020	0	43	43	30/10/2020
38	21/0733	22 Hoddle Street Burrawang NSW 2577 Lot 2 DP 546644	DRN Johns	Residential Alterations and Additions (Internal Alterations)	03/11/2020	0	2	2	05/11/2020
39	21/0355	80 Balmoral Park Road Buxton NSW 2571 Lot 53 DP 1230007	NM Timbs, RJ Timbs	Farm Building	03/09/2020	0	69	69	12/11/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
40	18/0359.05	630 Tugalong Road Canyonleigh NSW 2577 Lot 13 DP 622684	Highland Olive Groves Pty Ltd	Section 4.55 Modification (Internal and External Alterations. Bushfire Protection Measures)	21/05/2020	0	161	161	30/10/2020
41	21/0308	6 Azalea Street Colo Vale NSW 2575 Lot 202 DP 1258135	BR Coulter, ZR Coulter	Dwelling House	27/08/2020	0	62	62	28/10/2020
42	21/0542	35 Ebony Place Colo Vale NSW 2575 Lot 12 DP 792443	G Gniewosz	Secondary Dwelling	02/10/2020	0	46	46	18/11/2020
43	21/0543	137 Colo Road Colo Vale NSW 2575 Lot 231 DP 1265949	D Sandor, RM Sandor	Dwelling House	02/10/2020	40	5	45	17/11/2020
44	21/0559	7 Bluebell Close Colo Vale NSW 2575 Lot 313 DP 1261011	MT Worner	Dwelling House	07/10/2020	0	28	28	04/11/2020
45	21/0575	19 Church Avenue Colo Vale NSW 2575 Lot 62 DP 787264	JD Weston, LC Tyers	Residential Alterations and Additions (Internal Alterations to an Existing Studio)	09/10/2020	0	33	33	12/11/2020
46	21/0644	15 Bluebell Close Colo Vale NSW 2575 Lot 309 DP 1261011	AM Meznaric	Dwelling House	21/10/2020	0	15	15	05/11/2020
47	20/0673.05	213 Ellsmore Road Exeter NSW 2579 Lot 1 DP 634137	S Haggerty, J Haggerty	Section 4.55 Modification (Extensions and Internal Alterations)	17/08/2020	0	76	76	01/11/2020
48	20/1280	574 Ellsmore Road Exeter NSW 2579 Lot 11 DP 1233979	O James	Subdivision (4 Lots)	15/05/2020	0	173	173	04/11/2020
49	21/0441	1 Carmen Lane Exeter NSW 2579 Lot 1 DP 1189585	MD Worrall, JL Worrall	Dwelling House, Swimming pool and Tennis court	18/09/2020	0	60	60	17/11/2020

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50	21/0544	43 School Lane Exeter NSW 2579 Lot 3 DP 621821	MW Singer	Residential Alterations and Additions (Extensions)	02/10/2020	0	31	31	03/11/2020
51	21/0609	106 Devon Road Exeter NSW 2579 Lot 1 DP 1244858	LM O'Connor, PT O'Connor	Residential Alterations and Additions (Swimming Pool)	15/10/2020	0	32	32	16/11/2020
52	21/0638	154 Old Argyle Road Exeter NSW 2579 Lot 422 DP 1028898	JR Sharp	Farm Building	20/10/2020	26	1	27	17/11/2020
53	21/0262	110 Shale Lane High Range NSW 2575 Lot 33 DP 1079054	Allfitz Construction, SI Fitzpatrick	Secondary Dwelling	19/08/2020	39	36	75	03/11/2020
54	21/0537	30 Hawthorne Lane Kangaloon NSW 2576 Lot 186 DP 751277 Lot 184 DP 751277 Lot 185 DP 751277	KA Hubble	Residential Alterations and Additions (Swimming Pool)	01/10/2020	0	26	26	27/10/2020
55	16/0009.07	Clear Hills 230 Medway Road Medway NSW 2577 Lot 12 DP 1245786	TKMMG Pty Limited	Section 4.55 Modification (New Water Main)	21/05/2020	142	19	161	30/10/2020
56	17/1377.07	46 Oxley Drive Mittagong NSW 2575 No Related Land	FG Holmwood	Section 4.55 Modification (Extension & Internal and External Alterations)	09/06/2020	0	142	142	29/10/2020
57	19/0758.05	21 Leopold Street Mittagong NSW 2575 Lot 2 DP 806402	KA Graham, M Obuchowski	Section 4.55 Modification (Continued use of existing studio. Remove conditions pertaining to dual occupancy)	04/11/2020	0	14	14	19/11/2020
58	20/0743.01	12-20 Nero Street Mittagong NSW 2575 Lots 1-5 Sec 5 DP 2133	A Pikkat, RC Pikkat	Section 4.55 Modification (Staging of development)	04/06/2020	0	152	152	04/11/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
59	21/0226	81 Diamond Fields Road Mittagong NSW 2575 Lot 12 DP 1226788	G Dinallo, R Dinallo	Dwelling House	13/08/2020	0	83	83	05/11/2020
60	21/0230	471 Woodlands Road Mittagong NSW 2575 Lots 2-3 DP 264624 & Enclosure Permit 307605	JM Forrest	Subdivision (Boundary adjustment)	14/08/2020	15	72	87	12/11/2020
61	21/0306	11 Robinson Street Mittagong NSW 2575 Lot 134 DP 1247015	Stone Walk Investments Pty Ltd, Willow Properties Pty Ltd	Dwelling House	27/08/2020	21	63	84	19/11/2020
62	21/0386	23 Tyndall Street Mittagong NSW 2575 Lot 4 DP 810736	El Isedale, GR Isedale	Strata Subdivision (2 Lots)	09/09/2020	0	64	64	12/11/2020
63	21/0651	9 Payten Street Mittagong NSW 2575 Lot 24 DP 877420	K Maclean	Residential Alterations and Additions (Extensions and Garage)	21/10/2020	0	7	7	28/10/2020
64	17/0270.01	36 Browley Street Moss Vale NSW 2577 Lot 5 DP 14457	M Bridges	Section 4.55 Modification (Replace Proposed Subdivision Plan)	03/09/2020	0	64	64	06/11/2020
65	20/1413	Cemetery 75 Berrima Road Moss Vale NSW 2577 Lot 2 DP 748714 Lot 1 DP 665909	Wingecarribee Shire Council	Moss Vale Cemetery Upgrade	11/06/2020	0	139	139	29/10/2020
66	21/0223	23/17 Old Dairy Close Moss Vale NSW 2577 Lot 25 S/P 101485	TCJ Fitch	Commercial Alterations and Additions (Internal Alterations)	13/08/2020	0	96	96	17/11/2020
67	21/0297	1 Lindsay Road Moss Vale NSW 2577 Lot 6 DP 1248979	RE Martin, CS Martin	Dwelling House	26/08/2020	19	63	82	16/11/2020

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68	21/0373	6480 Illawarra Highway Moss Vale NSW 2577 Lot 2 DP 508785 Part Lot 1 DP 529711	Council Of The Kings School	Demolition of existing amenities shed. Proposed new building containing toilets, store room and veranda covering a 62m ² footprint.	08/09/2020	0	72	72	20/11/2020
69	21/0391	13 Semkin Street Moss Vale NSW 2577 Lot 20 DP 262845	R Smuts, A Smuts	Residential Alterations and Additions (Extensions)	10/09/2020	0	52	52	02/11/2020
70	21/0461	6 Janice Crescent Moss Vale NSW 2577 Lot 45 DP 259783	D Jensen	Residential Alterations and Additions (Extensions and Internal Alterations)	21/09/2020	0	38	38	29/10/2020
71	21/0463	68a Watson Road Moss Vale NSW 2577 Lot 21 DP 1242206	P Zantis, J Zantis	Dwelling House	22/09/2020	9	41	50	11/11/2020
72	21/0708	16 Fitzroy Road Moss Vale NSW 2577 Lot 4 DP 1248979	MM Doyle, LR Doyle	Residential Alterations and Additions (Shed)	29/10/2020	0	1	1	30/10/2020
73	21/0736	2 Woodside Drive Moss Vale NSW 2577 Lot 189 DP 1095417	JD Daxner, L Daxner	Residential Alterations and Additions (Shed & Removal of Two (2) Trees)	03/11/2020	0	7	7	10/11/2020
74	21/0747	5 Torulosa Drive Moss Vale NSW 2577 Lot 118 DP 1232222	WM Chesterfield	Residential Alterations and Additions (Pergola)	04/11/2020	0	5	5	10/11/2020
75	11/0601.02	28 Narellan Road Moss Vale NSW 2577 Lot 2 DP 812784	P Marshall, J Marshall	Section 4.55 Modification (Extension)	17/09/2020	0	45	45	02/11/2020
76	21/0402	21 Green Street Renwick NSW 2575 Lot 71 DP 1221206	LA Cameron, CA Cameron	Dwelling House	14/09/2020	24	17	41	26/10/2020

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77	21/0480	34 George Cutter Avenue Renwick NSW 2575 Lot 61 DP 1221206	KA Blake, MS Blake	Dwelling House	23/09/2020	17	18	35	30/10/2020
78	21/0507	12 Sherwin Crescent Renwick NSW 2575 Lot 3026 DP 1260441	SE Barrell, L Hanley	Dwelling House and Detached Garage	28/09/2020	15	17	32	30/10/2020
79	21/0527	7 Oldfield Road Renwick NSW 2575 Lot 132 DP 1221206	Fuller Property Services Pty Ltd	Dwelling House	30/09/2020	19	15	34	03/11/2020
80	21/0555	20 Allen Avenue Renwick NSW 2575 Lot 149 DP 1221206	MJ Feld, JA Feld, EM Blackshaw, MR Feld	Residential Alterations and Additions (Retaining Wall)	06/10/2020	0	20	20	26/10/2020
81	21/0574	15 Plumb Street Renwick NSW 2575 Lot 1387 DP 1234992	GC Davis	Dwelling House	09/10/2020	0	27	27	05/11/2020
82	21/0603	13 George Cutter Avenue Renwick NSW 2575 Lot 1379 DP 1234992	CR Arlington, TR Arlington	Dwelling House	14/10/2020	1	18	19	03/11/2020
83	21/0639	16 Allen Avenue Renwick NSW 2575 Lot 147 DP 1221206	KW Godbolt, WA Godbolt	Dwelling House	20/10/2020	13	13	27	16/11/2020
84	21/0653	12 Plumb Street Renwick NSW 2575 Lot 1371 DP 1234992	MM Bow	Dwelling House	21/10/2020	15	11	26	17/11/2020
85	21/0656	66 George Cutter Avenue Renwick NSW 2575 Lot 1242 DP 1221207	MK Raut, NK Adhikari	Dwelling House	22/10/2020	15	11	26	17/11/2020
86	21/0657	20 Green Street Renwick NSW 2575 Lot 38 DP 1221206	BM Laybutt, TW Moore	Dwelling House	22/10/2020	6	11	17	09/11/2020
87	21/0179	5 Lees Road Robertson NSW 2577 Lot 1 DP 1014814	Jason Little Pty Ltd	Residential Alterations and Additions (Internal Alterations and Farm Building)	05/08/2020	0	85	85	30/10/2020

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88	21/0490	61 May Street Robertson NSW 2577 Lot 108 DP 1037958	SM Wynn, C DuBois	Residential Alterations and Additions (Extensions and Shed)	24/09/2020	0	32	32	27/10/2020
89	21/0688	Roseneath 277 Pearsons Lane Robertson NSW 2577 Lot 337 DP 751302	Clement Holdings Australia Pty Ltd	Residential Alterations and Additions (Tennis Court)	26/10/2020	0	11	11	06/11/2020
90	21/0704 **	430 Wattle Ridge Road Wattle Ridge NSW 2575 Lot 100 DP 1088254	Minister Administering The Sporting Venues Management Act 2002	Amenities Building	29/10/2020	2	12	14	13/11/2020
91	19/1635.05	21 Joadja Street Welby NSW 2575 Lot 10 Sec 17 DP 257004	S Coad, P Coad	Section 4.55 Modification (Deck, Internal Alterations)	29/09/2020	0	33	33	01/11/2020
92	21/0445	201 Rosedale Road Werai NSW 2577 Lot 12 DP 1183464	So Chilly Pty Limited	Residential Alterations and Additions (Swimming Pool)	18/09/2020	0	39	39	27/10/2020
93	20/0265.04	100 Blencowes Lane Wildes Meadow NSW 2577 Lot 12 DP 586550	Joamel Holdings Pty Ltd	Section 4.55 Modification (Convert carport to lock up garage)	27/10/2020	0	8	8	04/11/2020
94	21/0510	605 Myra Vale Road Wildes Meadow NSW 2577 Lot 2 DP 209346	A Boyd	Residential Alterations and Additions (Tennis Court Lighting)	28/09/2020	0	30	30	29/10/2020
95	21/0426	5a Drapers Road Willow Vale NSW 2575 Lot 21 DP 1192192	SA Gee, CG Gee	Residential Alterations and Additions (Sheds)	16/09/2020	0	57	57	12/11/2020
96	21/0568	17 Gascoigne Street Willow Vale NSW 2575 Lot 211 DP 1251819	L Muller, JH Muller	Residential Alterations and Additions (Shed)	08/10/2020	0	20	20	28/10/2020

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97	21/0022	36 Bumballa Road Wingello NSW 2579 Lot 4 DP 1261769	Wingello Holdings Pty Limited	Dwelling House	03/07/2020	60	56	116	28/10/2020
98	21/0483	1478 Highland Way Wingello NSW 2579 Lot 1 DP 1022532	R Geddes, K Geddes	Residential Alterations and Additions (Swimming Pool)	23/09/2020	0	32	32	26/10/2020
99	21/0502	250 Garbutts Road Wingello NSW 2579 Lot 5 DP 834700	All Round Developments Pty Limited	Residential Alterations and Additions (Tennis Court, Fencing & Basketball Ring)	25/09/2020	0	47	47	12/11/2020
100	21/0706	73 Railway Parade Wingello NSW 2579 Lot 1 Sec 2 DP 759097	KA Hamer	Residential Alterations and Additions (Swimming Pool)	29/10/2020	0	7	7	05/11/2020
101	14/0090.03	110 Kells Creek Road Woodlands NSW 2575 Lot 2 DP 262322	GG Coenen, KA Coenen	Section 4.55 Modification (Dwelling & Studio Alterations & Additions and New Carport)	11/09/2020	0	51	51	01/11/2020
102	21/0407	5C Kent Street Yerrinbool NSW 2575 Lot 8 DP 1234983	PA Royal, SJ Royal	Dwelling House	14/09/2020	0	55	55	09/11/2020
103	21/0636	3 Buchanan Close Bundanoon NSW 2578 Lot 217 DP 1266143	BA Bottalico, L Bottari	Dwelling House	20/10/2020	0	34	34	23/11/2020
104	20/0300.04	235 Wera Road Exeter NSW 2579 Lot 1 DP 828401	Nibico Pty Ltd	Section 4.55 Modification (Extensions)	13/11/2020	0	10	10	23/11/2020
105	21/0728	49A Renwick Drive Renwick NSW 2575 Lot 33 DP 1241461	T Wang	Dwelling House	03/11/2020	0	20	20	23/11/2020

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REFUSED APPLICATIONS

106	20/1251	7 Berrima Road Moss Vale NSW 2577 Lot 51 DP 714382	DA Eldridge	Subdivision (2 Lots)	08/05/2020	120	54	174	30/10/2020
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Reasons for Refusal

- Under Wingecarribee Local Environmental Plan 2010 (the LEP), the minimum size shown on the Lot Size Map in relation to the land is 700m². Whilst the proposed battle-axe shaped Lot 15 is 788.1m² in total area, 246.6m² of that area comprises a strip of land inside the subject land's northwestern side boundary, occupied by a proposed sealed access driveway. The remaining area of proposed Lot 15 available for actual residential development is 541.5m², which is considerably below the 700m² minimum that would be permitted in the locality for a regularly shaped lot with a full width road frontage.

Further, the smallest existing battle-axe shaped lots in the immediate locality are considerably larger than proposed Lot 15, with more than 700m² available for actual residential development.

Given the above:

- Whilst the proposed development does not contravene the minimum subdivision lot size standard specified by clause 4.1 (3) of the LEP, Council considers it uncharacteristic of the locality and contrary to the minimum subdivision lot size objective specified by clause 4.1 (1) (b) of the LEP:
 - to ensure that the subdivision of land to create new lots is compatible with the character of the surrounding land and does not compromise existing development or amenity.*
- Council considers the proposed development contrary to the residential amenity objectives specified by section A2.2.4 (a), (b) and (d) of the applicable Moss Vale Town Plan Development Control Plan:
 - Conserve the unique characteristics of existing residential areas of the Moss Vale township.*
 - Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*
 - Contribute to the enhancement of the urban amenity.*
- Council considers the proposed development unsatisfactory with respect to the provisions of section A7.1.1 of the applicable Moss Vale Town Plan Development Control Plan regarding minimum lot sizes.

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- (d) Council considers the proposed development likely to have a significant negative impact on the locality's character and amenity.
- (e) Council considers the land unsuitable for the proposed development.

[Environmental Planning and Assessment Act 1979, section 4.15 (1) (a) (i) & (iii), (b) and (c)]

2. Council considers the proposed development's sealed internal vehicle driveway potentially likely to negatively affect existing mature trees on the subject land and the adjoining Lot 342 DP833256. Information and documents accompanying the application do not indicate all potentially affected trees. Council requested the applicant provide additional information to address these omissions and takes the applicant to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the *Environmental Planning and Assessment Regulation 2000*.

Consequently:

- (a) Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objective specified by section A6.1.1 (a) of the applicable Moss Vale Town Plan Development Control Plan regarding preservation of trees and other vegetation:

(a) *Preserve the amenity, biodiversity and ecology of the Moss Vale township through the preservation of trees and other vegetation...*

- (b) Council considers the proposed development unsatisfactory with respect to the assessment considerations specified by section A6.1.7 (c) and (l) of the applicable Moss Vale Town Plan Development Control Plan regarding preservation of trees and other vegetation:

(c) *Whether the enjoyment of neighbouring land will be detrimentally affected. If so, notice may have to be given to persons owning or occupying adjoining land.*

(l) *Whether adverse impacts of the proposal have been adequately identified and will be satisfactorily mitigated.*

- (c) Council considers the proposed development likely to have a significant negative impact on the locality's character and amenity.
- (d) Council considers the land unsuitable for the proposed development.

[Environmental Planning and Assessment Act 1979, section 4.15 (1) (a) (iii), (b) and (c)]

3. The proposed development includes a right of access and sealed driveways across around 21m – or around 76% – of the land's frontage to Berrima Road, in contrast to around 5m or 18% of the land's road frontage being occupied by the land's existing access driveway.

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Council considers the proposed development:

- (a) Contrary to the objective specified by section C2.12.1 (d) of the applicable Moss Vale Town Plan Development Control Plan regarding garaging and driveways to ensure that:
 - (d) *Driveways shall be designed and located so as to be recessive in the streetscape.*
- (b) Unsatisfactory with respect to the specific controls specified by section C2.12.2 (l) and (m) of the applicable Moss Vale Town Plan Development Control Plan regarding garaging and driveways:
 - (l) *The width of the driveway at the street shall reflect the current streetscape.*
 - (m) *The width of the driveway on site shall not exceed the width of the garage opening and shall reflect the surface material currently in the streetscape.*
- (c) Likely to have a significant negative impact on the locality's character and amenity.

[Environmental Planning and Assessment Act 1979, section 4.15 (1) (a) (iii) and (b)]

4. Council does not consider the proposed development to be in the public interest.

[Environmental Planning and Assessment Act 1979, section 4.15 (1) (e)]

107	21/0035.02	216 Oldbury Road Sutton Forest	JE Ferguson, RA Ferguson	Section 4.55 Modification (Alter colour of roof)	16/09/2020		37	37	23/10/2020
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Reasons for Refusal

1. The removal of condition 15 would be inconsistent with the objectives of Section 5.10(1)(b) of the Wingecarribee Local Environmental Plan 2010 given the following:
 - i. The property historically forms part of the State Heritage listed Whitley Estate. An important heritage feature of the original house is its steep pitched roof with Marseilles Terracotta tile.
 - ii. The heritage landscape of Sutton Forest is of great significance and was recognised recently in an important heritage study (Cultural Landscape Assessment, Berrima Sutton Forest, Exeter Area prepared by Collen Morris a Landscape Heritage Consultant dated May 2017).



- iii. The tile should continue to be used, as it was in the past, to create cohesion in the landscape and reinforce relationships between its prominent buildings.
- iv. The roofscape of this proposal is its most prominent architectural feature given the landscape setting. The roof tile should match that of many of the original buildings in the area.
- v. The required tile was used through historic areas of Bowral and Sutton Forest and is a key feature of the heritage buildings and landscape of the local area.
- vi. The tile is essential to reinterpretation of the old dairy structure, which features this tile.

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

2. Council does not consider the proposed development to be in the public interest.

Section 4.15(1)(e) of the Environmental Planning & Assessment Act 1979)

ATTACHMENTS

There are no attachments to this report.

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12.2 Development Applications Received from 26 October 2020 to 23 November 2020

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory 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 update Councillors on Development Applications Received for the period 26 October 2020 to 23 November 2020.

RECOMMENDATION

THAT the information relating to Development Applications Received from 26 October 2020 to 23 November 2020 be received and noted.

