

6 September 2019

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 11 September 2019** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 September 2019 at 3.30pm.

Time	Item
3.30pm	<p>Opening of meeting – This meeting is recorded and live streamed for public viewing via the internet in accordance with Council's Code of Meeting Practice, with the recording stored and made available to the public for later viewing. The recording is subject to copyright.</p> <p>Members of the public attending or speaking at this meeting will be recorded and publicly broadcast. By attending this meeting you voluntarily consent to your attendance and participation being recorded.</p> <p>Any part of the meeting that is held in closed session will not be live streamed.</p> <p>Council requests that everyone present is respectful and uses appropriate language. Council does not accept liability for any defamatory, discriminatory or offensive comments that are made during the course of the meeting.</p> <p>Please ensure that all electronic devices including mobile phones are switched to silent. Under the Code of Meeting Practice, public recording of this meeting is prohibited without prior authorisation by Council.</p> <p>Council's live streaming of Meetings via Facebook is designed to encourage constructive dialogue. We remind users to be digitally responsible and respect their fellow posters. We ask users to keep comments relevant, and not to spam or post personal or commercially sensitive information. This includes content that may be defamatory, derogatory, offensive or discriminatory towards Council employees, Councillors, other persons or organisations. Failure to follow Facebook house rules will result in comments being deleted and if this behaviour persists the user will be blocked.</p>
	Acknowledgement of Country – Cllr G Andrews
3.32pm	Opening Prayer – Reverend Hugh Brooks-Lloyd, Mittagong Anglican Church
3.35pm	<ul style="list-style-type: none"> • Apologies • Adoption of Previous Minutes • Declarations of Interest (<i>if any</i>) • Mayoral Minute (<i>if any</i>) • Public Forum (<i>if any</i>) • Visitor Item (<i>if any</i>) • Council Reports
5.30pm	<p>Questions with Notice</p> <p>Notices of Motion</p>
7.40pm	Closed Council

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale
on Wednesday, 11 September 2019 at 3.30pm.

8.00pm

Meeting Closed

Ann Prendergast
General Manager



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19.2	Tender for Water Reservoir Cathodic Protection <i>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.</i>	
19.3	Children's Services Service Delivery Review <i>This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.</i>	
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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

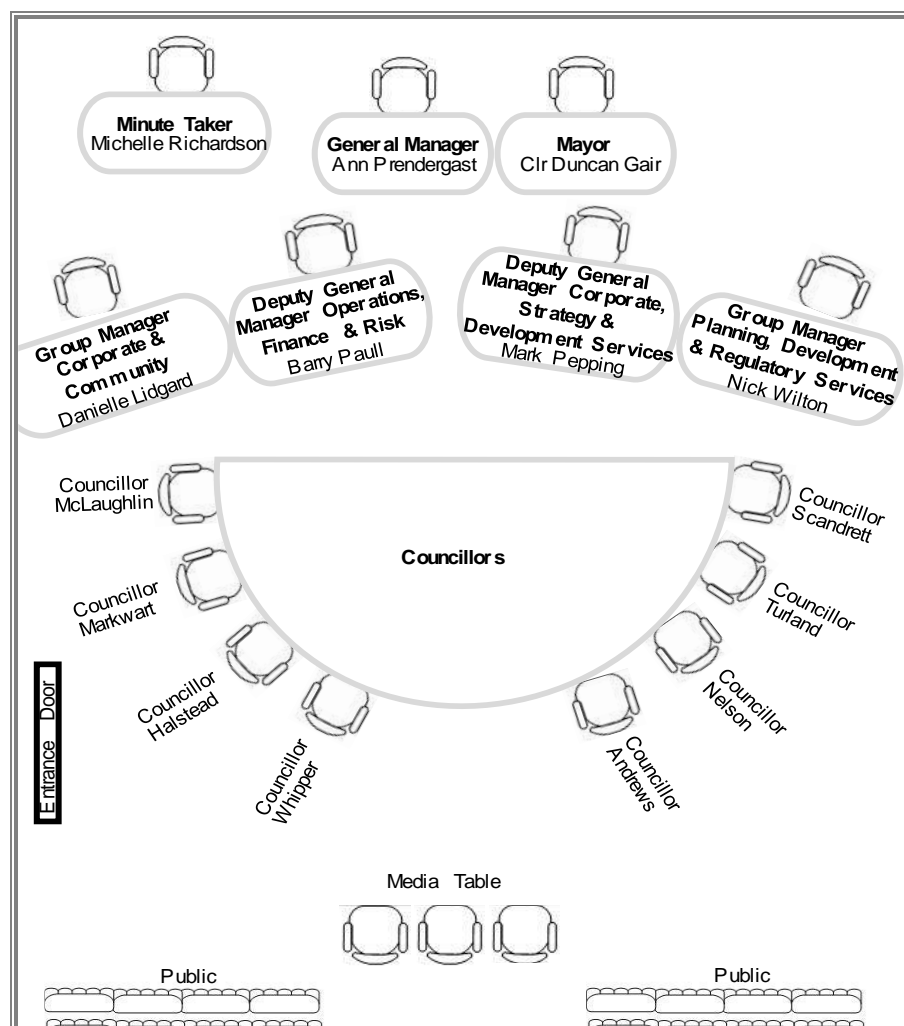
Council Chambers

Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

As required under its Code of Meeting Practice, Wingecarribee Shire Council records and webcasts the proceedings of the Council meetings and Finance Committee meetings for public viewing, with the exception of any part of the meeting that is held in closed session. Members of the public attending and speaking at these meetings will be recorded and publicly broadcast. Council does not accept liability for any defamatory, discriminatory or offensive comments that are made during the course of the meeting.

Sound recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording or live streaming is also not permitted. No member of the public is to live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the meeting without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.



ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Request for Leave of Absence – Councillor McLaughlin

Councillor **McLaughlin** intends to be absent from all Council commitments on Wednesday, 11 September 2019, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

Under Section 234 of the *Local Government Act 1993* and Clause 235A of the *Local Government Regulations 2005* leave of absence can be granted to a Councillor with Council approval.

Council's consideration of the request for leave of absence is sought.

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.

9 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale

Reference:	DA19/0974
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Joer Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 19/0974 which seeks approval at Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale, for Multi Dwelling Housing development – 9 Dwellings involving:

1. Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties at 51-53 Kirkham Street Moss Vale.
2. Construction of nine (9) single storey villa style dwellings over Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale.

The application has been referred to Council as it involves a significant policy departure in relation to provision of landscaping.

RECOMMENDATION

THAT Development Application 19/0974 for Multi Dwelling Housing at Lot 10 DP 38607 and Lot 53 DP 1120498 51-53 Kirkham Street Moss Vale involving:

1. Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties.
 2. Construction of nine (9) single storey villa style dwellings;
- be REFUSED due to the reasons included in (Attachment 1).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

REPORT

Subject Site and Locality

Subject Site and Locality.

The site is known as 51 and 53 Kirkham Street Moss Vale. The site is located approximately 400 metres south east of the Moss Vale business centre and directly opposite the Moss Vale TAFE site, within a precinct that is predominantly medium density developments of varying scale, character and age.

The site has an area of approximately 3,726m². It has a frontage to Kirkham Street of approximately 38.5 metres. Along its northern boundary it has a depth of approximately 60 metres and along its southern boundary a depth of approximately 136 metres. The site is relatively flat, falling slightly from the street at RL675 towards the rear at RL671. Whites Creek Reserve abuts the rear boundary of the site.

Situated upon the site is one older style single storey cottage on 53 Kirkham Street, setback approximately 3 metres from the street, while No 51 is now vacant, the original cottage having been demolished. There are some detached garage/garden sheds structures to the rear of the properties. There are a number of existing trees located on the site.

Surrounding development is a mix of single residential dwellings and established medium density developments.



Site Plan.

Background

The applicant was requested to redesign the development to achieve a total landscaped area of 50% in accordance with the requirements of the Moss Vale Development Control Plan.

The applicant did not wish to redesign the application therefore the application is submitted to Council recommending refusal due to the proposal being a significant policy departure.

Council has been consistent in dealing with applications for multi dwelling developments and requiring compliance with the 50% landscape requirement.

Council staff recently assessed an application at 33-37 Kirkham Street Moss Vale for the erection of 23 dwellings. Their original application provided a landscaped area of 45.8%. The applicant was requested to amend the application and submitted a redesign that achieved a landscape area of 49.6% and was subsequently approved in April this year.

Council considered an application at its Ordinary Meeting on 23 March 2019 for a multi dwelling development at 19-21 Sheffield Road Bowral that provided for a landscaped area of 42.4%. Council resolved to defer the application for the applicant to submit amended plans addressing the shortfall of on-site landscaping to comply with Development Control Plan prescriptive control of 50% of site area. The amended development was approved by Council at its Ordinary Meeting on 14 August 2019 where the applicant provided 50% landscaped area for the development.

Council Development Assessment Staff have been consistent in requiring multi dwelling developments to provide 50% landscaped area in accordance with the requirements of the Development Control Plans.

Proposed Development

The proposed development involves the demolition of the existing dwelling house and outbuildings as well as the removal of several existing trees and the construction of nine (9) single storey villa style dwellings. There are four (4) attached pairs and one (1) single detached villa.

There is a single central driveway off Kirkham Street with each villa having an attached garage directly off the driveway.

Villas 1, 6, 7 and 9 contain 3 bedrooms and living areas. These dwellings have a floor area of approximately 170m² each with attached double garages.

Villas 2, 3, 4, 5, and 8 contain 2 bedrooms and living areas. These dwellings have a floor area in the range of approximately 130m² to 150m². These villas have single attached garages. There are 3 visitor parking spaces.

The floor space ratio for the development is 0.37:1. Each dwelling has its own private outdoor open space that is directly off the main living area, complemented with alfresco areas that have the flexibility of indoor/outdoor living.

The development is proposing to provide only 43% (260.84m² shortfall) landscaping on the site in lieu of the required 50% under the Development Control plan. To achieve 50 % landscaped area would involve amendments to the plan and possible 2 storey dwelling mix to reduce the footprint and thereby increase the landscaped area.

Council considered a recent development application at Sheffield Road Bowral where the applicant was providing 42.4% landscaping. Council resolved to defer the application for amendment to provide 50% landscaped area.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The applicant has provided the following comments in regard to the variation of the landscaping controls which he believes do not give rise to any detrimental impacts upon either the natural or built environment or upon adjoining residential properties.

“The numeric control requirement of 50%, which is a relatively new control, is unfortunately not considered to be a control that is fair or reasonable, nor is it a figure necessary to achieve desirable outcomes.

At 50 % of the site area, it is fundamentally enforcing development to be two storey development because it is not possible to provide reasonable sized dwellings and provide the required driveways and car parking areas within 50% of the site area. In this proposal, all nine dwellings are single level and therefore provide living and bedroom space at ground level. Compliance with the 50% requirement could be achieved by shrinking the ground level footprints of each dwelling and making all dwellings a standard two storey design with extended external wall heights and an overall increased height and building bulk. This is not considered to be a desirable outcome for either the future occupants, the majority of whom are more desirous of single level living, nor would it advantage adjoining developments because issues of privacy and overshadowing increase with two storey developments.

The total floor space on site of just 0.37:1, is well within the allowable maximum, so the minor shortfall in landscaped area is not a problem of too much density. The development seeks only 75% of the allowable FSR.

The final figure of any of the three major site components – building, access, landscape – will always be a consequence of how these components can be fitted onto this site. In this case, the distribution is 37% building, 20% driveway and 43% landscaping.

The 20% access (driveway and parking) component comes about as a result of the long narrow site that requires an extended driveway length. This is not considered to be excessive. The driveway design is efficient and is no more than what is necessary to service the proposed dwellings. There are no ‘options’ for an alternative driveway design.

For instance, the immediately adjoining site to the south is a medium density development approximately 30 years old. It has the same basic form as a number of developments in the locality with a simple driveway system servicing the dwellings and providing in-site parking spaces. It has a driveway coverage in excess of 25%.

A more recent development, Moreau Village at the end of Kirkham Street has approximately 18% driveway coverage, but is of much different shape to the subject lot.

This form is a single driveway down one side of the lot servicing dwellings to one side with suitable and adequate private landscaped courtyards. Additional landscaping is provided at the street frontage or at the rear.

Additionally, the landscaped area is a figure that is significantly more onerous than the landscape area requirement for detached dwellings and dual occupancy and this is a situation that should be addressed.

If the land was to be subdivided and developed as single dwelling houses or dual occupancies, the applicable landscaped open space would only be 35% site area, not 50%. Lower density housing with less landscaping is an incongruous and illogical planning outcome.

This application seeks to achieve Council’s planning objective of providing additional medium density housing, yet could be penalised for this with an unrealistic requirement for landscaping. When controls lead to outcomes that do not favour the objective of the zone, such as this control, then the numeric of that planning control should be reviewed.

The issue of landscaping in this case should be judged on the following: the generous and suitable private open space areas that are provided for each dwelling that are compliant with the minimum requirements; the generous front setback that provides an appropriate landscaped streetscape; the significant and co-ordinated new landscaping treatment for the site as set out in the detailed landscaping plan. These demonstrable positive outcomes achieved by the site landscaping are far more important than a rigid adherence to the 50% numerical requirement, the veracity of which has never been justified and therefore should seriously be questioned.

Reasonable variations to this control have been granted by Council on previous occasions. These examples of recent approvals are in addition to the multitude of earlier approvals of medium density development throughout the shire, including in this Precinct. For instance developments at Nos 11,15 and 12 Mack Street, none of which achieve 50% landscaping area, have resulted in development that would appear to have managed to provide both attractive streetscapes and attractive residential amenity for residents, further raising the question of why this particular planning control has been introduced”.

Note:

The statement from the applicant that “*the numeric control requirement of 50%, which is a relatively new control*”, is misleading. The 50% minimum landscape requirement for Residential Flat Buildings was included within Council's premises DCP 18 Residential Flat building Code which was effective until 2006 and a 40% landscape requirement for cluster housing was included under Council's premises DCP 20 Cluster housing which was effective until 2006. The current Moss Vale DCP has been effective since 16 June 2010 and required a 50% minimum landscape requirement for Residential Flat Buildings but was silent on Multi Dwelling housing. The 50% minimum landscape requirement for Multi Dwelling housing was introduced in 2014.

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. After undertaking a desktop search using Council's Property and Rating database, Council is satisfied the land is not a site of possible contamination and therefore no further assessment is required.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The development is located on land to which SEPP (Sydney Drinking Water Catchment) applies and is Module 5 development. The application was referred to Water NSW for its concurrence. Water NSW has issued its concurrence by letter dated 06 February 2019. Water NSW advised that the development is able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The conditions have been provided in the consent.

Local Environmental Plans

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 R3 – Medium Density Residential and in this zone Multi Dwelling Housing is permissible with development consent. The objectives of the R3 – Medium Density Residential zone are as follows:

- To provide the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with the objectives of the zone and will meet housing needs of the community in a medium density residential development.

Development Control Plans

Moss Vale Development Control Plan

The application has been considered with regard to the DCP's applicable provisions, Including:

- Part A – provisions applicable to all land
 - Section 2 – General Objectives
 - A2.2 – Objectives of this plan
 - A2.2.5 Residential Diversity
 - Section 3 – Biodiversity
 - A3.2 Flora and Fauna Assessment Report
 - Section 4 – Water Management
 - A4.3 – Development in Sydney's drinking water catchments.
 - A4.4 – Water cycle management study
 - A4.5 – Stormwater management plan
 - A4.6 – Erosion and sediment control plans
 - A4.7 – Water sensitive urban design
 - Section 6 – Vegetation management and Landscaping
 - A6.1 – Preservation of trees and other vegetation.
 - A6.2 – Private Landscaped open space
 - A6.3 – Controls
 - Section 8 – Safer by Design
 - A8.3 – Crime prevention through environmental design
 - A8.4 – Specific design requirements
 - Section 9 – Construction standards and procedures
 - A9.3 – Buildings near or over Council Mains and Easements
 - A9.8 – Stormwater disposal
 - A9.12 – Waste Management and Disposal

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- Part C – Provisions Applicable to Residential-zoned land.
 - Section 1 – Introduction
 - C1.2 – Objectives
 - C1.5 – Height of buildings
 - C1.6 – Building materials
 - Section 3 – Medium Density Housing
 - C3.2 – Site amalgamation and minimum frontage requirements
 - C3.3 – Site planning
 - C3.4 – Density and Site Coverage
 - C3.5 – Building Height
 - C3.6 – dwelling Orientation
 - C3.7 – Building design
 - C3.8 – Dwelling Mix
 - C3.9 – Privacy
 - C3.10 – Materials and Colours
 - C3.11 – Landscaped Open Spaces
 - C3.12 – Car Parking, Garaging, Driveways and Common Paved Areas.
 - C3.13 – Pedestrian Access
 - C3.14 – Waste Collection
 - C3.15 – Adaptable Housing

Section 4.15(1) 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 application has been considered with regard to the relevant provisions of applicable environmental planning instruments (SEPPs and the LEP), as discussed above.

(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

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The application has been considered with regard to the relevant provisions of the applicable Moss Vale Development Control Plan and is non-compliant with C3.11.1 of Moss Vale Development Control Plan, Part (a) (landscaped area);

- (a) Fifty per cent (50%) of any site developed for multi dwelling housing including residential flat buildings, shall comprise Open Space and be landscaped to the satisfaction of Council.

The proposed development is providing a total of 43% (a shortfall of 260.84m²) landscaped area.

- (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*

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, general*

Context and setting

In terms of scale, nature and likely intensity of use, the dominant component of the development is the multi dwelling housing. The locality is generally characterised by low density and medium density residential development and this proposed development is not out of context or character with the existing local development. The development is not considered contrary to the R3 – Medium Density Residential objectives specified by the LEP:

- To provide the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Car parking

The development includes 12 residential car spaces and 3 visitor spaces. The DCP requires 3 Visitor car spaces. The car parking provision satisfies the Moss Vale development Control Plan.

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

The land's attributes are considered conducive to the proposed development, provided there is 50% landscaped area provided. The land is not subject to any known natural hazards such as flooding, bush fire, subsidence, slip, mass movement or the like. With regard to Heritage Conservation, the subject lot is not

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a listed item of environmental heritage nor is the site within a defined heritage conservation area.

(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 medium density development is not compliant with the minimum requirement for 50% site landscaping and therefore approval of the development is not in the public interest.

CONSULTATION

Pre-lodgement Meeting

The development was not discussed at any formal pre-lodgment meeting with Council officers.

External Referrals

Referrals	Advice/Response/Conditions
Water NSW	Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifiers	As amended plans to address the landscaping shortfall were requested a full assessment has not been completed.
Development Engineer	As amended plans to address the landscaping shortfall were requested a full assessment has not been completed.

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Tree and Vegetation Officer	As amended plans to address the landscaping shortfall were requested a full assessment has not been completed.
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Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 14 days between 16/01/2019 and 13/02/2019 and Council received 2 submissions. The issues raised in the submissions have been summarised and are considered below:

Issue	Comment
<ul style="list-style-type: none">• Boundary fence <p>Will the current boundary fence be maintained?</p> <p>If not</p> <ul style="list-style-type: none">➤ Where will the the boundary fence be located?➤ What style/materials will the proposed fencing be constructed of?➤ What height will the fence be?➤ Who will be responsible for payment?	<p>As the application is recommended for refusal there has been no consideration given to the provision of new dividing fences.</p>
<ul style="list-style-type: none">• Overdevelopment <ul style="list-style-type: none">➤ The development represents a significant over development of the site and leads to an unacceptable impact on existing tree/vegetation removal.➤ Proposed FSR is 0.57:1 in lieu of 0.50:1.➤ This overdevelopment leads to the development being at least 2 units more than it should.	<p>The development does not represent an overdevelopment of the site. The permissible floor space ratio is 0.50:1 and the proposed floor space ratio is 0.37:1.</p>
<ul style="list-style-type: none">• Development fails a number of preferred design features contained in the DCP <p>All nine units face internal driveways rather than address street frontage.</p>	<p>Only units 1 & 9 can physically face the street. In that regard, the facades provide sufficient articulation and treatments which reflect a traditional form of dwelling.</p>

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Issue	Comment
<ul style="list-style-type: none">• Orientation of Units<ul style="list-style-type: none">➤ The orientation of units 3, 4, 5, 6, 7, 8 & 9 are sited so their front doors face primarily to the south and the property rear faces northwards. The rear setback for each of these units is virtually non-existent allowing no scope for vegetative privacy plantings, or active/passive use of back yards.➤ Rear setbacks of less than 5 metres will represent significant impacts on the amenity and privacy of the surrounding adjoining properties.➤ The 2 metre setback between unit 7 and the neighbouring property is outrageous in its breach of privacy and amenity of the adjoining existing property.	Orientation of private outdoor areas facing north is compliant with the DCP in terms of solar access.

SUSTAINABILITY ASSESSMENT

- **Environment**

Potential environmental impacts have been assessed as part of this report.

- **Social**

This development provides housing choice within the Moss Vale township.

- **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 79C of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2019/20: OP168 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:

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010* and the Moss Vale Township Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

THAT Development Application 19/0974 for a Multi Dwelling Housing Development at Lot 10 DP 38607 and Lot 53 DP 1120498 51-53 Kirkham Street Moss Vale involving:

1. Demolition of existing dwelling at 53 Kirkham street and a number of detached garage/garden shed structures to the rear of the properties.
2. Construction of nine (9) single storey villa style dwellings be **REFUSED** due to the reasons included in (**Attachment 1**).

Option 2

THAT Council defer the application to enable the applicant to redesign the proposal to comply with the 50% landscaped area.

Option 3

THAT Development Application 19/0974 for a Multi Dwelling Housing Development at Lot 10 DP38607 and Lot 53 DP1120498, 51-53 Kirkham Street, Moss Vale involving:

1. Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties;
2. Construction of nine (9) single storey villa style dwellings

be APPROVED subject to Conditions of Consent as determined by the General Manager under Delegation.

Option 1 is the recommended option to this report.

CONCLUSION

All relevant matters have been addressed. It is considered this report adequately considers the merits of the development in terms of legislative compliance and its potential impact on the locality. The development application has been assessed in accordance with the matters for consideration under section 4.15(1) of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies.

Issues raised in submissions have been examined, considered and commented upon, however as the application is recommended for refusal these matters have not been addressed.

On balance, it is recommended the application be determined by way of refusal for reasons listed in **Attachment 1**.

ATTACHMENTS

1. Reasons for Refusal - *circulated under separate cover*
2. Location Plan 19.0974 - *circulated under separate cover*
3. Zoning 19.0974 - *circulated under separate cover*
4. Architectural Plans 19.0974 - *circulated under separate cover*
5. Landscape Plan 19.0974 - *circulated under separate cover*

9.2 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy

Reference: 1818690 19/1571
Report Author: Development Officer - Planning
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to consider Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at 12 Solomon Street, Renwick. This report is prepared for determination and recommends **REFUSAL** due to the reasons for refusal in **(Attachment 1)**.

The matter was deferred from the Ordinary Council Meeting of 28 August 2019 and the report remains unaltered.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at Lot 1325 DP1234992, No. 12 Solomon Street, Renwick be **REFUSED** due to the reasons included in **(Attachment 1)**.

REPORT

Subject Site and Locality

The subject site is described as Lot 1325 in Deposited Plan No. 1234996, No. 12 Solomon Street, Renwick and is part of the new urban release subdivision in Renwick. The site is located at the corner of Solomon Street and Maxted Street within the subdivision. The site has a 11.78m frontage to Solomon Street and a 29.5m frontage to Maxted Street, with a total area of 494.8sq. m. The site is relatively flat and is currently vacant.

At the time of a site visit, the lots immediately adjacent to the subject lot were also vacant. The surrounding locality is largely residential detached new dwellings on predominately lots ranging from 450-600 sq.m in area.

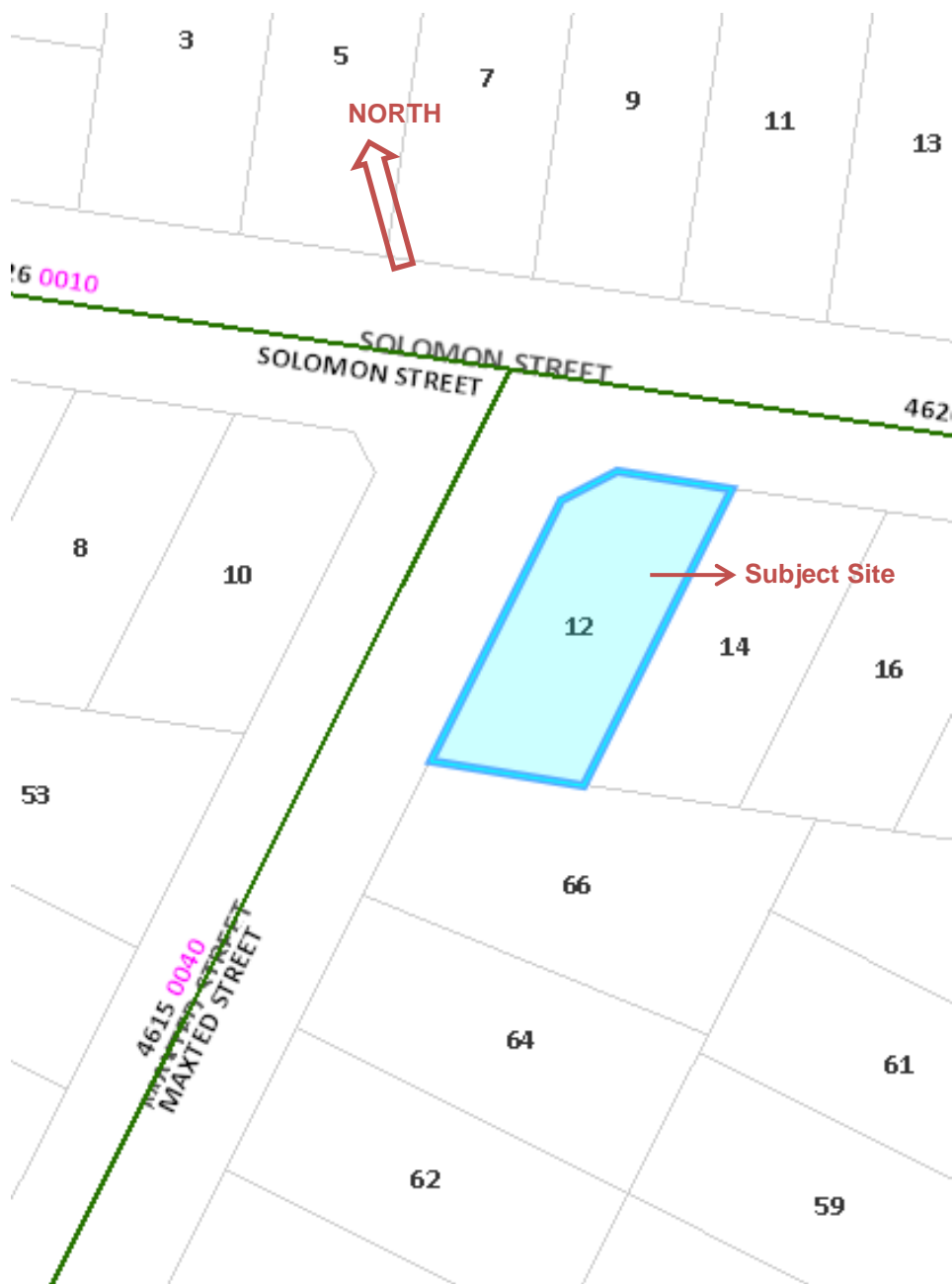


FIGURE 1 – SITE LOCATION



FIGURE 2 – AERIAL IMAGE

Application History

An application for this lot, for detached Dual Occupancy and Subdivision was initially lodged in Dec 2018 under DA 19/0940 and was refused by Council due to a full two-storey element and subdivision. An application under section 8.2 for review of the determination was determined as Refused by Council on April 2019. The amendment in the current application is that the second storey is proposed within the roof spaces.

Proposed Development

The Development Application 19/1571 was lodged on 03 May 2019, and it seeks approval for two-storey detached Dual Occupancy at Lot 1325 DP 1234992, No. 12 Solomon Street, Renwick. The proposed development includes:

- Construction of a Dual Occupancy, one having a frontage towards Solomon Street and the other towards Maxted Street,
- Each dwelling is proposed with an open kitchen, living, dining and an enclosed study on the ground level which two bedrooms and an ensuite on the first floor level. In total, it equates to three potential bedrooms in each proposed dwelling,
- Construction of a single garage for each dwelling located one metre behind the front façade which holds one car and the second car parking space is nominated on the proposed driveway,
- Construct two driveway crossings. One for access into Unit 1 through Solomon Street and the other for access to Unit 2 from Maxted Street.

The site plan of the proposed development can be found at **Attachment 2**. The elevations of the proposed development can be found at **Attachment 3**.

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. After undertaking a desktop search using Council's Property and Rating database, Council is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is within the Warragamba Catchment and therefore the Catchment SEPP is applicable to the assessment of the application. The application is a Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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The proposed development is defined as BASIX affected development. The applicant has submitted valid BASIX certificates for each proposed dwelling (ref. nos.: 977941S_02 and 977952S_02) including a summary of all BASIX commitments being indicated on the plans submitted with the application.

Local Environmental Plans

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 R2 and in this zone dual occupancy - detached is permissible with development consent. The objectives of the zone are:

- *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 proposal is not consistent with the aims and objectives of the zone, in regard to the low density residential development as the lot size is 494 sq.m and is considered to be small for a development of this scale.

Clause 7.3 Earthworks

The proposed building requires excavation for the installation of the structure for the dual occupancy development. The proposal is located on a flat site. Subject to the installation of onsite stormwater disposal system the proposal is considered to have non-detrimental impacts on drainage patterns in the locality.

No fill is proposed to be brought onto the site as a result of the development with any excavated material proposed to be used on-site as part of the development with excess to be removed to licensed landfill.

Due to previous developments on the site it is considered the likelihood of disturbing relics is minimal. The development is located well clear of any waterways and water catchment areas and as such is unlikely to impact them.

Standard sediment and erosion control measures shall be conditioned to minimize potential sedimentation impacts resulting from the construction works.

Development Control Plans

Mittagong Development Control Plan (Section 16: Renwick Precinct – Part C)

The development is subject to the Mittagong DCP. An assessment of the proposal against the relevant sections of the DCP follows:

C16.5 Private Domain Controls

The subject lot falls under the category of Integrated Housing as per the Mittagong Town DCP as the lot area is less than 600m².

C16.5.2 General Development Controls and Guidelines

Private Open Space (POS)

POS for Unit 1 is 45.75m² in area according to the submitted drawings which complies with the area requirements but is not located to have a Northerly aspect and hence does not comply. No variation request to the Mittagong DCP controls was provided by the applicant and hence this forms reason for refusal.

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POS for Unit 2 is 41.31m² in area according to the submitted drawings which complies with the area requirements and is located to have a Northerly aspect and hence complied with the DCP control.

Access, Parking, Garages & Driveways

Vehicle crossing is proposed to be 3.3m which does not comply with the DCP requirements (item c in this clause - maximum 3m). Two spaces for each dwelling is provided, however one being in the garage and the other being on the driveway in front of the building line. Proposed garage is setback by 1m from the front building line. Garage doors are within 40% of the front façade and less than 6m. No variation request to the Mittagong DCP controls was provided by the applicant and hence this forms reasons for refusal.

C16.5.5 Integrated Housing Development Controls

Unit 1 (as per proposed plans)	Proposed	DCP requirements	Compliance
Max. FSR	0.47:1 (total)	0.6:1	Complies
Max. Second Storey Area	58% of ground floor area (excluding Garage)	60% of ground floor area (excluding Garage)	Complies
Min. Landscape Area	34% (total)	25%	Complies
Min. Primary POS	45.75m ² – having a Southerly Aspect	15m ² (ground level) and has a Northerly aspect	Does not Comply
Dwelling Setbacks			
Front Setback	4.505m	4.5m	Complies
Secondary Front setback	2.285	2m	Complies
Articulation zone	25%	33% of setback	Complies
Side Setback	1.77m	1.5m	Complies
Rear Setback	NA	3m	---
Garage & Outbuilding Setbacks			
Front Setback	1m behind the building facade	1m behind the building facade	Complies
Side & Rear setbacks	1.05m	1m	Complies

Unit 2 (as per proposed plans)	Proposed	DCP requirements	Compliance
Max. FSR	0.47:1 (total)	0.6:1	Complies

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Unit 2 (as per proposed plans)	Proposed	DCP requirements	Compliance
Max. Second Storey Area	55% of ground floor area (excluding Garage)	60% of ground floor area (excluding Garage)	Complies
Min. Landscape Area	34% (total)	25%	Complies
Min. Primary POS	41.31m ² – Northerly aspect	15m ² (ground level) and have a Northerly aspect	Complies
Dwelling Setbacks			
Front Setback*	2.895m	4.5m	Does not Comply
Secondary Front setback	NA	2m	---
Articulation zone	0%	33% of setback	Complies
Side Setback	1.5m	1.5m	Complies
Rear Setback	3.05m	3m	Complies
Garage & Outbuilding Setbacks			
Front Setback	1m behind the building facade	1m behind the building facade	Complies
Side & Rear setbacks	1.05m	1m	Complies

* **Front setback** from unit 2 is proposed at 2.895m. In relation to clause C3.6.2 (c)(ii) of the Mittagong Town Plan DCP, if the front setback is different from the minimum setback, an average of the existing setbacks applies.

(c) Where properties immediately adjacent to the proposed development do not feature a consistent front setback:

(i) If the difference between existing front setbacks is 2 metres or greater, new buildings can adopt a setback within the range established by adjacent buildings;

(ii) If the difference between existing front setbacks is greater than two (2) metres, new buildings will adopt an average of the existing setbacks;

In this case, the front setback of the neighbouring lot (Lot 1356 DP 1234992) shall be 6m as the area of the lot is approximately 740m². Given the setback of Unit 1 is proposed at 3.1m, the required average setback for unit 2 is 4.55m.

Under clause 54 of the *Environmental Planning and Assessment Regulation 2000*, the applicant was invited to submit amended plans with amended front setback for unit 2 to comply with the Mittagong Town Plan DCP. Amended plans were received without any changes to the front setback for Unit 2, and the applicant has provided the below explanation instead:

On the issue of the setback for Unit 2 as per point 2 of your letter, the setback as shown is adequate and compliant to the controls irrespective of whether it is attached or detached. The rationale used for projects in such a configuration (as has been the case for No. 7 and No.27 Langley Ave) is that the secondary setback for the site applies as per the required distance in the DCP for the unit of the dual occupancy scheme that is addressing the secondary street as the overall development is on one subject site. It is not practical and unnecessary to apply additional setbacks to what is provided hence no additional variation requests are required as all setbacks are fully compliant.

The applicant did not request a formal variation for the non-compliance and hence forms reason for refusal.

Draft Planning Instruments

Section 16: Renwick Precinct of the Mittagong Town DCP is on public exhibition from 17 July 2019 to 16 August 2019.

The changes made in the draft DCP under clause A1.5 are directly applicable to this development as they focus on dual occupancy developments, height of development and elimination of second storey element forming a modest single storey dwelling. The various amendments to the Mittagong DCP, further confirm that the proposed development is non-compliant with the draft DCP. Reasons for non-compliance to the draft DCP are listed below:

Clause A1.5 Controls

Building Height & Mass

(a) Dwellings are not to exceed one (1) storey in height.

Total height of each proposed Dwelling is more than 7m.

(c) The front elevation of any 2 storey dwelling shall be composed of a combination of single and two storey elements, these elements which may include verandah, porch, bay window or single storey attachment.

The proposed elevation is not a combination of different height/elements as all the roof space is used as habitable rooms.

Ancillary Structures

(l) The Dual Occupancy component of a residential development on a site which is not capable of subdivision shall have a maximum floor space of 100m². This excludes the area of any carport or garage.

The proposed dual occupancy is more than 100m² in area.

Section 4.15C 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 proposed dual occupancy is permissible within the R2 – Low Density Residential zone under the *Wingecarribee Local Environmental Plan 2010*; but does not satisfy the R2 – Low Density Residential zone objectives.

- (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 in this instance (no relevant draft plans).

- (iii) *any development control plan, and*

The proposed dual occupancy does not comply with Section 16: Renwick precinct of the Mittagong *Development Control Plan* as outlined in the DCP Assessment above.

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

Not applicable to Development Application 19/1571.

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

Not applicable to Development Application 19/1571.

- (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 to Development Application 19/1571.

- (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.*

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Impacts of the Development

s4.15(1)(b)

<i>Context & Setting</i>	<p>The likely impacts of the development on the context and setting are considered contrary to the existing context. The proposed development will negatively impact on the streetscape and amenity of adjoining lots, by means of scale, bulk and height; as most of the contextual developments are single dwellings (either existing, under construction or going through a DA process) with no second storey element.</p> <p>Neither views, privacy or solar access will be significantly reduced as the lots immediately adjacent to the subject lot are currently mostly vacant lots. However, there will be no private space or usable open space for the two dwellings as the lot is small for the scale of this development. The development does not fit in the context as most of the new developments at Renwick are modest single storey dwellings on one lot. In the rare examples where dual occupancies have been approved and built, they are either attached dual occupancies on larger lots.</p> <p>External materials and finishes have been considered and while a subjective judgment, these have been considered to be satisfactory.</p>
<i>Access, Transport and Traffic</i>	<p>The proposal includes two driveways (one for each dwelling from two frontages of the lot, as access into the property from Maxted Street and Solomon Street respectively.</p>
<i>Public Domain</i>	<p>The subject Dual Occupancy residential development will not have an adverse impact on the public domain.</p>
<i>Utilities</i>	<p>The subject lot is serviced by town water and reticulated sewer.</p>
<i>Heritage</i>	<p>The development will have no greater impact than any other residential development in Renwick precinct from a heritage perspective.</p>
<i>Flora and Fauna</i>	<p>There are no existing trees on the lot.</p>
<i>Water</i>	<p>The subject lot is serviced by reticulated water supply. Each dwelling has been provided with a 5000L rainwater tank to comply with the 88b restriction. Hence, the water requirements for the two dwelling on this lot can be met.</p>
<i>Waste</i>	<p>The proposed development will not give rise to ongoing waste disposal beyond construction waste. Council's roadside waste collection will commence on the occupation of the development.</p>
<i>Soils</i>	<p>The subject development will not have any significant soils impacts. The site is not subject to any significant soils constraints, i.e. is not noted as acid</p>

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Impacts of the Development

s4.15(1)(b)

	<p>sulphate, highly erodible, saline or of high productive value. The reactivity of the soil has been considered and the footing design is considered appropriate.</p>
<i>Energy</i>	<p>The proposed development does not have a high energy requirement. The proposed development is adequately served by the energy provision to the subject site.</p> <p>BASIX energy conservation measures will apply to the subject development and will have beneficial impacts. A valid BASIX report has been provided with the application, ref. no. 977941S_02</p>
<i>Noise and Vibration</i>	<p>The proposed development is of a residential nature and hence it will not generate a disturbing volume of noise and vibration.</p>
<i>Natural Hazards</i>	<p>No natural hazards are noted by Council's GIS mapping as affecting the site. The subject site is not noted as flood prone by Council's mapping. The subject site is not bush-fire prone.</p>
<i>Technological Hazards</i>	<p>No technological/man-made hazards are noted as affecting the site or characteristic of the subject development. Whilst primarily the subject of the Construction Certificate (CC) assessment process, the overall fire safety of the development has been considered and the subject development is not characterised by excessive fire risk.</p>
<i>Safety, Security and Crime Prevention</i>	<p>The subject development will have non detrimental impacts on the Crime Prevention Through Environmental Design (CPTED) principles and strategies, i.e. Safer-by-Design guidelines.</p>
<i>Social and Economic Impacts in the Locality</i>	<p>The proposed dual occupancy residential nature of the development will not give rise to any noted adverse social impacts.</p>
<i>Site Design and Internal Design</i>	<p>The design is insensitive to site conditions, due to the scale of the development, as the lot is only 495m² in area. However, the design is not sensitive, to any other constraints such as topography, vegetation, easements, etc.</p>
<i>Construction</i>	<p>The construction works are not likely to create any environmental/safety issues.</p>

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Impacts of the Development

s4.15(1)(b)

Cumulative Impacts

The subject site is part of a subdivision that is new and in the process of development. It is considered that the approval of this development would create a precedent in the Renwick precinct and encourage developments like these. However, given that the application does not completely comply with the controls within the DCP and LEP, it is considered that there are appropriate reasons to recommend refusal for the application. All of the required referrals have been undertaken and in this instance it is considered that due to non-compliance with the relevant DCP controls, the subject site and the proposal that refusal is the most appropriate outcome.

(c) Suitability of the Site for the development

The proposed development does not fit in the given locality. The lot size is not sufficient for a dual occupancy of this scale. Renwick precinct is designed to have modest low scale dwellings and this proposed development does not meet that criteria. There are adequate utilities and services available to the proposed development where necessary. The air quality and microclimate are appropriate for the development, there are no hazardous land uses or activities nearby, and ambient noise levels are suitable for the development.

The site is not subject to any natural hazards including flooding, slip, mass movement or bushfires. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development will not prejudice future agricultural production and there are no known mineral or extractive resources on the site.

(d) Any Submissions made

Neighbour Notification

The development application was Neighbour Notified for a period of 14 days between 08 May 2019 and 24 May 2019. During this period Council received no submissions.

(e) The Public Interest

The proposed two storey dual occupancy is not consistent with the objectives of Wingecarribee LEP 2010 and Mittagong DCP and is not considered to be in the public interest.

COMMUNICATION AND CONSULTATION

Internal Referrals

Referrals	Advice/Response/Conditions
Contributions Planner (Strategic Planning)	Council's Contribution Planner raised no objection .

SUSTAINABILITY ASSESSMENT

- **Environment**

Any perceived environmental issues have been discussed within the body of this report.

- **Social**

Any perceived social issues have been discussed within the body of 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.

COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

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

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OPTIONS

The options available to Council are:

Option 1

Determine the development application 19/1571 by way of REFUSAL based on the reasons for refusal listed in **Attachment 1**.

Option 2

Determine the development application 19/1571 by way of APPROVAL in accordance with the recommended conditions of consent in **ATTACHMENT 4**.

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

CONCLUSION

It is recommended that Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at Lot 1325 DP 1234992, No. 12 Solomon Street, Renwick not to be supported due to the reasons for refusal in **Attachment 1**.

The proposal is considered unsatisfactory in terms of s.4.15 EPA Act 1979; therefore it is recommended that the development application be refused.

ATTACHMENTS

1. 19 1571 Reasons for Refusal - *circulated under separate cover*
2. Site Plan - *circulated under separate cover*
3. Elevations - *circulated under separate cover*
4. Conditions of Consent - *circulated under separate cover*

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 6 September 2019

11 OPERATIONS FINANCE AND RISK

11.1 Tender for Bowral Rugby Club House Re-Development - Stage 2

Reference:	6330/19.23
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
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 present the evaluation of the Request for Tender for the Bowral Rugby Club House Re-Development – Stage 2.

RECOMMENDATION

1. **THAT** in relation to the report concerning Bowral Rugby Club House Re-Development – Stage 2 - Council adopts the recommendations contained within the Closed Council report – Item 19.1.

OR

2. **THAT** the report concerning Tender for Bowral Rugby Club House Re-Development – Stage 2 - be considered in Closed Council – Item 19.1. This report is confidential 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.

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).

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REPORT

BACKGROUND

Council sought Tenders for the Bowral Rugby Club House Re-Development – Stage 2. The project was initiated by the Bowral Rugby Club members. The project is mostly grant funded from the NSW Government Stronger Country Communities Fund with some funds being directly provided by the Bowral Rugby Club. Prior to their submission of the grant application to the NSW Government the Bowral Rugby Club engaged external design consultants to undertake detailed design. The works include extending the existing club house to increase the existing floor area, canteen facility, office space, accessibility compliance, lift install, services upgrade and other associated works.

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

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 2 July 2019 to 6 August 2019 (36 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tuesday, 2 July 2019
Newspaper – Southern Highlands News	Wednesday, 3 July 2019
Newspaper – Southern Highlands News	Wednesday, 10 July 2019
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 three (3) tender submissions were received:

Company Name	Location	Postcode
All Tilt SLD Pty Ltd	Riverstone	2765
Lewis Building Company Pty Ltd	Joadja	2575
Westbury Constructions Pty Ltd	Baulkham Hills	2153

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LATE TENDERS

A total of one (1) late tender submission was received (therefore non-conforming):

Company Name	Location	Postcode
Loader Constructions Pty Ltd	Moss Vale	2577

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Works Insurance
Motor Vehicle – Comprehensive
Financial Capacity – External Checks (Financial Check to occur following determining preferred Tenderer)

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:

Criteria	Weighting
Capability & Experience	5%
Specifications, Service & Support, Fit for Purpose	2.5%
Quality Assurance	2.5%
Innovation	5%
Community & Social (including local content)	10%
Work Health and Safety	5%
Environment & Sustainability	5%
Other Clarification Information	5%
Total	40%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation a total of one (1) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
Loader Constructions Pty Ptd	Late Tender Submission

CONSULTATION

Community Engagement

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

Internal Consultation

Extensive consultation has taken place between Council's procurement area, Assets and Project Delivery Branches. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

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.

11.2 Tender for Water Reservoir Cathodic Protection

Reference:	RFT 6330/19.17
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
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 design and installation of cathodic protection systems at five (5) steel potable water storage reservoir tanks.

RECOMMENDATION

1. **THAT** in relation to the report concerning the tender for the design and installation of cathodic protection systems on five (5) steel potable water storage reservoir tanks - Council adopts the recommendations contained within the Closed Council report – Item 19.2.

OR

2. **THAT** the report concerning Tender for the design and installation of cathodic protection systems on five (5) steel potable water storage reservoir tanks - be considered in Closed Council – Item 19.2. This report is confidential 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.

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

As part of the asset management of Council's water supply infrastructure, a specialist consultant (ICD Asia Pacific Pty Ltd) was engaged by Council to perform an inspection and

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assessment on five (5) steel potable water storage reservoir tanks. These reservoir tanks being:

- Tank 11 - Gibraltar North, Mittagong
- Tank 14 – Oxley Drive, Bowral
- Tank 21 – Amos Lane, Bundanoon
- Tank 24 – Ellsmore Road, Exeter
- Tank 25 – Hill Road, Moss Vale

The specialist consultant assessed that all the above-mentioned reservoir tanks are fit for service, but suggested the installation of internal cathodic protection systems as a means to significantly prolong the serviceable life of the tanks.

Wingecarribee Shire Council has now sought tenders from suitable and qualified contractors to provide a lump sum tender for the design and installation of cathodic protection systems on the five (5) nominated steel potable water storage reservoir tanks (as per the recommended actions suggested by the specialist consultant).

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 technical specification as prepared by the specialist consultant and tender documents.

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

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 4 June 2019 to 25 June 2019 (21 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	4 June 2019
Newspaper – Southern Highlands News	5 June 2019 and 12 June 2019
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 two (2) tender submissions were received:

Company Name	Location	Postcode
Corrosion Control Engineering Pty Ltd	Homebush West	2140

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Duratec Australia Pty Ltd	Auburn	2144
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LATE TENDERS

No tender submissions were received late.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Professional Indemnity Insurance - \$1 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle Insurance - Comprehensive
Attendance at Mandatory Tender Briefing and Site Inspections

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:

Criteria	Weighting
Capability	10%
Experience - Relevant	10%
Fit for Purpose	10%
Quality Assurance	10%
Community and Social (including local content)	10%
Work Health and Safety, and Environment	10%
Total	60%

Summary of Selection Criteria Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation both tender submissions were determined to be compliant.