REPORT

RECEIVED APPLICATIONS BY DATE RANGE

Date range: 26 October 2020 to 23 November 2020

*****Denotes an application for a property that has been affected by the Green Wattle Creek or Morton Bushfires.***

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	21/0761	22 Walkers Road Avoca NSW 2577 Lot 3 DP 717535	F Berriman	Residential Alterations and Additions (Swimming Pool)	09/11/2020		#PENDING		
2	21/0707	11 Station Road Aylmerton NSW 2575 Lot 9 Sec 4 DP 10484	RR Cairnduff	Secondary Dwelling. Demolish Garage. Construct Deck and Shed.	29/10/2020		#PENDING		
3	21/0097.05	4 Wingecarribee Street Berrima NSW 2577 Lot 3 DP 216552	J Barnes	Section 4.55 Modification (Additional Windows to South Elevation and Internal Alterations)	30/10/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
4	21/0813	41 Wilkinson Street Berrima NSW 2577 Lot 4 DP 546287	CCS Dyball	Dwelling House, Swimming Pool and Shed	16/11/2020		#PENDING		
5	17/1470.06	6 McDonald Street Bowral NSW 2576 Lot 5 DP 243730 Lot 6 DP 243730	SC Kinsella, JD Kinsella	Section 4.55 Modification (Carport, Extensions and Internal Alterations)	28/10/2020		#PENDING		
6	17/1822.11	2-18 Centennial Road Bowral NSW 2576 Lots 1-2 DP 1101892 Lots 4-11 DP 1101892	Waterbrook Bowral Pty Limited	Section 4.55 Modification (Alter stage dwelling layout to include two separate dwellings into one building. Reduce total number of dwellings from 25 to 24 in this stage with no change to total number of dwellings)	26/10/2020		#PENDING		✓
7	21/0099.01	20 Harley Street Bowral NSW 2576 Lot 31 DP 842059	CA Pinkstone	Section 4.55 Modification (Extensions)	20/11/2020		#PENDING		
8	21/0202.05	19 Carlisle Street Bowral NSW 2576 Lot D DP 153699	RA Corder, JE Corder	Section 4.55 Modification (Internal and External Alterations)	05/11/2020		#PENDING		
9	21/0690	202-208 Bong Bong Street Bowral NSW 2576 Lot 4 DP 1083084 Lot 5 DP 1083084	Daslsten Pty Ltd	First Use - Commercial Premises	26/10/2020		#PENDING		
10	21/0705	9 Bill O'Reilly Close Bowral NSW 2576 Lot 106 DP 732382	JR Thompson, J Thompson	Residential Alterations and Additions (Internal Alterations)	29/10/2020		#PENDING		

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11	21/0716	44 Ascot Road Bowral NSW 2576 Lot B DP 21044	A Bailey, ER Bailey	Residential Alterations and Additions (Extensions)	30/10/2020		#PENDING		
12	21/0720	115 Bowral Street Bowral NSW 2576 Lot 9 DP 844956	Goota Pty Ltd	Office Premises	02/11/2020		#PENDING		
13	21/0748	30 Banksia Street Bowral NSW 2576 Lot 1 DP 583419	JA Langley, LA Langley	Residential Alterations and Additions (Deck and Internal Alterations)	04/11/2020		#PENDING		
14	21/0750	14 Hamilton Avenue Bowral NSW 2576 Lot 2 DP 12768	TM Engvig	Residential Alterations and Additions (Carport)	04/11/2020		#PENDING		
15	21/0775	2A Wheen Close Bowral NSW 2576 Lot 112 DP 1238686	SM Petrocitto	Dwelling House	10/11/2020		#PENDING		
16	21/0778	4 Belmore Street Bowral NSW 2576 Lot 1 DP 798457 & Lots 18-19 Sec D DP 2630	N Kolak	Continued Use - Health Services Facility	11/11/2020		#PENDING		✓
17	21/0779	9 Alexandra Crescent Bowral NSW 2576 Lot 6 DP 840991	HA Barker, BR Barker	Dwelling House, Swimming Pool and Studio	11/11/2020		#PENDING		
18	21/0781	37 Sir James Fairfax Circuit Bowral NSW 2576 Lot 231 DP 1239600	J Collins	Dual Occupancy (Detached) and Subdivision (2 Lots)	11/11/2020		#PENDING		
19	21/0799	71 Oxley Drive Bowral NSW 2576 Lot 1 DP 986333	RN Turriziani	Dwelling House	12/11/2020		#PENDING		
20	21/0804	10 Caroline Avenue Bowral NSW 2576 Lot 111 DP 1231974	P Frost, M Armstrong	Residential Alterations and Additions (Patio)	13/11/2020		#PENDING		

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21	21/0818	42 Highland Drive Bowral NSW 2576 Lot 428 DP 881753	KF Bainbridge JA Bainbridge	Residential Alterations and Additions (Garage)	16/11/2020		#PENDING		
22	21/0822	6 Myrtle Street Bowral NSW 2576 Lot C DP 157898	C Toll	Residential Alterations and Additions (Retaining Wall)	16/11/2020		#PENDING		
23	21/0826	22 Boronia Street Bowral NSW 2576 Lot 2 DP 568664	CM Nohra, D Obeid	Residential Alterations and Additions (Extensions)	17/11/2020		#PENDING		
24	21/0827	1a Rose Street Bowral NSW 2576 Lot 22 DP 861779	SS Greenfield LC Kancans	Residential Alterations and Additions (Internal Alterations)	17/11/2020		#PENDING		
25	21/0837	26 Merilbah Road Bowral NSW 2576 Lot 31 DP 844189	B Mangkla, LA Barrett	Continued Use (Partial Garage Conversion and Dwelling Alterations and Additions)	17/11/2020		#PENDING		
26	21/0838	14 Kangaloon Road Bowral NSW 2576 Lot 2 DP 798459	KE Wilson	Dwelling House	17/11/2020		#PENDING		
27	21/0846	15 Oxley Drive Bowral NSW 2576 Lot 2 DP 260073	HRSM Ta-Me, C Mackintosh	Secondary Dwelling and Studio	18/11/2020		#PENDING		
28	21/0854	79 Alice Avenue Bowral NSW 2576 Lot 22 DP 1044937	AF Reekie, S Reekie	Residential Alterations and Additions (Internal Alterations and Extension)	19/11/2020		#PENDING		
29	21/0858	15 Loftus Street Bowral NSW 2576 Lot 5 Sec 4 DP 976973 Lot 6 Sec 4 DP 976973	Castworks (NSW) Pty Limited	Extensions to Shed and Enclosure	20/11/2020		#PENDING		

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30	11/1041.05	Waste Facility 8 Kiama Street Bowral NSW 2576 Lot 13 DP 1022146 Lot 14 DP 1022146	Bowral Landfill Pty Ltd	Section 4.55 (2) Modification (Receive additional 25,000 Tonnes of general solid waste per annum)	16/11/2020		#PENDING		✓
31	20/0442.01	10 Tyree Place Braemar NSW 2575 Lot 2 DP 1225697	Tycan Australia Pty Ltd	Section 4.55 Modification (Reduce number of Approved Lots from 11 Lots to 9 Lots)	04/11/2020		#PENDING		
32	21/0702	17 Drapers Road Braemar NSW 2575 Lot 5 DP 715213	17 Drapers Road Pty Limited	Hard stand	28/10/2020		#PENDING		
33	20/1502.05 **	6 Evelyn Avenue Bundanoon NSW 2578 Lot 7 DP 877525	DI Sawatzky, J Hutchinson	Section 4.55 Modification (Amend condition pertaining to static water supply for fire fighting purposes)	26/10/2020		#APPROVED	03/11/2020	
34	21/0698	14 Lochinvar Drive Bundanoon NSW 2578 Lot 214 DP 1266143	D Phillpott	Dwelling House	27/10/2020		#PENDING		
35	21/0829	17 Ross Street Bundanoon NSW 2578 Lot 10 DP 1136	M Angelini, C Angelini	Dwelling House	17/11/2020		#PENDING		
36	21/0848	20 Lochinvar Drive Bundanoon NSW 2578 Lot 211 DP 1266143	M New	Dwelling House	18/11/2020		#PENDING		
37	21/0780	39 Werrington Street Burradoo NSW 2576 Lot 20 DP 856053	AG Roth	Residential Alterations and Additions (Extensions and Swimming Pool)	11/11/2020		#PENDING		

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38	21/0805	39 Elizabeth Street Burradoo NSW 2576 Lot 16 DP 801191	W McCarthy, L McCarthy	Residential Alterations and Additions (Swimming Pool)	13/11/2020		#PENDING		
39	21/0733	22 Hoddle Street Burrawang NSW 2577 Lot 2 DP 546644	DRN Johns	Residential Alterations and Additions (Internal Alterations)	03/11/2020		#APPROVED	05/11/2020	
40	21/0816	3 Barrett Street Burrawang NSW 2577 Lot 90 DP 1235432	Sanvic Pty Limited	Residential Alterations and Additions (Swimming Pool)	16/11/2020		#PENDING		
41	21/0724	Hickory Hill 1440 Tugalong Road Canyonleigh NSW 2577 Lot 14 DP 554106	HA Smith, M Smith	Residential Alterations and Additions (Shed)	02/11/2020		#PENDING		
42	21/0695	137 Colo Road Colo Vale NSW 2575 Lot 231 DP 1265949	D Sandor, RM Sandor	New Garage and Two Sheds	27/10/2020		#PENDING		
43	21/0782	1415 Wilson Drive Colo Vale NSW 2575 Lot 2 DP 786013	PM Hardie, K Hardie	Residential Alterations and Additions (Garage)	11/11/2020		#PENDING		
44	21/0786	5 Bluebell Close Colo Vale NSW 2575 Lot 314 DP 1261011	JE Kelly, TM Timbs	Dwelling House	12/11/2020		#PENDING		
45	21/0803	50 Wattle Street Colo Vale NSW 2575 Lot 5 Sec 11 DP 2389	AC Kilpatrick, N Marland	Demolish Existing Shed. Residential Alterations and Additions (Extensions) and New Garage	13/11/2020		#PENDING		
46	21/0840	3a Beech Street Colo Vale NSW 2575 Lot 3 DP 1260623	DN Murdoch, PG Murdoch	Dwelling House	18/11/2020		#PENDING		
47	21/0857	St Matthews 1971 Kangaloon Road East Kangaloon NSW 2576 Lot 3 DP 773276	SAH Given	Residential Alterations and Additions (Extensions)	19/11/2020		#PENDING		

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48	20/0300.04	235 Weraí Road Exeter NSW 2579 Lot 1 DP 828401	Nibico Pty Ltd	Section 4.55 Modification (Internal and External Alterations. New Carport)	13/11/2020		#APPROVED	23/11/2020	
49	21/0723	Tallwood 632 Old Argyle Road Exeter NSW 2579 Lot 1 DP 1149258	RA Simpson, C Simpson	Residential Alterations and Additions (Extensions, Vegetation Clearing - Removal of 1 tree)	02/11/2020		#PENDING		
50	21/0726	431 Old Argyle Road Exeter NSW 2579 Lot 21 DP 532017 Lot 2 DP 877253 Lot 12 DP 1191350	R Sparks, Boambolo Pastoral Company Pty Limited	Farm Building and Covered Arena	03/11/2020		#PENDING		
51	21/0744	Invergowrie 72- 74 Bundanoon Road Exeter NSW 2579 Lot 1 DP 522290 Lot 2 Sec 7 DP 58913 Lot 1 DP 102191	Nilac Pty Ltd	Continued Use of Residential Extension	04/11/2020		#PENDING		
52	21/0749	30 Indigo Lane Exeter NSW 2579 Lot 8 DP 1180426	MB Magill, KR Magill	Partial use of the site for horticultural purposes, being a potted plant propagation facility.	04/11/2020		#PENDING		
53	21/0844	32 Norwood Street Exeter NSW 2579 Lot 641 DP 717065	PM Lawler, DW Lawler	Subdivision (4 Lots)	18/11/2020		#PENDING		

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54	08/1042.09	24 Exeter Road Exeter NSW 2579 Lot 1 DP 596495 Lot A DP 927745 Lot 4 DP 660174	Malcolm Holdings Pty Limited	Section 4.55 (Amend condition 41 (b)(iii) to allow use of decorative gravel paving with concrete edging within the drainage reserve between Lots 11 and 12 and removal of pathway barriers)	27/10/2020		#PENDING		
55	21/0745	1211 Nowra Road Fitzroy Falls NSW 2577 Lot 107 DP 1121074	S Hinde, AM Hinde	Residential Alterations and Additions (Shed)	04/11/2020		#PENDING		
56	21/0771	102 Somerset Road Fitzroy Falls NSW 2577 Lot 2 DP 883677	NW Gubbins, K Gubbins	Farm Building	10/11/2020		#PENDING		
57	21/0752	233 Sproules Lane Glenquarry NSW 2576 Lot 3 DP 881390	JW Danaher	Residential Alterations and Additions (Pergola and Swimming Pool)	05/11/2020		#PENDING		
58	21/0820	406 Sheepwash Road Glenquarry NSW 2576 Lot 402 DP 751303	JH Olsen	Residential Alterations and Additions (Swimming Pool)	16/11/2020		#PENDING		
59	21/0797	Wombaroo 162 Black Spring Road High Range NSW 2575 Lot 1 DP 1158096	The Outdoor Education Group C/ Charlie Hurrey	Temporary Use of Land - Rowany Medieval Festival	12/11/2020		#PENDING		
60	21/0855	2025 Wombeyan Caves Road High Range NSW 2575 Lot 4 DP 708447	SS Nance, N Nance	Dwelling House	19/11/2020		#PENDING		
61	21/0710	11 Pearce Street Hill Top NSW 2575 Lot 1 DP 719984	BJ Kennedy	Residential Alterations and Additions (Awning)	29/10/2020		#PENDING		

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62	21/0776	73 Cumberteen Street Hill Top NSW 2575 Lot 2 DP 778055	ZDF Everingham	Residential Alterations and Additions (Shed)	10/11/2020		#PENDING		
63	21/0831	7 Wattle Ridge Road Hill Top NSW 2575 Lot 8 DP 807117	SP Cassidy, M Cassidy	Residential Alterations and Additions (Shed)	17/11/2020		#PENDING		
64	17/1038.07	13 Brewster Street Mittagong NSW 2575 Lot 30 DP 9299	TPFT Generation Pty Ltd	Section 4.55 Modification (Amend floor levels. Alter approved fencing materials. Alter condition pertaining to aerials.)	02/11/2020		#PENDING		
65	17/1444.19	10 Owen Street Mittagong NSW 2575 No Related Land	Owen Street Pty Ltd	Section 4.55 Modification (Reduction of proposed buildings 3, 4 and 5 and additional of proposed building 6)	17/11/2020		#PENDING		
66	19/0758.05	21 Leopold Street Mittagong NSW 2575 Lot 2 DP 806402	KA Graham, M Obuchowski	Section 4.55 Modification (Studio)	04/11/2020		#APPROVED	19/11/2020	
67	21/0694	165 Aylmerton Road Mittagong NSW 2575 Lot 10 DP 604587	AB Cargill, HA Cargill	Farm Building	27/10/2020		#PENDING		
68	21/0713	10 Apple Gate Close Mittagong NSW 2575 Lot 1 DP 1087886	CE Fuller	Residential Alterations and Additions (Shed)	30/10/2020		#PENDING		
69	21/0721	33 Alfred Street Mittagong NSW 2575 Lot 117 Sec K DP 1289	KE Goard, TA Selby	Residential Alterations and Additions (Garage)	02/11/2020		#PENDING		
70	21/0737	8 Greyladies Lane Mittagong NSW 2575 Lot 1 DP 709751	L Peters, A Richardson	Residential Alterations and Additions (Extensions)	03/11/2020		#PENDING		

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71	21/0789	62a Oxley Drive Mittagong NSW 2575 Lot 1 DP 1255026	JF Mickley, A Endersby	Dual Occupancy (Attached)	12/11/2020		#PENDING		
72	21/0795	59 Southey Street Mittagong NSW 2575 Lot 401 DP 1162944	RJ House	Residential Alterations and Additions (Carport and Shed)	12/11/2020		#PENDING		
73	21/0801	13 Albert Street Mittagong NSW 2575 Lot 2 DP 510192	J Birta, M Birta	Dwelling House	13/11/2020		#PENDING		
74	21/0806	25 Faraday Street Mittagong NSW 2575 Lot 301 DP 839117	PS Hoye, KM Forrester	Demolish Existing Garage. Residential Alterations and Additions (Extensions, New Garage and Verandah)	13/11/2020		#PENDING		
75	21/0832	28 Lyell Street Mittagong NSW 2575 Lot 2 Sec 12 DP 111201	TA Willoughby	Dwelling House	17/11/2020		#PENDING		
76	21/0852	10 Thomas Street Mittagong NSW 2575 Lot 4 Sec 20 DP 111201	T Drummond, M Drummond	Continued Use - Deck	19/11/2020		#PENDING		
77	17/1200.04	57-61 Throsby Street Moss Vale NSW 2577 Lot 8910 DP 1242286	Robertson & Sons Quality Development Pty Ltd	Section 4.55 Modification (Internal alterations to two bedroom villas and alter façade)	17/11/2020		#PENDING		
78	20/1251.01	7 Berrima Road Moss Vale NSW 2577 Lot 51 DP 714382	DA Eldridge	Section 82A Review Subdivision (2 Lots)	19/11/2020		#PENDING		
79	21/0697	32 Watkins Drive Moss Vale NSW 2577 Lot 112 DP 1037722	D Gawthorne	Residential Alterations and Additions (Fence)	27/10/2020		#PENDING		

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80	21/0703	49 Yarrawa Street Moss Vale NSW 2577 Lot 11 DP 813345	Alpha DBM Pty Ltd	Strata Subdivision (8 Lots)	28/10/2020		#PENDING		
81	21/0708	16 Fitzroy Road Moss Vale NSW 2577 Lot 4 DP 1248979	MM Doyle, LR Doyle	Residential Alterations and Additions (Shed)	29/10/2020		#APPROVED	30/10/2020	
82	21/0732	The Niche 18 Pine Street Moss Vale NSW 2577 Lot 2 DP 39243	SM Strangman	Residential Alterations and Additions (Extensions)	03/11/2020		#PENDING		
83	21/0736	2 Woodside Drive Moss Vale NSW 2577 Lot 189 DP 1095417	JD Daxner, L Daxner	Residential Alterations and Additions (New Shed & Removal of Two (2) Trees)	03/11/2020		#APPROVED	10/11/2020	
84	21/0747	5 Torulosa Drive Moss Vale NSW 2577 Lot 118 DP 1232222	WM Chesterfield	Residential Alterations and Additions (Pergola)	04/11/2020		#APPROVED	10/11/2020	
85	21/0757	94 Darraby Drive Moss Vale NSW 2577 Lot 4057 DP 1242576	Broughton Street Moss Vale Pty Limited	Subdivision (3 Lots)	05/11/2020		#PENDING		
86	21/0770	3 Snowy Gum Rise Moss Vale NSW 2577 Lot 39 DP 1252867	BM McGlynn	Residential Alterations and Additions (Shed)	10/11/2020		#PENDING		
87	21/0772	32 Lovelle Street Moss Vale NSW 2577 Lot 12 DP 866036	Prime Moss Vale Pty Limited	Interim Wastewater Treatment System to service Stage 1 Subdivision under DA 20/0227	10/11/2020		#PENDING		✓
88	21/0807	8 Endeavour Circuit Moss Vale NSW 2577 Lot 1171 DP 1256881	M Hewson, ER Hewson	Dwelling House	13/11/2020		#PENDING		
89	21/0836	35 Narellan Road Moss Vale NSW 2577 Lot 104 DP 1232222	V Kamerling	Dwelling House	17/11/2020		#PENDING		