CONSULTATION

Community Engagement

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

Internal Consultation

Consultation has taken place between Council's Water and Sewer, Procurement and Project Delivery areas.

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.

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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**

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 2018/19 Annual Financial Statements

Reference:	2105
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of the following:

- The draft Annual Financial Statements for the year ended 30 June 2019 have been finalised for audit;
- To seek Council's endorsement of the preparation of the Statement by Councillors and Management to Council's auditor, The Audit Office of NSW, in accordance with Section 413(2c) of the *Local Government Act 1993*; and
- To set a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418 (1a) & (1b) of the *Local Government Act 1993*.

RECOMMENDATION

1. **THAT the Mayor and Deputy Mayor be authorised to sign the *Statement by Councillors and Management* made pursuant to Section 413 (2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.**
2. **THAT Council note the audited Annual Financial Statements and Audit Report will be presented to Council on 13 November 2019.**

REPORT

Council's draft Annual Financial Statements for the year ended 30 June 2019 have been finalised and are ready for external audit.

In accordance with the provisions of Section 413 (2c) of the *Local Government Act 1993*, as a requirement of the preparation of the statements prior to submission for audit, two (2) Councillors (normally the Mayor and Deputy Mayor), the General Manager and Council's Responsible Accounting Officer (Chief Financial Officer) must sign a statement confirming that the financial statements have been prepared in accordance with the relevant Australian accounting standards and the Local Government Code of Accounting Practice and Financial Reporting Guidelines.

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The Statement by Councillors and Management must be made in accordance with a resolution of Council and specify the date on which it was made.

Upon completion of the external audit, Council's Auditors will present a summary of their findings to Council at the meeting of 13 November 2019. Public notice of this meeting will appear in the local newspaper (Southern Highland News) and will also be placed on Council's website.

The audited Annual Financial Statements will be presented to the Audit, Risk and Continuous Improvement Committee on the 18 October 2019.

The Annual Financial Statements will be distributed to Councillors prior to the Auditors' presentation.

CONSULTATION

Public notice of the Auditors' presentation will be advertised in the Southern Highland News and Council's website.

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 report ensures compliance with Section 413(2c) of the *Local Government Act 1993* and Section 418 (1a) & (1b) of the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

There are no direct financial implications to Council as a result of this report.

ATTACHMENTS

There are no attachments to this report.

11.4 2019/20 Financial Assistance Grant Allocation

Reference:	2150/1
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to formally advise Council of the 2019/20 financial assistance grant allocation announced by the Local Government Grants Commission in August 2019.

RECOMMENDATION

1. **THAT** Council note its total allocation under the Financial Assistance Grant for the 2019/20 financial year of \$5,168,885
2. **THAT** Council not lodge a special submission for the 2020/21 financial year as Council has no special disability factors.

REPORT

BACKGROUND

Financial Assistance Grants are an allocation of Federal tax revenue (e.g. income taxes and GST) distributed to the various States and Territories of Australia. The Local Government Grants Commission is the State body that calculates the financial assistance payable to each Local Government Council.

The grant consists of a general-purpose component and a local roads component. Both components of the grant are untied, allowing councils to spend the grants according to local priorities.

REPORT

Council has received formal notice from the Local Government Grants Commission advising the financial assistance grant allocation for 2019/20 financial year. The total financial assistance grant payable to Council is \$5,168,885.

A copy of the formal correspondence received from the Local Government Grants Commission is provided as **Attachment 1**.

The table below provides a summary of Council's financial assistance grant allocation:

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Component	2019/20	2018/19	Difference
General Purpose	\$3,255,506	\$3,160,430	\$95,076 (F)
Local Roads	\$1,950,855	\$1,861,941	\$88,914 (F)
Total Grant	\$5,206,361	\$5,022,371	\$183,990 (F)
Les: Prior Year Adjustments	(\$37,476)	-	
Total Grant Payable	\$5,168,885	\$5,022,371	\$146,514 (F)

Council's allocation for the 2019/20 financial year has increased by 2.92% when compared to the entitlement received in the 2018/19 financial year.

It is important to note that the Federal Government only recommenced the indexation of the Financial Assistance Grants Program as part of the 2017/18 Budget.

ADVANCE PAYMENT

The Federal Government has again retained its practice of providing an advance payment of approximately 50% of the grant in the 2018/19 financial year. Council received a total payment of \$2,605,617. This amount will be restricted as part of the Year End Review for 30 June 2019 for the purposes of funding the 2019/20 Budget.

BUDGET IMPLICATIONS

In framing the 2019/20 Budget, Council's forward-estimates included a conservative two per cent increase in the financial assistance grant. The 2019/20 Adopted Budget includes an estimate of \$5,161,000.

Based on the formal advice received from the Local Government Grants Commission, there is an increase of \$7,885 when compared to budget. This adjustment will be incorporated into the September Review of the 2019/20 Budget.

SUBMISSIONS RELATING TO 2020/21 GRANTS

The calculation of the Financial Assistance Grant is based on the calculation of Revenue and Expenditure Disabilities factors for each respective local government area. Included within **Attachment 1** is a copy of the disability calculation summary for Wingecarribee Shire Council for the 2019/20 financial year.

The Local Government Grants Commission has invited all councils to provide special submissions which may be taken into account for the calculation of the 2020/21 grant. These submissions should present information on the financial impact of inherent expenditure disabilities beyond a Council's control that are not generally recognised in the current methodology.

It is not mandatory for Council to lodge a submission.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement is required

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Internal Communication and Consultation

None

External Communication and Consultation

Local Government Grants Commission

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

In framing the 2019/20 Budget, Council's estimates included a conservative two per cent increase in its Financial Assistance Grants. The 2019/20 Adopted Budget includes an estimate of \$5,161,000.

Based on the formal advice received from the Local Government Grants Commission, there is an increase of \$7,885 when compared to budget. This adjustment will be incorporated into the September Review of the 2019/20 Budget.

RELATED COUNCIL POLICY

None

CONCLUSION

Council has been formally advised of its financial assistance grant allocation for the 2019/20 financial year. This minor adjustment will be addressed as part of the September Review of the 2019/20 Budget.

ATTACHMENTS

1. Local Government Grants Commission - 2019/20 Financial Assistance Grant



Local Government Grants Commission

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A658479
Contact: Helen Pearce
(02) 4428 4131
helen.pearce@olg.nsw.gov.au

Ms Ann Prendergast
General Manager
Wingecarribee Shire Council

By email: ann.prendergast@wsc.nsw.gov.au
Cc: information.management@wsc.nsw.gov.au

22 August 2019

Dear Ms Prendergast

In accordance with the Commission's policy of providing information to councils about the way it calculates financial assistance grants (FAGs), please find attached a summary of Council's 2019-20 estimated FAG entitlement (**Appendix A**).

The national figure for 2019-20 was made up of \$1,757 billion for the general purpose component and \$780 million for the local roads component. The estimated entitlement for 2018-19 reduced by \$5.6 million for final adjustments to CPI and population shares.

The general purpose component was distributed across the States on a population basis. NSW received 32% or \$562 million, which represents a 3.9% increase on last year's figure.

The local roads component is based on a historical formula. NSW's share of the total road funding is a fixed 29% share, or \$226 million, which was in line with the previous year. The total, then, for NSW was \$788 million.

The Council's 2019-20 FAG estimated entitlement compared to 2018-19 final entitlement is as follows:

Wingecarribee Shire Council				
Year	General Purpose	Local Roads	Total	
2018-19 final	\$3,160,430	\$1,861,941	\$5,022,370	Change
2019-20 est.	\$3,255,506	\$1,950,855	\$5,206,361	3.7%

To assist councils with budgeting and bank reconciliations, a breakdown of the 2019-20 quarterly instalments is attached (**Appendix A**). The NSW Statement of Payments is also attached (**Appendix B**).

T 02 4428 4131 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au
W www.olg.nsw.gov.au





As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. In allocating the grants the Commission has had regard to these policies.

A key challenge for the Commission continues to be the Commonwealth's request to apply the minimum per capita grant, which has a significant impact on the ability of the Commission to redirect funding. The map contained in **Appendix D** identifies the rate of population change in NSW from 2006 to 2016. **Appendix D** also lists the revised expenditure categories, disability factors, data sources used in calculating the expenditure allowance and the relative disability allowance.

In addition to these calculations, in its 2019 Budget, the Federal Government decided to retain the practice of forward payments of approximately half of the financial assistance grants based on the 2018-19 estimates for payment. Councils, therefore, received approximately 52 percent of their estimated 2019-20 FAGs on 18 June 2019. The remainder of the grant entitlements will be paid in quarterly instalments in August 2019, November 2019, February 2020 and May 2020.

SPECIAL SUBMISSIONS RELATING TO 2020-21 GRANTS

Special submissions from councils for 2020-21 will be considered by the Commission. The purpose of a submission is to give councils the opportunity to present information on the financial impact of inherent expenditure disabilities beyond councils' control that are not generally recognised in the current methodology. Please refer to the expenditure functions and Council's disability factors listed in **Appendix A**. This process allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Appendix C, titled *Guidelines for Special Submissions*, contains guidelines for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at olg@olg.nsw.gov.au by **30 November 2019**.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters please contact me on (02) 4428 4131.

Yours sincerely

Helen Pearce
Executive Officer



APPENDIX A

LOCAL GOVERNMENT GRANTS COMMISSION 2019-20 FINANCIAL ASSISTANCE GRANTS

Wingecarribee (S) Council

General Purpose Component

Expenditure Allowance

Expenditure Functions	State ave cost per capita
Recreation and cultural	\$210.51
Admin and governance	\$248.52
Education and community	\$63.17
Roads, bridges, footpaths and aerodromes	\$204.68
Public order, safety, health and other	\$162.62
Housing amenity	\$69.42

Recreation and cultural			Pop <SS = relative disadvantage Pop >SS = 0 ATSI <SS = 0 ATSI >SS = relative disadvantage
Disability Measure	LGA measure	State Std (SS)	Weighted DF%
Population	50,493	62,400	2.6%
Aboriginal & Torres Strait Islander	2.0%	2.9%	0.0%

Admin and governance			
Disability Measure	LGA measure	State Std	Weighted DF%
Population	50,493	62,400	6.8%

Education and community			
Disability Measure	LGA measure	State Std	Weighted DF%
Population	50,493	62,400	6.5%

Roads, bridges, footpaths and aerodromes			
Disability Measure	LGA measure	State Std	Weighted DF%
Population	50,493	62,400	10.6%
Road Length	1,059	1,148	0.0%

Public order, safety, health and other			RTD <SS = 0 RTD >SS = relative disadvantage Env <SS = 0 Env >SS = relative disadvantage
Disability Measure	LGA measure	State Std	Weighted DF%
Population	50,493	62,400	5.2%
Rainfall, topography and drainage index	161%	161%	0.2%
Environment (Ha of environmental lands)	73,466	54,087	1.1%

Housing amenity			
Disability Measure	LGA Std	State Std	Weighted DF%
Population	50,493	62,400	1.5%

Isolation Allowance

Outside the Greater Statistical Area	Yes
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11.4 2019/20 Financial Assistance Grant Allocation

ATTACHMENT 1 Local Government Grants Commission - 2019/20 Financial Assistance Grant



APPENDIX A

LOCAL GOVERNMENT GRANTS COMMISSION 2019-20 FINANCIAL ASSISTANCE GRANTS

Pensioner Rebate Allowance

PR <SS = relative disadvantage (+ allowance)	
PR >SS = relative advantage (- allowance)	
LGA % Pensioner Rebates (PR) Res Props:	21.6%
State Standard (SS) % PR	15.8%

Revenue Allowance

Revenue Allowance	
CV <SS = relative disadvantage (+ allowance)	
CV >SS = relative advantage (- allowance)	
No. of Urban Properties:	22,471
Standard Value Per Property:	\$449,458
Council Value (CV):	\$385,113

No. of Non-urban Properties:	1,316
Standard Value Per Property:	\$640,070
Council Value (CV):	\$1,435,756

Relative Disadvantage Allowance

Unsealed roads; Isolation; Population Decline	\$14,172
Special Submission	-

Total General Purpose Grant	\$3,255,506
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Local Roads Component

Population:	50,493
Local Road Length (km):	1,059
Length of Bridges on Local Roads (m):	835

Road/Population Allowance:	\$1,879,609
Bridge Length Allowance:	\$71,246
Local Roads Total:	\$1,950,855

Total Grant	\$5,206,361
-------------	-------------

Quarterly Instalments Payable in 2019-20 for 2019-20 FAGs

	August 2019	
GPC	\$401,779	
LRC	\$239,037	\$640,817
	November 2019	
GPC	\$401,779	
LRC	\$239,037	\$640,817
	February 2020	
GPC	\$401,779	
LRC	\$239,037	\$640,817
	May 2020	
GPC	\$401,779	
LRC	\$239,037	\$640,817
	TOTAL	
GPC	\$1,607,118	
LRC	\$956,150	\$2,563,267

11.4 2019/20 Financial Assistance Grant Allocation

ATTACHMENT 1

Local Government Grants Commission - 2019/20 Financial Assistance Grant



Appendix B Financial Assistance Grants - Schedule of Payments 2019-20													
Councils	Population 30/6/2018	2019-20 Recommended General Purpose Entitlement	2019-20 Recommended Local Roads Entitlement	2019-20 Recommended Total Entitlement	2018-19 General Purpose CPI/Pop Adjustment	2018-19 Local Roads CPI/Pop Adjustment	2018-19 Total CPI/Pop Adjustment	2019-20 General Purpose Advance Payment	2019-20 Local Roads Advance Payment	2019-20 Total Advance Payment	2019-20 General Purpose Payments	2019-20 Local Roads Payments	2019-20 Total Payments
Albury (C)	53,767	5,066,127	1,458,853	6,524,980	(35,431)	(11,034)	(46,465)	2,528,685	729,222	3,257,907	2,502,011	718,597	3,220,608
Armidale Regional	30,707	4,352,742	2,511,708	6,864,450	(29,783)	(19,199)	(48,982)	2,204,948	1,266,598	3,471,546	2,118,012	1,225,911	3,343,923
Ballina (S)	44,208	3,191,859	1,461,082	4,652,941	(21,949)	(10,998)	(32,947)	1,603,505	735,353	2,338,858	1,566,406	714,731	2,281,136
Balranald (S)	2,340	2,877,838	1,361,565	4,239,403	(18,948)	(10,407)	(29,355)	1,408,363	683,772	2,092,135	1,450,527	667,386	2,117,913
Bathurst Regional	43,206	4,468,198	2,044,863	6,513,061	(31,246)	(15,600)	(46,847)	2,230,931	1,028,131	3,259,062	2,206,020	1,001,132	3,207,152
Bayside	174,378	3,677,564	1,178,296	4,855,860	(25,195)	(9,214)	(34,408)	1,904,427	617,552	2,521,979	1,747,942	551,530	2,299,473
Bega Valley (S)	34,348	5,259,640	1,991,204	7,250,844	(36,300)	(15,268)	(51,569)	2,627,236	999,025	3,626,261	2,596,103	976,911	3,573,014
Bellingen (S)	12,963	2,927,070	972,349	3,899,419	(19,783)	(7,430)	(27,212)	1,477,341	485,107	1,962,448	1,429,947	479,812	1,909,759
Berrigan (S)	8,707	3,488,747	1,437,807	4,926,554	(23,577)	(10,964)	(34,542)	1,752,053	726,327	2,478,380	1,713,117	700,516	2,413,632
Blacktown (C)	366,534	13,408,926	3,539,608	16,948,534	(96,225)	(26,724)	(122,949)	6,863,072	1,780,391	8,643,463	6,449,628	1,732,493	8,182,122
Bland (S)	5,985	4,789,741	3,023,016	7,812,757	(32,555)	(23,113)	(55,668)	2,379,119	1,511,412	3,890,531	2,378,067	1,488,491	3,866,558
Blayney (S)	7,342	1,877,962	874,361	2,752,323	(12,715)	(6,713)	(19,428)	950,736	445,162	1,395,898	914,512	422,886	1,336,997
Blue Mountains (C)	79,260	7,565,620	1,405,321	8,970,941	(52,942)	(10,860)	(63,802)	3,776,084	708,984	4,485,068	3,736,594	685,477	4,422,071
Bogan (S)	2,621	2,807,240	1,489,287	4,296,527	(18,637)	(11,389)	(30,026)	1,393,612	746,040	2,139,652	1,394,992	731,858	2,126,849
Bourke (S)	2,630	4,204,703	1,959,730	6,164,433	(27,639)	(14,992)	(42,631)	2,042,324	985,781	3,028,105	2,134,740	958,957	3,093,697
Brewarrina (S)	1,655	2,920,286	1,340,756	4,261,042	(18,573)	(10,253)	(28,825)	1,391,563	672,600	2,064,163	1,510,150	657,903	2,168,053
Broken Hill (C)	17,734	4,476,652	504,526	4,981,178	(29,891)	(3,881)	(33,771)	2,250,595	248,680	2,499,275	2,196,166	251,965	2,448,131
Burwood	39,886	847,957	275,556	1,123,513	(5,796)	(2,114)	(7,910)	443,789	142,742	586,531	398,372	130,700	528,072
Byron (S)	34,574	2,060,215	1,213,148	3,273,363	(13,996)	(9,122)	(23,118)	1,039,055	603,533	1,642,588	1,007,164	600,493	1,607,657
Cabonne	13,680	2,983,319	2,114,319	5,097,638	(20,229)	(16,165)	(36,394)	1,510,341	1,060,481	2,570,822	1,452,749	1,037,673	2,490,422
Camden	94,159	2,429,878	1,536,517	3,966,395	(17,437)	(10,929)	(28,366)	1,223,855	753,684	1,977,539	1,188,585	771,904	1,960,489
Campbelltown (C)	168,139	8,220,832	1,860,883	10,081,715	(58,994)	(13,823)	(72,818)	4,140,581	917,651	5,058,232	4,021,256	929,409	4,950,665
Canada Bay (C)	95,159	2,006,866	655,697	2,662,563	(13,887)	(5,043)	(18,930)	1,030,963	334,540	1,365,503	962,016	316,114	1,278,130
Canterbury-Bankstown	373,931	8,218,435	2,734,631	10,953,066	(58,977)	(20,983)	(79,960)	4,139,373	1,380,120	5,519,493	4,020,085	1,333,528	5,353,613
Carrahdool (S)	2,802	3,774,146	2,381,050	6,155,196	(25,075)	(18,201)	(43,276)	1,846,684	1,200,390	3,047,074	1,902,387	1,162,459	3,064,846
Central Coast	342,047	21,675,943	4,506,625	26,182,568	(151,683)	(34,634)	(186,317)	10,818,555	2,267,960	13,086,515	10,705,705	2,204,031	12,909,736
Central Darling (S)	1,837	4,152,482	1,637,469	5,789,951	(27,282)	(12,517)	(39,799)	2,016,294	821,124	2,837,418	2,108,906	803,828	2,912,734
Cessnock (C)	59,101	5,613,146	1,772,350	7,385,496	(39,240)	(13,312)	(52,552)	2,802,088	882,504	3,684,592	2,771,818	876,534	3,648,352
Clarence Valley	51,647	7,779,443	3,360,613	11,140,056	(54,305)	(25,631)	(79,937)	3,884,773	1,668,233	5,553,006	3,840,365	1,666,749	5,507,114
Cobar (S)	4,722	4,211,204	1,773,468	5,984,672	(28,497)	(13,559)	(42,057)	2,090,744	889,310	2,980,054	2,091,963	870,599	2,962,562
Coffs Harbour (C)	76,551	5,368,426	2,273,652	7,642,078	(37,546)	(17,269)	(54,815)	2,679,612	1,150,674	3,830,286	2,651,268	1,105,709	3,756,977
Coolamon (S)	4,368	2,511,380	1,261,549	3,772,929	(16,953)	(9,651)	(26,605)	1,271,326	634,480	1,905,806	1,223,101	617,418	1,840,518
Coonamble (S)	4,014	2,721,240	1,518,952	4,240,192	(17,997)	(11,618)	(29,615)	1,382,220	762,826	2,145,046	1,321,023	744,508	2,065,531
Cootamundra-Gundagai Regional	11,260	3,780,849	1,610,551	5,391,400	(25,599)	(12,314)	(37,913)	1,902,139	808,402	2,710,541	1,853,111	789,835	2,642,945
Cowra (S)	12,767	3,305,679	1,491,699	4,797,378	(22,367)	(11,438)	(33,805)	1,675,480	753,514	2,428,994	1,607,832	726,747	2,334,579
Cumberland	236,893	6,396,130	1,784,758	8,180,888	(45,900)	(12,989)	(58,889)	3,523,298	861,764	4,385,062	2,826,932	910,005	3,736,936
Dubbo Regional	53,240	8,181,369	3,447,799	11,629,168	(57,041)	(26,820)	(83,860)	4,079,353	1,768,746	5,848,099	4,044,975	1,652,233	5,697,208
Dungog (S)	9,346	1,751,210	945,640	2,696,850	(11,861)	(7,182)	(19,044)	885,406	471,184	1,356,590	853,943	467,274	1,321,216
Edward River	8,995	4,111,465	1,566,246	5,677,711	(27,830)	(12,035)	(39,864)	2,068,103	791,582	2,859,685	2,015,532	762,629	2,778,162
Eurobodalla (S)	38,288	5,460,389	1,701,050	7,161,439	(37,823)	(12,986)	(50,809)	2,716,017	853,795	3,569,812	2,706,549	834,269	3,540,819
Fairfield (C)	210,612	7,414,047	1,758,930	9,172,977	(53,205)	(13,539)	(66,744)	3,734,228	884,758	4,618,986	3,626,614	860,633	4,487,247
Federation	12,462	4,782,221	2,282,559	7,064,780	(32,408)	(17,449)	(49,857)	2,363,418	1,145,893	3,509,311	2,386,395	1,119,217	3,505,612
Forbes (S)	9,910	3,593,378	1,998,603	5,591,981	(24,257)	(15,276)	(39,533)	1,822,881	1,005,063	2,827,944	1,746,240	978,264	2,724,504
Georges River	158,411	3,340,826	1,171,361	4,512,187	(23,147)	(8,822)	(31,969)	1,731,865	587,674	2,319,539	1,585,814	574,865	2,160,679
Gilgandra (S)	4,226	2,627,015	1,382,591	4,009,606	(17,466)	(10,976)	(28,442)	1,324,849	720,939	2,045,788	1,284,700	650,676	1,935,376
Glen Innes Severn	8,908	2,892,010	1,426,229	4,318,239	(19,497)	(10,901)	(30,397)	1,463,658	717,982	2,181,640	1,408,856	697,346	2,106,202
Goulburn Mulwaree	30,852	3,483,270	1,755,080	5,238,350	(23,783)	(13,430)	(37,213)	1,752,275	879,368	2,631,643	1,707,212	862,282	2,569,494

11.4 2019/20 Financial Assistance Grant Allocation

ATTACHMENT 1

Local Government Grants Commission - 2019/20 Financial Assistance Grant



Appendix B Financial Assistance Grants - Schedule of Payments 2019-20													
Councils	Population 30/6/2018	2019-20 Recommended General Purpose Entitlement	2019-20 Recommended Local Roads Entitlement	2019-20 Recommended Total Entitlement	2018-19 General Purpose CPI/Pop Adjustment	2018-19 Local Roads CPI/Pop Adjustment	2018-19 Total CPI/Pop Adjustment	2019-20 General Purpose Advance Payment	2019-20 Local Roads Advance Payment	2019-20 Total Advance Payment	2019-20 General Purpose Payments	2019-20 Local Roads Payments	2019-20 Total Payments
Greater Hume (S)	10,686	3,365,495	2,117,426	5,482,921	(22,775)	(16,170)	(38,946)	1,705,276	1,066,753	2,772,029	1,637,444	1,034,503	2,671,946
Griffith (C)	26,882	4,026,350	1,687,694	5,714,044	(27,225)	(12,878)	(40,103)	2,032,547	851,083	2,883,630	1,966,578	823,733	2,790,311
Gunnedah (S)	12,661	3,056,621	1,650,702	4,707,323	(20,681)	(12,585)	(33,266)	1,547,330	825,500	2,372,830	1,488,610	812,617	2,301,227
Gwydir (S)	5,349	2,837,140	1,918,827	4,755,967	(19,009)	(14,772)	(33,781)	1,447,523	973,671	2,421,194	1,370,608	930,384	2,300,992
Hawkesbury (C)	67,083	2,703,428	1,765,985	4,469,413	(19,394)	(13,590)	(32,984)	1,361,983	891,538	2,253,521	1,322,051	860,857	2,182,908
Hay (S)	2,979	2,280,561	831,311	3,111,872	(14,600)	(6,356)	(20,955)	1,137,225	418,042	1,555,267	1,128,737	406,913	1,535,650
Hills (S)	172,473	3,637,431	1,970,843	5,608,274	(24,754)	(14,928)	(39,682)	1,798,086	936,252	2,734,338	1,814,591	1,019,663	2,834,254
Hilltops	18,782	5,381,114	2,867,441	8,248,555	(36,886)	(22,128)	(59,013)	2,717,748	1,453,702	4,171,450	2,626,481	1,391,611	4,018,092
Hornsby (S)	150,752	3,179,340	1,414,364	4,593,704	(22,082)	(10,890)	(32,972)	1,557,864	659,195	2,217,059	1,599,394	744,279	2,343,673
Hunters Hill (M)	14,909	331,297	150,780	482,077	(2,264)	(1,161)	(3,426)	167,038	75,474	242,512	161,995	74,145	236,140
Inner West	198,024	4,176,249	1,389,253	5,565,502	(28,869)	(10,706)	(39,575)	2,043,251	707,015	2,750,266	2,104,129	671,532	2,775,661
Inverell (S)	16,844	4,062,707	2,116,346	6,179,053	(27,502)	(16,183)	(43,685)	2,054,548	1,061,896	3,116,444	1,980,657	1,038,267	3,018,924
Junee (S)	6,631	2,003,825	957,233	2,961,058	(13,574)	(7,346)	(20,920)	1,014,509	487,766	1,502,275	975,742	462,121	1,437,863
Kempsey (S)	29,665	4,355,340	1,902,833	6,258,173	(29,675)	(14,496)	(44,171)	2,195,386	950,422	3,145,808	2,130,279	937,915	3,068,194
Kiama (M)	23,006	1,213,421	509,653	1,723,074	(8,257)	(4,040)	(12,297)	611,856	267,451	879,307	593,308	238,162	831,470
Ku-ring-gai	126,046	2,658,261	1,146,468	3,804,729	(18,480)	(8,832)	(27,312)	1,329,827	577,012	1,906,839	1,309,954	560,624	1,870,577
Kyogle	8,870	2,896,900	1,669,788	4,566,688	(19,424)	(12,797)	(32,221)	1,466,150	829,557	2,295,707	1,411,325	827,434	2,238,760
Lachlan (S)	6,151	5,965,676	3,478,114	9,443,790	(40,473)	(26,595)	(67,068)	2,957,195	1,744,617	4,701,812	2,968,008	1,706,902	4,674,910
Lake Macquarie (C)	204,914	13,690,940	2,851,728	16,542,668	(95,801)	(21,896)	(117,696)	6,833,230	1,439,892	8,273,122	6,761,910	1,389,940	8,151,850
Lane Cove (M)	39,486	839,515	293,321	1,132,836	(5,738)	(2,251)	(7,990)	430,022	150,010	580,032	403,754	141,060	544,814
Leeton (S)	11,438	3,419,640	1,071,754	4,491,394	(22,989)	(8,201)	(31,190)	1,732,143	536,842	2,268,985	1,664,508	526,711	2,191,219
Lismore (C)	43,843	4,436,886	2,006,928	6,443,814	(31,007)	(15,346)	(46,353)	2,216,107	1,000,582	3,216,689	2,189,772	991,000	3,180,772
Lithgow (C)	21,636	3,596,596	1,301,468	4,898,064	(24,487)	(9,956)	(34,442)	1,814,971	655,620	2,470,591	1,757,138	635,892	2,393,030
Liverpool (C)	223,304	6,511,545	2,350,399	8,861,944	(46,728)	(17,876)	(64,604)	3,279,671	1,190,902	4,470,573	3,185,146	1,141,621	4,326,766
Liverpool Plains (S)	7,893	2,490,174	1,417,142	3,907,316	(16,772)	(10,830)	(27,602)	1,264,322	713,437	1,977,759	1,209,079	692,875	1,901,954
Lockhart (S)	3,295	2,295,712	1,384,699	3,680,411	(15,513)	(10,578)	(26,091)	1,174,095	696,690	1,870,785	1,106,104	677,431	1,783,535
Lord Howe Island (Bd)	382	223,671		223,671	(1,544)		(1,544)	112,306		112,306	109,821		109,821
Maitland (C)	83,203	5,717,386	1,433,446	7,150,832	(40,002)	(10,905)	(50,907)	2,853,610	731,451	3,585,061	2,823,774	691,090	3,514,864
Mid-Coast	93,288	12,705,810	5,526,157	18,231,967	(88,590)	(42,388)	(130,977)	6,344,471	2,794,608	9,139,079	6,272,749	2,689,161	8,961,910
Mid-Western Regional	25,086	4,209,025	2,510,132	6,719,157	(28,530)	(19,066)	(47,596)	2,126,327	1,259,407	3,385,734	2,054,168	1,231,659	3,285,827
Moree Plains (S)	13,350	5,054,157	2,964,405	8,018,562	(34,493)	(22,676)	(57,170)	2,602,272	1,487,267	4,089,539	2,417,392	1,454,462	3,871,853
Mosman (M)	30,877	684,021	243,424	927,445	(4,675)	(1,872)	(6,547)	344,878	120,768	465,646	334,468	120,784	455,251
Murray River	12,118	5,504,940	3,068,785	8,573,725	(37,773)	(23,263)	(61,036)	2,775,344	1,532,628	4,307,972	2,691,823	1,512,894	4,204,718
Murrumbidgee (new)	3,961	2,944,030	1,680,292	4,624,322	(19,683)	(12,595)	(32,278)	1,481,708	827,193	2,308,901	1,442,639	840,504	2,283,143
Muswellbrook (S)	16,383	2,681,570	942,125	3,623,695	(18,219)	(7,221)	(25,439)	1,352,578	466,550	1,819,128	1,310,773	468,354	1,779,127
Nambucca (S)	19,773	2,852,768	1,258,135	4,110,903	(19,395)	(9,607)	(29,002)	1,439,919	633,292	2,073,211	1,393,453	615,236	2,008,690
Narrabri (S)	13,231	5,023,857	2,415,321	7,439,178	(34,454)	(18,432)	(52,886)	2,548,876	1,209,233	3,758,109	2,440,527	1,187,656	3,628,183
Narrandera (S)	5,931	3,325,526	1,629,434	4,954,960	(22,564)	(12,462)	(35,025)	1,687,685	819,741	2,507,426	1,615,278	797,231	2,412,509
Narromine (S)	6,567	3,039,368	1,486,392	4,525,760	(20,552)	(11,366)	(31,918)	1,546,795	745,380	2,292,175	1,472,021	729,646	2,201,667
Newcastle (C)	164,104	10,706,691	1,861,001	12,567,692	(74,918)	(14,325)	(89,243)	5,258,589	929,327	6,187,916	5,373,184	917,349	6,290,533
North Sydney	74,172	1,564,258	495,418	2,059,676	(10,813)	(3,806)	(14,619)	768,688	246,348	1,015,036	784,758	245,264	1,030,022
Northern Beaches	271,278	5,721,159	2,273,884	7,995,043	(39,857)	(17,722)	(57,579)	2,856,974	1,154,879	4,011,853	2,824,327	1,101,283	3,925,610
Oberon	5,408	1,844,326	983,339	2,827,665	(12,414)	(7,303)	(19,717)	937,670	472,797	1,410,467	894,242	503,239	1,397,480
Orange (C)	42,056	3,551,817	1,197,534	4,749,351	(24,384)	(9,006)	(33,390)	1,772,227	588,658	2,360,885	1,755,206	599,870	2,355,076
Parkes (S)	14,894	4,348,689	2,184,118	6,532,807	(29,486)	(16,713)	(46,199)	2,190,239	1,118,076	3,308,315	2,128,963	1,049,329	3,178,292
Parramatta (C) (new)	251,311	7,320,693	2,055,144	9,375,837	(52,535)	(16,023)	(68,557)	3,687,208	1,057,803	4,745,011	3,580,951	981,318	4,562,269
Penrith (C)	209,210	8,503,888	2,484,120	10,988,008	(61,026)	(19,020)	(80,046)	4,283,151	1,251,137	5,534,288	4,159,712	1,213,963	5,373,674

11.4 2019/20 Financial Assistance Grant Allocation

ATTACHMENT 1

Local Government Grants Commission - 2019/20 Financial Assistance Grant



Appendix B Financial Assistance Grants - Schedule of Payments 2019-20													
Councils	Population 30/6/2018	2019-20 Recommended General Purpose Entitlement	2019-20 Recommended Local Roads Entitlement	2019-20 Recommended Total Entitlement	2018-19 General Purpose CPI/Pop Adjustment	2018-19 Local Roads CPI/Pop Adjustment	2018-19 Total CPI/Pop Adjustment	2019-20 General Purpose Advance Payment	2019-20 Local Roads Advance Payment	2019-20 Total Advance Payment	2019-20 General Purpose Payments	2019-20 Local Roads Payments	2019-20 Total Payments
Port Macquarie-Hastings	83,131	6,449,088	3,018,625	9,467,713	(45,107)	(22,823)	(67,930)	3,219,322	1,527,511	4,746,833	3,184,659	1,468,291	4,652,950
Port Stephens	72,695	5,509,349	1,274,355	6,783,704	(38,522)	(9,752)	(48,275)	2,749,936	642,669	3,392,605	2,720,891	621,934	3,342,824
Queanbeyan-Palerang Regional	59,959	3,706,001	2,531,328	6,237,329	(25,871)	(19,088)	(44,959)	1,850,907	1,270,033	3,120,940	1,829,223	1,242,207	3,071,430
Randwick (C)	154,265	3,253,389	1,003,405	4,256,794	(22,489)	(7,708)	(30,197)	1,658,909	509,797	2,168,706	1,571,991	485,900	2,057,890
Richmond Valley	23,399	3,600,758	1,633,678	5,234,436	(24,521)	(12,522)	(37,043)	1,817,435	820,912	2,638,347	1,758,802	800,244	2,559,045
Ryde (C)	127,446	2,687,786	964,529	3,652,315	(18,465)	(7,393)	(25,859)	1,378,388	491,456	1,869,844	1,290,933	465,680	1,756,613
Shellharbour (C)	72,240	4,355,314	952,504	5,307,818	(30,474)	(7,086)	(37,559)	2,173,783	470,677	2,644,460	2,151,057	474,741	2,625,798
Shoalhaven (C)	104,371	9,059,428	3,509,316	12,568,744	(63,386)	(26,762)	(90,147)	4,521,889	1,777,425	6,299,314	4,474,154	1,705,129	6,179,283
Silverton (VC)	50	34,657		34,657	(239)		(239)	18,102		18,102	16,315		16,315
Singleton	23,422	2,510,186	1,329,121	3,839,307	(17,096)	(10,195)	(27,292)	1,265,350	668,360	1,933,710	1,227,739	650,566	1,878,305
Snowy Monaro Regional	20,733	6,907,224	2,864,370	9,771,594	(47,777)	(21,795)	(69,571)	3,452,796	1,431,679	4,884,475	3,406,652	1,410,896	4,817,548
Snowy Valleys	14,532	4,453,487	1,429,975	5,883,462	(30,216)	(10,893)	(41,109)	2,222,575	712,645	2,935,220	2,200,696	706,437	2,907,133
Strathfield (M)	45,143	952,048	305,245	1,257,293	(6,449)	(2,319)	(8,768)	490,006	155,945	645,951	455,593	146,981	602,574
Sutherland (S)	229,213	4,834,013	2,084,278	6,918,291	(33,598)	(16,070)	(49,668)	2,400,798	1,049,690	3,450,488	2,399,617	1,018,518	3,418,135
Sydney (C)	240,229	5,066,336	1,417,819	6,484,155	(34,507)	(10,815)	(45,322)	2,712,287	746,011	3,458,298	2,319,542	660,993	2,980,535
Tamworth Regional	62,156	6,351,276	4,356,160	10,707,436	(44,382)	(33,143)	(77,525)	3,180,209	2,177,608	5,357,817	3,126,685	2,145,409	5,272,094
Temora (S)	6,274	2,374,965	1,352,112	3,727,077	(15,937)	(10,320)	(26,257)	1,211,371	727,063	1,938,434	1,147,657	614,729	1,762,386
Tenterfield (S)	6,638	3,275,266	1,707,011	4,982,277	(21,981)	(13,049)	(35,030)	1,665,071	854,589	2,519,660	1,588,214	839,373	2,427,587
Tibooburra (VC)	134	77,825		77,825	(537)		(537)	39,076		39,076	38,212		38,212
Tweed (S)	96,108	7,900,412	2,981,043	10,881,455	(55,224)	(22,672)	(77,896)	3,943,515	1,495,310	5,438,825	3,901,673	1,463,061	5,364,734
Upper Hunter (S)	14,220	3,173,364	2,010,175	5,183,539	(21,433)	(15,374)	(36,807)	1,606,539	1,009,153	2,615,692	1,545,392	985,648	2,531,040
Upper Lachlan (S)	7,961	2,927,203	1,967,013	4,894,216	(19,724)	(15,032)	(34,756)	1,487,473	987,139	2,474,612	1,420,006	964,842	2,384,848
Uralla (S)	6,062	1,678,468	973,076	2,651,544	(11,311)	(7,448)	(18,759)	852,954	476,095	1,329,049	814,204	489,533	1,303,736
Wagga Wagga (C)	64,820	7,150,326	3,360,046	10,510,372	(49,994)	(25,623)	(75,617)	3,570,280	1,685,979	5,256,259	3,530,053	1,648,444	5,178,497
Walcha	3,132	1,468,799	973,087	2,441,886	(9,550)	(7,394)	(16,945)	742,622	488,526	1,231,148	716,626	477,167	1,193,793
Walgett (S)	6,051	4,599,728	2,016,451	6,616,179	(31,005)	(15,439)	(46,444)	2,315,482	1,010,839	3,326,321	2,253,241	990,173	3,243,414
Warren (S)	2,745	1,911,821	1,070,616	2,982,437	(12,611)	(8,187)	(20,798)	985,020	537,248	1,522,268	914,190	525,181	1,439,371
Warrumbungle (S)	9,399	4,780,546	2,538,036	7,318,582	(32,640)	(19,409)	(52,048)	2,416,894	1,273,482	3,690,376	2,331,012	1,245,145	3,576,157
Waverley	74,114	1,563,035	451,394	2,014,429	(10,827)	(3,471)	(14,298)	772,440	224,815	997,255	779,768	223,108	1,002,876
Weddin (S)	3,636	1,796,288	1,038,745	2,835,033	(11,934)	(7,938)	(19,872)	921,517	521,772	1,443,289	862,837	509,035	1,371,872
Wentworth (S)	7,042	4,303,337	2,090,032	6,393,369	(29,610)	(15,971)	(45,581)	2,161,824	1,050,606	3,212,430	2,111,904	1,023,455	3,135,359
Willoughby (C)	80,339	1,694,318	607,230	2,301,548	(11,774)	(4,692)	(16,466)	861,285	308,705	1,169,990	821,259	293,833	1,115,092
Wingecarribee (S)	50,493	3,255,506	1,950,855	5,206,361	(22,682)	(14,794)	(37,476)	1,625,706	979,911	2,605,617	1,607,118	956,150	2,563,267
Wollondilly (S)	52,230	2,437,124	1,415,390	3,852,514	(17,052)	(10,906)	(27,958)	1,216,510	719,369	1,935,879	1,203,562	685,115	1,888,676
Wollongong (C)	216,071	16,434,444	2,506,622	18,941,066	(115,002)	(19,254)	(134,256)	8,202,491	1,263,613	9,466,104	8,116,951	1,223,755	9,340,706
Woollahra (M)	58,964	1,243,528	443,433	1,686,961	(8,712)	(3,433)	(12,146)	612,546	221,271	833,817	622,269	218,729	840,998
Yass Valley	16,953	1,754,665	1,405,685	3,160,350	(11,873)	(10,711)	(22,584)	887,554	705,625	1,593,179	855,237	689,349	1,544,587
	7,987,727	561,526,802	226,201,773	787,728,575	(3,876,847)	(1,727,405)	(5,604,252)	282,220,097	113,692,045	395,912,142	275,429,858	110,782,323	386,212,181



APPENDIX C

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2020-21 GRANTS

1. GENERAL

All submissions **must** be consistent with the principles which have been adopted by the Commission. The principles are attached in **Table 1**.

Information in the submissions must relate to the year ended 30 June 2019, in order to be compatible with the Grants Commission's **Return of General Information** for that year (for the 2020-21 grant calculations).

Only operational costs should be included; capital costs are to be excluded.

Submissions should be based only on *inherent* disabilities and problems, which are outside a council's control. **Additional costs that result from deliberate policy decisions made by councils to provide a higher than average standard of service are not considered disabilities.**

Information provided on disabilities should be brief and the costing estimates of the disabilities should be as accurate as is practicable.

If you have further question, then please contact:

Helen Pearce on (02) 4428 4131 or by email at helen.pearce@olg.nsw.gov.au

Submissions should be e-mailed to the Commission at olg@olg.nsw.gov.au as soon as possible, but no later than **30 November 2019**.



APPENDIX C

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2020-21 GRANTS

2. EXPENDITURE DISABILITIES

(a) Content

The details of the Commission's expenditure calculations for Council's area are enclosed (See **Appendix A**). This information should be used in assessing whether to make a submission on expenditure disabilities; that is, in assessing whether the particular disabilities of Council's area are **already recognised** in the formula. If council believes that disabilities **other than those currently identified by the formula** have an impact on the cost of providing services, then this should be substantiated in the submission.

Similarly, if council believes that the impact of any disability already identified by the Commission is greater than indicated, then the case should be argued in the submission. Please refer to Table 2 for the basic format for a special submission. Details of the expenditure items considered, the council functions and disability measures can be found in **Appendix D**.



APPENDIX C

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2020-21 GRANTS

(b) Required Format

Table 2 shows the **REQUIRED FORMAT** for submissions on expenditure disabilities. Submissions should be **brief** and include:

- (1) the function affected (using the Commission's functional heading);
- (2) a **brief** description of the disability;
- (3) a **brief** account of the action taken to deal with that disability;
- (4) the **estimated additional cost** impact of that action.

Where a disability factor affects costs across a number of council functions, separate details should be used showing the cost impact in each function area.

(c) Outcome

Where the Commission recognises an additional disability raised in a submission beyond the measures recognised, an adjustment will be made as an "other" category.

Where an additional disability is recognised which has an impact on a number of councils, the methodology will be adjusted and *all councils* will be affected according to the extent of the relevant disability.

3. REVENUE DISABILITIES

While the approved principles generally bind the Commission's operation in this area, councils may wish to comment on the current methodology if it is considered that these unfairly disadvantage them.

It should be noted that non-rateable properties are taken into consideration in the Commission's calculation automatically. The loss of revenue from non-rateable properties does not need to be specified in the submission.



APPENDIX C

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2020-21 GRANTS

TABLE 1

APPROVED PRINCIPLES

1. general purpose grants to local governing bodies will be allocated as far as practicable on a full equalisation basis as defined in the *Local Government (Financial Assistance) Act 1995*; that is a basis which attempts to compensate local governing bodies for differences in expenditure required in the performance of their functions and in their capacity to raise revenue.
2. the assessment of revenue and expenditure allowances of local governing bodies will, as far as is practicable, be independent of the policy or practices of those bodies in raising revenue and the provision of services.
3. revenue raising capacity will primarily be determined on the basis of property values; positive and negative allowances relative to average standards may be calculated.
4. revenue allowances may be discounted to achieve equilibrium with expenditure allowances.
5. generally for each expenditure function an allowance will be determined using operational cost; both positive and negative allowances relative to average standards may be calculated.
6. expenditure allowances will be discounted to take account of specific purpose grants.
7. additional costs associated with non-resident use of services and facilities will be recognised in determining expenditure allowances.



APPENDIX C

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2020-21 GRANTS

TABLE 2

REQUIRED FORMAT FOR SUBMISSIONS ON EXPENDITURE DISABILITIES

Function:

Disability:

Description and Response:

Cost Impact:

**APPENDIX D**
**LOCAL GOVERNMENT GRANTS COMMISSION
2019-20 FINANCIAL ASSISTANCE GRANTS**

Expenditure Categories with Expenditure Items Listed Below (Expenditure Items Source – Financial Data Return – Special Schedule 1)					
Recreation & cultural	Administration & governance	Community amenity	Community services & education	Roads, bridges & footpaths	Public order, safety, health & other
Museums	Administration	Public Cemeteries	Admin & Education	Aerodromes	Animal Containment
Art Galleries	Governance	Public Toilets	Children's Services	Urban Roads Local	Fire Service Levy
Communities Centres & Halls		Town Planning	Aged and Disabled	Sealed Rural Roads Local	Noxious Plants & Insects
Performing Arts Venues		Street Lighting	Social Protection	Unsealed Rural Roads Local	Environment Protection
Other Sport & Recreation				Bridges on Urban Roads Local	Stormwater Management
Other Performing Arts				Bridges on Sealed Rural Roads Local	Urban Storm Drainage
Public Libraries				Bridges on Unsealed Rural Roads Local	Other
Swimming Pools				Footpaths	Health
Sporting Grounds				Parking Areas	Enforcement of Regulations
Parks and Gardens					Beach Control
					Building Control
					Street Cleaning



APPENDIX D

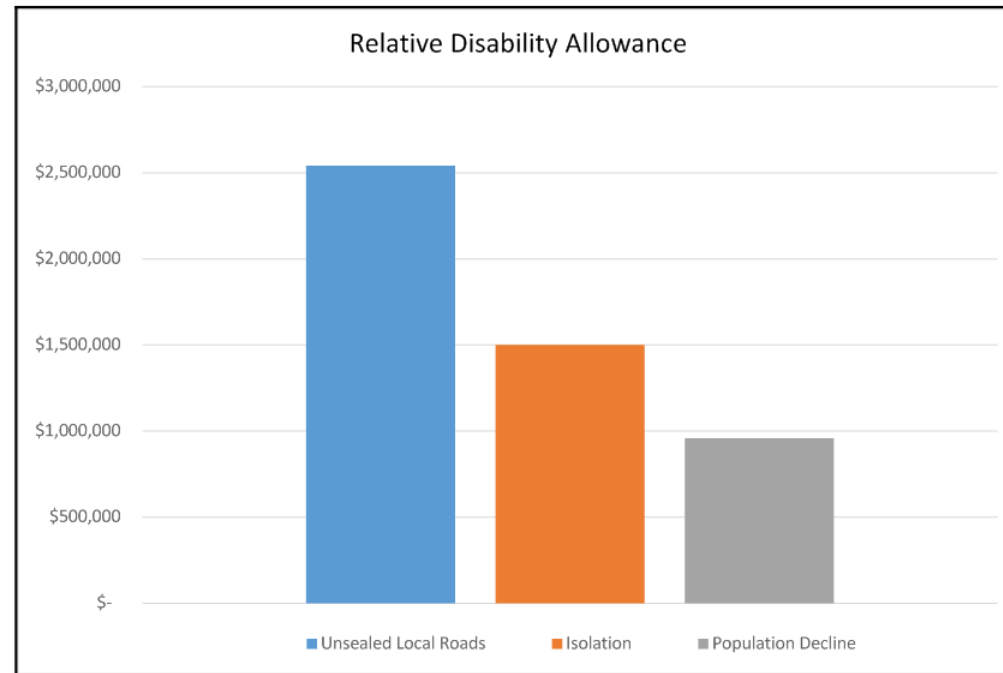
LOCAL GOVERNMENT GRANTS COMMISSION 2019-20 FINANCIAL ASSISTANCE GRANTS

Expenditure Disability Factors		
Disability Factor	Description	Data Source
Population Size	Number of people residing in local government area. The more people in community, the cheaper it is to provide resources per person. This suggests compensation for councils with smaller populations	ABS 3218.0 Regional Population Growth Australia, Estimated Resident Population (released 27 March 2019).
ATSI	Proportion of residents identified as Aboriginal and Torres Strait Islander.	ABS 2075.0 Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, 2016 (released 05.12.18).
Road Length	Kilometres of road within a local government area.	Data provided by OLG, based on data supplied by each local council FYE 2018
Environment	Hectares of environmental land (hectares of conservation and natural environment, water and inland water bodies).	ABS - LAND AND ENVIRONMENT, Local Government Area, 2011-2017 (released 8 November 2018).
Rainfall, topography and drainage index	An index that measures variation in the cost of construction and maintenance of stormwater drainage based on a number of considerations.	Data provided by OLG, Independent Consultants, 1987, Stormwater Drainage Return.