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AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
90	21/0853	61 Parkes Road Moss Vale NSW 2577 Lot 17 DP 258712	T Sultana, JA Sultana	Residential Alterations and Additions (Shed)	19/11/2020		#PENDING		
91	21/0735	877 Penrose Road Penrose NSW 2579 Lot 46 DP 1264078	AE Watanabe	Moveable Dwelling	03/11/2020		#PENDING		
92	21/0728	49a Renwick Drive Renwick NSW 2575 Lot 33 DP 1241461	T Wang	Dwelling House	03/11/2020		#APPROVED	23/11/2020	
93	21/0741	24 Challoner Rise Renwick NSW 2575 Lot 10 DP 1221206	T Martinovic, E Martinovic	Dwelling House	04/11/2020		#PENDING		
94	21/0742	2 Guthawah Way Renwick NSW 2575 Lot 715 DP 1234984	MF Williams, R Williams	Residential Alterations and Additions (Shed)	04/11/2020		#PENDING		
95	21/0787	78a Bong Bong Road Renwick NSW 2575 Lot 2 DP 1252836	DK Solomon, A Solomon	Dwelling House	12/11/2020		#PENDING		
96	21/0793	30 Windeyer Street Renwick NSW 2575 Lot 1360 DP 1234992	L Elsworth, A Butler	Dwelling House	12/11/2020		#PENDING		
97	21/0824	6 Sherwin Crescent Renwick NSW 2575 Lot 3023 DP 1260441	BM Cleary, RK Cleary	Dwelling House	16/11/2020		#PENDING		
98	21/0851	4 Sherwin Crescent Renwick NSW 2575 Lot 3022 DP 1260441	A Arlington	Dwelling House	19/11/2020		#PENDING		
99	21/0864	2 Windeyer Street Renwick NSW 2575 Lot 1398 DP 1234992	D Payne, J Payne	Dwelling House and Secondary Dwelling	20/11/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
100	19/0978.04	491 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 244159	DE Klimenko, BA Klimenko	Section 4.55 Modification (Internal and External Alterations. New Shed)	18/11/2020		#PENDING		
101	21/0688	Roseneath 277 Pearsons Lane Robertson NSW 2577 Lot 337 DP 751302	Clement Holdings Australia Pty Ltd	Residential Alterations and Additions (Tennis Court)	26/10/2020		#APPROVED	06/11/2020	
102	21/0699	360 Belmore Falls Road Robertson NSW 2577 Lot 109 DP 751302	K Iredale	Farm Building	27/10/2020		#PENDING		
103	21/0769	104 Yeola Road Robertson NSW 2577 Lot 2 DP 547434	N Georgouras L Georgouras	Dwelling House	10/11/2020		#PENDING		
104	21/0788	122 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 590435	DW Pascoe, AHY Townsend	Residential Alterations and Additions (Swimming Pool)	12/11/2020		#PENDING		
105	21/0802	170 Wallaby Hill Road Robertson NSW 2577 Lot 3 DP 731833	Yarrawa Park Pty Ltd	Demolition of existing dwelling and construction of replacement dwelling	13/11/2020		#PENDING		
106	21/0812	500 Fountaindale Road Robertson NSW 2577 Lots 208-209 & 234- 235 DP 751302 Enclosure Permit 43517	JE Mauger	Subdivision (Boundary Adjustment and Lot Consolidation)	16/11/2020		#PENDING		
107	21/0740	337 Oldbury Road Sutton Forest NSW 2577 Lot 5 DP 245007	ER Liddell, YE Pietsch	Farm Building	04/11/2020		#PENDING		
108	21/0811	3078 Canyonleigh Road Sutton Forest NSW 2577 Lot 1 DP 1141890	R Henderson, M Henderson	Dwelling House	13/11/2020		#PENDING		

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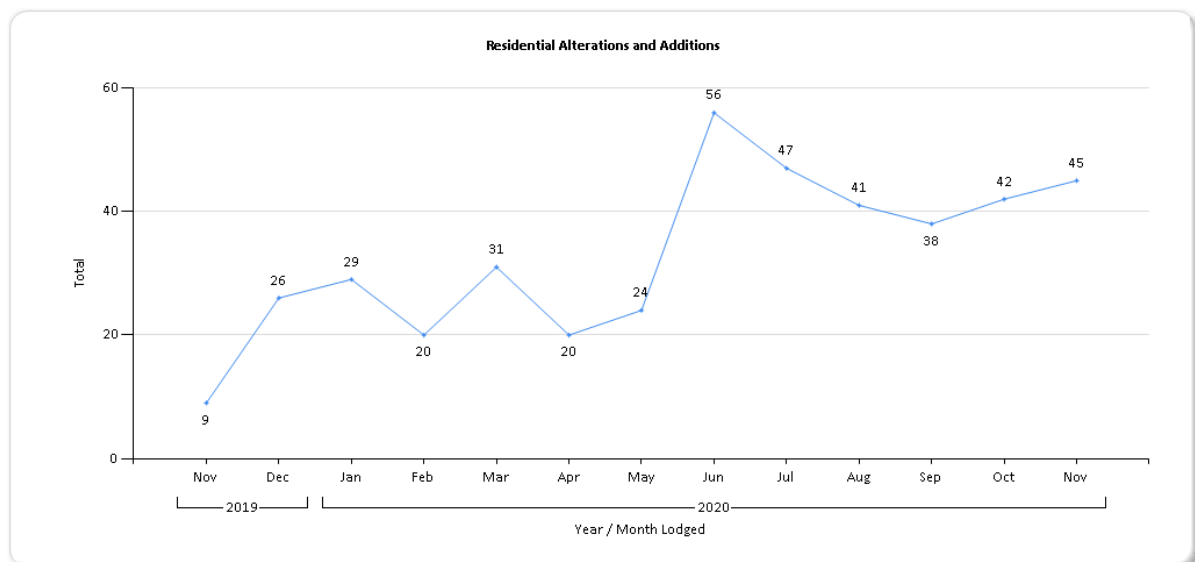
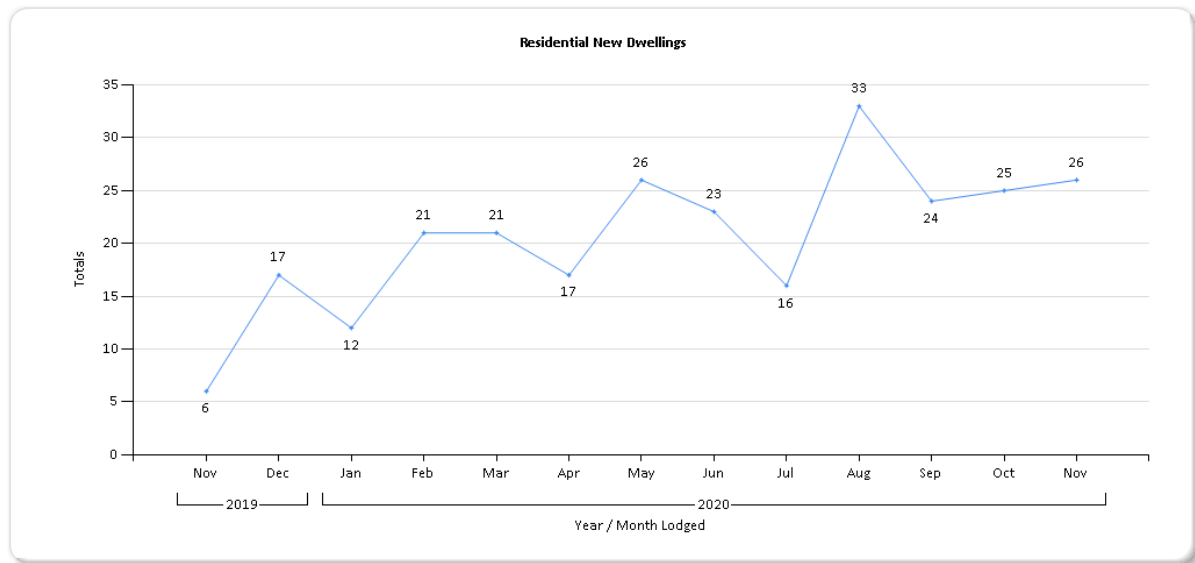
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
109	21/0704 **	430 Wattle Ridge Road Wattle Ridge NSW 2575 Lot 100 DP 1088254	Minister Administering The Sporting Venues Management Act 2002	Amenities Building	29/10/2020		#APPROVED	13/11/2020	
110	20/0265.04	100 Blencowes Lane Wildes Meadow NSW 2577 Lot 12 DP 586550	Joamel Holdings Pty Ltd	Section 4.55 Modification (Convert Carport to lock up Garage)	27/10/2020		#APPROVED	04/11/2020	
111	21/0794	16 Ritchie Road Willow Vale NSW 2575 Lot 3 DP 1240585	KI Dalpra, DR Dalpra	Residential Alterations and Additions (Swimming Pool)	12/11/2020		#PENDING		
112	21/0696	Forest Hill 1392 Highland Way Wingello NSW 2579 Lot 1 DP 838894	RA Doonan	Residential Alterations and Additions (Shed)	27/10/2020		#PENDING		
113	21/0706	73 Railway Parade Wingello NSW 2579 Lot 1 Sec 2 DP 759097	KA Hamer	Residential Alterations and Additions (Swimming Pool)	29/10/2020		#APPROVED	05/11/2020	
114	21/0869	13a North Street Moss Vale NSW 2577 Lot 91 DP 1252188	GD Rannard	Dwelling House	23/11/2020		#PENDING		
115	21/0879	28-32 Camden Street Wingello NSW 2579 Lot 1 DP 1103480	IV Fletcher, R Seal	Residential Alterations and Additions (Carport, Deck)	23/11/2020		#PENDING		

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ATTACHMENTS

There are no attachments to this report.

12.3 Draft Development Control Plan Amendments - Engineering Specifications - Outcomes of Public Exhibition

Reference:	5700
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to seek a resolution of Council to adopt the draft Amendments to Council's Development Control Plans (as exhibited) to ensure consistency with Council's draft Engineering Design and Construction Specifications.

VOTING ON THE MATTER

Councillors are required to record their vote.

RECOMMENDATION

1. **THAT** Council adopt the draft Development Control Plan (DCP) amendments as exhibited (Attachment 1);
2. **THAT** the amendments be reflected in relevant sections of all Development Control Plans for the Shire; and
3. **THAT** the amended DCP provisions and accompanying updated Engineering Design and Construction Specifications be in effect from 01 January 2021 **AND** **THAT** Council accepts a three (3) month transition period commencing 1 January 2021.
4. **THAT** the adoption of the updated Engineering Design and Construction Specifications and the DCP amendments be notified to local planning and engineering consultants, as well as notified on the Community Update page on Council's website, **AND THAT** a Media Release be prepared.

REPORT

BACKGROUND

In conjunction with the *Wingecarribee Local Environmental Plan (WLEP) 2010*, Council's Development Control Plans (DCPs) are the primary assessment tool by which Council considers and assesses Development Applications.

The DCPs guide development within the Shire, to ensure development is managed in a way that is in keeping with the community's expectations. Council's LEP and DCP is supported by a set of Engineering Specifications, which set out specific design and construction standards for all infrastructure to be delivered by Council and / or the development industry within the Shire.

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REPORT COORDINATOR STRATEGIC LAND USE PLANNING



Council has undertaken a review of the entire suite of engineering specifications, to provide the local design and construction industry with greater clarity and consistency, and up to date industry procedures. The revised Engineering and Design Specifications were developed through extensive internal consultation, and targeted external consultation with industry representatives, to ensure the Specifications were robust and easy to use and understand.

The revised Engineering Design and Construction Specifications will ensure that all public infrastructure (whether delivered by Council or the development industry), will meet the standards required by Council. As part of this review, Council has aligned its specifications with Aus-Spec which is industry recommended and supported by the Institute of Public Works Engineering Australasia (IPWEA).

Council's current DCPs contain, in some circumstances, detailed engineering controls. As part of the engineering specifications review, Council is seeking to establish a single set of standards to provide greater clarity and consistency to the design and construction industry. To this end, all engineering standards have been incorporated into the draft Engineering Design and Construction Specifications as the single set of standards for works within the Wingecarribee Shire.

At the Ordinary Meeting of 9 September 2020, Council resolved to exhibit draft Amendments to Council's DCPs that sought to remove all engineering standards from the DCP and ensure that there was no unnecessary duplication between the DCP and Engineering Specifications. It also ensures that as standards change over time, there is no inconsistency between Council's DCP provisions and Engineering Specifications.

The draft amendments to Council's DCPs were publicly exhibited from 28 September to 26 October 2020 (inclusive) in accordance with Council's resolution. This report provides an overview of the outcomes of the public exhibition period and seeks Council endorsement to adopt the draft amendments to Council's DCPs as exhibited.

The draft amendments to Council's DCPs (as exhibited) are shown in **Attachment 1** to this report.

REPORT

PUBLIC EXHIBITION

The draft amendments to Council's DCPs were publicly exhibited for 32 days from 28 September to 26 October 2020 (inclusive) in accordance with the Council resolution on 9 September 2020. A copy of the proposed Engineering Design and Construction Specifications were provided with the exhibition material.

The exhibition was advertised on Council's website, as well as through Council's 'Your Say Wingecarribee' website. The exhibition was also promoted via e-newsletter to approximately 2,000 subscribers.

Hard copies of the exhibition material were made available in Council's Civic Centre during the exhibition period, for people to access information over the customer service counter.

A total of one (1) submission was received during the public exhibition period. However, the submission related to the Engineering Design and Construction Specifications rather than the draft DCP amendments.

The submission highlighted a number of issues with private / public access roads within the Engineering Design and Constructions Specifications. The concerns raised in the submission are addressed in the draft Engineering Design and Construction specifications under section 1.5.9. However, in order to alleviate any confusion, section 1.5.9 of the draft

Engineering Design and Construction Specifications has been amended. The corresponding detail in Standard Drawing SD164 has also been amended.

There are no changes proposed to the exhibited DCP Amendments as it directly references the Engineering Specifications to maintain consistency.

IMPLEMENTATION PLAN

The proposed amendments to Council's DCPs and engineering specifications will directly impact the design of infrastructure and development applications within the Shire. In larger developments, detailed design work can take a number of months, and is a significant cost to the applicant. It is therefore important to allow an appropriate lead time to introduce the updated engineering specifications to ensure the industry has adequate time to adapt to Council's new design and construction requirements.

It is recommended that the DCP amendments and updated Engineering Design and Construction Specifications be introduced with a three (3) month transition period commencing on 1 January 2021. During the transition period, applications will be accepted where they are designed to either the current or revised specifications. After the three (3) month transition period, all new applications will be required to be designed based on the revised Engineering Design and Construction Specifications. The three (3) month transition period will ensure that larger design projects will not be unfairly impacted by a sudden change in Council's standards.

The proposed transition arrangements were publicly exhibited along with the draft amendments to Council's DCPs and the draft Engineering Design and Construction Specifications.

COMMUNICATION AND CONSULTATION

Community Engagement

The revised Engineering and Design Specifications were developed through extensive internal consultation, and targeted external consultation with industry representatives, to ensure the Specifications were robust and easy to use and understand.

Internal Communication and Consultation

The draft Amendments have been prepared in consultation with Council's Development Engineering, Assets and Infrastructure Services staff.

External Communication and Consultation

The revised Engineering and Design Specifications were developed through targeted external consultation with industry representatives, to ensure the Specifications were robust and easy to use and understand.

SUSTAINABILITY ASSESSMENT

• Environment

The draft Amendments to Council's DCPs and engineering specifications will ensure that infrastructure design and construction manages any impacts on the environment, consistent with the community's expectations.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The draft Amendments to Council's DCPs and engineering specifications will improve the quality of public infrastructure and assets and in turn reduce Councils maintenance and renewal requirements.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications associated with this report.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

1. THAT Council adopt the draft Development Control Plan (DCP) amendments as exhibited (Attachment 1);
2. THAT the amendments be reflected in relevant sections of all Development Control Plans for the Shire; and
3. THAT the amended DCP provisions and accompanying updated Engineering Design and Construction Specifications be in effect from 01 January 2021 AND THAT Council accepts a three (3) month transition period commencing 01 January 2021.
4. THAT the adoption of the updated Engineering Design and Construction Specifications and the DCP amendments be notified to local planning and engineering consultants, as well as notified on the Community Update page on Council's website, AND THAT a Media Release be prepared.

Option 2

THAT Council not proceed with the draft Development Control Plans amendments.

Option **No. 1** is the recommended option to this report.

CONCLUSION

This report is seeking Council's endorsement to adopt draft Amendments to Council's DCPs (as exhibited) to remove duplication and ensure consistency with the draft Engineering Design and Construction Specifications.

These amendments will provide a clear and single source of information in relation to engineering specifications, ensure any inconsistencies between Council documents are avoided, and ensure quality assets are provided well into the future.

ATTACHMENTS

1. Draft DCP Provisions - Engineering Review - *circulated under separate cover*



12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

Reference:	LUA08/1042.09
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Malcolm Holdings Pty Ltd
Owner:	Malcolm Holdings Pty Ltd
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to consider Modification Application 08/1042.09 which seeks development consent for the updating of conditions in regard to the previous modification determined by the NSW LEC and the amendment of condition 41 to remove a requirement for bollards and a concrete pathway and enable the use of crushed aggregate instead at Lot 1 DP 596495, Lot A DP 927745, Lot 4 DP 660174, being 24 Exeter Road, Exeter. The variation proposed being the pathway construction material is a departure from council's standards and therefore requires a Council resolution to approve or refuse the request. This report is prepared for determination, and recommends APPROVAL, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Modification Application 08/1042.09 for the updating of conditions in regard to the previous modification determined by the NSW LEC and the amendment of condition 41 to remove a requirement for bollards and a concrete pathway and enable the use of crushed aggregate at Lot 1 DP 596495, Lot A DP 927745, Lot 4 DP 660174 No 24 Exeter Road, Exeter be APPROVED subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The site is known as Lot 1 DP 596495, Lot A DP 927745, Lot 4 DP 660174 being No 24 Exeter Road, Exeter. The site is 66,1569sqm or 66.1569ha and an uneven shape as shown below.

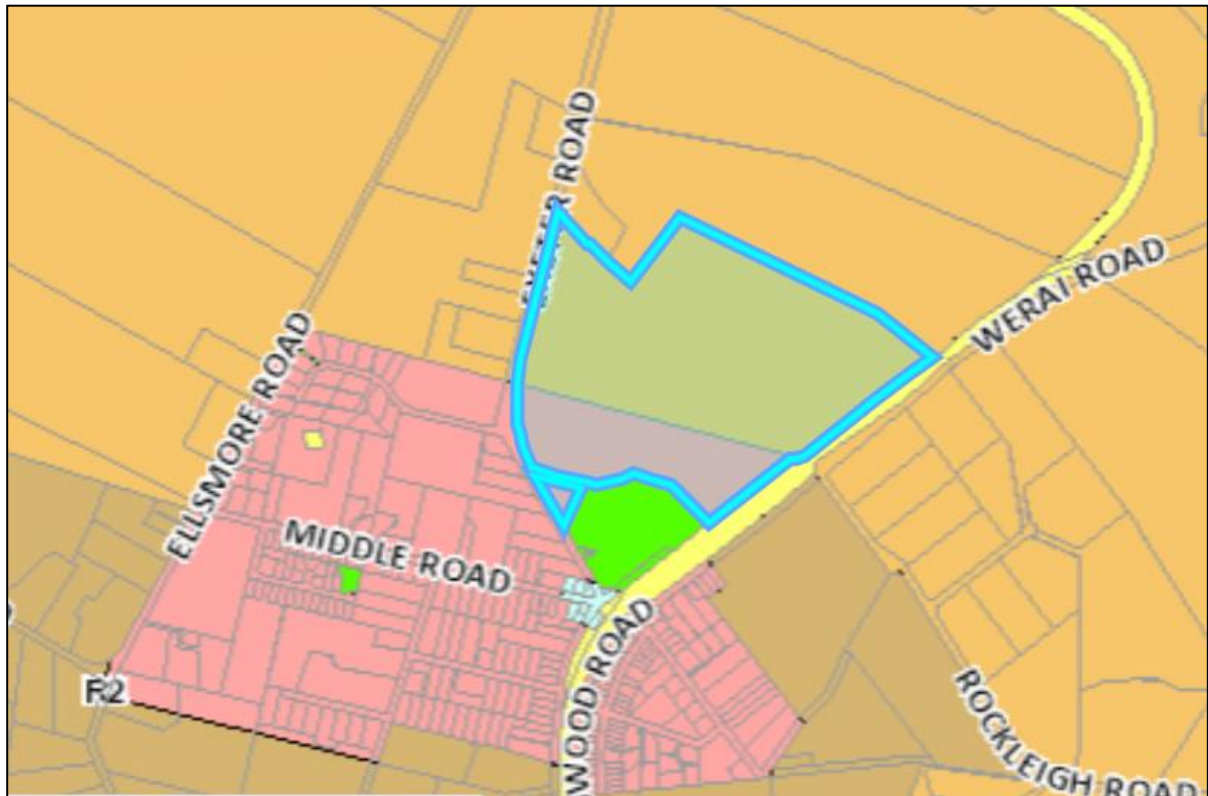


Figure 1: Locality plan with zoning (E3 & R2)

Background

On 4 February 2010 Council granted development consent DA 08/1042 for subdivision of the subject land and carrying out of works to create 25 lots and carrying out of works for the purpose of a road. The consent has subsequently been modified five times (excluding this modification).

Proposed Development

The proponent requests that the conditions be reviewed in the context of the previously issued modification consent dated December 2018 by the NSWLEC and the previously approved modification known as 08/1042.05.

The proponent requests that the following previously requested and unsupported amendment to condition 41 be re-considered:

Condition of Consent 41 (b)(iii)

'Concrete paving 1.4m wide within the drainage reserve between Lots 11 and 12. Pathway to extend from the boundary with Exeter Park and cross the existing drainage channel within the park, with a structure and in a location to be approved by Council's Parks and Property Division. Pathway barriers are to be installed at each end in accordance with Standard Drawing No SO 130. Pathways within tree protection zones are to be constructed in accordance with Standard Drawing SO 161.'

Proposed Modification to condition 41 sought as follows:

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'Decorative gravel paving 1.4 metres wide with concrete edging within the drainage reserve between Lots 11 and 12. Pathway to extend from the boundary with Exeter Park and cross the existing drainage channel within the park, with a structure and in a location to be approved by Council's Parks and Property division'.

Consideration of requested modifications:

The conditions have been reviewed and updated to reflect the changes as required by the NSW LEC in the context of the previous approval being 08/1042.05.

It is noted that the previous Modification approval did include an administrative error due to the lack of information available at the time i.e. the NSW LEC Consent Orders (conditions). There was a cross over between the previous modification application being issued and the NSW LEC consent order conditions being applied which related to two (2) separate Modification applications.