APPENDIX D

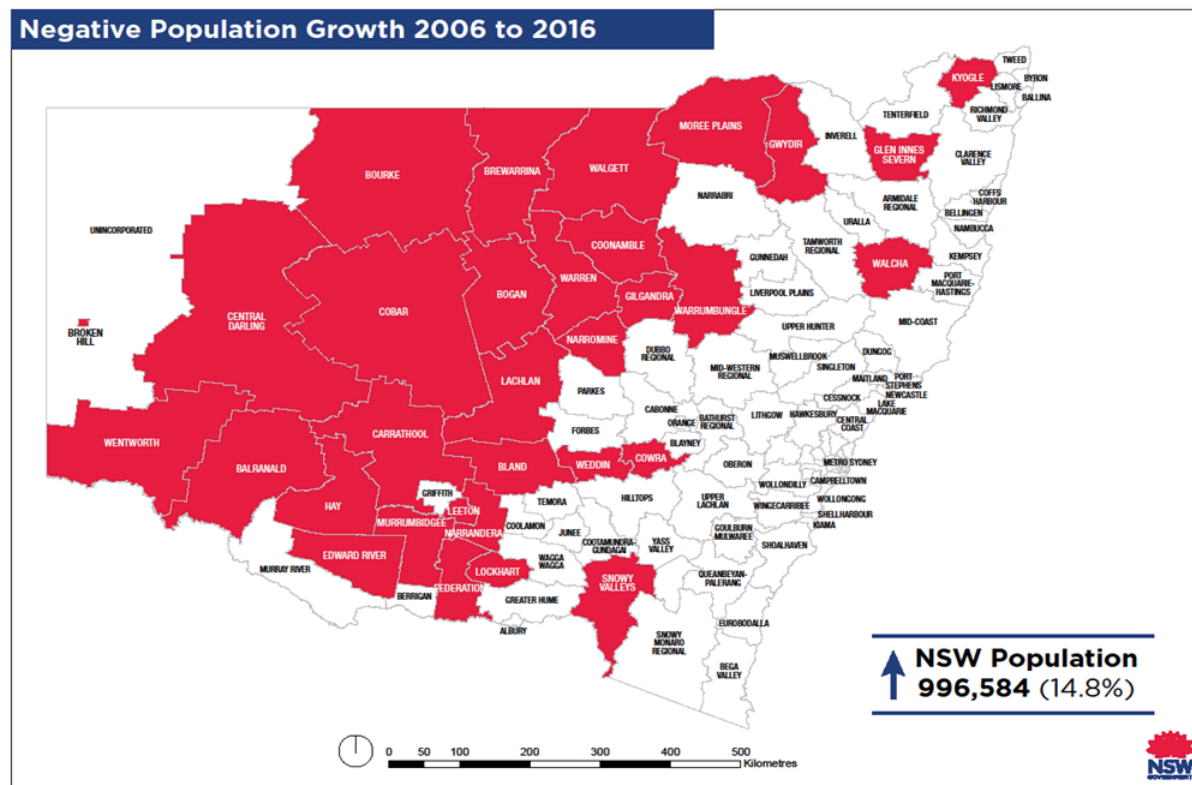
LOCAL GOVERNMENT GRANTS COMMISSION 2019-20 FINANCIAL ASSISTANCE GRANTS



Five million dollars of the CPI increase was apportioned to councils with greatest relative disadvantage on the basis of unsealed local roads, isolation and population decline.

APPENDIX D

LOCAL GOVERNMENT GRANTS COMMISSION 2019-20 FINANCIAL ASSISTANCE GRANTS



Red indicates population decline in NSW from 2006-2016.

11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New Rural Fire Station at Fitzroy Falls

Reference:	PN 1785190
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to enter into a new Licence Agreement with Water NSW for the use of land being Part Lot 1 DP 560103 being 280 Wildes Meadow Road, Wildes Meadow (also known as the corner of Nowra Road and Myra Vale Road at Fitzroy Falls) for the purpose of construction, maintenance and operation of a rural fire station.

RECOMMENDATION

1. **THAT** the General Manager be delegated authority to negotiate the terms and conditions of the Licence Agreement with Water NSW for the land being part Lot 1 in Deposited Plan 560103 being 280 Wildes Meadow Road, Wildes Meadow **AND THAT** it is noted that the purpose of the Licence is for Rural Fire Service operations.
2. **THAT** the General Manager and Mayor be delegated authority to execute the Licence Agreement (referred to in resolution 1 above) under the Common Seal of Council (if required).

REPORT

BACKGROUND

Council has been approached by the NSW Rural Fire Service (NSW RFS) seeking Council's assistance to construct a new rural fire station within the district.

The Avoca rural fire brigade station has been identified within the Southern Highlands Rural Fire Services Strategic Plan as requiring rebuild as it no longer meets the requirements of the respective members.

An in-principle agreement was reached to negotiate a licence agreement with Water NSW for a parcel of land at Fitzroy Falls for the relocation of the Avoca brigade.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



NSW RFS has requested that Council, on behalf of the NSW RFS, negotiate tenure with the landowner so planning and funding of the new brigade station can commence in accordance with the strategic plan of NSW RFS.

REPORT

In the past, Council has agreed to enter into Licence Agreements as the Licensee for premises used by the NSW RFS.

An aerial map is attached to this report showing the location of the proposed NSW RFS facility to be constructed on Water NSW land at Fitzroy Falls – **Attachment 1**.

Water NSW have agreed to enter into a thirty (30) year Licence Agreement, the terms of which are set out in the attached Licence Agreement - **Attachment 2**.

The purpose of the agreement is for the construction, maintenance and operation of a rural fire station and to provide services for the appropriate requirements and services of the New South Wales Rural Fire Service on an “as needs” basis.

LEGISLATION

Rural Fires Act, 1997

Pursuant to Section 12A of the *Rural Fires Act, 1997*, Council and the RFS executed a Rural Fire Service District Service Agreement on 1 July 2009 which will continue indefinitely unless terminated.

COMMUNICATION AND CONSULTATION

Community Engagement

There has been no engagement with the Community. This is an administrative matter between Council (on behalf of the NSW RFS) and Water NSW.

Internal Communication and Consultation

Executive

External Communication and Consultation

Wingecarribee RFS

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Although fighting fires and protecting the community from emergencies is the most visible aspect of the NSW RFS, the service has many responsibilities as the leading agency for bush fire management and mitigation in the State. The RFS employs a range of people with

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



a variety of skills and varying backgrounds. There are many volunteers that make up the Rural Fire Service within the Shire.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Entering into this Licence Agreement will have minimal impact on Council's budget.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

It is recommended that Council delegate authority to the General Manager to negotiate the terms and conditions of the new Licence Agreement for the land at Fitzroy Falls. It is also recommended that authority be delegated to the General Manager and Mayor to execute the new agreement under the Common Seal of Council (if required).

ATTACHMENTS

1. Attachment 1 - aerial map
2. Attachment 2 - Draft Licence Agreement

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Friday 6 September 2019

11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New Rural Fire Station at Fitzroy Falls

ATTACHMENT 1 Attachment 1 - aerial map



Attachment 1 - proposed licence area

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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LICENCE TO OCCUPY

WATER NSW
ABN 21 147 934 787

WINGECARRIBEE SHIRE COUNCIL
ABN 49 546 344 454



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11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls
ATTACHMENT 2 Attachment 2 - Draft Licence Agreement



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11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls
ATTACHMENT 2 Attachment 2 - Draft Licence Agreement



SCHEDULE

ITEM 1	PREMISES																														
	Part of the land of Folio Identifier 1/560103 being 280 Wildes Meadow Road, Wildes Meadow NSW 2577 (Also known as the corner of Nowra Road and Myra Vale Road at Fitzroy Falls) indicated by purple outlines in the attached Plan of Premises.																														
ITEM 2	TERM																														
	30 years																														
ITEM 3	COMMENCING DATE																														
	[insert]																														
ITEM 4	TERMINATING DATE																														
	[insert] unless terminated earlier in accordance with clause 15.																														
ITEM 5	ANNUAL LICENCE FEE																														
	\$1 if demanded																														
ITEM 6	PERMITTED USE																														
	Construct, maintain and operate a rural fire station and to provide services for the appropriate requirements and services of the New South Wales Rural Fire Service on an “as needs” basis																														
ITEM 7	PUBLIC LIABILITY INSURANCE																														
	\$20 million per occurrence																														
ITEM 8	PARTIES’ REPRESENTATIVE FOR SERVICE OF NOTICES																														
	<table><tr><td>Licensor:</td><td>Name:</td><td>Water NSW</td></tr><tr><td></td><td>Address:</td><td>Level 14, 169 Macquarie Street Parramatta NSW 2150</td></tr><tr><td></td><td>Attention:</td><td>Peter Beard Property/Land administration Officer</td></tr><tr><td></td><td>Tel:</td><td>02 9865 2354 / 0436 656 459</td></tr><tr><td></td><td>Email:</td><td>peter.beard@waternsw.com.au</td></tr><tr><td>Licensee:</td><td>Name:</td><td>Wingecarribee Shire Council</td></tr><tr><td></td><td>Address:</td><td>Civic Centre, Elizabeth Street, Moss Vale 2577</td></tr><tr><td></td><td>Attention:</td><td>Property Services</td></tr><tr><td></td><td>Tel:</td><td>02 4868 0888</td></tr><tr><td></td><td>Email:</td><td>property@wsc.nsw.gov.au</td></tr></table>	Licensor:	Name:	Water NSW		Address:	Level 14, 169 Macquarie Street Parramatta NSW 2150		Attention:	Peter Beard Property/Land administration Officer		Tel:	02 9865 2354 / 0436 656 459		Email:	peter.beard@waternsw.com.au	Licensee:	Name:	Wingecarribee Shire Council		Address:	Civic Centre, Elizabeth Street, Moss Vale 2577		Attention:	Property Services		Tel:	02 4868 0888		Email:	property@wsc.nsw.gov.au
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**11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls****ATTACHMENT 2 Attachment 2 - Draft Licence Agreement****ITEM 9****SHARE OF OUTGOINGS**

100 % payable by the Licensee

11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls
ATTACHMENT 2 Attachment 2 - Draft Licence Agreement



THIS AGREEMENT IS MADE ON THE

DAY OF

2019

Parties

WATER NSW ABN 21 147 934 787 of Level 14, 169 Macquarie Street Parramatta NSW 2150
(the "Licensor")

and

WINGECARRIBEE SHIRE COUNCIL ABN 49 546 344 454 of Civic Centre, Elizabeth Street, Moss Vale NSW 2577
(the "Licensee")

BACKGROUND

- A. The Licensor is the registered proprietor of the Premises.
- B. The Licensee has requested permission to occupy and use the Premises for the Permitted Use.
- C. The Licensor has agreed to grant the Licensee a Licence on the Premises for the Permitted Use on the terms of this Licence.

1 DEFINITION AND INTERPRETATION

1.1 Defined Terms

In this Licence:

- (a) **Annual Licence Fee** means the Annual Licence Fee specified in **Item 5**.
- (b) **Authorities** means all approvals, licences, permits, clearance and consents required in relation to the Permitted Use and the Premises.
- (c) **Business Day** means a day that is not a Saturday, Sunday or public holiday in the State of New South Wales and does not include 27, 28, 29, 30 and 31 December.
- (d) **Commencing Date** means the date specified in **Item 3**.
- (e) **Contaminant** means any substance or material (whether solid, liquid or gas) which may:
 - (i) injure the health and safety of any person;
 - (ii) injure the health of any flora and fauna;
 - (iii) breach any law; or
 - (iv) require site investigation and/or remediation under any law,

and includes any Hazardous Substance and involves the use of substances including (without limitation) fuels, chemicals, fertilizers, pesticides, oils and lubricants and any other such substance which has the potential to cause harm or prove likely to be injurious to or a pollutant of water.

- (f) **Contamination Event** means an event which would or could result in any Contaminant affecting the Premises or any part of it or any water found or stored on the Premises or any

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water in the vicinity of the Premises which would or could result in an offence under or the breach of, any provision of any relevant Act of Parliament, its corresponding regulations or any statutory instrument.

- (g) **Improvements** mean the fire station and other associated structures to be constructed, maintained and operated by the Licensee on the Premises, whose details are set out in the Plan of Improvements attached to this Licence.
- (h) **Hazardous Substance** means a substance that because of its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, flammability, or physical, chemical or infectious characteristics, may pose a hazard to property, human health or the environment when improperly treated, stored, disposed of or otherwise managed.
- (i) **Item** refers to the item specified by number in the Schedule.
- (j) **Licence** means this licence and any covenant or agreement expressed to be supplemental to this licence and all amendments to any such document which includes the Reference Schedule and any special conditions.
- (k) **Licensee** means if this Licence is taken by one person that person, his executors, administrators and permitted assigns and if this Licence is taken by more than one persons, includes those persons and each of them and their respective executors, administrators and permitted assigns and if a corporation is the Licensee, includes that corporation and its successors and permitted assigns.
- (l) **Licensee's Property** means the Improvements and all the Licensee's fixtures, fittings, goods, plant and equipment or other articles or items brought on to the Premises by the Licensee in the nature of trade or tenant's fixtures.
- (m) **Licensor's Property** means all the Licensor's fixtures, goods, plant and equipment brought on to the Premises by the Licensor.
- (n) **Outgoings** means in respect of the Premises
 - (i) all rates, charges, taxes (including Premises Tax), fees, levies, duties and assessments;
 - (ii) local council rates and charges;
 - (iii) water sewerage and drainage charges;
 - (iv) land tax;
 - (v) all other rates, charges, taxes, fees, duties, levies and assessments of whatsoever nature determined
 - (vi) all amounts payable in respect of insurances including insurances for Improvements, plant, fixtures, fittings and chattels and for business operations on the Premises;
- (o) **Plan of Improvements** means the plan of improvement attached to this Licence.
- (p) **Plan of Premises** means the plan of premises attached to this Licence.

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- (q) **Permitted Use** means the permitted use of the Premises specified in **Item 6**.
- (r) **Premises** means the Premises referred to in **Item 1** and includes, where the context so permits, such of the fittings and furnishings installed on the Premises and owned by the Licensor.
- (s) **Prescribed Rate** means 10% per annum.
- (t) **Schedule** is the reference schedule attached to this Licence.
- (u) **State** means the state of New South Wales.
- (v) **Term** means the duration of this Licence specified in **Item 2**.
- (w) **Terminating Date** means the date specified in **Item 4**.
- (x) **Services** means all usages of services in relation to the Premises including but not limited to telephone, rubbish removal, air conditioning, electricity (electrical or fibre cabling), power, gas, oil, water, sewerage, telecommunications, fire hydrant, service sprinkler and public address and includes all pipes, wires, cables, ducts and other conduits in connection with them and the Licensee's own insurances.

1.2 Interpretation

In this Licence the following rules of interpretation apply unless the contrary intention appears:

- (a) headings and recitals are for convenience only and do not affect the interpretation of this Licence;
- (b) the singular includes the plural and vice versa;
- (c) words that are gender neutral or gender specific include each gender;
- (d) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (e) the words 'such as', 'including', 'particularly' and similar expressions are not used as nor are intended to be interpreted as words of limitation;
- (f) a reference to:
 - (i) a person includes a natural person, partnership, joint venture, Government Agency, association, corporation or other body corporate;
 - (ii) a thing (including but not limited to a chose in action or other right) includes a part of that thing;
 - (iii) a party includes its successors and permitted assigns;
 - (iv) a document includes all amendments or supplements to that document;
 - (v) a clause, term, party, schedule or attachment is a reference to a clause or term of, or party, schedule or attachment to this Licence;
 - (vi) this Licence includes all schedules and attachments to it;
 - (vii) a law includes a constitutional provision, treaty, decree, convention, statute, regulation, ordinance, by-law, judgment, rule of common law or equity or a rule of an applicable financial market and is a reference to that law as amended, consolidated or replaced;

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- (viii) an agreement other than this Licence includes an undertaking, or legally enforceable arrangement or understanding whether or not in writing; and
- (ix) a monetary amount is in Australian dollars;
- (g) if under the provisions of this Licence or under any notice or demand served anything is required to be done on a day which is not a Business Day, then the day for compliance is deemed to be the Business Day immediately following that day.
- (h) if either under the common law or by force of legislation, any provision of this Licence is or becomes legally ineffective then that provision is to be severed from the Licence which is otherwise to remain effective.
- (i) an agreement on the part of two or more persons binds them severally; and
- (j) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Licence or any part of it.

2 GRANT OF LICENCE

2.1 Grant of Licence

In consideration of the payment of Annual Licence Fee by the Licensee, the Licensors grants the Licensee a licence to use and occupy the Premises for the Term for the Permitted Use only.

2.2 Nature of Rights Granted

The Licensors and Licensee agree and declare as follows:

- (a) it is not the parties' intention to create a relationship of landlord and tenant;
- (b) legal possession and control of the Premises shall at all times remain vested in the Licensors and the Licensee shall not acquire any estate or interest in the Premises;
- (c) the Licensee shall not have exclusive possession of the Premises; and
- (d) this Licence is personal to the Licensee and is not capable of assignment. The Licensee will not during the term of this Licence transfer or create any interest in the Licence or authorise or permit any person to occupy the Premises or any part of it.



3 TERM

the Licence commences on the Commencing Date and ends on the Terminating Date unless otherwise terminated earlier in accordance with clause 15.

4 HOLDING OVER

4.1 In the event of the Licensee continuing to occupy the Premises after the expiration of the Term with the consent of the Licensor, then the Licence shall become a monthly licence at a monthly licence fee (payable monthly in advance) equal to one twelfth of the Annual Licence Fee, payable immediately prior to the commencement of the monthly licence.

4.2 The said monthly licence has the same terms and conditions of this Licence except that any option to renew shall be expressly excluded.

5 PERMITTED USE

5.1 The Licensee must not use or permit to be used the Premises (other than any residence and associated curtilage) for any purpose other than as set out in **Item 6**.

6 EXCLUSION OF WARRANTY

The Licensee acknowledges that no promise, representation, warranty or undertaking has been given by the Licensor with respect to the suitability or adequacy of the Premises (including any Services) for any purpose.

7 ANNUAL LICENCE FEE AND PAYMENT

The Licensee must pay to the Licensor without deduction or set-off, the Annual Licence Fee specified in **Item 5**.

8 OUTGOINGS

The Licensee shall pay the creditor its share of Outgoings as specified in **Item 9** on invoices from the Licensor, including any interest or extra charge accrued.

9 SERVICES

9.1 Payment of Services

- (a) The Licensee is responsible for payment of all usages of Services.
- (b) If the Licensee makes default in payment of any such account, it shall be optional for the Licensor to pay the same, recover from the Licensee the amount so paid and charge the Licensee interest at the Prescribed Rate.

9.2 Meter

The Licensee will if so required by the Licensor install separate meters at the Licensee's own expense.

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9.3 Telephone

The Licensee will not cancel any telephone service to the Premises without the prior written consent of the Licensor, and upon the termination of this Licence the Licensee shall if required by the Licensor transfer the said service to the Licensor.

10 LICENSEE'S OBLIGATIONS

10.1 Authorities

The Licensee shall at all times during the Term at its own cost hold all Authorities and comply with:

- (a) all legislations in respect of the Premises or the Permitted Use; and
- (b) all requirements which may be made or notices or orders which may be given to the Licensee by any public authority in respect of the Premises or the Permitted Use.

10.2 Proper Maintenance

- (a) The Licensee shall manage the Premises in a proper and tradesmanlike manner, and preserve and maintain the Premises in a proper and efficient state for the Permitted Use in accordance with this Licence.
- (b) Any work to be carried out under this Licence must be carried out in a proper and tradesmanlike manner by people with the appropriate qualification.

10.3 Notice of Defects

The Licensee must give to the Licensor prompt notice in writing of any circumstances likely to cause any danger, risk or hazard to the Premises or any person on the Premises, including any accident to or defect in any Services, roads, structure or fixtures and plans on the Premises

10.4 Contamination

The Licensee shall:

- (a) preserve and maintain the Premises in a proper and efficient state;
- (b) refrain from any act which could cause a Contamination Event;
- (c) if a Contamination Event or any incident, such as accident, spill or fire occurs and may potentially affect the Premises, the Licensee must
 - (i) immediately report to the Licensor on the Incident Notification Number 1800 061 069 (24 hour service) as a matter of urgency;
 - (ii) for a spill of a Contaminant of more than 200 litres, the Licensee must in addition to (i) above, notify the Environment Protection Authority (pollution hotline No. 131555) and the NSW Fire Brigade and any other appropriate authority;
 - (iii) undertake emergency clean up works to restrict the Contaminant to the spillage site and prevent further contamination from occurring; and
 - (iv) if requested by the Licensor or other relevant authority, prepare a management plan at its own cost for the clean up and remediation of the Contaminant;
- (d) ensure that no livestock strays outside the Premises and shall erect and maintain all fences gates and other structures as are necessary to keep all livestock on the Premises.

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10.5 Infectious Illness

- (a) The Licensee will in the event of any infectious illness occurring on the Premises give notice to the Licensor and to the proper public authorities.
- (b) The Licensee will at its own expense thoroughly fumigate and disinfect the Premises to the satisfaction of the Licensor and such public authorities.

10.6 No Statutory Nuisance

- (a) The Licensee will not do, omit to do or permit or suffer to be done any act that may cause a nuisance on or in connection with the Premises.
- (b) The Licensee shall abate any such nuisance or alleged nuisance and comply with the legislations and with every requisition or order of any public authority.

10.7 No Tree Removal

The Licensee will not kill or harm any trees or shrubs without obtaining written consent from the Licensor, but is permitted to perform any pruning, trimming, cutting, hedging, lopping or mowing of any plants, trees, shrubs or grass in accordance with the reasonable maintenance of the Premises for the Permitted Use without the consent of the Licensor.

10.8 Additional Plant

- (a) Should the Licensee require any plant for use on or in connection with the Premises additional to that already forming part of the Premises, the Licensee will pay for the cost of such additional plant and its installation.
- (b) Such additional plant shall be regarded as Licensee's Property.

10.9 Signs

The Licensee:

- (a) will not without the prior written approval of the Licensor erect or display on or to the Premises any sign other than approved hazard warning signage; and
- (b) will remove all such signs upon request by the Licensor or vacation of the Premises.

11 IMPROVEMENTS

11.1 No Unauthorised Improvements

The Licensee will not do any work or make any improvements or alteration to the Premises that is not specified in the Plan of Improvements without the prior written consent of the Licensor.

11.2 Licensee's Improvements

- (a) The Licensor acknowledges that the Licensee retains all rights, title and interests in the Improvements.
- (b) Any work in relation to the Improvements must be carried out in a proper and tradesmanlike manner by people with the appropriate qualification.

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11.3 Installation, Maintenance and Repair of Improvements

- (a) Installation, maintenance, inspection and repair of the Improvements shall be at the Licensee's own expense. The Licensee shall reasonably maintain, inspect and repair its Improvements regularly and keep it in a good state of repair.

12 SAFETY OBLIGATIONS OF LICENSEE

- 12.1 The Licensee acknowledges that it is an occupier of the Premises within the meaning of the Work Health and Safety Act 2011 (NSW) and Work Health & Safety Regulation (2011) NSW (each a "WHS Legislation").
- 12.2 The Licensee shall carry out the Permitted Purpose on the Premises in a safe and reliable manner and must comply with the WHS Legislations.
- 12.3 The Licensee indemnifies the Licensor from and against any cost, expense or liability incurred by the Licensee arising out of or as a result of the non-compliance or breach of this clause by the Licensee or any of its contractors or subcontracts supplying any part of the Improvements. This shall extend to the Licensor in taking steps to ensure compliance by the Licensee with any WHS Legislation.
- 12.4 Should the Licensor require the Licensee to remove or make safe and proper anything that in the opinion of the Licensor is unsafe or improper in any respect, and if the Licensee does not immediately comply with any such requirement, the Licensor may without further notice and at the Licensee's expense take such action it considers appropriate in the circumstances.

13 LICENSOR'S RIGHTS

13.1 Licensor's Access

- (a) Notwithstanding any other provision of this Licence, the Licensor shall at all times have the right to enter upon or remain in the Premises for any purpose with or without equipment, without any payment of compensation to the Licensee or any abatement of the Annual Licence Fee.
- (b) The Licensor must use all endeavours not to interfere with the Permitted Use and to make good any damage it causes to the Premises.

13.2 Licensor May Inspect

- (a) Without prejudice to the general right of access of the Licensor, the Licensor or its authorised persons may at any time inspect the Premises for the purposes of ascertaining whether the provisions of this Licence are complied with.
- (b) In addition to (a), the Licensor and its authorised persons may at all reasonable times, enter upon the Premises and view the state of repair and may serve upon the Licensee notice of any defect requiring the Licensee to repair the defect within a reasonable time.
- (c) The Licensor may at any time and without notice to the Licensee, undertake aerial inspections.

13.3 Licensor May Repair

- (a) In the event of the Licensee failing to remedy any breach of the Licensee's obligations to under the terms of this Licence within twenty-eight (28) days after the service of a notice on the Licensee requiring the Licensee to remedy such breach, the Licensor or its authorised persons may enter the Premises at any time with all necessary equipment to execute the required works as the Licensor sees fit.

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- (b) In executing such works the Licensor shall cause as little inconvenience to the business of the Licensee as is possible.
- (c) The Licensee shall pay to the Licensor upon demand, the cost of such works
- (d) If the said cost is not paid by the Licensee to the Licensor within twenty-eight (28) days after the demand is made, interest shall be payable on the amount demanded at the Prescribed Rate.

13.4 Right to Flood, Inundate & Store

The Licensor shall at all times during the Term have full right and liberty to:

- (a) store water on; and/or
- (b) flood, backup, submerge and/or inundate with water,

the Premises or any part thereof free from responsibility for any damage or loss sustained or suffered by the Licensee as a consequence of Licensor's exercise of its right under this clause.

13.5 Ebb & Flow

The Licensee acknowledges that the Licensor's storage rights with respect to water pursuant to this Licence are subject to ebb & flow and may vary from time to time as the circumstances. The Licensee must not erect or build, or permit to be erected or built, any structure (temporary or otherwise) to be built without the prior written approval of the Licensor with such approval being withheld in the Licensor's absolute discretion.

13.6 Licensor Grants Other Occupants the Right of Access & Use

- (a) In order to comply with the terms and conditions of any individual agreement the Licensor has with the occupant(s) of any neighbouring land or land adjoining to the Premises (the "Occupant"), the Licensor may grant the Occupant
 - (iii) the right to access over the Premises in order to gain access to the neighbouring or adjoining land in order to move stock, machinery and equipment; and / or
 - (iv) the right to utilise the infrastructure located on the Premises such as yards, holding paddocks, sheds, water supply (tanks, troughs, pipelines bores and dams) for the management, treatment and access to transport of stock to and from the respective neighbouring and/or adjoining land.
- (b) The Occupant exercising the rights under (a) and (b) will affect any repairs or maintenance that results from such use of these items at the expense of the Occupant.
- (c) The exercise of rights under (a) and (b) will be at the risk of the Occupant and no compensation shall be payable to or recoverable by the Licensee from the Licensor.

13.7 Licensee Not Complying with Authorities

In the event that the Licensee does not comply with any Authority, without limiting any other right the Licensor may have:

- (a) the Licensor and its authorised persons may enter upon the Premises at any time with all necessary materials and appliances for the purpose of complying therewith;
- (b) the Licensee shall pay to the Licensor on demand any expenses incurred by the Licensor in so doing and indemnify the Licensor against any loss or liability incurred by the Licensor arising from such default; and

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- (c) if the said expenses are not paid by the Licensee within twenty-eight (28) days after the demand is made, interest shall be payable on the amount demanded at the Prescribed Rate.

13.8 Easement & Other Rights

- (a) The Licensor is entitled to create easements, Licences or other similar rights over or to dedicate land forming part of the Premises for the purposes of access, provided such action does not substantially or materially interfere with the Permitted Use.
- (b) Licensee must at the request and expense of the Licensor sign any documents which are necessary for that purpose.

13.9 Licensor May Withdraw Whole or Part of the Premises

- (a) The whole or any part of the Premises may be withdrawn at any time by the Licensor for any purpose, without compensation to the Licensee.
- (b) The Licensor shall give to the Licensee at least six (3) months' notice in writing of any intention to withdraw the Premises or any part of the Premises.
- (c) The Licensee may, within one (1) month of receiving such notification by the Licensor, terminate this Licence by serving one (1) months notice in writing.
- (d) The said withdrawal in shall take effect on notification in writing to the Licensee by the Licensor.
- (e) In the event of such withdrawal, the Annual Licence Fee shall be reduced in proportion to the area withdrawn.

13.10 Cultural & Environmental Sensitive Sites

The Licensor reserves the right to apply specific requirements and restrictions to any cultural and environmental sensitive sites forming part of Premises which may be identified at any time during the Term.

14 INSURANCES AND INDEMNITIES

14.1 Insurances

- (a) The Licensee will effect and keep effected in its name as Licensee:
 - (i) public risk insurance in respect of the Licensee's access to, use and occupation of Premises for an amount specified at Item 7 for any one claim;
 - (ii) workers compensation insurance in respect of all persons employed by the Licensee on the Premises; and
 - (iii) an insurance policy for the full replacement value of all Improvements and additional structures on the Premises against any damage or destruction.
- (b) The Licensee will:
 - (i) if requested, promptly forward to the Licensor a copy of such policies and evidence of renewal each year during the Term; and
 - (ii) ensure that all insurances conform with the reasonable requirements from time to time of the Licensor of which the Licensee is given written notice.

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14.2 Indemnities and Release

- (a) The Licensee releases the Licensor from all actions, claims, liabilities and costs the Licensee may incur for any damage, loss, negligence, injury or death arising out of:
 - (i) the Licensee's use and occupation of the Premises;
 - (ii) anything done or omitted to be done on the Premises by the Licensee; and/or
 - (iii) any other matter or activity contemplated by this Licence and undertaken by the Licensee or any breach of this Licence by the Licensee.
- (b) The Licensee shall indemnify and keep the Licensor indemnified against all claims, liability, loss, cost, damage or expense arising directly or indirectly from or connected with any use of occupation of the Premises or any act or omission by the Licensee, its authorised persons or its invitees except to the extent caused by the wilful or negligent or omission of the Licensor and its authorised persons.
- (c) The obligations of the Licensee under this clause shall continue after the termination of this Licence in respect of any event that occurs before termination.

15 DEFAULT AND TERMINATION

15.1 Events of Default

- (a) If any of the following events occur, the Licensee shall be in default of this Licence:
 - (i) the Annual Licence Fee or any part thereof is unpaid twenty-eight (28) days after its due date, whether or not the Licensor has demanded for its payment;
 - (ii) any moneys payable under this Licence by the Licensee to the Licensor have not been paid within twenty-eight (28) days of the Licensor making a demand for it;
 - (iii) the Licensee fails to comply with the Property Management Plan or fails to rectify a rectifiable breach within twenty-eight (28) days after service on the Licensee of a notice to do so;
 - (iv) the Licensee repudiates this Licence;
 - (v) the Licensee fails to fulfil its obligations under clauses 10, 11, 12 and 14;
 - (vi) within twenty-eight (28) days of service on the Licensee of a notice to do so the Licensee does not make the repairs, replacements or maintenance required; or
 - (vii) a receiver, receiver and manager, administrator, provisional liquidator or liquidator is appointed in respect of the Licensee or any of its property.
- (b) Where the Licensee is in default, the Licensor may at any time thereafter but without prejudice to any claim which the Licensor may have against the Licensee, either:
 - (i) re-enter the Premises or to terminate the Licence; or
 - (ii) by written notice to the Licensee elect to convert the unexpired portion of the Term of this Licence into a monthly licence (Holding Over) under clause 4.

15.2 Licensor's Election to Remedy

- (a) The Licensor may, acting at its own election, in the event of a failure by the Licensee to remedy a rectifiable default within a reasonable time of notice, remedy the default itself by entering upon the Premises upon reasonable notice and carry out any work required at the expense of the Licensee.

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- (b) Without affecting the rights and remedies of the Licensor otherwise under this Licence, the Licensee will pay to the Licensor interest at the Prescribed Rate on any moneys due but unpaid by the Licensee to the Licensor (including interest on moneys paid by the Licensor on the Licensee's account).

15.3 Termination

In addition to any other provision herein, this Licence is terminated in any of the following circumstances:

- (a) upon the Terminating Date;
- (b) in accordance with the provisions of this clause 15;
- (c) in accordance with the provisions of this clause 13.9 ;
- (d) by the Licensee giving to the Licensor six (6) months written notice of termination; or

15.4 Repudiation, Breach by Licensee

In the event of a repudiation by the Licensee of this Licence or in the event of a breach by the Licensee of any Terms of this Licence, the Licensor shall be entitled to recover from the Licensee damages representing the loss of the benefits which due performance by the Licensee of the Terms of this Licence would have conferred to the Licensor.

The Licensor's entitlement under this clause is in addition to and shall not derogate from any rights of the Licensor including the right to terminate this Licence.

15.5 Damages

- (a) The Licensor's entitlement to recover damages shall not be affected or limited:
 - (i) if the Licensee abandons or vacates the Premises;
 - (ii) if the Licensor re-enters the Premises or terminates the Licence;
 - (iii) if the Licensor accepted the Licensee's repudiation; and
 - (iv) if the parties' conduct shall constitute a surrender by operation of law.
- (b) The Licensor shall be entitled to institute legal proceedings claiming damages against the Licensee in respect of the entire Term.
- (c) The Licensor's conduct taken in pursuance of the duty to mitigate damages shall not by itself constitute acceptance of the Licensee's breach or repudiation or a surrender by operation of law.



16 REINSTATEMENT AND MAKE GOOD

16.1 Removal of Licensee's Property

Upon the termination of this Licence for whatever cause, the Licensee must at its own expense remove and carry away from the Premises all Licensee's Property.

16.2 Make Good

- (a) The Licensee shall do no damage to the Premises.
- (b) The Licensee must prior to the termination of this Licence make good at the Licensee's expense any damage caused to the Premises.

16.3 Licensee's Property Not Removed

- (a) At the determination of this Licence, any Licensee's Property remaining on the Premises shall become the Licensor's property absolutely.
- (b) The Licensor may at the expense of the Licensee, remove and dispose of the Licensee's Property pursuant to sub-clause(a) above.

17 GOODS & SERVICES TAX

17.1 Definition of Goods and Services Tax

"GST" means the same as in the GST Law and any applicable additional tax, penalty tax, fine, interest or other charge.

"GST Law" means the same as GST Law means in A New Tax System (Goods and Services Tax) Act, 1999 (Cth).

17.2 Payment of GST

"GST" means the same as in the GST Law and any applicable additional tax, penalty tax, fine, interest or other charge.

- (a) A recipient of a taxable supply made under this Licence must pay to the supplier, in addition to the consideration for the taxable supply, any GST paid or payable by the supplier in respect of the taxable supply.
- (b) The recipient must pay the GST to the supplier:
 - (i) if there is a due date for the consideration for the taxable supply, on the same day as the due date for the consideration in respect of the relevant taxable supply; or
 - (ii) if there is no due date, within fourteen (14) days of receiving the original request or a tax invoice from the supplier.

17.3 Reimbursements

Any party that is obliged to reimburse another party for an amount paid or payable to a third party (for example, a party's obligation to pay another party's legal costs) must pay in addition to the amount paid or payable:

- (a) any GST payable by the party being reimbursed in respect of the amounts paid or payable; or
- (b) any GST payable by the party being reimbursed arising from the taxable supply by that party to the other party of the goods and/or services supplied by the third party,

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less any input credit which the party being reimbursed is entitled to and does obtain in respect of the taxable supply by the third party.

17.4 Tax Invoice

Each party making a taxable supply under this Licence must issue a tax invoice to the other party within fourteen (14) days of making the taxable supply.

17.5 Adjustment Note

The Licensor must issue an adjustment note to the Licensee within twenty eight (28) days of becoming aware of an adjustment event relating to a taxable supply made by the Licensor under this Licence Tax Invoice.

17.6 Indemnities

- (a) If a payment under an indemnity attracts GST, the payer must pay and indemnify the payee against the amount of the GST.
- (b) If a party has provided an indemnity for a cost on which that party must pay a GST, the indemnity is for the cost plus the GST.
- (c) A party may recover payment from the other party under an indemnity before it makes the payment in respect of which the indemnity is given.

18 GENERAL OPERATION OF LICENCE

18.1 Service Failure

The Licensor will not be under any liability for any loss injury or damage sustained by the Licensee or any other person at any time as a result of or arising in any way out of the failure of any Services enjoyed by the Licensee in conjunction with the Premises.

18.2 Moratorium

Unless application to this Licence is mandatory by law, no statute, ordinance, proclamation, order, regulation or moratorium present or future shall apply to this Licence so as to abrogate, extinguish, impair, diminish, fetter, delay or otherwise prejudicially affect any rights, powers or remedies given to the Licensor.

18.3 Cost of Licence

- (a) The Licensee and the Licensor shall pay their own legal costs and disbursements of and incidental to the preparation and completion of this Licence.
- (b) The Licensee is responsible for:
 - (i) all stamp duty (if any) payable on this Licence; and
 - (ii) the legal costs and disbursements of the Licensor or a solicitor/client basis in respect of any breach of default under this Licence by the Licensee.

**11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls
ATTACHMENT 2 Attachment 2 - Draft Licence Agreement**



19 DISPUTE RESOLUTION

- 19.1 If a dispute arises out of or relates to this Licence, a party may not commence any court proceedings relating to the dispute unless that party has complied with this clause except where the that party seeks urgent interlocutory relief.
- 19.2 A party claiming that a dispute has arisen under or in relation to this Licence (the "Dispute"), that party must give written notice to the other party or parties specifying the nature of such dispute (the "Notice of Dispute").
- 19.3 On receipt of the Notice of Dispute, the parties must endeavour to resolve the Dispute expeditiously by referring the Dispute to their respective senior executive who has the requisite authority to bind the party to a decision. The senior executives must meet to resolve the Dispute within 10 Business Days of the receipt of the Notice of Dispute.
- 19.4 If the parties do not agree within 20 Business Days or such further period as agreed in writing by the parties of receipt of the Notice of Dispute as to,
- (a) the dispute resolution technique and procedures to be adopted;
 - (b) the timetable for all steps in those procedures; and
 - (c) the outcome or the compensation.
- the parties must refer the dispute to the arbitration of a single arbitrator nominated by the President for the time being of the New South Wales Law Society pursuant to the provisions of the Commercial Arbitration Act.
- 19.5 The parties agree to bear their own costs and that the cost of any mediation or arbitration will be shared equally between them.
- 19.6 The parties agree that they will continue to perform their obligations under this Licence while the dispute is being resolved.

20 TRANSFER OF INFORMATION

- 20.1 The Licensee acknowledges and agrees that disclosure by the Licensor of all or any part of the Licence may be required:
- (a) under any present laws including:
 - (i) the Government Information (Public Access) Act 2009 (NSW);
 - (ii) the Ombudsman Act 1984 (NSW);
 - (iii) the Public Finance and Audit Act 1983 (NSW); or
 - (iv) under any future laws;
 - (b) in the course of the official duties of a Minister or the State;
 - (c) to satisfy requirements of parliamentary accountability;
 - (d) in annual reports of the State or the Commonwealth;
 - (e) pursuant to policies of the New South Wales government;
 - (f) to satisfy any other recognised public requirement; or
 - (g) as part of any pricing review process requested by the Independent Pricing and Regulatory Tribunal (IPART) or the Australian Competition and Consumer Commission (ACCC).

**11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls
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(each a "Public Disclosure Obligation").

- 20.2 The Licensee acknowledges and agrees that if disclosure by the Licensor of all of or any part of the Licence is required, the Licensee must, as its own cost and expense, use all reasonable endeavours to assist the Licensor in meeting its Public Disclosure Obligations.
- 20.3 The Licensee must clearly identify any documents or information that it considers to be confidential to the Licensee or its employees or contractors and may request that such documents or information not be published or disclosed.
- 20.4 The Licensor may consider any request from the Licensee or its employees or contractors but the Licensor is under no obligation not to publish or disclose any document or information referred to in this clause.
- 20.5 Where the Licensor has previously accepted that information or documentation referred to under this clause will not be published or disclosed, the Licensor may at any time amend that decision.

21 CONFIDENTIALITY

- 21.1 The parties must keep confidential and not divulge or disclose (except to the extent that it is required to be disclosed by the disclosing party under any law, regulation, order of any government agency or the rules of any stock exchange) confidential information, and must take all steps necessary to restrict access to the confidential information.
- 21.2 This clause will not merge on completion, but will remain in force for as long as necessary to give effect to it.

22 MISCELLANEOUS

22.1 Good Faith

The parties enter into this Licence in good faith and agree to act in a reasonable and co-operative manner.

22.2 Parties' Obligations

Whenever a party to this Licence is obliged or required to do or effect any act matter or thing then the doing of such matter or thing shall unless this Agreement otherwise provides, be at the sole risk and expense of that party.

22.3 Waiver

No waiver by the Licensor of one breach of any covenant, obligation or provision in this Licence contained or implied, shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Licence contained or implied.

No indulgence by the Licensor in suffering a breach of any covenant, obligation or provision of this Licence contained or implied to continue shall operate as a waiver of that covenant, obligation or provision as the case may be.

22.4 Service of Notices

- (a) Any notice given by the Licensor shall be deemed to be duly given and served on the Licensee if served to the Licensee's Representative specified in **Item 8**.

**11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
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ATTACHMENT 2 Attachment 2 - Draft Licence Agreement**



- (b) Such notice shall be delivered to the Licensee (or more than one person are Licensees then to any one or more of them):
 - (i) personally; or
 - (ii) if the Licensee is a corporation, delivered to any person at its registered office or principal place of business in New South Wales; or
 - (iii) if left at the Premises; or
 - (iv) sent to the Licensee through the post in a registered envelope or by security post addressed to the Premises in which event service shall be deemed to have been effected on the day following posting; or
 - (v) If sent to the email address specified in **Item 8**.
- (c) Any notice by the Licensee to the Licensor must be signed by the Licensee or by the solicitors for the Licensee and if the Licensee is a corporation then by any officer of the Licensee and shall be addressed to the Licensor's Representative as specified in **Item 8**.
- (d) Any notice received by the Licensor that has not been properly delivered by the Licensee is not properly served on the Licensor.

22.5 Non-Merger

None of the terms or conditions of this Licence or thing done in connection with this Licence or any other agreement between the parties hereto shall operate as a merger of any of the rights and remedies of the parties in or under this Licence completion of any transaction contemplated by this Licence. All terms and conditions of this Licence shall continue in full force and effect.

22.6 Counterparts

- (a) This Licence may consist of a number of counterparts and, if so, the counterparts taken together constitute one and the same instrument.
- (b)
- (c) This Licence is not binding on any party unless one or more counterparts have been duly executed by, or on behalf of, each person named as a party to this Agreement and those counterparts have been exchanged.
- (d) A copy of a counterpart sent by facsimile machine or emailed as a PDF:
 - (i) must be treated as an original counterpart;
 - (ii) is sufficient evidence of the execution of the original; and
 - (iii) may be produced in evidence for all purposes in place of the original.

22.7 Entire Agreement

This Licence is the entire agreement between the parties about its subject matter and replaces all previous agreements, understandings, representations and warranties about that subject matter.

22.8 Governing Law and Jurisdiction

This Licence is governed by the laws of New South Wales. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of New South Wales.

22.9 Relationship of the Parties

Except as expressly provided in this Licence:

**11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New
Rural Fire Station at Fitzroy Falls
ATTACHMENT 2 Attachment 2 - Draft Licence Agreement**



- (a) nothing in this Licence is intended to constitute a fiduciary relationship or an agency, partnership or trust; and
- (b) no party has authority to bind any other party.

22.10 Severance

Any term of this Licence which is wholly or partially void or unenforceable is severed to the extent that it is void or unenforceable. The validity or enforceability of the remainder of this Agreement is not affected, and shall be valid and enforceable to the fullest extent permitted by law.

22.11 Further Acts and Documents

Each party must promptly do all further acts and execute and deliver all further documents required by law or reasonably requested by another party to give effect to this Licence.

23 LICENSOR'S ACKNOWLEDGEMENT

- 23.1 The Licensor acknowledges that the Licensee is a local government authority with statutory obligations, rights and powers pursuant to the laws of New South Wales.
- 23.2 Nothing in this Licence will operate so as to fetter, restrict or otherwise interfere with the exercise of such obligations, rights and powers by the Licensee.
- 23.3 The Licensor will make no claim against the Licensee under this Licence in respect of any lawful action taken by the Licensee in its capacity as a local government authority.