In regard to the request to change the materials for the construction of the footpath leading from the new subdivision as approved at 24 Exeter Road, Exeter known as 'Vine Lodge' to Exeter Park from concrete to crushed aggregate a referral was made to Council's Development Engineers and subsequently Council's Assets Branch for consideration.

Following detailed consideration Council's Assets Branch has advised that unless there is a compelling argument from a heritage perspective to build a decomposed granite footpath, preference is given to provision of a concrete footpath 2 – 2.5m in width due to ongoing maintenance issues associated with the construction of a granite footpath. It is noted however that other footpaths have been provided within the public domain by Council in the Exeter Village constructed from decomposed granite for the purposes of being consistent with the heritage context of the village.

Council's Development Engineers provided advice on 1 December 2020 stating that granite material may be an acceptable solution for the low pedestrian traffic footpath. Council must however balance the increase in the maintenance liability associated with the decomposed granite treatment against the provision of a concrete footpath in a heritage context. Council's Development Engineers have advised that given other footpaths located in the locality are of a decomposed granite construction, they have not opposed the current modification in its current form.

Accordingly, condition 41(b)(iii) is now put to Council for consideration in the following form:

(iii) 'Construction of Footpath in Pathways

(iv) ~~Concrete~~ Crushed aggregate footpath paving 1.4m wide within the drainage reserve between Lots 11 and 12. Pathway to extend from the boundary with Exeter Park and cross the existing drainage channel within the park, with a ~~structure~~ footbridge and in a location to be approved by Council. ~~Pathway barriers are to be installed at each end in accordance with Standard Drawing No SD130. Pathways within tree protection zones are to be constructed in accordance with Standard Drawing SD 161.~~

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979, section 4.55—Modification of consents—generally

Section 4.55 (1A) and (3) of the Act specifies as follows:

4.55 Modification of consents—generally

- (1A) *Modifications involving minimal environmental impact* A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The proposed modification meets requirements for this type of modification application being a 1A. With respect to section 4.55 (3) of the Act, the proposed modification has been considered with regard to the matters referred to in section 4.15 (1) that are relevant to the development the subject of the modification application, as discussed below:

Section 4.15 Evaluation

(1) Matters for consideration—general

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

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

It has been demonstrated that the modifications proposed are consistent with the aims of the *Wingecarribee Local Environmental Plan 2010*.

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

Not applicable.

(iii) *any development control plan, and*

It has been demonstrated that while the development may not satisfactorily comply with all relevant controls, the planning outcome is supported.

(iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.

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

Not applicable.

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

Not applicable.

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

There will be no negative localised impacts.

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

The use of the site for a residential subdivision with public infrastructure been previously approved and its suitability established.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

As noted through the submissions of support received, this approval of this application as recommended does not offend the public interest.

State Environmental Planning Policies

- State Environmental Planning Policy No 55—Remediation of Land
 - Clause 2—Object of this Policy



- Clause 7—Contamination and remediation to be considered in determining development application
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
 - Clause 3—Aims of Policy
 - Clause 9—Recommended practices and performance standards of Water NSW
 - Clause 10—Development consent cannot be granted unless neutral or beneficial effect on water quality.

The application was referred to Water NSW being located within the area covered by this SEPP. Water NSW responded stating that they did not object to the proposal subject to the retention of the previously issued General Terms of Approval (these are included in the draft consent at **Attachment 1**).

Local Environmental Plans

Under this instrument the relevant part of the property is zoned R2 (Low Density Residential). The proposal is found to be consistent with the objectives included below:

R2 Low Density Residential

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

The provisions of the Wingecarribee Local Environmental Plan 2010 have previously been considered and this application includes no change that warrants further assessment under this instrument. The proposal is, therefore, found to be consistent with the WLEP 2010

Development Control Plans

The proposal does not offend the aims of the Exeter Village Development Control Plan or the Rural Lands Development Control Plan and is recommended for approval subject to conditions at **Attachment 1**.

The following aspects of the Exeter Village Development Control Plan have been considered in the context of this Modification Application:

- Part A—Provisions applicable to all land
 - Section 2—General objectives
 - Section A2.2—Objectives of this plan
 - Section A2.3—Heritage conservation
 - Section A2.4—Residential amenity
 - Section A2.5 (misnumbered A1.2 in DCP document)—Road reserves
 - Section 4—Water management

- Section A4.3—Development in Sydney's drinking water catchments
 - Section A4.5—Stormwater management plan
 - Section A4.6—Erosion and sediment control plans
- Section 7—Vegetation management and landscaping
 - Section A7.1—Preservation of trees and other vegetation
- Section 8—Subdivision, demolition, siting and design
 - Section A8.1—Subdivision of land
 - Section A8.4—Cut and fill
 - Section A8.6—Design principles within a heritage context
 - Section A8.9—Retention of visual character
 - Section A8.10—Heritage items
 - Section A8.11—Principles of minimum acceptable design
 - Section A8.12—Public views and vistas
 - Section A8.14—Performance objectives for heritage items, draft heritage items, contributory buildings/places and non-contributory buildings/places
 - Section A8.15—New development within the vicinity of heritage items
- Section 9—Safer by design
 - Section A9.3—Crime prevention through environmental design
 - Section A9.4—Specific design requirements
- Section 10—Construction standards and procedures
 - Section A10.8—Stormwater disposal
- Part C—Provisions applicable to residential-zoned land
 - Section 1—Introduction
 - Section C1.2—Objectives.

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CONSULTATION

Pre-lodgement Meeting

None held in regard to this modification however numerous discussions were held prior to lodgement to assist the proponent establish the correct process in regard to the modifications sought.

External Referrals

Referrals	Advice/Response/Conditions
Water NSW	No objections subject to retention of previously issued General Terms under MOD08/1042.05, which have been retained in the draft consent at Attachment 1 .

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineers	Development Engineers have no objection to the proposed use of decomposed granite aggregate that is consistent with other footpaths in the public domain within Exeter Village for heritage reasons. The retention of the footpath at the approved width of 1400mm width will not require the use of bollards at either end of the footpath infrastructure.
Assets Branch	The Assets Branch prefer a concrete footpath of 2000mm in width or 2500mm in width of concrete construction unless there is a compelling heritage reason to provide decomposed sandstone. This is due to ongoing maintenance costs.

Neighbour Notification (or Advertising)/Public Participation

The Modification Application was Neighbour Notified for a period of 14 days between 5 November 2020 and 27 November 2020 and Council received two (2) submissions during the submission period. The issues raised in the submissions have been summarised and are considered below:

- *Support for proposed use of crushed aggregate and no requirement for bollards due to visual intrusion.*

Comment – The support is noted, and approval has been recommended.

SUSTAINABILITY ASSESSMENT

• *Environment*

There are no environmental impacts 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 development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2020/21: OP167 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

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

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

The use of decomposed granite aggregate material will marginally increase the maintenance costs of Council as opposed to the use of the concrete for the purposes of the footpath.

RELATED COUNCIL POLICY

An assessment of the proposed development has been made against the Wingecarribee Local Environmental Plan 2010, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and the Exeter Village Development Control Plan within the report.

OPTIONS

The options available to Council are:

Option 1

THAT Council determine the section 4.55 modification application by way of approval subject to the amended conditions at Attachment 1.

Option 2

THAT Council determine the section 4.55 modification application by way of refusal for reasons to be provided.

Option No. 1 is the recommended option to this report.

CONCLUSION

Whilst it is acknowledged that the proposed pathway construction material is a departure from Council's standard requirements for public infrastructure, given the heritage location and existence of Council approved crushed granite pathways already in use in Exeter, the request has been recommended to Council to support and approve the Modification Application 08/1042.09.

ATTACHMENTS

1. Attachment 1 Draft Conditions of Consent

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

ATTACHMENT 1 Attachment 1 Draft Conditions of Consent



SUMMARY SCHEDULE OF MODIFIED CONDITIONS

1. Compliance – AMENDED BY MODIFICATION OF CONSENT ON 09 DECEMBER 2020

Except where otherwise specified by conditions of consent, the development shall be carried out in accordance with the documents accompanying the development application and subsequent applications to modify consent, and the stamped consent drawings set out in the following table including any notations or amendments made by Council. In the event of an inconsistency between drawings set out below, the more recently dated drawing shall prevail to the extent of the inconsistency unless otherwise specified by conditions of consent.

Drawing Title	Reference / Version	Prepared By	Dated
Proposed Subdivision of Lot A, DP927745, Lot 4 DP 660174 and Pt Rd 20.115W	Drawing No 14206-DA3, Issue G	Campbell & Anderson Consulting Surveyors Pty Ltd (drawn by RA; Issue G drawn by JC)	8 April 2008 (Issue G dated 2 October 2009)
Stage Plan	Job Drawing Number 1704 STP01, Revision A	Civil Development Solutions (drawn by RJA)	29 March 2017
Concept Drainage / Sediment and Erosion Control Plan	Job Drawing Number 1704 CD01, Revision B	Civil Development Solutions (drawn by GD)	25 July 2017
Overall Site Layout Plan	Job Drawing Number 1704 CC01, Revision C	Civil Development Solutions (drawn by JC; amended by Council to correct numbering of proposed Lot 12)	14 October 2019 (Revision C dated 14 May 2020)
Letter of support / Description of works	1257.04.01/ko.eg	Architectural Projects Pty Ltd	25 November 2020
Material testing Report – DGB-20 – 20MM Road Gravel	8/20	Boral	25.08.20-09.09.20
75mm Sandstone subbase information	Email dated 19/11/20	Zivil.com	19 November 2020

Reason: *To clearly specify the documents on which development consent is based.*

14. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Maintenance – AMENDED BY MODIFICATION OF CONSENT ON 09 DECEMBER 2020

The creation of a "Positive Covenant" on the linen plan and title of proposed Lots 8-15 and 19-25 showing the location of stormwater facilities and requiring that the proposed stormwater facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument is to make provision for Council to conduct maintenance on the subject stormwater facilities at the owner's expense if the stormwater facilities are not maintained to the agreed standard. Details shall be provided for the approval of the Group Manager Planning Development and Regulatory Services **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

NOTE: A standard format is available from Council.

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

ATTACHMENT 1 Attachment 1 Draft Conditions of Consent



15. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Alterations – AMENDED BY MODIFICATION OF CONSENT ON 20 DECEMBER 2020

The creation of a "Restriction as to User" on the linen plan and title of proposed Lots 8-15 and 19-25 to prevent any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council. Details to be provided for the approval of the Group Manager Planning Development and Regulatory Services **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

41. Provision of Works and Services – AMENDED BY MODIFICATION OF CONSENT ON 20 DECEMBER 2020

The provision, by the Applicant, at their expense, of the following works and services to be documented and constructed in accordance with Council's ~~Development Control Plan No 44~~ Engineering Standards/Specifications and Planning Guidelines to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Water and Sewer Authority Conditions

Prior to issue of a Construction Certificate, the Applicant must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

(a) Stormwater Drainage

(i) Construction of Stormwater

Provision of adequate stormwater drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of stormwater passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by the Development Control Engineer. The point of discharge is to be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear, ie provision of drainage easements.

(ii) Control of Peak Discharge

Adequate and suitable infrastructure is to be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed for the 100 year ARI design storm and Council's ~~Development Control Plan No 44~~ Engineering Standards/Specifications and Planning Guidelines. Any stormwater temporarily stored on site shall be done in a manner that does not jeopardise public safety. In this regard the Applicant shall provide a risk assessment with the Construction Certificate Application.

(iii) Detention Systems

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the Australian Rainfall & Runoff. All batters shall be in accordance with Council's ~~Development Control Plan No 44~~ Engineering Standards/Specifications

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

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and Planning Guidelines to facilitate maintenance and provide a safe environment.

(iv) Fencing – Public Reserves/Drainage Reserves/Council Lands

Developer at their expense is required to erect fencing to all public reserves, drainage reserves or Council owned land to ensure public safety. Details of fencing to be submitted to Council for approval **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE.**

(b) Access and Roadworks

(i) Construction of Right of Carriageway

Construction of right of carriageway surfaced with two coat seal bitumen for a minimum of 4.5 metres wide within Lot 4.

(ii) Construction of Road Pavement – CONDITION FURTHER MODIFIED 2/12/11

All road pavement construction is to be in accordance with ~~Development Control Plan No 44~~ Engineering Standards/Specifications and Planning Guidelines and to the satisfaction of the Group Manager Planning Development and Regulatory Services .

(a) Construction of road pavements surfaced with two coat bitumen seal with concrete edge strips in residential subdivision roads. The access road within the subdivision shall be constructed to the widths and profiles shown in the typical sections depicted in LandTeam Drawing 14206-CI 04 Issue A.

NOTE: Where the subdivision is staged and required road works are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council's Development Engineer.

(iii) Construction of Footpath in Pathways

~~Concrete~~ Crushed aggregate footpath paving 1.4m wide within the drainage reserve between Lots 11 and 12. Pathway to extend from the boundary with Exeter Park and cross the existing drainage channel within the park, with a ~~structure~~ footbridge and in a location to be approved by Council. ~~Pathway barriers are to be installed at each end in accordance with Standard Drawing No SD130. Pathways within tree protection zones are to be constructed in accordance with Standard Drawing SD 161.~~

(iv) Construction of Rural Crossing

Rural vehicular entrances for access in accordance with Standard Drawing Nos SD110 and SD123 to provide access to the lots.

(v) Provision of Public Lighting

(a) Provide public lighting in accordance with the requirements of ~~Development Control Plan No 44~~ Engineering Standards/Specifications and Planning Guidelines to the intersection of Exeter Road and proposed road.

(b) Columns are to be hot dip galvanised from Integral Energy's standard range.

(c) Luminaires are to be from Integral Energy's standard range and are to be approved by

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Council prior to being ordered.

(vi) Street Name Signs and Posts

Provision of street signage in accordance with ~~Development Control Plan No 44~~ Engineering Standards/Specifications and Planning Guidelines.

(a) Blades

150 mm Blade

Hawthorn green, powder coated background and bracket, 100 mm high, series 'C', biscuit, class 1 reflective lettering 6 mm wide, red, class 2 reflective band applied above and below, and 6 mm from lettering.

(b) Posts

Posts shall be powder coated hawthorne green and installed in accordance with Standard Drawing No 119.

(vii) Traffic Control Plan

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Traffic Authority document "*Traffic Control at Work Sites*". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.

(d) Water Mains Supply

(i) Engineering Design

The submission to and approval by the Group Manager Planning Development and Regulatory Services of a master plan/strategy which should include an overall layout of the proposed network, a water pressure analysis and a certification that adequate water pressure is available to all proposed lots in the subdivision.

(ii) Construction of Water Mains to Lots

Water mains to serve each lot in the subdivision.

(iii) Construction of Water Service

A water service shall be installed to each lot in the subdivision.

Council's application form shall be completed by the applicant and the appropriate fee paid.

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

ATTACHMENT 1 Attachment 1 Draft Conditions of Consent



SCHEDULE 1 CONDITIONS OF MODIFIED DEVELOPMENT CONSENT

GENERAL – DEVELOPMENT CONSENT CONDITIONS

1. Compliance – AMENDED BY MODIFICATION OF CONSENT ON 09 DECEMBER 2020

Except where otherwise specified by conditions of consent, the development shall be carried out in accordance with the documents accompanying the development application and subsequent applications to modify consent, and the stamped consent drawings set out in the following table including any notations or amendments made by Council. In the event of an inconsistency between drawings set out below, the more recently dated drawing shall prevail to the extent of the inconsistency unless otherwise specified by conditions of consent.

Drawing Title	Reference / Version	Prepared By	Dated
Proposed Subdivision of Lot A, DP927745, Lot 4 DP 660174 and Pt Rd 20.115W	Drawing No 14206-DA3, Issue G	Campbell & Anderson Consulting Surveyors Pty Ltd (drawn by RA; Issue G drawn by JC)	8 April 2008 (Issue G dated 2 October 2009)
Stage Plan	Job Drawing Number 1704 STP01, Revision A	Civil Development Solutions (drawn by RJA)	29 March 2017
Concept Drainage / Sediment and Erosion Control Plan	Job Drawing Number 1704 CD01, Revision B	Civil Development Solutions (drawn by GD)	25 July 2017
Overall Site Layout Plan	Job Drawing Number 1704 CC01, Revision C	Civil Development Solutions (drawn by JC; amended by Council to correct numbering of proposed Lot 12)	14 October 2019 (Revision C dated 14 May 2020)
Material testing Report – DGB-20 – 20MM Road Gravel	8/20	Boral	25.08.20-09.09.20
75mm Sandstone subbase information	Email dated 19/11/20	Zivil.com	19 November 2020

Reason: *To clearly specify the documents on which development consent is based.*

2. Qualifications and Responsibility for Documentation

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Engineering Standards / Specifications and Planning Guidelines.

The Developer will be responsible for the correctness of all information contained in the drawings,

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specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

3. Responsibility for Works

The Council will hold the Developer (Applicant/Owner), to whom the development approval was issued, solely responsible for constructing the required development works to Council's satisfaction and maintaining them during any specified period.

4. Developers Representative during Construction of Works

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

Details to be submitted include:-

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:
- Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:-

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

The Applicant may be required to arrange for Council to peruse all other contract documentation **PRIOR TO THE CONTRACTOR ARRIVING ON SITE TO COMMENCE WORK.** (Schedule of Works, Specifications Bill of Quantity, Traffic Control Plan and Soil and Water Management Plan).

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

5. Hours of Demolition and Construction Works

In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

6. Workers Compensation & Public Liability

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability

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Insurance for \$10,000,000 cover.

7. Construction Certificate (Subdivision)

Subdivision work in accordance with the consent must not be commenced until a Construction Certificate has been applied for and issued by Council, pursuant to Section 81A (4) (a, b & c) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Engineering Standards/Specifications and Planning Guidelines. The Construction Certificate fee is payable at time of lodgement of the application.

8. Other Approvals

Subdivision work in accordance with the consent must not commence until any relevant approvals required under Section 68 of the *Local Government Act 1993* and the *Roads Act* have been obtained.

9. Heritage

Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director General of the NSW Department of Environment and Climate Change shall be contacted immediately and any directions or requirements of that Department complied with.

10. Landscaping – CONDITION MODIFIED – 08/11/10

The developer shall provide a landscaping plan prior to the release of the Construction Certificate to the satisfaction of the Director Environment and Planning. Revegetation in accordance with the approved plan shall be completed prior to the release of the Subdivision Certificate. The landscaping plan shall provide for tree planting within the subdivision to average at 25 trees per lot as it is noted that more than 25 trees should be planted in a lot in certain circumstance, such as adjacent to the Railway Line. All species used shall be either indigenous to the local area, or consistent with the landscaping theme in Exeter village and "Vine Lodge".

Land Title

11. Subdivision Certificate

In accordance with Section 109J of the *Environmental Planning and Assessment Act 1979* an application for a subdivision certificate along with a linen plan suitable for lodgement with Land and Property Information NSW plus eight (8) copies and relevant other documentation, shall be made on the completion of works and the relevant application fee paid. All works specified in Council's development consent and approved construction certificate plans shall be completed and all development consent conditions complied with prior to making a subdivision certificate application.

12. DELETED

~~Access by Right of Carriageway – Condition deleted on 14/11/18~~

~~Submit Section 88B Instrument to make satisfactory provision for the following in respect of the proposed right of carriageway:~~

~~(a) — Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.~~

~~(b) — Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.~~

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~~Full details, including draft Section 88B Instrument, to be submitted for the approval of the Group Manager Planning Development and Regulatory Services~~ **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

13. Permanent Road Survey Marks

The provision by the Applicant of road permanent survey marks to the satisfaction of the Director Environment and Planning.

14. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Maintenance – AMENDED BY MODIFICATION OF CONSENT ON 20 DECEMBER 2020

The creation of a "Positive Covenant" on the linen plan and title of proposed Lots 8-15 and 19-25 showing the location of stormwater facilities and requiring that the proposed stormwater facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument is to make provision for Council to conduct maintenance on the subject stormwater facilities at the owner's expense if the stormwater facilities are not maintained to the agreed standard. Details shall be provided for the approval of the Group Manager Planning Development and Regulatory Services **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

NOTE: A standard format is available from Council.

15. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Alterations – AMENDED BY MODIFICATION OF CONSENT ON 20 DECEMBER 2020

The creation of a "Restriction as to User" on the linen plan and title of proposed Lots 8-15 and 19-25 to prevent any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council. Details to be provided for the approval of the Group Manager Planning Development and Regulatory Services **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

16. Title Restrictions Re Drainage

Details of function, form and levels of essential earth or other surface works including floodways, shall be legally attached to the titles of affected land to help ensure the permanency and designed operation of such facilities.

17. Flood Prone Land Restrictions 88B

A legally binding instrument (Section 88B of the *Conveyancing Act*) shall be prepared in consultation with, and to the satisfaction of the Council for each allotment identified as affected by flooding in Wingecarribee Development Control Plan No 34.

The required instrument(s) shall be registered on the title of the affected lot(s) and proof of that registration shall be submitted to Council **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

18. Dedication of Right of Carriageway / Easements – CONDITION MODIFIED 2/11/11, ~~and further modified~~ 27/10/2017 and further modified 14/11/18.

The creation or obtaining by the Applicant of the following easements and right of carriageway, at the Applicant's expense **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE:**

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

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- (a) Splay corners within Lot 1, 3 & 4 at the junction of Exeter Road and proposed road.
- (b) Reservation for pathway between Lot 11 and Lot 12 6m wide.
- (c) Stormwater drainage easements over Lot 1 in favour of Council a minimum 5 metres wide.
- ~~(d) Water supply easements over Lot 4 in favour of Council.~~
- ~~(e) Right of carriageway and easement for services 16 metres wide and variable over Lot 5 in favour of adjoining Lots 1, 2, 3, 5 and 6.~~
- ~~(f) Right of carriageway and easement for services 50 metres wide and variable over Lot 5 in favour of Lot 1 DP 596495.~~
- (g) Stormwater drainage easements over Lot 23 in favour of Lot 1 DP 596495 a minimum of 5 metres wide.
- (h) (i) Stormwater drainage easements over Lots 9, 10, 11, 12, 13, 14 and 15 in favour of Lots 8, 9, 10, 11, 12, 13, 14 and 15 a minimum of 4 metres wide and variable. A grassed swale is to be constructed along the northern boundary of Lots 17, 18, 19, 20, 21, 22, 23, 24 and 25, to direct surface water to the proposed drainage easement to be located within Lot 23, not ARTC land to the east of the property.
- (ii) A drainage easement along the northern boundary of the property, over the proposed grassed swale located within Lots 17 to 25 directing the surface water to the proposed drainage easement within Lot 23.
- ~~(i) An easement for services 5 metres wide over Lots 4 and 5 in favour of Wingecarribee Shire Council and the electricity, gas and telecommunications provider.~~

19. Restriction as to User – Fencing - modified 27/10/2017

Subdivision Certificate application / linen plans of subdivision shall be accompanied by a Restriction as to User placed on the title of each lot requiring each lot to be fenced with rural post and wire fencing around each lot. Details to be provided to the satisfaction of Council prior to issue of Subdivision Certificate application.

20. 88B Restriction as to User – Rail Noise

A suitable 88B Restriction as to User shall be placed on the title of those lots located in the vicinity of the railway line, advising owners of the need to comply with the Rail Authorities requirements for the effect of rail noise and vibration when designing a dwelling for the lot.

Full details to be submitted for the approval of the Group Manager Planning Development and Regulatory Services **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

21. Railway Noise and Vibration

Due to its location adjoining the Great Southern Railway Line, State Rail is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise structural safety of buildings and should be addressed early in the development process. State Rail recommends that bedrooms and living areas be sited the greatest distance possible from the rail

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corridor and/or shielded by non-sensitive uses/barriers.

The State Rail publication *Interim Guidelines for Applicants - Consideration of Rail Noise and Vibration in the Planning Process* provides information on likely noise impacts and preventative measures. This document is available on www.ric.nsw.gov.au/publications.

To improve the comfort of future occupants, the landscaping and fencing in the proposal should screen views of the rail tracks and reduce exposure to passing trains.

22. Registration of Linen Plans

The linen plans of subdivision must be registered at Land and Property Information NSW within six (6) months from the date on which the Subdivision Certificate is issued by Council.

Protection of Council Assets**23. Provision of Services**

Provision of a separate access, stormwater drainage connection, water service and electricity supply to each allotment within the subdivision at subdivider's expense.

24. Property Services Within Lots- Condition Modified on 14/11/18

All property services are to be located within the lots that they serve in accordance with ~~Development Control Plan No.44~~ Engineering Standards/Specifications and Planning Guidelines. The developer is to provide to Council written confirmation of this **PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE.**

25. Maintenance and Bond for Public Assets

The developer shall at their own expense maintain all road, public pathways, stormwater drainage, water supply, sewerage and other civil works constructed by them with respect to the development for a period of twelve months after the date of the signing of the subdivision certificate or approval for occupation of the development and shall lodge a cash bond with regard to such maintenance in an amount equal to 5% of the total engineering works or minimum of \$1,000.

26. Applicant Must Advise of Damage to Property

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

LAND AFFECTATION**Geotechnical****27. Geotechnical Engineer Supervision of Dam Works**

Where land filling of dams and depressions is to occur filling shall be supervised by a Council approved Geotechnical Engineer.

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.**ATTACHMENT 1 Attachment 1 Draft Conditions of Consent****28. Site Classification**

The developer's geotechnical engineer is required to provide a site classification in accordance with the current version of AS2870 for each lot in the subdivision that will be built upon. The site classification shall be registered on the 88B Instrument.

29. Placement of Fill on the Development Site- Condition Modified on 14/11/18

All fill placed on the site shall be placed in a controlled manner in accordance with the requirements of ~~Development Control Plan No 41~~ Engineering Standards/Specifications and Planning Guidelines.

Flooding**30. Flood Compatible Development**

Any proposed development which is to occur within the area identified as inundated by the 1:100 year ARI event, shall ensure compliance with the following:-

(a) Requirements of Council's current Development Control Plan No 34 "Potentially Flood Affected Land".

(b) Requirements of Wingecarribee Local Environment Plan, Clause 34.

31. Finished Surface Level Work as Executed

Where any part of any allotment created is within the 1% AEP flood an appropriate Restriction as to User shall be created on the title of that lot. The works as executed plans and title document shall state the 1% AEP flood level and the minimum finished floor level for that allotment. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level.

Land Contamination**32. Imported Fill Material**

Fill material shall not be obtained from contaminated land (as defined in Part 7A of the *Environmental Planning & Assessment Act 1979*). All imported fill shall be validated in accordance with NSW Department of Environment and Climate Change guidelines prior to it being brought onto the site.

33. Occupational Health & Safety Compliance

All site works shall comply with the occupational health and safety requirements of WorkCover NSW.

Reason: To ensure that safe work/site conditions and practices are afforded to site workers and the surrounding community.

ENVIRONMENTAL MANAGEMENT**Sediment and Erosion Control****34. Erosion Control on Completed Subdivisions**

Adequate erosion and sediment control measures are to be maintained in place on the subdivision to the satisfaction of Council until site stabilisation and revegetation is finalised.

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35. Soil and Water Management – Stockpiles

Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

36. Soil and Water Management – Site Maintenance

Roads servicing the construction site shall be maintained in a condition free of mud, soil and other construction/demolition materials at all times.

Reason: To minimise construction / demolition materials being trucked off site.

Tree Management / Vegetation

37. Tree Management during Construction

The design of internal roads and their connection with adjacent public roads shall ensure the preservation of as many existing trees as possible.

Trees nominated for removal shall be clearly identified on the survey plan, which will then be submitted for approval, prior to the release of a Construction Certificate.

Trees nominated for retention shall be appropriately identified and protected during construction, with the specific details of the protective measures to be shown on the survey plan.

Trees nominated for removal shall be carried out by an appropriately competent person. Trees removed shall be mulched with no burning of vegetation to be undertaken on site.

Prior to the removal of trees Council staff shall inspect the work site to verify that trees nominated for removal have been correctly identified on site.

38. Street Trees

Street trees shall be provided in subdivision roads and / or on the frontage to the subdivision to the satisfaction of the Town Planner or Manager of Parks and Property.

39. Noxious Weeds

Prior to the issue of a Subdivision Certificate the applicant must demonstrate to Council that:

- there are no noxious weeds (as defined in the *Noxious Weeds Act 1993*) on the land; or that
- action has been taken to control any such noxious weeds.

Confirmation of the above must be in the form of certification from Council's Noxious Weeds Officer, and must accompany the application for a Subdivision Certificate.

Air Pollution Controls

40. Dust Suppression

The applicant shall use (water cart, vegetation etc) to control dust from the site whenever conditions

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are favourable to dust formation.

CIVIL ENGINEERING WORKS AND SERVICES

41. Provision of Works and Services – AMENDED BY MODIFICATION OF CONSENT ON 09 DECEMBER 2020

The provision, by the Applicant, at their expense, of the following works and services to be documented and constructed in accordance with ~~Council's Development Control Plan No 41~~ Engineering Standards/Specifications and Planning Guidelines to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Water and Sewer Authority Conditions

Prior to issue of a Construction Certificate, the Applicant must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

(a) Stormwater Drainage

(i) Construction of Stormwater

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

(ii) Control of Peak Discharge

Adequate and suitable infrastructure is to be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed for the 100 year ARI design storm and Council's ~~Development Control Plan No 41~~ Engineering Standards/Specifications and Planning Guidelines. Any stormwater temporarily stored on site shall be done in a manner that does not jeopardise public safety. In this regard the Applicant shall provide a risk assessment with the Construction Certificate Application.

(iii) Detention Systems

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the Australian Rainfall & Runoff. All batters shall be in accordance with Council's ~~Development Control Plan No 41~~ Engineering Standards/Specifications and Planning Guidelines to facilitate maintenance and provide a safe environment.

(iv) Fencing – Public Reserves/Drainage Reserves/Council Lands

Developer at their expense is required to erect fencing to all public reserves, drainage reserves or Council owned land to ensure public safety. Details of fencing to be submitted to Council for approval

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PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE.

(b) Access and Roadworks

~~(i) Construction of Right of Carriageway~~

~~Construction of right of carriageway surfaced with two coat seal bitumen for a minimum of 4.5 metres wide within Lot 4.~~

~~(ii) Construction of Road Pavement – CONDITION FURTHER MODIFIED 2/12/11~~

~~All road pavement construction is to be in accordance with Development Control Plan No 44 Engineering Standards/Specifications and Planning Guidelines and to the satisfaction of the Group Manager Planning Development and Regulatory Services.~~

(a) Construction of road pavements surfaced with two coat bitumen seal with concrete edge strips in residential subdivision roads. The access road within the subdivision shall be constructed to the widths and profiles shown in the typical sections depicted in LandTeam Drawing 14206-CI 04 Issue A.

NOTE: Where the subdivision is staged and required road works are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council's Development Engineer.

~~(iii) Construction of Footpath in Pathways~~

~~(iv) Concrete paving Sandstone/crushed aggregate 1.4m wide within the drainage reserve between Lots 11 and 12. Pathway to extend from the western boundary between the development site and Exeter Park and cross the existing drainage channel within the park, with a structure and in a location to be approved by Council's Development Engineers. Pathway barriers are to be installed at each end in accordance with Standard Drawing No SD130. Pathways within tree protection zones are to be constructed in accordance with Standard Drawing SD 161???. Slim (minimal) Edge beams in concrete coloured to match the aggregate are to be included in accordance with Councils requirements to be approved by Council's Group Manager Development and Regulatory Services.~~

~~(v) Construction of Rural Crossing~~

~~Rural vehicular entrances for access in accordance with Standard Drawing Nos SD110 and SD123 to provide access to the lots.~~

~~(vi) Provision of Public Lighting~~

~~(a) Provide public lighting in accordance with the requirements of Development Control Plan No 44 Engineering Standards/Specifications and Planning Guidelines to the intersection of Exeter Road and proposed road.~~

(b) Columns are to be hot dip galvanised from Integral Energy's standard range.

(c) Luminaires are to be from Integral Energy's standard range and are to be approved by Council prior to being ordered.

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(vii) Street Name Signs and Posts

Provision of street signage in accordance with ~~Development Control Plan No 44~~ Engineering Standards/Specifications and Planning Guidelines.

(a) Blades

150 mm Blade

Hawthorn green, powder coated background and bracket, 100 mm high, series 'C', biscuit, class 1 reflective lettering 6 mm wide, red, class 2 reflective band applied above and below, and 6 mm from lettering.

(b) Posts

Posts shall be powder coated hawthorne green and installed in accordance with Standard Drawing No 119.

(viii) Traffic Control Plan

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Traffic Authority document "*Traffic Control at Work Sites*". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.

(d) Water Mains Supply

(i) Engineering Design

The submission to and approval by the Group Manager Planning Development and Regulatory Services of a master plan/strategy which should include an overall layout of the proposed network, a water pressure analysis and a certification that adequate water pressure is available to all proposed lots in the subdivision.

(ii) Construction of Water Mains to Lots

Water mains to serve each lot in the subdivision.

(iii) Construction of Water Service

A water service shall be installed to each lot in the subdivision.

Council's application form shall be completed by the applicant and the appropriate fee paid.

General

42. Integral Energy Requirements

The provision of underground electricity to service the development in accordance with the requirements of Integral Energy. The Applicant prior to release of a Construction Certificate will be required to submit to Council documentary evidence from Integral Energy qualifying that the requirements of Integral energy have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

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43. Telecommunications Provider / Gas Provider – Where Applicable

The Applicant is to contact the Telecommunications Provider / Gas Provider to ascertain the requirements of the organisations for the development.

44. Works as Executed Plans

Following the completion of the work, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

45. Relocation of Existing Services

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

46. Engineering Details in DXF Format

The Applicant is to provide a copy of the work as executed information on disk in DXF format **PRIOR TO SUBMISSION OF THE SUBDIVISION CERTIFICATE APPLICATION**, to enable Council to update the Geographical Information System (GIS) to incorporate the subdivision with its asset register. The Applicant should contact Council's GIS Officer for further details and technical specifications.

47. Asset Management

The Applicant is to provide a detailed summary of the Assets that will fall into Council's care and control at the end of the maintenance period. The details are to be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include;

- Roadways length and width and type of surface;
- Drainage systems length and size of pipes, number of pits, total area (m²), and
- Water.

MONETARY CONTRIBUTIONS AND DEVELOPER CHARGES

48. Section 94 Contributions – CONDITION MODIFIED 08/11/10

Under Section 94 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the Development:

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- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Administration Resources
- Open Space & Recreation Facilities
- Community Facilities 1993

A Developer Charges – Notice of Payment is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of Subdivision Certificate for each stage.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

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

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

49. Certificate of Compliance – CONDITION MODIFIED 08/11/10

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

Notes:

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

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

Water Supply Development Servicing Plan

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

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

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

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New Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 1 January 2007. The new charges are to be phased in as detailed below:

Period	Water Supply	Sewerage
1 August 2010 – 31 October 2010	\$5,683/ET	\$7,233/ET
Note: The charges shown above are amounts to be implemented on the subject dates. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au .		

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

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

Compliance Certificate

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

Water – 141901-1536 \$90.00

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

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

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

GOVERNMENT AUTHORITIES

50. Water NSW – AMENDED BY MODIFICATIONS OF CONSENT ON 27 OCTOBER 2017 AND 18 SEPTEMBER 2020

Water NSW has granted its concurrence for the development pursuant to State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. The conditions provided by Water NSW are provided below and form part of Council's Notice of Determination.

General

1. The lot layout works and staging shall be as shown on the Overall Site Layout Plan prepared by Civil Development Solutions (Dwg. No. 1704 CC01; Sheet 2 of 34; Rev C; dated 14/05/2020). No revisions to lot layout, works or staging of the subdivision that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

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Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision.

Wastewater Management

2. There shall be a restriction under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over each lot requiring that:

- all wastewater generated on the lot be treated to secondary standard as a minimum, and
- subsurface irrigation area, with a minimum area of at least 640 square metres shall be established on all lots, while maintaining required buffer distance from boundaries, buildings, impervious areas, bores, dams, roadside bioretention swales and open drainage swales.

Reason for Condition 2 - To ensure that an appropriate on-site wastewater management system can be sited on each lot given the soil constraints to have a sustainable neutral or beneficial effect on water quality over the longer term.

Water Cycle Management

3. All stormwater management measures as specified in the MUSIC Model Assessment Report (dated 13 May 2020) and shown on the General Arrangement Plans Sheets 1, 2 and 3 (Dwg. Nos. 1704 CC01; Sheets 3 to 7 of 34 Rev C, dated 14/05/2020) all prepared by Civil Development Solutions shall be implemented.

Reason for Condition 3 – To ensure that a sustainable neutral or beneficial effect on water quality can be achieved over the long term for the development as a whole.

Subdivision Road

4. The subdivision road shall:

- be constructed in Stage 1 of the development to Council's Engineering Standards and sealed with drainage crossfall to grass swales and bioretention swales
- have piped access driveway crossings for Lots 5, 6, 11, 12, 22 and 23 constructed and maintained to prevent damage to the roadside bioretention swales
- incorporate the stormwater management requirements as shown on the General Arrangement Plans Sheets 1, 2 and 3 (Dwg. Nos. 1704 CC01; Sheets 3 to 7 of 34 Rev C, dated 14/05/2020) prepared by Civil Development Solutions
- have a detention basin in Lots 14 and 15 and roadside bioretention swales constructed as shown on the Engineering Plans (Dwg. Nos. 1704 CC01; Sheets 12 and 31 of 34 Rev C, dated 14/05/2020) prepared by Civil Development Solutions
- have the bioretention swales and detention basin:
 - accessible from the road by machinery to facilitate cleaning, monitoring and maintenance of the structures
 - protected from vehicular or other damage by fences, posts or similar permanent structures, and

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- protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

Operational Environmental Management Plan

5. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW and Council by a person with knowledge and experience in the preparation of such plans prior to the issuance of Subdivision Certificate for Stage 1. The OEMP shall be provided to Wingecarribee Shire Council when the management and maintenance of the bioretention swales is handed over to Council and detention basin to future owners of Lots 14 and 15 for implementation. The OEMP shall:

- include details on the location, description and nature of stormwater management structures such as pits, pipes, swales, bioretention swales, and detention basin
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, before and after handing over to Council and future lot owners, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, before and after handing over to Council and future lot owners, and
- include checklists for recording inspections and maintenance activities.

Reason for Conditions 4 & 5 - To ensure the subdivision road and associated drainage works and water quality control measures are appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Future Dwellings

6. There shall be a public positive covenant under Section 88E of the Conveyancing Act, 1919, the prescribed authority being Water NSW, placed over each lots requiring that each future dwelling have a rainwater collection and reuse system that:

- incorporates rainwater tanks with a minimum total capacity of 10,000 litres above any volume required for mains top-up
- have roofs and gutters designed to maximise the capture of rainwater in the tanks
- have the tanks plumbed to toilets, laundry and other areas for non-potable use including use for gardens, and
- ensures rainwater tank overflow is directed to either inter-allotment drainage or roadside swale.

Reason for Condition 6 - To ensure stormwater runoff from future dwellings is appropriately managed over the longer term as an offset to the water quality impact of the increased development to have an overall and sustainable neutral or beneficial impact on water quality.

Construction Activities

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7. The Soil and Water Management Plans (Dwg. Nos. 1704 CC01; Rev. C; Sheets 33 and 34 of 34) prepared by Civil Development Solutions shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity including earthworks. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

Reason for Condition 7 – To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

51. Roads and Traffic Authority – Condition Modified on 14/11/18

The following are the requirements of the Wingecarribee Shire Council ~~Roads and Traffic Authority~~ with regard to road safety and traffic management:

(i) Prior to the issue of the Subdivision Certificate associated with Stage 2 of the proposal, the access to proposed Lot 3 shall be permanently closed and reinstated to match existing. All access to Lot 3 shall occur via the new public road ~~a right of way providing access across proposed Lots 2, 4, 5 and 6.~~

~~(ii) Vehicular access to all lots fronting Exeter Road shall occur via the proposed public road and associated rights of carriageway. Future access to Lots 1, 2, 3 and 4 via Exeter Road shall be restricted via the use of an 88B Instrument.~~

(iii) The junction of the proposed public road and Exeter Road shall be upgraded to a sealed Type BAL left turn together with a sealed Type BAR right turn configuration as per Section 6 of the AUSTROADS *Guide to Traffic Engineering Practice- Part 5 Intersections at Grade* in accordance with Plan prepared by McLaren Traffic Engineering Project 2017/586 Drawing 2017 – 586-04B dated ~~27 September~~ 13 November 2018 & plan prepared by Civil Development Solutions job number 1704LL01 dated ~~48 July~~ 28 September 2018.

(iv) The developer shall be required to provide a suitable drainage treatment across the driveway to prevent water proceeding onto, or undermining, the travel lane of Exeter Road.

(v) Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.

(vi) Where required, lighting shall be upgraded / provided in accordance with Australian Standard AS/NZS1158.

(vii) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RTA standards, will be at no cost to the Roads and Traffic Authority.

(viii) Section 138 concurrence under the *Roads Act 1993* shall be obtained from the Roads and Traffic Authority prior to construction of the junction upgrade.

~~(vii) The developer shall apply for a Road Occupancy Licence (ROL) from the Roads and Traffic Authority Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that~~

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~~receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP.~~

~~Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the Roads and Traffic Authority Project Manager.~~

(viii) The proponent shall provide a compliant road safety barrier to Council's requirements in accordance with the Austroads Guidelines to the power pole located to the Northern End of the BAR intersectional treatment on Exeter Road.

52. Prior to the issue of a subdivision certificate the proponent is required to provide compensatory (replacement) trees in minimum 75L pots within the property boundary of proposed lot 3 and proposed lot 4 following the removal of the identified trees within the road reserve to accommodate the construction of the BAL treatment and to allow for a minimum sight distance under the relevant Australian Standards. Trees identified to be removed are provided within the Lot Layout Plan for Vine Lodge Exeter prepared by CDS Bowral Drawing 1704LL01 dated 28 September 2018.

END OF CONDITIONS

12.5 Proposed Amendment to Lease Conditions for 1A Rainbow Street, Mittagong

Reference:	PN 70000
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to consider the written request from Illawarra Local Aboriginal Land Council to sub-let part of the unused land at 1A Rainbow Street, Mittagong and seek Council's approval to amend one (1) clause of the Lease for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong.

RECOMMENDATION

1. **THAT** Council approves the request from the Illawarra Local Aboriginal Land Council to sub-let part of the unused land at 1A Rainbow Street, Mittagong.
2. **THAT** Council approves the amendment to clause 28 of the Lease for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong as requested by the Illawarra Local Aboriginal Land Council **AND THAT** the Indigenous Advisory Committee consists of a maximum of twelve (12) members with seven (7) voting members and five (5) non-voting members and as a minimum the Advisory Committee should consist of a minimum seven (7) voting members.

REPORT

BACKGROUND

Following an extensive consultation and public exhibition process at its meeting on 13 November 2019, Council resolved to enter into a Lease with the Illawarra Local Aboriginal Land Council (ILALC) for the premises known as the Aboriginal Community Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong as follows:

1. **THAT** Council enter into a Lease with the Illawarra Local Aboriginal Land Council for the premises known as the Aboriginal Community Cultural Centre being the land comprised in Lot 33 in Deposited Plan 9299 being 1A Rainbow Street, Mittagong for a term of ninety nine (99) years.
2. **THAT** the General Manager and Mayor be delegated authority to execute the Lease referred to in resolution 1 above and to affix the Common Seal of Council to the Lease and any support documents.
3. **THAT** the persons who made a submission in respect of the proposed Lease be notified in writing of Resolution 1 above.
4. **THAT** Council staff be acknowledged for their contribution."

REPORT

The Lease for ACCC was signed by ILALC at a Lease signing ceremony held on 7 February 2020. ILALC has recently approached Council requesting consent to sublet and amend one (1) clause of the Lease which will enable them to more effectively deliver services and programs to the local Aboriginal community and establish an advisory group, as required by the Lease.

Clause 11 of the Lease specifies that the Lessee cannot sub-let or in any way dispose of or part with exclusive possession of the Premises without the Lessor's prior written consent. ILALC has written to Council and requested permission to sub-let a portion of the un-used land for the purpose of educational benefits to Aboriginal children experiencing learning difficulties. An educational organisation has approached ILALC with a proposal to build/install classrooms on the site at 1A Rainbow Rd, Mittagong for the purpose of running programs to assist Aboriginal children experiencing learning difficulties. Council intends to provide written approval for this sub-letting of the unused land for this purpose.

Clause 28 of the lease requires ILALC to establish an Advisory Group to provide advice on strategic matters and guidance of the day to day operations of the premises. The lease specified that the Advisory Group should consist of twelve members twelve (12) members with eight (8) voting members and four (4) non-voting members. ILALC has requested that the number of committee members be reduced to seven (7) members. ILALC has recently undertaken an expression of interest process for committee members and has indicated that it has not been able to attract twelve (12) representatives to join the committee.

The clause to establish an advisory committee was a recommendation from the consultation process undertaken by the independent consultant who engaged with Traditional Gundungurra peoples and local Aboriginal people within the Shire about the lease of the ACCC. Following this consultation process, Council considered a report at its meeting 12 December 2018 to provide an update on consultation process with respect to the proposed Lease. In relation to the advisory committee Council subsequently resolved inter alia (MN 549/18):

3. *That Council encourage and support the wider community and various stakeholders to appoint a new advisory that is inclusive and representative of the diversity with interest relating to the ACCC and leasehold arrangements.*
4. *That the advisory group work with the ILALC and an independent Aboriginal property lawyer to include stipulations that are needed to ensure that the local community has control and self-determination over the running and ongoing use of the centre.*

A Stipulations Workshop was then held in March 2019. The purpose of this session was to further discuss stipulations which were important to the community for inclusion in the proposed Lease and the establishment of an Advisory Group.

From the Stipulations Workshop it was agreed that a clause should be included in the Lease relating to the establishment of an advisory group to oversee the running of the ACCC. An Indigenous lawyer was then engaged to review the additional clause in the Lease. The advice of the Indigenous Lawyer was the Lease should stipulate the minimum requirements as to the conduct of the Advisory Group, such as provisions about the frequency of meetings and limiting membership numbers to increase the likelihood that the local advisory group will be effective. Following review of the proposed Lease by the Indigenous Lawyer, Council resolved to re-exhibit the lease at its meeting on 10 July 2019 (MN 325/19) with the following Clause in relation to the advisory committee.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 09 December 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



3. *THAT Council approve the changes to the proposed Lease and support the establishment of the Advisory Group with the number of voting members set at eight positions (two of those being set for two traditional Gundungurra elders and six community members), with four non voting positions AND THAT the frequency of meetings be every quarter.*

Following the public exhibition period, Council adopted the Lease in accordance with the resolution above (Clause 28) at its meeting on 13 November 2019. As the composition of the committee was determined by Council, it is appropriate that the request to amend clause 28 of the Lease is considered by Council. It is proposed that clause 28 be amended to allow some flexibility to committee structure to permit additional committee members as ILALC become more established at the ACCC. As such it proposed that the committee have a maximum of twelve (12) members, five (5) of which would be non-voting members with a minimum of seven (7) members who would all be voting members. The following amended clause is as follows:

“The Lessee must, within six (6) months of the commencement of this Lease, establish and maintain a local Indigenous advisory group to advise the Lessee on strategic matters and to provide guidance on the management of the day to day operations of the Premises. The Lessee, having consulted with local Aboriginal Elders and community members of the Wingecarribee Shire, must develop terms of reference for the local Indigenous advisory group.

The local Indigenous advisory group shall consist of a maximum of twelve (12) members with ~~eight (8)~~ seven (7) voting members and ~~four (4)~~ five (5) non-voting members. As a minimum the advisory committee should consist of a minimum seven (7) voting members. Of The ~~eight (8)~~ seven (7) voting members should include; ~~two (2) of the voting members are to be traditional Gundungurra elders and six (6) of the voting members are to be community members.~~

- *1 representative from ILALC (Chair)*
- *1 representative from Aboriginal community who is a recognised and accepted Elder*
- *1 representative from recognised Aboriginal user group*
- *1 representative from local Aboriginal community (general)*
- *1 representative from local Aboriginal community (youth)*
- *1 representative from a local community service organisation*
- *1 representative from Wingecarribee Shire Council officer*

Meetings of the local Indigenous advisory group shall be held quarterly each year for the term of Lease.”

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Property Services

External Communication and Consultation

ILALC

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**

The multi-phased consultation process which has been undertaken to date has been designed using Indigenous research methodologies involving a narrative participatory approach. This process also adheres to the protocols within communities, meetings with Elders and other known stakeholders.

- **Governance**

As the property is classified as Operational Land under the *Local Government Act 1993*, Council is able to determine the proposed Lease without the need to refer the matter to the Minister for Local Government.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications arising from this report.

RELATED COUNCIL POLICY

Lease & Licence of Council Property: Not for Profit & Community Based Organisations (adopted 26 November 2014, MN 326/14).

The purpose of this policy is to provide benefits to the Council and its residents by:

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

OPTIONS

The options available to Council are:

Option 1

1. THAT Council approves the request from the Illawarra Local Aboriginal Land Council to sub-let part of the unused land 1A Rainbow Street, Mittagong.
2. THAT Council amends clause 28 of the Lease with the Illawarra Local Aboriginal Land Council (ILALC) for the premises known as the Aboriginal Community Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong so that the Indigenous Advisory Committee consists of a maximum of twelve (12) members with seven (7) voting members and five (5) non-voting members. As a minimum the advisory committee should consist of a minimum seven (7) voting members. The seven (7) voting members should include:
 - One (1) representative from ILALC (as Chair)
 - One (1) representative from Aboriginal community who is a recognised and accepted Elder
 - One (1) representative from recognised Aboriginal user group
 - One (1) representative from local Aboriginal community (general)
 - One (1) representative from local Aboriginal community (youth)
 - One (1) representative from a local community service organisation
 - One (1) representative from Wingecarribee Shire Council Officer.

Option 2

1. THAT Council not approve the request from the Illawarra Local Aboriginal Land Council to sub-let part of the unused land 1A Rainbow Street, Mittagong.
2. THAT Council not approve the proposed amendment to clause 28 of the lease with the Illawarra Local Aboriginal Land Council (ILALC) for the premises known as the Aboriginal Community Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong.

Option 3

1. THAT Council not approve the request from the Illawarra Local Aboriginal Land Council to sub-let part of the unused land 1A Rainbow Street, Mittagong.
2. THAT Council amends clause 28 of the Lease with the Illawarra Local Aboriginal Land Council (ILALC) for the premises known as the Aboriginal Community Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong so that the Indigenous Advisory Committee consists of a maximum of twelve (12) members with seven (7) voting members and five (5) non-voting members. As a minimum the advisory committee should consist of a minimum seven (7) voting members. The seven (7) voting members should include:
 - One (1) representative from ILALC (as Chair)
 - One (1) representative from Aboriginal community who is a recognised and accepted Elder
 - One (1) representative from recognised Aboriginal user group

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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- One (1) representative from local Aboriginal community (general)
- One (1) representative from local Aboriginal community (youth)
- One (1) representative from a local community service organisation
- One (1) representative from Wingecarribee Shire Council Officer.

Option 4

1. THAT Council approves the request from the Illawarra Local Aboriginal Land Council to sub-let part of the unused land 1A Rainbow Street, Mittagong.
2. THAT Council not approve the proposed amendment to clause 28 of the lease with the Illawarra Local Aboriginal Land Council (ILALC) for the premises known as the Aboriginal Community Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong.

Option No. 1 is the recommended option to this report.

CONCLUSION

This report requests that Council consider the written request from Illawarra Local Aboriginal Land Council to sub-let part of the unused land at 1A Rainbow Street, Mittagong and seeks Council's approval to amend one (1) clause of the Lease for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong

ATTACHMENTS

There are no attachments to this report.

12.6 Councillor Nominations for the Southern Regional Planning Panel

Reference:	5605; 5300
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to seek Councillor nominations for the Southern Regional Planning Panel (SRPP) as the memberships of the current Councillor appointees expire on 14 February 2021. The recommendation is that the Councillor appointed representatives remain in place only up until the 2021 Local Government Elections and that following the election of the new Council, new Councillor representatives will be appointed.

RECOMMENDATION

1. **THAT** Council nominate Councillor _____ as a member of the Southern Regional Planning Panel for the period until 3 September 2021.
2. **THAT** Council nominate Councillor _____ as an alternate member of the Southern Regional Planning Panel for the period until 3 September 2021.

REPORT

BACKGROUND

The introduction of Joint Regional Planning Panels (JRPPs) part of the New South Wales State Government's planning reforms package which commenced in 2009. The purpose of the reforms was to ensure greater transparency and de-politicisation in decision making within the development process. The JRPPs more recently became known as Regional Planning Panels and in this regard, Wingecarribee Shire Council is part of the Southern Regional Planning Panel (SRPP).

The current Southern Regional Planning Panel Councillor members are:

- Mayor Councillor Duncan Gair
- Deputy Mayor Councillor Grahame Andrews (Alternate)

Councillors Gair and Andrews were appointed by Council resolution on 14 February 2018 for a period not exceeding 3 years.

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In terms of the assessment and determination of any proposal that is considered by the SRPP, an application must be first lodged with the Council and Council undertakes the assessment process in accordance with the statutory provisions of section 79(c) of the *Environmental Planning and Assessment Act 1979*. This includes public exhibition and referral processes to other state government agencies. Once the assessment has been completed, a report is generated and is referred to the SRPP where a meeting is held and the proponents and any person who makes a submission may address the panel. Once the panel has made a determination on an application, the Council then issues a notice of determination with conditions of development consent and the public is notified of its decision.

It is the responsibility of Council to carry out a proper and professional assessment for the panel's determination of the development application. Upon completion by the assessment officer, the report and recommendations on the development application is forwarded to the Panel Secretariat and form a part of the business papers which are distributed to each panel member of the relevant panel one week prior to the panel meeting.

The public panel meeting is an important part of the determination process for a development application. The purpose of the meeting is for the panel to hear those who wish to express their view on the development application and the recommendations in the assessment report before the panel makes a decision. Presentations can be made by members of the public who may or may not have made submissions to the Council and the applicant. After hearing from parties who requested to make a verbal submission, the panel makes its decision in an open forum by a show of hands for and against.

REPORT

Council has the ability to nominate two members to the SRPP. Since its commencement, Council has nominated a Councillor and a community representative. It is considered that the interests of the local community would be best served with some Councillor representation on the Panel. It is therefore proposed that Council again nominate a Councillor as member of the SRPP, with a second Councillor nominated as an alternate member. The term of the community representations was resolved by Council on 23 September 2020 for three years taking them through to September 2023.

In order to ensure probity and transparency and further in order to comply with the Department of Planning, Industry and Environment's Regional Planning Panel's Operational guidelines, it should be noted that any Councillor nominated to be a member (or alternate member) of the SRPP should not participate in any working group, Committee or Council Meeting at which a SRPP proposal is discussed, considered or debated as this would result in a potential conflict of interest thereby disqualifying that Councillor from the SRPP determination.

COMMUNICATION AND CONSULTATION

Community Engagement

Not Applicable

Internal Communication and Consultation

Not Applicable

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External Communication and Consultation

Council has consulted with the Southern Regional Planning Panel Secretariat with respect to procedural matters surrounding the appointments of a Council appointed SRPP member and alternate member.

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**

Governance surrounding the appointment of panel members is undertaken in accordance with the Regional Planning Panel Operational Guidelines.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Nil

OPTIONS

In accordance with the Regional Planning Panel Operational Guidelines, Council has the ability to nominate for two (2) members of the five (5) member panel and therefore as a community member and community alternate member were appointed on 23 September 2020, the options available for the Council appointed panel member are:

Option 1

Nominate and appoint one (1) Councillor Member to the Southern Regional Planning Panel and an alternate Councillor panel member.

Option 2

Nominate and appoint one (1) Councillor Member to the Southern Regional Planning Panel only and no alternate Councillor.

Option No. 1 is the recommended option to this report.

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CONCLUSION

Council nominations of members of the SRPP is considered to be an important part of the determination process for significant development proposals and a means of ensuring that the interests of the local community are represented.

Council previously appointed a Council representative and alternate panel member to the Joint Regional Planning Panel on 14 February 2018 and in accordance with the statutory provisions, a panel member shall not exceed 3 years in their membership on the panel. Accordingly, it is appropriate that either the existing Council representatives be re-confirmed, or new members be appointed by resolution of the Council prior to the expiry in February 2021.

ATTACHMENTS

There are no attachments to this report.

12.7 Code of Conduct Complaint Statistics, 1 September 2019 to 31 August 2020

Reference:	101/15
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This purpose of this report is to advise Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2019 to 31 August 2020.

RECOMMENDATION

THAT the information in relation to the Code of Conduct Complaints for 1 September 2019 to August 2020 be received and noted.

REPORT

BACKGROUND

Under clause 11.1 of Council's Procedures for the Administration of the Code of Conduct ("Procedures"), the complaints coordinator must report certain statistics to Council regarding Code of Conduct complaints received and the outcome of complaints against a Councillor and the General Manager during the period from 1 September 2019 to 31 August 2020. Council must also provide these statistics to the Office of Local Government under clause 11.2 of the Procedures.

REPORT

Attachment 1 to this report is the information on Code of Conduct complaints required under clause 11.1 of the Procedures for the period 1 September 2019 to 31 August 2020.

For the Code of Conduct reporting period Council received 12 Code of Conduct Complaints, 11 of which were finalised during the reporting period. The total cost of dealing with Code of Conduct complaints within the period, including staff costs, was \$81,000 excluding GST.

COMMUNICATION AND CONSULTATION

Community Engagement

N/A

Internal Communication and Consultation

N/A

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



External Communication and Consultation

N/A

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Clause 11.1 of the Procedures mandates annual reporting of Code of Conduct complaints.

COUNCIL BUDGET IMPLICATIONS

The total amount paid to conduct reviewers who dealt with Code of Conduct complaints during the reporting period was \$81,000 excluding GST, with appropriate provisions made as a part of the 2019/20 Budget.

RELATED COUNCIL POLICY

Code of Conduct and Procedures for the Administration of the Code of Conduct.

OPTIONS

Council is required to receive and note the annual complaints report.

CONCLUSION

This report advises Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2019 to 31 August 2020.

ATTACHMENTS

1. Code of Conduct Complaint Statistics

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 3 December 2020



Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2019 - 31 August 2020

Date Due: 31 December 2020

*To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by
30 November 2020.*

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Wingecarribee Shire Council
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Contact Name:	Danielle Lidgard
Contact Phone:	(02) 4868 0888
Contact Position:	Group Manager Corporate & Community
Contact Email:	danielle.lidgard@wsc.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au



Model Code of Conduct Complaints Statistics Wingecarribee Shire Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	12
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	11
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	2
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	9
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	7
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g The number of finalised complaints investigated where there was found to be no breach	1
	h The number of finalised complaints investigated where there was found to be a breach	1
	i The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	3
	j The number of complaints being investigated that are not yet finalised	2
	k The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	81,000



Preliminary Assessment Statistics

3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

a To take no action (clause 6.13(a) of the 2018 and 2020 Procedures)	3
b To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	4
c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	0
d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	1
e To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	2

Investigation Statistics

4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

a That the council revise its policies or procedures	0
b That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures)	0

5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures)	0
b In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures)	0
c In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures)	1
d In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0

6 Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)	0
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Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	1
b Non-pecuniary conflict of interest (Part 5)	0
c Personal benefit (Part 6)	0
d Relationship between council officials (Part 7)	1
e Access to information and resources (Part 8)	1
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG	0

16 COMMITTEE REPORTS

16.1 Minutes of the Finance Committee Meeting held on 18 November 2020

Reference:	107/21
Report Author:	Administration Officer (Meetings)
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

This report provides the Minutes of the Finance Committee Meeting held on 18 November 2020.

RECOMMENDATION

THAT recommendation Nos FC 21/20 to FC 25/20 as detailed in the Minutes of the Finance Committee Meeting held on 25 November 2020 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 4 Adoption of Minutes of Previous Meeting

FC21/20

THAT the minutes of the Finance Committee Meeting held on Wednesday 21 October 2020 M/N FC18/20 to M/N FC19/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Post Exhibition Report – Renwick Community Centre Fees and Charges

FC22/20

1. ***THAT Council adopt the proposed Schedule of Fees and Charges for the Renwick Community Centre.***
2. ***THAT Council staff write to all submission makers thanking them for their input.***

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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COMMITTEE REPORTS



Item 6.2 Budget Review to 30 September 2020

FC 23/20

1. *THAT Council approve the budget variations reported at the September Quarterly Review as listed in Attachment 1 to the report.*
2. *THAT Council note the budget position for the 2020/21 Financial Year is a deficit of \$78,500.*
3. *THAT the deficit of \$78,500 at the September Quarterly Review be funded from the Capital Projects Reserve.*

Item 6.3 Quarterly Progress Report Operational Plan 2020/21 – 1 July 2020 to 30 September 2020

FC24/20

THAT the Operational Plan 2020/21 Quarterly Progress Report, 1 July 2020 to 30 September 2020, be noted.

Item 6.4 Moss Vale War Memorial Aquatic Centre – Accessible Adult Change Facility Proposal

FC 25/20

1. *THAT Council confirm its support for the design, investigation and detailed costings for the construction of an inclusive adult change facilities at the Moss Vale War Memorial Aquatic Centre.*
2. *THAT a further update be provided as part of the 2021/22 Budget process, which will include design considerations, project timeframes, detailed budget costings and funding options, including grant funding opportunities.*
3. *THAT Council make representations to State and Federal local members advising them of the project and seeking any possible financial assistance to move the project forward.*
4. *THAT Council liaise with stakeholder groups and a qualified occupational therapist to assist with the requirements of the facility.*

ATTACHMENTS

1. Minutes of the Finance Committee Meeting held on 18 November 2020



MINUTES

of the Finance Committee Meeting

held remotely using audio visual link and is open to members of the
community via webcast

on

Wednesday 18 November 2020

The meeting commenced at 9.00am

File No. 100/2020



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. APOLOGIES	
4. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Finance Committee Meeting held on 21 October 2020	
5. DECLARATIONS OF INTEREST	2
6. AGENDA REPORTS	3
6.1 Post Exhibition Report - Renwick Community Centre Fees and Charges.....	3
6.2 Budget Review to 30 September 2020	4
6.3 Quarterly Progress Report Operational Plan 2020/21, 1 July 2020 to 30 September 2020.....	5
6.4 Moss Vale War Memorial Aquatic Centre - Accessible Adult Change Facility Proposal.....	6
7. CLOSED COMMITTEE	7
8. DATE OF NEXT MEETING.....	7
9. MEETING CLOSURE	7



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 18 NOVEMBER 2020 COMMENCING AT 9.00AM

Present: Mayor Cllr T D Gair (Chair)
Cllr G J Andrews* (Deputy Mayor)
Cllr K J Halstead OAM*
Cllr G McLaughlin*
Cllr P Nelson*
Cllr I M Scandrett*
Cllr G M Turland*
Cllr L A C Whipper*

In Attendance:	Acting General Manager	Mr Barry Paul
	Acting Deputy General Manager Operations	
	Finance and Risk	Mr Richard Mooney
	Deputy General Manager Corporate, Strategy and Development Services	
	A/Chief Financial Officer	Mr Mark Pepping
	A/Deputy Chief Financial Officer	Mr Damien Jenkins
	Group Manager Corporate and Community	Ms Cheryl Alford*
	Group Manager Project Delivery	Ms Danielle Lidgard
	Management Accountant	Mr Ned Tripkovic
	Administration Officer	Mr Peter Dunn
		Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

The Mayor Cllr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Cllr T D Gair acknowledged country:

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



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



3. APOLOGIES

There were no apologies at this Meeting.

PERS

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 21
OCTOBER 2020

FC 21/20

MOTION moved by Cllr G McLaughlin and seconded by Deputy Mayor Cllr G J Andrews

THAT the minutes of the Finance Committee Meeting held on Wednesday 21 October 2020 M/N FC18/20 to M/N FC19/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

5. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

There were no declarations of interest made at this meeting



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020

**6. AGENDA REPORTS****6.1 Post Exhibition Report - Renwick Community Centre
Fees and Charges**

Reference:	7140/4
Report Author:	Committee Coordinator
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

To seek Council approval for the adoption of the proposed Schedule of Fees and Charges for the Renwick Community Centre until the 30 June 2021. The facility is expected to be open to the public in early 2021.

The Acting Deputy General Manager Operations, Finance and Risk addressed the Committee on this item.

FC 22/20

MOTION moved by Cllr L A C Whipper and seconded by Cllr P W Nelson

1. **THAT** Council adopt the proposed Schedule of Fees and Charges for the Renwick Community Centre.
2. **THAT** Council staff write to all submission makers thanking them for their input.

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



6.2 Budget Review to 30 September 2020

Reference: 2120/20
 Report Author: Management Accountant
 Authoriser: Acting Deputy General Manager Operations Finance and Risk
 Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to inform Council of the results of the budget review undertaken for the period ending 30 September 2020 and to seek approval to make the necessary adjustments to the 2020/21 Budget.

The Quarterly Review of the Budget is reported to Council at the end of each quarter in accordance with Section 203 of the *Local Government (General) Regulation 2005*.

The Acting Deputy General Manager Operations, Finance and Risk addressed the Committee on this item.

The Acting General Manager addressed the Committee on this item.

FC 23/20

MOTION moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

1. **THAT** Council approve the budget variations reported at the September Quarterly Review as listed in Attachment 1 to the report.
2. **THAT** Council note the budget position for the 2020/21 Financial Year is a deficit of \$78,500.
3. **THAT** the deficit of \$78,500 at the September Quarterly Review be funded from the Capital Projects Reserve.

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



**6.3 Quarterly Progress Report Operational Plan 2020/21, 1
July 2020 to 30 September 2020**

Reference: 501/2020
Report Author: A/Corporate Strategy Officer
Authoriser: Coordinator Corporate Strategy and Governance
Link to Community
Strategic Plan: An enhanced culture of positive leadership, accountability
and ethical governance that guides well informed decisions
to advance agreed community priorities

PURPOSE

The purpose of this report is to provide the Finance Committee ('the Committee') with an overview of Council's progress towards delivering its annual Operational Plan 2020/21.

The Group Manager Corporate and Community addressed the Committee on this item.

The Acting General Manager addressed the committee on this item.

FC 24/20

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT the Operational Plan 2020/21 Quarterly Progress Report, 1 July 2020 to 30 September 2020, be noted.

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



6.4 Moss Vale War Memorial Aquatic Centre - Accessible Adult Change Facility Proposal

Reference: 6704
Report Author: Manager Open Space, Recreation and Building Maintenance
Authoriser: Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan: Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose of this report is to seek Council' support to commence the design, investigation and detailed costings for the construction of an inclusive adult change facilities at the Moss Vale War Memorial Aquatic Centre.

The Acting Deputy General Manager Operations Finance and Risk addressed the Committee on this item.

FC 25/20

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

1. **THAT** Council confirm its support for the design, investigation and detailed costings for the construction of an inclusive adult change facilities at the Moss Vale War Memorial Aquatic Centre.
2. **THAT** a further update be provided as part of the 2021/22 Budget process, which will include design considerations, project timeframes, detailed budget costings and funding options, including grant funding opportunities.
3. **THAT** Council make representations to State and Federal local members advising them of the project and seeking any possible financial assistance to move the project forward.
4. **THAT** Council liaise with stakeholder groups and a qualified occupational therapist to assist with the requirements of the facility.

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 18 November 2020



7. CLOSED COMMITTEE

There was no closed committee at this meeting.

8. DATE OF NEXT MEETING

The next meeting will be held on 17 February 2021 commencing at 9.00am.

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.54AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 18 November 2020 numbered M/N FC21/20 to M/N FC25/20 were signed by me hereunder at the Council Meeting held on 17 February 2021.

CHAIRMAN

READ AND CONFIRMED ON

CHAIRMAN

PUBLIC OFFICER

16.2 Minutes of the Traffic Committee held on Thursday 19 November 2020

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 19 November 2020.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLOR'S ATTENTION AND ADOPTION

Item 5.2 Traffic Management Arrangements for L'Étape Australia by Tour de France, March 2021

TC 50/20

THAT Council endorses the traffic management plan proposed by Lateral Event Management to conduct the L'Étape Australia by Tour de France on Saturday 20th March 2021 subject to the final traffic management plan being satisfactory to the Traffic Committee.

Item 5.3 Proposed ONE-WAY and changed on-street parking on Ascot Road and Mona Road, Bowral

TC 51/20

THAT Council:

Convert Ascot Road between Sheffield Road and Mona Road to one-way traffic movement as shown and the additional 15 x 90 degree spaces (less 6 spaces on the southern side of Ascot Road between Mona Road and Loseby Street). AND

Convert Mona Road between Ascot Road and Bowral Street to one-way traffic movement as shown and the additional 20 x 2 hour parallel spaces on the western side of Mona Road.

Assess traffic movements on Bowral Street at Sheffield Road and the new entrance to the Hospital and consider appropriate traffic arrangements.

Item 5.4 Proposed intersection Upgrade – Berrima Road & Taylor Avenue, New Berrima

TC 52/20

THAT the matter be referred to the applicants Design team for further consideration.

THAT the matter be referred back to the Traffic Committee as a priority.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 09 December 2020

COMMITTEE REPORTS



Item 5.5 Proposed No Stopping signs on Cavendish Street opposite the Rural Fire Station

TC 53/20

***THAT** NO STOPPING signs be installed on Cavendish Street opposite the Rural Fire Station in accordance with Australian Standard AS1742.11.*

Item 5.6 Bowral Lookout, Mt Gibraltar – proposed change to traffic circulation on loop road

TC 54/20

***THAT** NO Right Turn and NO Left Turn be installed at the north west intersection of Oxley Drive and Bowral lookout access road and ONE-WAY signs be install at the western section of the loop road.*

***THAT** further consultation be undertaken with Berrima Buslines and Destination Southern Highlands regarding advice for large vehicle use.*

Item 5.7 Timed Parking Restrictions on Kirkham Road, Bowral

TC 55/20

***THAT** Council install 30 minutes timed parking restriction to seven (7) car spaces on the west side of Kirkham Rd to the south of the Willow Rd intersection. The restrictions will apply Monday to Friday 8:30 am to 6 pm.*

RECOMMENDATION

THAT recommendation Nos TC50/20 to TC55/20 as detailed in the Minutes of the Traffic Committee Meeting held on Thursday, 19 November 2020 be adopted, save for any items which have budgetary implications, **AND THAT** any item with budgetary implications and which is unfunded be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Traffic Committee meeting held on 19 November 2020



MINUTES

of the Traffic Committee Meeting

Held remotely using audio visual link on

Thursday 19 November 2020

The meeting commenced at 9:32am

File No. 107/6



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **DECLARATIONS OF INTEREST**
5. **AGENDA REPORTS 3**
 - 5.1 Police report on recent crashes in the Shire..... 3
 - 5.2 Traffic Management Arrangements for L'Étape Australia by Tour de France, March 2021..... 4
 - 5.3 Proposed ONE-WAY and changed on-street parking on Ascot Road and Mona Road, Bowral 5
 - 5.4 Proposed Intersection Upgrade Berrima Rd & Taylor Av, New Berrima..... 6
 - 5.5 Proposed No Stopping signs on Cavendish Street opposite the Rural Fire Station 7
 - 5.6 Bowral Lookout, Mt Gibraltar - proposed change to traffic circulation on loop road..... 8
 - 5.7 Timed Parking Restrictions on Kirkham Rd, Bowral 9
6. **DATE OF NEXT MEETING10**
7. **MEETING CLOSURE10**

16.2 Minutes of the Traffic Committee held on Thursday 19 November 2020
 ATTACHMENT 1 Minutes of the Traffic Committee meeting held on 19
 November 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 19 NOVEMBER 2020 COMMENCING AT 9:30AM.

Present:	Clr Ken Halstead OAM Mr Matthew White Mrs Katherine Wood Ms Zoe McInerney	Chair Transport for NSW Representing the Member for Goulburn Representing the Member for Wollondilly
Council Staff:	Mr Gary Millar Mr Naif Ahmed	Traffic Engineer Coordinator Assets Roads & Traffic
Absent:	Mr Chris Moule Mr Laurie Stewart Mr Richard Mooney Mr Stace Lewer Mr Frank Iacono	Berrima Buslines Southern Highlands Taxis, Hire Cars & Coaches Acting Deputy General Manager Operations, Finance & Risk Manager Assets Transportation Planning Engineer Road Safety Officer
Minutes:	Mrs Liz de Graaf	Administration Assistant

1. WELCOME AND APOLOGIES

It was noted that apologies were received on behalf of NSW Police, Acting Sergeant Scott Medcalf.

RECOMMENDATION

THAT the apology of NSW Police - Acting Sergeant Scott Medcalf be accepted and leave of absence granted.

2. ACKNOWLEDGEMENT OF COUNTRY

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

16.2 Minutes of the Traffic Committee held on Thursday 19 November 2020
ATTACHMENT 1 Minutes of the Traffic Committee meeting held on 19
November 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 24
SEPTEMBER 2020

RECOMMENDATION

***THAT** the minutes of the Traffic Committee Meeting held on Thursday 24 September 2020 TC40 to TC49/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

PASSED

4. DECLARATIONS OF INTEREST

Nil



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



5. AGENDA REPORTS

5.1 Police report on recent crashes in the Shire

Reference: 7410
Report Author: Traffic Engineer
Authoriser: Coordinator Assets - Roads and Traffic
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

NSW Police were an apology at this meeting. No Police Report submitted.



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



**5.2 Traffic Management Arrangements for L'Étape Australia
by Tour de France, March 2021**

Reference: 7420/2
Report Author: Traffic Engineer
Authoriser: Coordinator Assets - Roads and Traffic
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on traffic arrangements for the L'Étape Australia by Tour de France for March 2021.

RECOMMENDATION

THAT Council endorses the traffic management plan proposed by Lateral Event Management to conduct the L'Étape Australia by Tour de France on Saturday 20th March 2021 subject to the final traffic management plan being satisfactory to the Traffic Committee.

TC50/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



**5.3 Proposed ONE-WAY and changed on-street parking on
 Ascot Road and Mona Road, Bowral**

Reference: 7400
 Report Author: Traffic Engineer
 Authoriser: Coordinator Assets - Roads and Traffic
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To increase the on-street parking supply near Bowral and District Hospital.

RECOMMENDATION

THAT Council

Convert Ascot Road between Sheffield Road and Mona Rd to one-way traffic movement as shown and the additional 15 x 90 degree spaces (less 6 spaces on the southern side of Ascot Road between Mona Road and Loseby Street). AND

Convert Mona Road between Ascot Road and Bowral Street to one-way traffic movement as shown and the additional 20 x 2 hour parallel spaces on the western side of Mona Road.

Assess traffic movements on Bowral Street at Sheffield Road and the new entrance to the Hospital and consider appropriate traffic arrangements.

TC51/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020

**5.4 Proposed Intersection Upgrade Berrima Rd & Taylor Av,
New Berrima**

Reference: 7301
Report Author: Traffic Engineer
Authoriser: Coordinator Assets - Roads and Traffic
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

The purpose of the proposed road/intersection upgrade works is to ensure the following:

- To improve safety at the junction by making the layout less open, formal and constrained;
- Control the movements at the junction and ensure heavy vehicles along the haulage route do not 'cut corners' by providing a concrete median along the Berrima Road north approach to Taylor Av / Berrima Rd south; and
- Ensure traffic flow along the haulage route is not affected by the vehicular movements generated by the quarry.

RECOMMENDATION

THAT the matter be referred to the applicants Design team for further consideration.

THAT the matter be referred back to the Traffic Committee as a priority.

TC52/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



**5.5 Proposed No Stopping signs on Cavendish Street
opposite the Rural Fire Station**

Reference: 7415/2
Report Author: Traffic Engineer
Authoriser: Coordinator Assets - Roads and Traffic
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider installing NO Stopping on Cavendish Street opposite the Rural Fire Station.

RECOMMENDATION

THAT NO STOPPING signs be installed on Cavendish Street opposite the Rural Fire Station in accordance with Australian Standard AS1742.11

TC53/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



5.6 Bowral Lookout, Mt Gibraltar - proposed change to traffic circulation on loop road

Reference: 7415
Report Author: Traffic Engineer
Authoriser: Coordinator Assets - Roads and Traffic
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To investigate bus and large vehicle movements at Bowral Lookout and consider traffic circulation options along the Lookout loop road.

RECOMMENDATION

THAT NO Right Turn and NO Left Turn be installed at the north west intersection of Oxley Drive and Bowral lookout access road and ONE-WAY signs be install at the western section of the loop road.

THAT further consultation be undertaken with Berrima Buslines and Destination Southern Highlands regarding advice for large vehicle use.

TC54/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



5.7 Timed Parking Restrictions on Kirkham Rd, Bowral

Reference: 7415/2
Report Author: Traffic Engineer
Authoriser: Coordinator Assets - Roads and Traffic
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Provide permissive parking to assist the operational needs of businesses that do not have off-street parking and rely on the availability of nearby parking spaces.

RECOMMENDATION

THAT Council install 30 minutes timed parking restriction to seven (7) car spaces on the west side of Kirkham Rd to the south of the Willow Rd intersection. The restrictions will apply Monday to Friday 8:30 am to 6 pm.

TC55/20

Unanimous support

16.2 Minutes of the Traffic Committee held on Thursday 19 November 2020
ATTACHMENT 1 Minutes of the Traffic Committee meeting held on 19
November 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 19 November 2020



Additional Item

There was informal discussion regarding the proposed road closure of a section of Waverley Parade, Mittagong, between Range Road and Stanley Street. The matter was on exhibition with a submissions closing date of 13 November 2020. As part of due process Council are currently assessing and addressing questions raised by the community and stakeholders.

6. DATE OF NEXT MEETING

The date of the next Traffic Committee meeting is Thursday 4th February 2021

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10:38 AM:

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020

Reference:	2102/3
Report Author:	A/Corporate Strategy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee ('the Committee') Meeting held on Friday 20 November 2020.

RECOMMENDATION

THAT recommendation Nos AR 35/20 to AR 43/20 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 20 November 2020 be adopted, save for any items which have budgetary implications, **AND THAT** any item with budgetary implications and which is unfunded be referred to the Finance Committee for consideration.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

It was noted that an apology was received from Cllr P W Nelson.

Item 3 Adoption of Minutes of Previous Meeting

AR 35/20

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 18 September 2020 AR 25/20 to AR 32/20 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

AR 36/20

THAT the minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday 26 October 2020 AR 33/20 to AR 34/20 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 Report on Legislative Compliance Network

The Committee was provided with an overview of Council's legislative compliance framework.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 09 December 2020

COMMITTEE REPORTS



AR 37/20

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 5.2 Report on Gifts and Benefits Register 2019/20

The Committee was presented with an analysis of Council's 2019/20 Gifts and Benefits Register.

AR 38/20

THAT the Audit, Risk and Improvement Advisory Committee note the report on the 2019/20 Gifts and Benefits Register.

Item 6.1 Committee Action List

The Committee was provided with an update on the progress of action items previously requested by the Committee.

AR 39/20

THAT the Audit, Risk and Improvement Committee note the report.

Item 7.1 Corporate Risk Program Update

The Committee was provided with an update on Council's Risk Management Program.

AR 40/20

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 8.1 Internal Audit Report

The Committee was presented with the On-Site Sewage Management System internal audit report and provided with a brief overview of the scope of the Accounts Payable internal audit scheduled for the next quarter.

AR 41/20

THAT the Audit, Risk and Improvement Advisory Committee note the report.

Item 8.2 Outstanding Internal Audit Recommendations Progress Report

The Committee was provided with an update with respect to the implementation of outstanding recommendations from previous internal audits.

AR 42/20

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 09 December 2020

COMMITTEE REPORTS



THAT the Audit, Risk and Improvement Advisory Committee note the Outstanding Internal Audit Recommendations Progress Report for 20 November 2020 (Attachment 1) AND THAT the requested extensions to the due dates as specified in Table 1 to this report be granted.

Item 9.1 External Audit – Management Letter Recommendations Update

The Committee was provided with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

AR 43/20

THAT the Audit, Risk and Improvement Advisory Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

ATTACHMENTS

1. Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020



MINUTES

of the

Audit, Risk and Improvement Advisory Committee Meeting

held remotely using audio visual link

on

Friday 20 November 2020

The meeting commenced at 10.30am

File No. 2102/3

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory
Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING

Friday 20 November 2020



1.	WELCOME AND APOLOGIES	
2.	ACKNOWLEDGEMENT OF COUNTRY	
3.	ADOPTION OF MINUTES OF PREVIOUS MEETING	
4.	DECLARATIONS OF INTEREST	
5.	AGENDA REPORTS	3
5.1	Report on Legislative Compliance Framework	3
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6.	COMMITTEE ACTION LIST	5
6.1	Committee Action Items Update	5
7.	RISK MANAGEMENT	6
7.1	Corporate Risk Program Update	6
8.	INTERNAL AUDIT	7
8.1	Internal Audit Report	7
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9.	EXTERNAL AUDIT	9
9.1	External Audit - Management Letter Recommendations Update	9
10.	DATE OF NEXT MEETING	10
11.	MEETING CLOSURE	10

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK ON FRIDAY 20 NOVEMBER 2020 COMMENCING AT 10.30 AM.

Present:

Councillors: Deputy Mayor G J Andrews

Community

Representatives: Ms Jan Edwards* *Chair*
Mr Paul Jeffares*
Dr Jason Young*

In Attendance: Mr Barry Paull *Acting General Manager*
Mr Mark Pepping *DGM Corporate Strategy and Development Services*
Ms Danielle Lidgard *Group Manager Corporate and Community*
Mr John Crawford *Chief Information Officer*
Mr Damien Jenkins *Acting Chief Financial Officer*
Mr John Burgess* *Group Manager Organisational Development*
Mr Malcolm Lindsay* *Coordinator Workplace Systems*
Mr Nicholas Wilton *Group Manager Planning, Development and Regulatory Services*
Mr Andrew Lynch *Coordinator Corporate Strategy and Governance*
Mr Jake Austin* *Governance Officer*
Ms Ivana Vidovich *Acting Corporate Strategy Officer*

Also in

Attendance: Mr Mitchell Morley* *InConsult*

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some meeting participants attended the meeting remotely via Microsoft Teams audio visual link. This is indicated by *. The remaining participants were present in the Nattai Room, Civic Centre for this meeting.

1. WELCOME AND APOLOGIES

It was noted that an apology was received from Cllr P W Nelson.

2. ACKNOWLEDGEMENT OF COUNTRY

The Chair Ms Jan Edwards acknowledged country:

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

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory
Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING

Friday 20 November 2020



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE
MEETING HELD ON FRIDAY 18 SEPTEMBER 2020

AR 35/20

MOTION moved by Mr P Jeffares and seconded by Dr J Young

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 18 September 2020 AR 25/20 to AR 32/20 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE EXTRAORDINARY AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING HELD ON MONDAY 26 OCTOBER 2020

AR 36/20

MOTION moved by Dr J Young and seconded by Ms J Edwards

THAT the minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday 26 October 2020 AR 33/20 to AR 34/20 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. DECLARATIONS OF INTEREST

Nil.

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 20 November 2020



5. AGENDA REPORTS

5.1 Report on Legislative Compliance Framework

Reference:	2102/3
Report Author:	Coordinator Corporate Strategy and Governance
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 provide the Audit, Risk and Improvement Advisory Committee ('the Committee') with an overview of Council's legislative compliance framework.

The Group Manager Corporate and Community and the Acting General Manager addressed the meeting.

The Committee requested that a list of legislation relevant to Council be provided to the Committee.

AR 37/20

MOTION moved by Ms J Edwards and seconded by Dr J Young

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 20 November 2020



5.2 Report on Gifts and Benefits Register 2019/20

Reference:	800/25; 2102/3
Report Author:	Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the Audit, Risk and Improvement Advisory Committee with an analysis of Council's 2019/20 Gifts and Benefits Register.

The Group Manager Corporate and Community addressed the meeting.

AR 38/20

MOTION moved by Dr J Young and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee note the report on the 2019/20 Gifts and Benefits Register.

PASSED

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory
Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING

Friday 20 November 2020



6. COMMITTEE ACTION LIST

6.1 Committee Action Items Update

Reference:	2012/3
Report Author:	A/Corporate Strategy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide an update on the progress of action items previously requested by the Audit, Risk and Improvement Advisory Committee.

AR 39/20

MOTION moved by Ms J Edwards and seconded by Dr J Young

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory
Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING

Friday 20 November 2020



7. RISK MANAGEMENT

7.1 Corporate Risk Program Update

Reference:	2102/3
Report Author:	Workplace Systems Coordinator
Authoriser:	Group Manager
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide the Audit, Risk and Improvement Advisory Committee with an update on Council's Risk Management Program.

The Group Manager Organisational Development and the Acting General Manager addressed the meeting.

AR 40/20

MOTION moved by Mr P Jeffares and seconded by Ms J Edwards

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 20 November 2020



8. INTERNAL AUDIT

8.1 Internal Audit Report

Reference:	2102/3, 2102/20.3
Report Author:	A/Corporate Strategy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the Audit, Risk and Improvement Advisory Committee ('the Committee') with the On-Site Sewage Management System internal audit report and provide a brief overview of the scope of the Accounts Payable internal audit scheduled for the next quarter.

Mr Mitchell Morley of InConsult, the Deputy General Manager Corporate Strategy and Development Services and the Acting General Manager addressed the meeting.

The Committee requested that further information be provided about the unidentified On-site Sewage Management (OSSM) systems within the Shire as noted in the OSSM internal audit report.

The Committee requested that the explanatory information for the Assurance Map completed in March 2019 be included with the copy of the Assurance Map provided to the Committee at future meetings.

AR 41/20

MOTION moved by Dr J Young and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee note the report.

PASSED

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 20 November 2020

**8.2 Outstanding Internal Audit Recommendations Progress Report**

Reference:	2102/3
Report Author:	A/Corporate Strategy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide an update to the Audit, Risk and Improvement Advisory Committee ('the Committee') with respect to the implementation of outstanding recommendations from previous internal audits.

The Acting General Manager and Chief Information Officer addressed the meeting.

The Committee requested that at future meetings the original due date be included in the summary of recommendations for which extensions to due dates are sought.

AR 42/20

MOTION moved by Ms J Edwards and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee note the Outstanding Internal Audit Recommendations Progress Report for 20 November 2020 (Attachment 1) **AND THAT** the requested extensions to the due dates as specified in Table 1 to this report be granted.

PASSED

16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 2020****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 20 November 2020

**9. EXTERNAL AUDIT****9.1 External Audit - Management Letter Recommendations Update**

Reference:	2102, 2102/3
Report Author:	A/Corporate Strategy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report provides the Audit, Risk and Improvement Advisory Committee with an update on the status of issues which have been raised in previous Management Letters by Council's external auditors.

The Acting General Manager addressed the meeting.

AR 43/20

MOTION moved by Dr J Young and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

PASSED

**16.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting
held on 20 November 2020**

**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory
Committee Meeting held on 20 November 2020**



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY
COMMITTEE MEETING**

Friday 20 November 2020



10. DATE OF NEXT MEETING

The next meeting will be held on 19 March 2021 in the Civic Centre, Elizabeth Street, Moss Vale commencing at 10.30am.

11. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.26 AM.

16.4 Management Advisory Committee Reports

Reference: 107/30
Report Author: Committee Coordinator

PURPOSE

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

1. Mittagong Memorial Hall Management Committee held on 3 September 2020.
2. East Bowral Community Centre Management Committee held on 29 September 2020.
3. Moss Vale Senior Citizens and Community Centre Hall Committee held on 20 July 2020.

RECOMMENDATION

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

1. Mittagong Memorial Hall Management Committee held on 3 September 2020.
2. East Bowral Community Centre Management Committee held on 29 September 2020.
3. Moss Vale Senior Citizens and Community Centre Hall Committee held on 20 July 2020.

ATTACHMENTS

There are no attachments to this report.

17 QUESTIONS WITH NOTICE

17.1 Question with Notice 48/2020 Station Street Traffic Count

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

To: Acting General Manager
From: Cllr G Turland
Received: 30 November 2020

Subject: Station Street Traffic Count

Question:

1. Has Council undertaken an updated traffic count from all roads leading into Station Street?
2. Has Council surveyed the traffic from Oxleys Hill Road as to why they are using this road and the destination both ways morning and afternoon at peak times leading into Station Street.

Response to Q 1:

Council engaged the services of a traffic survey company to provide morning and afternoon peak hour intersection counts at the following intersections along Station Street on Friday 10 March and Friday 17 March 2017:

- Mittagong Road/Bundaroo Street – 10/3/17
- Station Street/Bong Bong Street – 10/3/17
- Station Street/Wingecarribee Street – 10/3/17
- Station Street/Boolwey Street – 17/3/17
- Station Street/Bowral Street – 17/3/17
- Station Street/Funston Street – 17/3/17
- Funston Street/Moss Vale Road/Kangaloon Road – 10/3/17

The traffic volumes from these counts were used to reassess the project in a detailed SIDRA Network analysis (Traffic Modelling). All intersection analyses are undertaken using turning movement data over the peak hour. Friday is the peak traffic movement day in Bowral.



To assess performance into the future, an aggressive rate of 1% compound growth was applied to all counts over a 15 year period and this was also analysed in the SIDRA Network. Analysis of the network at the 2017 plus 15 year growth period supports the duplication of Wingecarribee Street bridge.

The analysis supported the project as designed. The output data from the SIDRA analysis was provided to an independent economic analyst who found that the Station Street project would deliver a significant positive cost/benefit ratio over the forecast horizon.

The improved network was also tested over a 20 year forecast (i.e. 2017 plus 20 years). This included the benefit of the duplication of the Wingecarribee Street bridge (as was previously assessed and consistent with the long term network improvement strategy).

Response to Q 2:

Council's tube data west of Kiama Street on Oxleys Hill Road (28 March 2017) shows a weekday average traffic volume of 951 vehicles per day (combined two way flow). It also showed a morning peak (combined two way flow) of 123 vehicles per hour (9:00 am to 10:00am) and an afternoon peak volume of 112 vehicles per hour (4.00pm to 5.00pm).

Existing afternoon peak turning movement counts show movements to and from Kiama Street, the brickworks and other industry between Wingecarribee Street and Kiama Street. Cumulatively an additional 200 vehicles (approximate) in the afternoon peak are added to traffic east of Kiama Street heading towards Wingecarribee Street. Similar traffic volumes are travelling in the opposite direction (Wingecarribee Street to Oxleys Hill Road) during the morning peak.

The delays at the Kirkham Road/Wingecarribee Street rail bridge will benefit from both the completion of the Station Street project and the recommended duplication of the Wingecarribee Street rail bridge.

The concentration of traffic, based on the traffic count, is largely generated from the industry in the area and to a modest extent west of Kiama Street.

RECOMMENDATION

THAT the information in relation to Question with Notice 48/2020 – Station Street Traffic Count – be noted.

17.2 Question with Notice 49/2020 Bushfire Update

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

To: Acting General Manager
From: Cllr G Turland
Received: 30 November 2020

Subject: Bushfire Update

Question:

1. Can Councillors have a report on what bushfire measures have been implemented to protect our community for this bushfire season.
2. Has Council adopted all the outcomes in the NSW Bushfire Inquiry and the Royal Commission into Natural Disasters.

Response to Question 1:

Wingecarribee Shire Council has a high level of commitment to bushfire management for Council owned or controlled properties. Council is a member of the Wollondilly – Wingecarribee Bush Fire Management Committee (BFMC) which is made up of the Rural Fire Service and Fire and Rescue NSW, at least 11 other Agencies, and major industries. Of the 270,000 hectares covered by the Wingecarribee Bushfire Management Committee, 1% is managed by Council.

The committee prepares a regional Bush Fire Risk Management Plan (Copy available on Council's webpage at <http://www.wsc.nsw.gov.au/bushfire-risk-management-plan>) which identifies, ranks and specifies treatment actions for listed assets (Built; Community; Infrastructure; Environmental etc).

The BFMC meets four times a year and the next scheduled meeting is on 10 December 2020. Council reports on the status of all our bushfire management actions at each BFMC meeting.

In relation to Council Reserves, there are four risk management actions specified in the regional risk management plan for Council to deliver:

- Conduct Hazard Reduction Burning – Council owned/managed properties
- Maintain Asset Protection Zones
- Maintain fire trails
- Support community engagement activities (The fire agencies are the lead).



Conduct Hazard Reduction Burns

Council reserves are broken into “fire management units”. These units are burnt / hazard reduced on an agreed cyclical basis. The frequency / cycle of burns for each unit is set depending on the purpose of the unit (Strategic Fire Advantage Zone / Land Management Zone). Strategic Fire Advantage Zones (SFAZ) are the priority units and are on a higher frequency cycle.

Hazard Reduction Burns are implemented by either the RFS or FRNSW (depending on the Reserve). Council proposes and prepares for burns annually (in accordance with the fire management plans) but has no control over the delivery and timing of burns, as these are subject to available resources of RFS + FRNSW, and appropriate weather conditions.

For the 2020/2021 fire season, Council has scheduled HR burns across six SFAZ units and completed the necessary preparations for these burns. Burns have been completed for three of these. The remaining burns are proposed within Mt Gibraltar, Gibbergunyah and River Bend Reserve (Berrima).

HR burns have been conducted across eleven fire units on Council land since the beginning of 2019.

Maintain Asset Protection Zones

Where a bushland reserve directly abuts an asset (eg. infrastructure (Tower; Water and Sewer Infrastructure; Homes etc), an “Asset Protection Zone” (APZ) is established and maintained on Council land if required, although most APZs should be located on the private property. They are only established on Council land if, due to historic development approvals, it is impossible to locate it on the private property. The type, location and extent of APZ are all set by RFS guidelines.

Council undertakes fuel reduction (generally slashing) of all the APZ's on Council land twice yearly. All of Council's APZ's are audited annually (and usually 2 times per year) to confirm they are being maintained to standard. The first audit has been completed. Council has applied for funding from the RFS (RFFF program) to conduct these works and is currently awaiting confirmation of these funds.

Maintain Fire Trails

Council maintains RFS approved fire trails in our bushland reserves. Not all bushland reserves have approved trails. All fire trails are audited annually and works implemented to ensure they are maintained to an operational standard. In the last year major works included repairs to trails in Mt Gibraltar costing in excess of \$65,000.

Council is currently working with the BFMC to undertake a review of all fire trails in the region under the Fire Access and Fire Trail (FAFT) plan as recommended in the NSW Bushfire Enquiry.

Roadside Mowing

Council annually completes two roadside mowing services covering 624km of road network throughout the shire. The intent of the service is to increase line of sight, aid water flow from the bitumen seal to the table drainage and reduce the fuel loadings on the roadsides.

Achieving the most value out of two roadside mowing services, Council needs to strategically schedule the first mowing service to commence in December when the Spring

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grass growing season is coming to an end. The following mowing service is planned for March to April when the cooler season is starting. This takes advantage of the cooler weather and slow growing conditions to allow the service to hold out through to start of Spring.

Roadside mowing works will commence the week starting 7 December 2020. Local Major and Sub Arterial roads will be the focus of this program over the December period. The remaining roadside mowing will be completed over January 2021. The program will then cycle back to start a second service in March to April 2021. The start date varies depending on the growing conditions.

Generators for Water Supply

Water supply can be impacted by power failure during bushfire events, however Council has a range of preventative actions which are taken in such circumstances to ensure uninterrupted supply. These include:

- Provision for temporary mobile generators - these can be plugged in at the smaller WPS enabling pressure booster pumps to run and reservoirs to be replenished. Council has 3 trailer generator units to share across all activities. Council also has access to its equipment hire contract should additional generators be required.
- Provision of permanent on site back up generation for Wingecarribee WTP and the large critical WPS (Evans Lane, Oldbury Road) - Council has commenced the design, installation and procurement of permanent generators to be located at the WWTP and Evans Lane and Oldbury Rd WPS. The nature of this project and the lead time in construction have these generators scheduled to be commissioned in the second half of 2021.

Emergency Management Plan

The Wingecarribee Local Emergency Management Committee (LEMC) has finished a comprehensive review of the Shire's Emergency Management Plan (EMPLAN) and is awaiting final ratification by the Regional Emergency Management Committee.

The EMPLAN is the primary planning document for emergency management in the Shire at a local level, identifying those significant hazards likely to affect the Shire, the agencies responsible for prevention, preparedness, response and recovery to those hazards as determined by State Legislation and a confidential comprehensive list of local essential and community assets, contacts, evacuation centres (both people and animals), vulnerable people and institutions and other important community asset information for use during an emergency event.

Local Emergency Management Committee

In the wake of the Bush Fires of 2019/20 the LEMC members from FRNSW, the RFS and the Red Cross have been working with the community to build awareness, preparedness and resilience within the community visiting primary schools, vulnerable people and facilities and outlying villages to ensure their bush fire survival plans and contact information is up to date.

Current focus is on a longer-term ongoing project of community engagement and education focused on building resilience to disaster in one road in/out communities. This work includes building community profiles to identify networks and influencers, understand important issues and resource needs and establish relationships of trust.

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Training

Council has conducted 4 full day training sessions in conjunction with Resilience NSW for Emergency Operations Centre (EOC) liaison officers.

Resilience NSW has commenced the development of a LEMO training course and this is scheduled for delivery in early 2021.

Council also conducted *Business Continuity Plan* refresher training for key staff within the Continuity Management Team of Council to ensure that staff are ready to respond to any potential disruption to Council's operations.

Response to Question 2:

The NSW Bushfire Inquiry outlined 76 recommendations. Of the 76 recommendations from the NSW Bushfire Inquiry, 10 are related to Local Government. The lead authority for those 10 recommendations are NSW State Government; Resilience NSW; Transport for NSW; LEMC and Department of Industry. Council is, and will continue to work, with all lead agencies to action the recommendations relevant to Council.

The final Royal Commission report was tabled in parliament on 30 October 2020 and staff are still reviewing the 80 recommendations and will consider what responses or actions are relevant to Council.

RECOMMENDATION

THAT the information in relation to Question with Notice 49/2020 – Bushfire Update – be noted.

17.3 Question with Notice 50/2020 Unsealed Road Maintenance

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

To: Acting General Manager

From: Cllr G Turland

Received: 30 November 2020

Subject: Unsealed Road Maintenance

Question:

1. That Council provide a detailed list of all maintenance to be undertaken on unsealed roads in our Shire. The report is to contain dates and costing to all unsealed roads in our Shire and in particular Old Argyle Road works schedule.

Response:

Council is responsible for maintaining 320kms of unsealed roads across the Local Government Area.

Council undertakes programmed maintenance on its maintained unsealed road network on an 18 month rotational schedule. This initially involves an inspection undertaken by Council's Infrastructure Services Branch. Where roads are found to be in poor condition, maintenance grading is undertaken to improve road safety and overall drive conditions.

High traffic volume unsealed roads are inspected bi-annually for condition assessment. All action requests in relation to unsealed roads are again inspected by Council's Infrastructure Services Branch, and where required, maintenance activities are undertaken to address any road safety concerns.

Council allocates approx. \$1.5 million per annum from its road maintenance program to undertake maintenance activities on maintained unsealed roads.

Maintenance activities in relation to the unsealed section of Old Argyle Road were last undertaken in August 2020.

Council officers were unable to produce a report containing dates and costing of all unsealed roads maintenance activities within the time constraints of responding to this question with notice.

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RECOMMENDATION

THAT the information in relation to Question with Notice 50/2020 Unsealed Road Maintenance – be noted.

17.4 Question with Notice 51/2020 Council Policy and Codes

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

To: Acting General Manager
From: Cllr I M Scandrett
Received: 30 November 2020

Subject: Council Policy and Codes

Question:

Could the Acting General Manager please:

1. Advise what Council policies and codes [internal or external] etc are in place that address bullying, intimidation and sexual harassment, and the processes for dealing with same;
2. Also outline when these policies and codes etc were adopted, and when they are due for review.

Response:

Council's General Manager Practice Note *Dignity and Respect* and the associated detailed procedure were last updated on 24 August 2019. General Manager Practice Notes are reviewed approximately every two (2) years or as required where there are identified issues that indicate a review is necessary.

All Council staff undergo Dignity and Respect training, with the most recent round of training conducted in November/December 2020.

Councillors were also recently required to undergo training in relation to "their obligations under work health and safety legislation with particular reference to bullying". This was a requirement under the Performance Improvement Order served on Council by the Minister for Local Government.

RECOMMENDATION

THAT the information in relation to Question with Notice 51/2020 Council Policy and Codes – be noted.

18 NOTICES OF MOTION

18.1 Notice of Motion 41/2020 Amendment to WLEP 2010

Reference:	100/4
Report Author:	Administration Officer (Meetings)
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 Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 December 2020:

1. THAT Council seek concurrence of the Department of Planning to amend Part 7, Section 7.2 of the Wingecarribee Local Environment Plan 2010.
2. THAT the provision for subdivision of dual occupancy residences in R2 Low Density Residential Zones on corner allotments of 1,000sqm and above be *removed*.

RECOMMENDATION

Submitted for determination.

Staff Response.

Under changes in State Planning Legislation that came into effect in July 2020, dual occupancies and subdivision thereof became a permissible form of development on all allotments in the R2 Low Density Residential and R3 Medium Density Residential zones within the Shire which is facilitated through Clause 4.2F under Wingecarribee Local Environmental Plan 2010. A requirement of a subdivision is that the allotment is required to be a minimum 1200 square metres so as to meet the 600 square metre requirement for each lot created. As stated this permissibility applies to all lots and not just corner allotments which as per clause 7.2 a corner allotment of 1000 square metres can be developed for a dual occupancy and subdivision provided the development has access to reticulated town water supply and sewerage system.

Should Council agree with the intent of the Notice of Motion, it is recommended that Council staff prepare a report to the first Council meeting in 2021 to outline and explain how best to implement the motion in the context of other related provisions included in the Wingecarribee Local Environmental Plan 2010 and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 so as to avoid any unplanned development scenarios.

18.2 Notice of Motion 42/2020 Bong Bong Street Improvements

Reference:	100/4
Report Author:	Administration Officer (Meetings)
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 Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 December 2020:

THAT the Acting General Manager provide a response to the following communication which I have received from a member of the public:

"in the Have Your Say website re. the Bong Bong St improvement issue, I found that council says the RMS controls the traffic lanes on Bong Bong Street and the Council is responsible for the parking lanes and the 'sidewalk' (sic). So why has Council up to now continually claimed that it needs to swap the Main Road classification from Bong Bong St to Station St before it can make pedestrian and streetscape improvements to Bong Bong Street."

RECOMMENDATION

Submitted for determination.

RESPONSE:

The excerpt of the Frequently Asked Questions referred to above is enclosed for reference below.

Is Council limited in what it can do by the RMS?

Bong Bong Street is classified as a Main Road (MR260) in the State Road network so any recommendations that impact on the travel lanes would need to be approved by Roads and Maritime Services.

Council has responsibility for the parking lane and sidewalk areas.

The upgrade of Station Street to Main Road standards would provide an opportunity for Bong Bong Road to be reclassified.

In accordance with Clause 75 of the NSW Roads Act 1993 "A public authority (i.e. Council) may not carry out road work on a classified road, being work that involves (a) the deviation or alteration of the road... ..unless the plans and specification for the proposed work have been approved by RMS". This means that Council can conduct "pedestrian and streetscape improvements to Bong Bong Street" but needs to obtain approval from the RMS for any proposed works. If the classified status of Bong Bong Street is transferred to Station Street, this will provide Council with greater independence with regard to the pedestrian and streetscape treatments that can be implemented in Bong Bong Street.



18.3 Notice of Motion 43/2020 Local Strategy and Local Strategic Planning Statement Further Review

Reference:	100/4
Report Author:	Administration Officer (Meetings)
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 Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 December 2020:

1. THAT Council undertake a further review of the Local Strategy and Local Strategic Planning Statement to remove the identified North Eastern Land Release proposal as exhibited between March and May 2020 due to representations for a more thorough and inclusive consultation with the Robertson community.
2. THAT Council write to the Department of Planning advising it is their intention to review both the Local Housing Strategy and Local Strategic Planning Statement documents to better engage and clarify the community's comments and expectations on this proposal.
3. THAT Council inform residents of Robertson of their intention as per point 1 above.

RECOMMENDATION

Submitted for determination.

Response from Staff

The current re-exhibition of the Local Housing Strategy and Local Strategic Planning Statement as resolved by Council on 12 August 2020 to review the Colo Vale area in terms of future housing opportunity locations concluded on Friday 27 November 2020. Staff were intending to review the submissions over December/January and report to Council in February 2021.

Rather than reporting on the Colo Vale review in February, it would make sense, if Council resolves to now review the proposed release area in Robertson, to undertake that consultation in February 2021 and then report the outcomes of both the Colo Vale consultations and Robertson consultations together at a later date in 2021.

19. 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 15 of Council's Code of Meeting Practice.

Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

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

19.1 Tender for SCADA and Control System Support and Maintenance

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the SCADA and Control System Support and Maintenance.

19.2 Tender for Water and Sewer Main Renewals - Throsby Street, Moss Vale

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the renewal of water and sewer mains between Spring Street and Spencer Street, Moss Vale.

19.3 Land Acquisition - Bowral

Relevant Legal Provisions

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

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Brief description

The purpose of this report is to seek Council approval to acquire land for water services which will facilitate the installation of a permanent backup generator at the existing Evans Lane Water Pumping Station, Bowral.

In addition to the above, a Right of Carriageway (10m wide) in favour of Council is required over part of the land to formalise legal access to the Water Pumping Station. This will allow Council staff and contractors to undertake maintenance and renewal works as required.

The subject property is part of land owned by Siesta Holdings Australia Pty Ltd. The legal description is Lot 2 in Deposited Plan 1174588 being part 'Gibbergunyah Estate', 123-125 Old Bowral Road, Mittagong and is referred to in this report as 'the Land'.

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

Barry W Paull
Acting General Manager

Thursday 3 December 2020