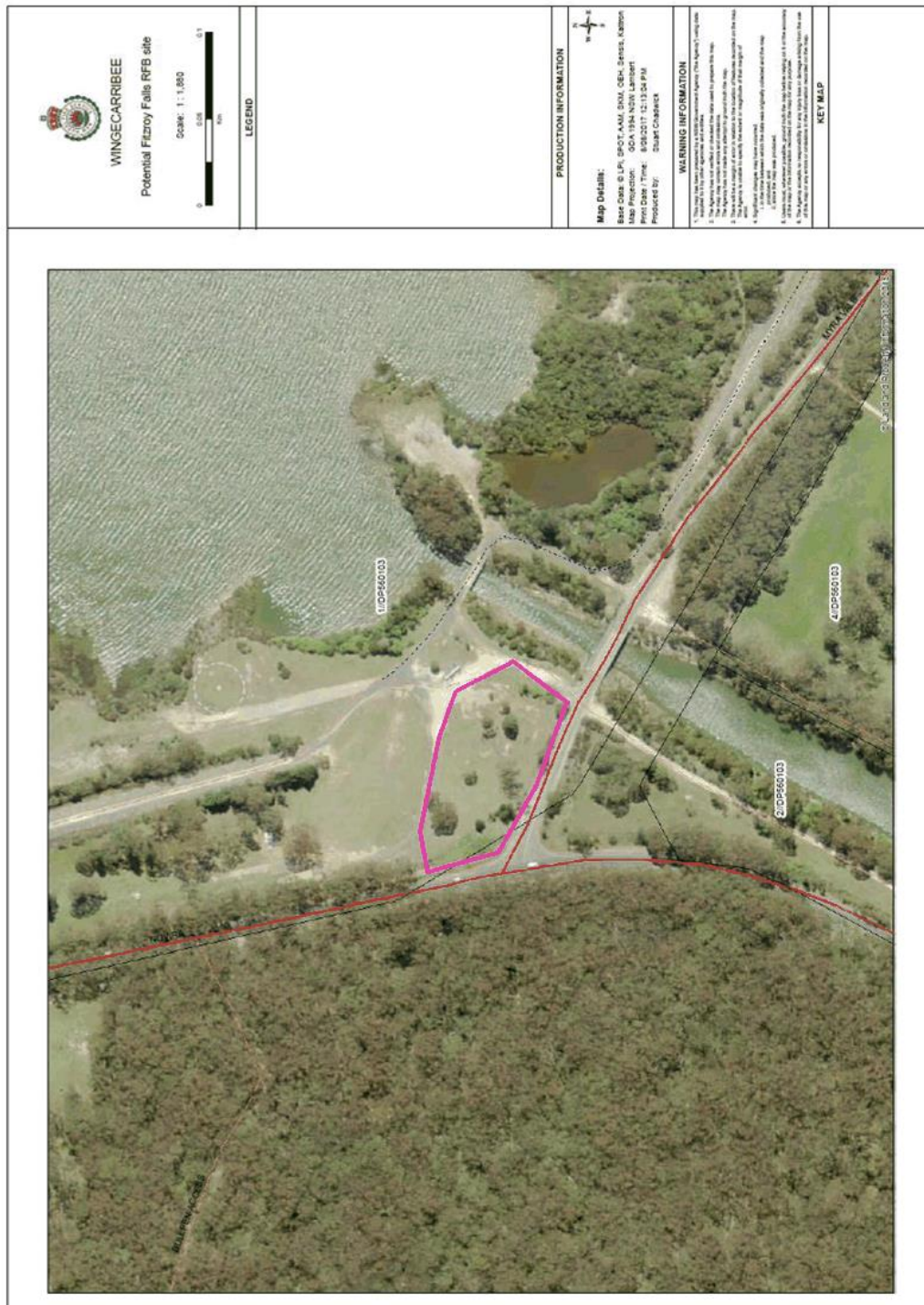
24 LICENSEE AS AUTHORITY

- 24.1 The parties acknowledge that the Licensee is an Authority with statutory rights and obligations pursuant to the terms of the *Local Government Act 1993 (NSW)* and the *Environmental Planning and Assessment Act 1979 (NSW)*.
- 24.2 No term of this licence would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Licensee's powers as an Authority.
- 24.3 If any provision of this Licence would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Licensee's powers as an Authority then that provision is, to the extent necessary for it not to fetter, restrict or otherwise interfere with the exercise of the Licensee's powers as an Authority:
 - (a) Be read down, if possible; or
 - (b) Severed from this licence.
- 24.4 The Licensor may not make any Claim on account of any action of the Licensee that is carried out in the Licensee's capacity as an Authority.

11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New Rural Fire Station at Fitzroy Falls
ATTACHMENT 2 Attachment 2 - Draft Licence Agreement



PLAN OF PREMISES





PLAN OF IMPROVEMENTS



EXECUTED AS AN AGREEMENT this day of 2019

Executed by an Authorised Representative on behalf of Water NSW in the presence of:

▲ Signature of witness

▲ Signature of Authorised Representative

▲ Name of witness (print)

▲ Name of Authorised Representative (print)

▲ Office Held

EXECUTED by Wingecarribee Shire Council under delegated authority and pursuant to a resolution of Council dated _____

▲ Signature of Witness

▲ Signature

Ann Prendergast

▲ Name of Witness (print)

▲ Name (print)

General Manager

▲ Office Held

12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 30 July 2019 to 26 August 2019

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

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 30 July 2019 to 26 August 2019.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 30 July 2019 to 26 August 2019 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE

Date range: 30 July 2019 to 26 August 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	20/0099	Hollyhall Farm 150 Walkers Road Avoca NSW 2577 Lot 2 DP 506435	J Wasiliev, J Chesterfield-Evans	Residential Alterations and Additions (Extensions)	26/07/2019	0	28	28	23/08/2019
2	19/1711	11 Franklin Road Aylmerton NSW 2575 Lot 8 DP 788983	C Carambano	Residential Alterations and Additions (Extensions, Internal Alterations & Swimming Pool)	31/05/2019	0	66	66	06/08/2019
3	19/1733	54 Park Avenue Aylmerton NSW 2575 Lot 17 Sec 1 DP 10484	T Pullar, M Turczynski	Dwelling House	07/06/2019	0	71	71	17/08/2019

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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
4	19/1472	11 Truro Place Balmoral NSW 2571 Lot 206 DP 1240094	A Mozayani, L Chanaoui	Dwelling House	08/04/2019	33	88	121	08/08/2019
5	17/1713	19 Sheffield Road Bowral NSW 2576 Lot G DP 21613	Sunny Creek Pty Ltd	Multi Dwelling Housing (8 x 3 Bedroom Dwellings)	05/12/2017	251	378	629	Approved by Council 28/08/2019
6	18/0259.04	17 Edward Riley Drive Bowral NSW 2576 Lot 108 DP 1227641	T O'brien, R Toomey	Section 4.55 Modification (Modify Building Envelope)	03/06/2019	0	64	64	06/08/2019
7	19/0117	22 Kangaloon Road Bowral NSW 2576 Lot 1 DP 223701	B Goodsell	Demolish existing Dwelling. Construct Six (6) Seniors Living Homes.	23/07/2018	347	38	385	14/08/2019
8	19/0310	157 Merrigang Street Bowral NSW 2576 Lot 5 DP 1240587	C Gratsounas	Dwelling House	24/08/2018	308	49	357	17/08/2019
9	19/0787	210-224 Bong Bong Street Bowral NSW 2576 Lot 100 DP 1194183	Roloz Pty Ltd	Change of Use – (Food and Drink Premises – 5 Kiosks)	16/11/2018	178	101	279	23/08/2019
10	19/1609	80 Merrigang Street Bowral NSW 2576 Lot 4 DP 770388	P Riley	Residential Alterations and Additions (Extensions and Garage)	13/05/2019	61	18	79	31/07/2019
11	19/1641	5 Emily Circuit Bowral NSW 2576 Lot 3 DP 792830	C Grant, C Grant	Residential Alterations and Additions (Extensions & Internal Alterations)	20/05/2019	12	65	77	06/08/2019
12	19/1684	210-224 Bong Bong Street Bowral NSW 2576 Lot 100 DP 1194183	Roloz Pty Ltd	Change of Use (Food and Drink premises – Ms Pho's Kiosk)	28/05/2019	56	22	78	15/08/2019
13	19/1688	44 Thompson Street Bowral NSW 2576 Lot 22 DP 24267	S Pareezer	Residential Alterations and Additions (Extensions, New Garage and Internal Alterations)	28/05/2019	0	73	73	09/08/2019
14	19/1716	3 Soma Avenue Bowral NSW 2576 Lot 21 DP 11372	J Buttfield	Residential Alterations and Additions (Garage)	04/06/2019	0	61	61	05/08/2019

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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
15	19/1718	110 Mittagong Road Bowral NSW 2576 Lot 410 DP 733694	U Wypych	Residential Alterations and Additions (Extensions, Shed, Carport, Vegetation Clearing - Removal of 3 Trees)	04/06/2019	13	65	78	22/08/2019
16	19/1749	2 Beavan Place Bowral NSW 2576 Lot 12 DP 241836 Vol 1718000 Fol 00013	J Thomas	Residential Alterations and Additions (Deck, Extensions, Garage)	13/06/2019	33	37	70	23/08/2019
17	19/1755	29 Shepherd Street Bowral NSW 2576 Lot 2 DP 154958	SAH Pitt	Residential Alterations and Additions (Swimming Pool)	14/06/2019	0	48	48	01/08/2019
18	19/1759	Church 28-30 Bendooley Street Bowral NSW 2576 Lot 1 DP 995850 Lot 2 DP 995850 Lot 1 DP 155385	Uniting Church Property Committee	Community Facility (Accessible Bathroom & Laundry for Homeless & Socially Disadvantaged)	14/06/2019	0	47	47	01/08/2019
19	19/1811	6 Mona Road Bowral NSW 2576 Lot 11 DP 785793	Gary And Julie Bennett Pty Ltd	Change of Use (Medical Health Facility – Specialist Rooms)	27/06/2019	0	42	42	09/08/2019
20	20/0029	Hopewood Farm 241 Centennial Road Bowral NSW 2576 Lot 1 to Lot 3 DP 1128259	Isthmus Holdings Pty Ltd	Farm Building	08/07/2019	0	39	39	16/08/2019
21	20/0061	1 Ayrshire Parade Bowral NSW 2576 Lot 136 DP 1231974	E Andraos, J Andraos	Dwelling House	16/07/2019	7	15	22	07/08/2019
22	20/0064	6 Ascot Road Bowral NSW 2576 Lot 12 DP 790237	K Bromson	Residential Alterations and Additions (Extensions & Garage)	17/07/2019	0	20	20	07/08/2019
23	20/0081	3 Elm Street Bowral NSW 2576 Lot 18 DP 716846	M Hartwright, T Hartwright	Residential Alterations and Additions (Carport)	22/07/2019	0	28	28	20/08/2019
24	18/0792	2 Ferndale Road Bundanoon NSW 2578 Lot 1 DP 1194737	K Gray	Subdivision (2 Lots)	29/06/2018	392	11	403	08/08/2019

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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
25	19/0438	7-11 Burgess Street Bundanoon NSW 2578 Lots 19-22 Sec 1 DP 1307 & Lot 1 DP 577713 & Lot 2 DP 777479	Wingecarribee Shire Council	Community Facility (Extension)	14/09/2018	309	9	318	30/07/2019
26	19/1337.03	11 Bamburgh Place Bundanoon NSW 2578 Lot 6 DP 1102297	P Hogan, F Hogan	Section 4.55 Modification (Internal Alterations)	12/08/2019	0	9	9	21/08/2019
27	20/0042	Post Office 5-9 Church Street Bundanoon NSW 2578 Lot B DP 442541 Lot A DP 442541	J Hines, L Hines	Retail Shop Alterations & Additions (New Staff Entry. Alter Façade)	11/07/2019	0	31	31	12/08/2019
28	19/1562	27a Links Road Burradoo NSW 2576 Lot 2 DP 1249328	D Dykstra, B Dykstra	Dwelling House	01/05/2019	54	36	90	31/07/2019
29	19/1729	11 Yean Street Burradoo NSW 2576 Lot 221 DP 1216797	T Shelley	Dwelling House	06/06/2019	17	62	79	26/08/2019
30	19/1791	60 Holly Road Burradoo NSW 2576 Lot 1 DP 232596 Lot 2 DP 232596	O Peagam, A Jensen	Residential Alterations and Additions (Extensions & Swimming Pool)	24/06/2019	12	46	58	22/08/2019
31	19/1807	47 Eridge Park Road Burradoo NSW 2576 Lot 1 DP 579578	A Norris	Residential Alterations and Additions (Internal)	27/06/2019	0	54	54	20/08/2019
32	18/0429.04	67 Hoddle Street Burrawang NSW 2577 Lot 3 DP 1205025	N O'Connor, D O'Connor	Section 4.55 Modification (Extensions & Internal Alterations)	28/06/2019	0	34	34	01/08/2019
33	19/0893.01	1d Hoddle Street Burrawang NSW 2577 Lot 4 DP 734409	M McRae	Section 4.55 Modification (Boundary Adjustment)	17/06/2019	0	44	44	31/07/2019
34	19/1180.03	26 Range Street Burrawang NSW 2577 Lot 31 Sec 4 DP 2660	C Ekman	Section 4.55 Modification (Garage)	31/07/2019	0	3	3	03/08/2019
35	19/0947	Wilson Drive Buxton NSW 2571 Lot 3 DP 787486	D Gough, K Gough	Dwelling House	17/12/2018	140	108	248	23/08/2019

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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
36	16/0548.01	Satori Springs 250 Tugalong Road Canyonleigh NSW 2577 Lot 12 DP 262109 Vol 14628 Fol 00208	Canyonleigh Pty Ltd	Section 4.55 Modification (Internal Alterations & Minor Extensions)	03/04/2019	0	119	119	31/07/2019
37	18/0359	630 Tugalong Road Canyonleigh NSW 2577 Lot 13 DP 622684	Highland Olive Groves Pty Ltd	Commercial Premises - New Winery	29/03/2018	461	50	511	22/08/2019
38	19/1640	Attunga 2151 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	Attunga Youth Ministries Pty Ltd	Recreation Facility (Giant Swing)	20/05/2019	0	90	90	19/08/2019
39	19/1589	6 Colo Road Colo Vale NSW 2575 Lot 2 Sec 9 DP 2389	K Kealy	Residential Alterations and Additions (Carport)	08/05/2019	0	63	63	09/08/2019
40	19/1691	5 Stringybark Close Colo Vale NSW 2575 Lot 219 DP 1245987	M Piper	Dwelling House	29/05/2019	0	67	67	05/08/2019
41	20/0200	16 Beech Street Colo Vale NSW 2575 Lot 9 Sec 23 DP 2944	K Stevens	Residential Alterations and Additions (Carport)	20/08/2019	0	2	2	22/08/2019
42	16/0647.03	171 Rockleigh Road Exeter NSW 2579 Lot 16 DP 1154427	R Stefanic, C Cummins	Section 4.55 Modification (Extensions)	04/04/2019	0	126	126	09/08/2019
43	16/0965.04	412 Ellsmore Road Exeter NSW 2579 Lot 7 DP 1222769	R Davies	Section 4.55 Modification (Internal Alterations. Extend Deck)	02/08/2019	0	10	10	12/08/2019
44	19/0771.03	64-66 Ringwood Road Exeter NSW 2579 Lot 19 DP 13527 Lot 20 DP 13527	R Pulham, S Barden	Section 4.55 Modification (Reduce Building Size. Retain Existing Carport)	01/07/2019	0	30	30	01/08/2019
45	19/1271	238 Old Argyle Road Exeter NSW 2579 Lot 41 DP 1045309	Feli Pastoral Company Pty Ltd	Section 4.55 Modification Dual Occupancy (Detached)	26/02/2019	0	163	163	09/08/2019
46	19/1573	68 Devon Road Exeter NSW 2579 Lot 5 DP 1245196	H Kersten	Dwelling House	03/05/2019	0	98	98	10/08/2019

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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
47	20/0020	1 School Lane Exeter NSW 2579 Lot 1 DP 1161107	K Silvester	Residential Alterations and Additions (Extensions)	05/07/2019	13	24	37	12/08/2019
48	20/0063	70 Westgrove Road Exeter NSW 2579 Lot 31 DP 1233756	T Turner, B Martin	Dwelling House	17/07/2019	0	34	34	20/08/2019
49	20/0093	71 Exeter Road Exeter NSW 2579 Lot 23 DP 1186950	A Chapman	Residential Alterations and Additions (Studio)	25/07/2019	0	12	12	07/08/2019
50	19/0418.05	35 Boronia Avenue Hill Top NSW 2575 Lot 21 Sec 4 DP 6221	K Kumar, V Kumar	Section 4.55 Modification (Reduce Dwelling Size)	01/07/2019	0	33	33	03/08/2019
51	19/0689.06	1771 Kangaloon Road Kangaloon NSW 2576 Lot 22 DP 1229390	C Francis, S O'Neill	Section 4.55 Modification (Tennis Court & Swimming Pool)	07/08/2019	0	10	10	17/08/2019
52	19/1604	314 Meryla Road Manchester Square NSW 2577 Lot 2 DP 628205	W Gardner	Residential Alterations and Additions (Extensions, Swimming Pool)	10/05/2019	0	91	91	10/08/2019
53	16/0249.03	14 Albert Street Mittagong NSW 2575 Lot 16 Sec 8 DP 1289	C Profilio	Section 4.55 Modification (Extensions, Internal Alteration and Demolition of 2 Sheds)	06/05/2019	0	85	85	31/07/2019
54	17/1038.06	13 Brewster Street Mittagong NSW 2575 Lot 30 DP 9299	TPFT Generation Pty Ltd	Section 4.55 Modification (Extension of Deferred Commencement Condition)	29/05/2019	0	88	88	26/08/2019
55	18/0247.05	41 Oxley Drive Mittagong NSW 2575 Lot 11 DP 1214567	JWH Jessop, V Jessop	Section 4.55 Modification (Internal and External Alterations)	08/08/2019	0	14	14	23/08/2019
56	19/0879.05	11 Nero Street Mittagong NSW 2575 Lot 241 DP 1246385	M Bissett, P Crook	Section 4.55 Modification (Extensions. Internal Alteration. Relocate Water Tanks)	23/07/2019	0	16	16	09/08/2019

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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
57	19/1765	5 Barton Close Mittagong NSW 2575 Lot 15 DP 1213476	M Lisle, J Barry	Dwelling House	17/06/2019	4	58	62	19/08/2019
58	20/0054	49 Oxley Drive Mittagong NSW 2575 Lot 5 DP 1253088	E Hartnup, M Hartnup	Dwelling House	15/07/2019	0	30	30	15/08/2019
59	20/0056	461 Range Road Mittagong NSW 2575 Lot 6 DP 861985	T Gregory	Dwelling House	15/07/2019	0	31	31	16/08/2019
60	20/0086	11 Nero Street Mittagong NSW 2575 Lot 241 DP 1246385	M Bissett, P Crook	Residential Alterations and Additions (Shed)	23/07/2019	0	28	28	21/08/2019
61	19/1313	59-65 Berrima Road Moss Vale NSW 2577 Lot 7 DP 1129996	Konui Pty Limited	Indoor Recreation Facility Alterations and Additions (Internal Mezzanine)	06/03/2019	111	41	152	06/08/2019
62	19/1553	Charity 502 Argyle Street Moss Vale NSW 2577 Part Lot 5 DP 773704	Trustees Of The Society Of St Vincent De Paul	Community Facility (Modular Shower)	30/04/2019	35	61	96	05/08/2019
63	19/1636	43 Arthur Street Moss Vale NSW 2577 Lot 11 DP 1218850	G Mullens, J Mullens	Residential Alterations and Additions (Extensions & Demolition of Existing Dwelling)	17/05/2019	0	77	77	03/08/2019
64	19/1663	47b Valetta Street Moss Vale NSW 2577 Lot 108 DP 1248696	S Crane, C Crane	Dwelling House	23/05/2019	11	77	88	20/08/2019
65	20/0039	68a Watson Road Moss Vale NSW 2577 Lot 21 DP 1242206	P Zantis, J Zantis	Dwelling House	11/07/2019	7	13	20	31/07/2019
66	20/0155	74 Broughton Street Moss Vale NSW 2577 Lot 4008 DP 1242576	A Fair, K Fair	Residential Alterations and Additions (Retaining Wall)	07/08/2019	0	7	7	15/08/2019
67	20/0163	14 James Taunton Drive Moss Vale NSW 2577 Lot 22 DP 874136	C Hoitink, D Dawson	Dwelling House	09/08/2019	0	13	13	22/08/2019
68	18/0495	Mount Ambia Hill 220 Kareela Road Penrose NSW 2579 Lot 2 DP 567331	H Colwell	Plant Nursery	01/05/2018	405	58	463	09/08/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
69	19/1630	40 Green Street Renwick NSW 2575 Lot 1305 DP 1234992	G Singh	Dwelling House	17/05/2019	84	5	89	15/08/2019
70	19/1735.02	62 Challoner Rise Renwick NSW 2575 Lot 1253 DP 1221207	R Smith, D Ryan	Section 4.55 Modification (Re- site Approved Shed)	08/08/2019	0	1	1	09/08/2019
71	19/1745	68 Challoner Rise Renwick NSW 2575 Lot 1250 DP 1221207	R Gray, P Gray	Residential Alterations and Additions (Shed)	11/06/2019	39	17	56	07/08/2019
72	19/1746	72 Challoner Rise Renwick NSW 2575 Lot 1405 DP 1234992	J Pryor	Dwelling House	12/06/2019	38	16	54	06/08/2019
73	20/0015	31 Oldfield Road Renwick NSW 2575 Lot 15 DP 1221206	J Johnston, C Johnston	Dwelling House	04/07/2019	9	26	35	08/08/2019
74	20/0083	35 Roty Avenue Renwick NSW 2575 Lot 1232 DP 1221207	S Secker, B Cross	Dwelling House	23/07/2019	20	3	23	15/08/2019
75	20/0116	18 Challoner Rise Renwick NSW 2575 Lot 7 DP 1221206	G Robinson, G Robinson	Dwelling House	31/07/2019	0	2	2	02/08/2019
76	20/0123	25 Roty Avenue Renwick NSW 2575 Lot 34 DP 1221206	Sm Lloyd	Dwelling House	01/08/2019	0	6	6	07/08/2019
77	20/0166	52 Challoner Rise Renwick NSW 2575 Lot 1258 DP 1221207	D Drewe, R Drewe	Dwelling House & Retaining Wall	09/08/2019	0	5	5	15/08/2019
78	19/1509	48 Caalong Street Robertson NSW 2577 Lot 17 DP 15947	T Perkiss, B Noakes	Dwelling House	15/04/2019	78	44	122	16/08/2019
79	19/1616	96 Illawarra Highway Robertson NSW 2577 Lot 1 DP 800894	S Relf, C Adolphs	Dwelling House	13/05/2019	0	87	87	09/08/2019
80	19/1617	43 South Street Robertson NSW 2577 Lot 67 DP 12886	D T Hall Pty Ltd	Residential Alterations and Additions (Extensions, Studio)	14/05/2019	36	64	100	23/08/2019
81	20/0129	33 High Street Robertson NSW 2577 Lot 2 DP 878860	G Pointing, M Pointing	Residential Alterations and Additions (Extensions)	01/08/2019	0	7	7	08/08/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
82	19/1776	7943 Illawarra Highway Sutton Forest NSW 2577 Lot 101 DP 739673	Kooyong Pastoral Pty Limited	Farm Building	19/06/2019	0	54	54	12/08/2019
83	19/1491	4 Ritchie Road Willow Vale NSW 2575 Lot 102 DP 1247843	M Bannister, D Bannister	Dwelling House	11/04/2019	81	41	122	12/08/2019
84	19/1673	45-47 Railway Parade Wingello NSW 2579 Lot 23 DP 613710 Lot 24 DP 613710	S Alessi, K Bailey	Dwelling House	24/05/2019	0	70	70	02/08/2019
85	12/0147.02	11 Wingello Street Wingello NSW 2579 Lot 1 Sec 7 DP 759097	C Crawford	Section 4.55 Modification (Increase Shed Height)	02/08/2019	0	5	5	07/08/2019
86	19/1275	Charity Berrima Street Welby NSW 2575 Lot 3 Sec 6 DP 759070 Lot 2 DP 1019107	Challenge Southern Highlands Inc	Alterations and Additions (Demolish Existing Potting Shed. Construction of New Shed & Toilets)	27/02/2019	139	35	174	20/08/2019
87	19/1439.01	93-95 Kirkham Road Bowral NSW 2576 Lot 15 DP 846332	CA Robson	S82A Review (Information and Education Facility)	09/07/2019	0	0	23	01/08/2019

REFUSED APPLICATIONS

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	19/1705	23 Southey Street Mittagong NSW 2575 Lot 3 DP 580448	M Markovina, R Markovina	Residential Alterations and Additions (Extensions)	31/05/2019	0	77	77	16/08/2019

Reasons for Refusal

1. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the residential amenity controls specified at section C2.6 (c) and (d) of the Mittagong Town Plan Development Control Plan:

(c) Where properties immediately adjacent to the proposed development do not feature a consistent front setback, the following guidelines will apply:

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- (i) If the difference between existing front setbacks is 2 metres or greater, new dwellings shall adopt a setback within the range established by adjacent dwellings.*
- (ii) If the difference between existing front setbacks is greater than 2 metres, the new dwellings shall adopt an average of the existing setbacks.*
- (iii) In general, subject to site assessment, Council requires the following front setbacks, exclusive of garage setbacks:*

Lot size	Minimum front setback
Less than 900m ²	4.5 metres
Between 900m ² and 1500m ²	6.5 metres
Over 1500m ²	15 metres

- (d) Proposals that seek to vary these front setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation: (i) will complement or enhance the quality of the existing streetscape, and (ii) will not compromise the amenity of any proposed or existing dwellings immediately adjacent to the proposed development.*

The other lots in the vicinity do not have a non-habitable structure in front of the building line and setback only 2.7m from the front boundary and hence this proposal is not in keeping with the streetscape.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

2. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development unsatisfactory with respect to the low density housing controls specified at section C2.12 (a), (f), (i), (j) and (e) of the Mittagong Town Plan Development Control Plan:

- (a) In established residential areas, the location of new garages should reflect the current street pattern.*
- (f) The garage shall be set back from the front façade and designed so that the dwelling entry and façade are the dominant building features.*
- (i) Driveways are to be located a minimum of one (1) metre from any side boundary.*
- (l) The width of the driveway at the street shall reflect the current streetscape.*
- (e) 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.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

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3. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts with respect to:

- (a) The character and amenity of the locality and the streetscape
- (b) The streetscape aspect of Southey Street
- (c) Vehicle Parking
- (d) The Heritage aspect of the area

[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]

4. Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, Council considers the development incompatible with the desired character and amenity of the locality, therefore Council considers the land unsuitable for the development.

[Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979]

5. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, Council considers it not to be in the public interest to grant consent for the development.

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
2	19/1488	122 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 590435	D Pascoe, OA Townsend	Farm Building	10/04/2019	0	112	112	01/08/2019

Reasons for Refusal:

1. Council considers the proposed development's bulk, scale and proximity to the land's boundary to Wallaby Hill Road to render it contrary to:
 - a. The particular aims specified by clause 1.2 (d) (iii) and (k) of Wingecarribee Local Environmental Plan 2010:
 - (d) *to provide opportunities for development and land use activities that:*
 - (iii) *retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,*
 - (k) *to protect areas of high scenic landscape value*

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- b. The following objectives of Zone E3 Environmental Management as specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:
 - *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 minimise the proliferation of buildings and other structures in these sensitive landscape areas*
- c. Section A3.7 (b) of the Wingecarribee Shire Rural Lands Development Control Plan, which specifies no single rural building or structure shall generally occupy a ground level building footprint of more than 600m²
- d. Section A3.7 (c) of the Wingecarribee Shire Rural Lands Development Control Plan, which specifies the total area of all land occupied by the ground level building footprint of rural buildings shall not generally exceed a total ground level footprint of 1000m²
- e. Section A3.7 (d) of the Wingecarribee Shire Rural Lands Development Control Plan, which specifies all rural buildings are generally to be within building envelopes separated from each other by a distance of not more than 30m and not less than 5m
- f. Section A3.7 (e) of the Wingecarribee Shire Rural Lands Development Control Plan, which specifies no rural building or structure is to be located closer than 20m from any public road, unless assessed by Council as appropriate due to site constraints
- g. The agricultural and ancillary development objectives specified by section B3.5 (a), (b) and (d) of the Wingecarribee Shire Rural Lands Development Control Plan:
 - (a) *ensure that best practice methodologies and current recommended practices are reflected in the siting, design and proposed management of the development*
 - (b) *ensure that the proposed activities do not create adverse impacts on the immediate the environment*
 - (d) *ensure that the proposal meets all Council's requirements as described in Part A of [the Wingecarribee Shire Rural Lands Development Control Plan]*
- h. Section B3.6 (d) of the Wingecarribee Shire Rural Lands Development Control Plan:
 - (d) *the siting and placement of any buildings may need to demonstrate that they do not detract from the scenic/ landscape value of the area. For this*



reason such buildings may need to be clustered and screened on particular sections of the property.

[Section 4.15 (1) (a) (i) and (iii) of the Environmental Planning and Assessment Act 1979]

2. Council considers the proposed development likely to have significant negative impacts with respect to:
 - a. The land's context and setting, with particular regard to:
 - i. The scenic qualities and features of the landscape
 - ii. The character and amenity of the locality
 - iii. The scale and character of development in the locality
 - b. Site design and internal design, with particular regard to:
 - i. The proportion of the land covered by buildings
 - ii. The positioning of buildings
 - iii. The scale of buildings
 - c. Cumulative impacts, with particular regard to:
 - i. Individual impacts so close in space that the effects overlap
 - ii. Repetitive minor impacts eroding environmental conditions

[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]

3. Council does not consider there to be any overriding public interest in favour of granting consent for the proposed development.

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]

ATTACHMENTS

There are no attachments to this report.

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12.2 Development Applications Received from 30 July 2019 to 26 August 2019

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 30 July 2019 to 26 August 2019

RECOMMENDATION

THAT the information relating to Development Applications Received from 30 July 2019 to 26 August 2019 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 30 July 2019 to 26 August 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	20/0117	897 Wilson Drive Balmoral NSW 2571 Lot B DP 387396	Z Simpson, C Simpson	Residential Alterations and Additions (Swimming Pool)	31/07/2019		#PENDING		
2	20/0136	7 Truro Place Balmoral NSW 2571 Lot 204 DP 1240094	G Tilley, K Tilley	Dwelling House	02/08/2019		#PENDING		
3	17/1174.01	Bendooley Court 16-24 Bendooley Street Bowral NSW 2576 Lot 1 DP 1003910	Wingecarribee Shire Council	Section 4.55 Modification (Addition of roof top mechanical platform, smoke exhaust & relocate external wall)	21/08/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
4	17/1773.01	Southern Highlands Botanic Gardens 1 Old South Road Bowral NSW 2576 Lot 1 DP 1231536	Wingecarribee Shire Council	Section 4.55 Modification Plant Nursery (Amend conditions pertaining to geotech, stormwater, fire safety & toilets)	30/07/2019		#PENDING		
5	20/0111	98-102 Old South Road Bowral NSW 2576 Lot 22 DP 13235	K Carnegie, E Carnegie	Subdivision (5 Lots)	30/07/2019		#PENDING		
6	20/0114	Church 12 Bendooley Street Bowral NSW 2576 Lot A DP 367514	Presbyterian Church Trustees	Place of Public Worship (Accessible Amenities)	31/07/2019		#PENDING		
7	20/0132	36 Park Road Bowral NSW 2576 Lot 11 DP 702113	Highfield Pt Nominee Pty Ltd	Multi Dwelling Housing (5 Dwellings)	01/08/2019		#PENDING		
8	20/0139	52 Bendooley Street Bowral NSW 2576 Lot 2 DP 1250477	A Zink, M Zink	Health Services Facility (Convert existing dwelling to consulting rooms)	02/08/2019		#PENDING		✓
9	20/0150	7 Miro Crescent Bowral NSW 2576 Lot 49 DP 846502	D Donald	Residential Alterations and Additions (Deck)	06/08/2019		#PENDING		
10	20/0156	80 Station Street Bowral NSW 2576 Lot 1 DP 1241412	A Reekie, S Reekie	Advertising Structure	07/08/2019		#PENDING		
11	20/0197	3 Duke Street Bowral NSW 2576 Lot 1 DP 1037922	R Johnston, N Johnston	Residential Alterations and Additions (Studio)	19/08/2019		#PENDING		
12	03/0786.09	133 Old Bowral Road Bowral NSW 2576 Lot 2345 DP 1110446	Old Bowral Estate Pty Limited	Section 8.2 B (1) Review Seniors Housing (Review of modification determination to delete rainwater tanks)	19/08/2019	✓	#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
13	20/0180	3 Gantry Place Braemar NSW 2575 Lot 2 DP 787116	Elispaul Pty Ltd	Industry (Construct New Industrial Building)	14/08/2019		#PENDING		
14	20/0184	13 Mimosa Place Braemar NSW 2575 Lot 106 DP 1204085	K Gellel, J Gellel	Residential Alterations and Additions (Shed)	15/08/2019		#PENDING		
15	19/1337.03	11 Bamburgh Place Bundanoon NSW 2578 Lot 6 DP 1102297	P Hogan, F Hogan	Section 4.55 Modification (Internal Alterations)	12/08/2019		#APPROVED	21/08/2019	
16	20/0124	28 Ashgrove Place Bundanoon NSW 2578 Lot 22 DP 264230	D Ross	Residential Alterations and Additions (Extensions & New Shed)	01/08/2019		#PENDING		
17	20/0157	14 Ella Street Bundanoon NSW 2578 Lot 17 DP 1136	L O'Connor, M O'Connor	Dwelling House	07/08/2019		#PENDING		
18	20/0159	11 Grice Drive Bundanoon NSW 2578 Lot 6 DP 1227700	M Willis, W Willis	Dwelling House	08/08/2019		#PENDING		
19	20/0170	10 Ferndale Road Bundanoon NSW 2578 Lot 120 DP 1252707	K Willcox, Y Robinson, J Montgomery	Dwelling House	12/08/2019		#PENDING		
20	20/0171	41 Brigadoon Drive Bundanoon NSW 2578 Lot 39 DP 1048841	G Elliot, M Elliot	Residential Alterations and Additions (Deck)	12/08/2019		#PENDING		
21	20/0220	48 Nerrim Street Bundanoon NSW 2578 Lot 10 DP 9331	T Vonhoff, R McFadden	Residential Alterations & Additions (Extensions)	26/08/2019		#PENDING		
22	20/0174	16 Elizabeth Street Burradoo NSW 2576 Lot 151 DP 1252728	K Tregenza	Dwelling House	13/08/2019		#PENDING		

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23	20/0182	34 Holly Road Burradoo NSW 2576 Lot 4 DP 505098	S Vilo, A Vilo	Residential Alterations and Additions (New Garage. Swimming Pool)	14/08/2019		#PENDING		
24	20/0187	29a Links Road Burradoo NSW 2576 Lot 242 DP 1235909	J Poole, J Poole	Subdivision (2 Lots)	16/08/2019		#PENDING		
25	20/0198	2 Charlotte Street Burradoo NSW 2576 Lot 811 DP 1176908	Harbison Memorial Retirement Village	Demolition of Existing Units 170 & 171 and Sunroom to allow for completion of landscaping works approved under DA 17/0088	19/08/2019		#PENDING		
26	19/1180.03	26 Range Street Burrawang NSW 2577 Lot 31 Sec 4 DP 2660	C Ekman	Section 4.55 Modification Residential (Garage)	31/07/2019		#APPROVED	03/08/2019	
27	20/0176	2-6 Harman Street Burrawang NSW 2577 Lot 1 DP 1168888	J Tait, G Brewer	Dwelling House	13/08/2019		#PENDING		
28	16/0548.02	Satori Springs 250 Tugalong Road Canyonleigh NSW 2577 Lot 12 DP 262109 Vol 14628 Fol 00208	Canyonleigh Pty Ltd	Section 4.55 Modification (Amend Condition 1 referring to maximum number of residents)	23/08/2019		#PENDING		
29	20/0147	12 Stringybark Close Colo Vale NSW 2575 Lot 225 DP 1245987	J Manson, C Ovington	Residential Alterations and Additions (Shed)	05/08/2019		#PENDING		
30	20/0200	16 Beech Street Colo Vale NSW 2575 Lot 9 Sec 23 DP 2944	K Stevens	Residential Alterations and Additions (Carport)	20/08/2019		#APPROVED	22/08/2019	
31	16/0965.04	412 Ellsmore Road Exeter NSW 2579 Lot 7 DP 1222769	R Davies	Section 4.55 Modification (Internal Alterations. Extend Deck)	02/08/2019		#APPROVED	12/08/2019	

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32	19/1024.05	Rockleigh Road Exeter NSW 2579 Lot 13 DP 1154427	K Stevens, K Payne	Section 4.55 Modification (Internal Alterations)	09/08/2019		#PENDING		
33	20/0142	26 Pearce Street Hill Top NSW 2575 Lot 3 DP 1232616	S Lonsdale, J Lonsdale	Residential Alterations and Additions (Swimming Pool)	05/08/2019		#PENDING		
34	20/0158	21 Wyong Street Hill Top NSW 2575 Lot 1 DP 809063	G Barnes, W Barnes	Residential Alterations and Additions (New Garage and Carport)	07/08/2019		#PENDING		
35	20/0172	5 Ashley Place Hill Top NSW 2575 Lot 5 DP 778055	J Jones	Residential Alterations and Additions (Shed)	13/08/2019		#PENDING		
36	20/0215	28-34 Pearce Street Hill Top NSW 2575 Lot 27 DP 13533	J Teuma, L Teuma	Subdivision (2 Lots)	23/08/2019		#PENDING		
37	20/0216	Vacant Land 5-7 Mylora Street Hill Top NSW 2575 Lot 3352 DP 1215161	T Bisiker, S Mazuran	Dwelling House	23/08/2019		#PENDING		
38	19/0689.06	1771 Kangaloon Road Kangaloon NSW 2576 Lot 22 DP 1229390	C Francis, S O'Neill	Section 4.55 Modification (New Tennis Court & Swimming Pool)	07/08/2019		#APPROVED	17/08/2019	
39	18/0247.05	41 Oxley Drive Mittagong NSW 2575 Lot 11 DP 1214567	J Jessop, V Jessop	Section 4.55 Modification (Internal and External Alterations)	08/08/2019		#APPROVED	23/08/2019	
40	18/0381.01	RSL Club 148-150 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1086496 Lot 2 DP 1086496	Mittagong RSL Club	Section 4.55 Modification (Internal Alterations. Delete DA Conditions 24, 26, 27, 31 & 74)	30/07/2019	✓	#PENDING		✓
41	20/0134	8 Victoria Street Mittagong NSW 2575 Lot 3 DP 354018	Aj D'onofrio	Residential Alterations and Additions (Shed)	02/08/2019		#PENDING		

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42	20/0152	193-203 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1142703	Bieson Pty Ltd	Commercial Alterations and Additions (Extensions)	06/08/2019		#PENDING		
43	20/0153	25 Robinson Street Mittagong NSW 2575 Lot 136 DP 1247015	S Moule, E Mahr	Dwelling House	06/08/2019		#PENDING		
44	20/0179	19 Cavendish Street Mittagong NSW 2575 Lot 100 DP 1009973	Linkwood (Nowra) Pty Ltd	Change of Use (Transitioning from Agricultural Industry to Artisan Premises)	13/08/2019		#PENDING		
45	20/0183	100 Bowral Road Mittagong NSW 2575 Lot 12 DP 817002 Lot 18 DP 1108714 Lot 33 DP 1138429	Sleeping Dog Investments Pty Limited	Demolition of Existing Structures. Construct New Child Care Centre, Shop, Food and Drink Premises and Service Station	14/08/2019	✓	#PENDING		✓
46	18/0744.01	Civic Centre 68 Elizabeth Street Moss Vale NSW 2577 Part Lot 3 DP 1108992	Wingecarribee Shire Council	Section 4.55 Modification Public Administration Building (Internal and External Alterations)	20/08/2019		#PENDING		
47	19/0078.07	23 Torulosa Drive Moss Vale NSW 2577 Lot 127 DP 1232222	R Noakes	Section 4.55 Modification (Relocate Rain Garden)	14/08/2019		#PENDING		
48	20/0115	11 Salamander Place Moss Vale NSW 2577 Lot 6 DP 1221913	H Carolin, R Carolin	Dwelling House	31/07/2019		#PENDING		
49	20/0138	14/17 Old Dairy Close Moss Vale NSW 2577 Lot 15 S/P 99448	Brogan Nominees Pty Limited	Recreational Facility (Martial Arts School)	02/08/2019		#PENDING		
50	20/0154	3a Stables Place Moss Vale NSW 2577 Lot 54 DP 1069034	O Finch, A Page	Dual Occupancy (Detached)	07/08/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
51	20/0155	74 Broughton Street Moss Vale NSW 2577 Lot 4008 DP 1242576	A Fair, KA Fair	Residential Alterations and Additions (Retaining Wall)	07/08/2019		#APPROVED	15/08/2019	
52	20/0161	13 Old Dairy Close Moss Vale NSW 2577 Lot 7 DP 1147034	R Simmons	Alterations and Additions – Industrial (Strata Subdivision - 6 Lots)	09/08/2019		#PENDING		
53	20/0163	14 James Taunton Drive Moss Vale NSW 2577 Lot 22 DP 874136	C Hoitink, D Dawson	Dwelling House	09/08/2019		#APPROVED	22/08/2019	
54	20/0173	17 Old Dairy Close Moss Vale NSW 2577 Lot 22 S/P 99448	Sitecat Pty Limited	Light Industry (Construct 7 Industrial Units)	13/08/2019		#PENDING		
55	20/0204	98 Darraby Drive Moss Vale NSW 2577 Lot 4011 DP 1242576	P Sellars, A Silver	Residential Alterations and Additions (Retaining Wall)	21/08/2019		#PENDING		
56	19/1735.02	62 Challoner Rise Renwick NSW 2575 Lot 1253 DP 1221207	R Smith, D Ryan	Section 4.55 Modification (New Shed)	08/08/2019		#APPROVED	09/08/2019	
57	20/0116	18 Challoner Rise Renwick NSW 2575 Lot 7 DP 1221206	G Robinson, G Robinson	Dwelling House	31/07/2019		#APPROVED	02/08/2019	
58	20/0122	14 Plumb Street Renwick NSW 2575 Lot 1370 DP 1234992	C Harrington, A Harrington	Residential Alterations and Additions (Deck & Pergola)	01/08/2019		#PENDING		
59	20/0123	25 Roty Avenue Renwick NSW 2575 Lot 34 DP 1221206	S Lloyd	Dwelling House	01/08/2019		#APPROVED	07/08/2019	
60	20/0166	52 Challoner Rise Renwick NSW 2575 Lot 1258 DP 1221207	D Drewe, R Drewe	Dwelling House & Retaining Wall	09/08/2019		#APPROVED	15/08/2019	
61	20/0167	14 Solomon Street Renwick NSW 2575 Lot 1324 DP 1234992	R Manku	Dwelling House & Retaining Wall	12/08/2019		#PENDING		

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

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
62	20/0188	18 Challoner Rise Renwick NSW 2575 Lot 7 DP 1221206	G Robinson, G Robinson	Residential Alterations and Additions (New Shed)	16/08/2019		#PENDING		
63	20/0189	42 Windeyer Street Renwick NSW 2575 Lot 1310 DP 1234992	J Webster, L Webster	Dwelling House & Retaining Walls	16/08/2019		#PENDING		
64	20/0209	53 Challoner Rise Renwick NSW 2575 Lot 1347 DP 1234992	Z Andrews	Dwelling House	22/08/2019		#PENDING		
65	20/0217	32 Challoner Rise Renwick NSW 2575 Lot 14 DP 1221206	D Wales	Residential Alterations and Additions (New Garage)	23/08/2019		#PENDING		
66	20/0129	33 High Street Robertson NSW 2577 Lot 2 DP 878860	G Pointing, M Pointing	Residential Alterations and Additions (Extensions)	01/08/2019		#APPROVED	08/08/2019	
67	20/0137	9-11 Hoddle Street Robertson NSW 2577 Lot 2 Sec 2 DP 758882	K Jackman, G Smith	Residential Alterations and Additions (Extensions)	02/08/2019		#PENDING		
68	20/0221	233 Wallaby Hill Road Robertson NSW 2577 Lot 1 DP 731833	R Sorensen	Secondary Dwelling	26/08/2019		#PENDING		
69	20/0193	21 Black Horse Lane Sutton Forest NSW 2577 Lot 6 DP 660349	N Lo Russo, S Lo Russo	New Cellar Door & Café Building incorporating 2 Bed Staff Residence	16/08/2019		#PENDING		
70	20/0191	9 Kell Crescent Welby NSW 2575 Lot 49 DP 249064	J Surace	Residential Alterations and Additions (Shed)	16/08/2019		#PENDING		
71	10/0414.05	144 Mt Broughton Road Wera NSW 2577 Lot 1 DP 804846	IM Scandrett, JA Scandrett	S8.2A Review (Alterations & Additions to Dwelling, Shed and Gates)	23/08/2019	✓	#PENDING		
72	16/0712.04	8 Drapers Road Willow Vale NSW 2575 Lot 41 DP 1222926	S De Horne, D De Horne	Section 4.55 Modification (Secondary Dwelling - Studio)	14/08/2019		#PENDING		

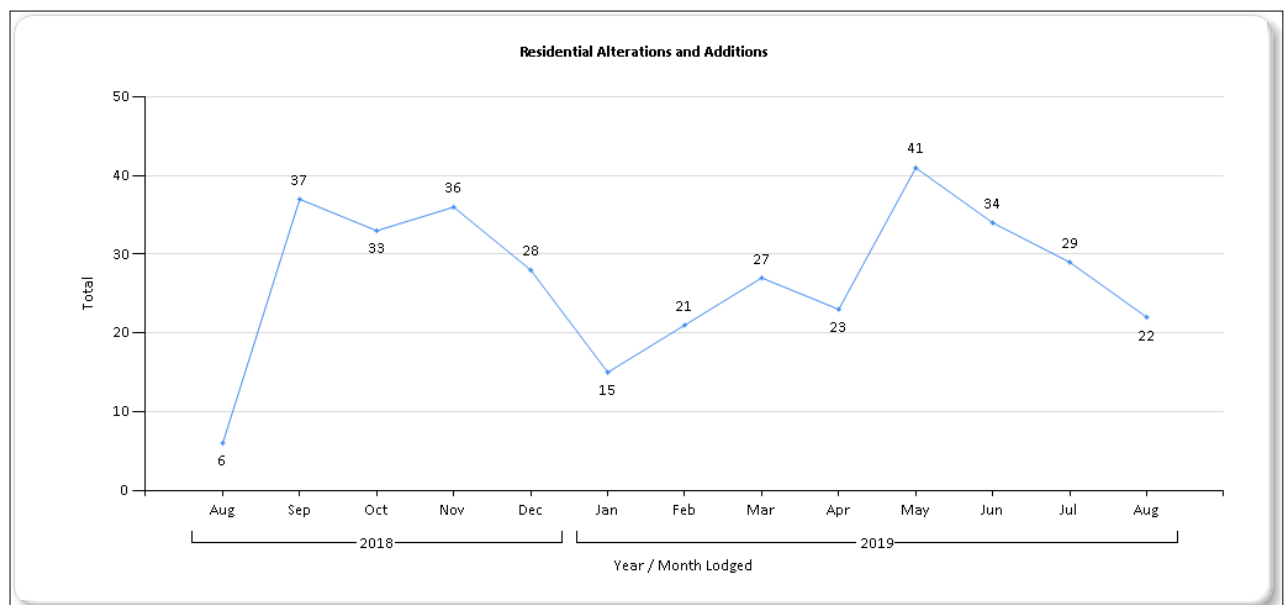
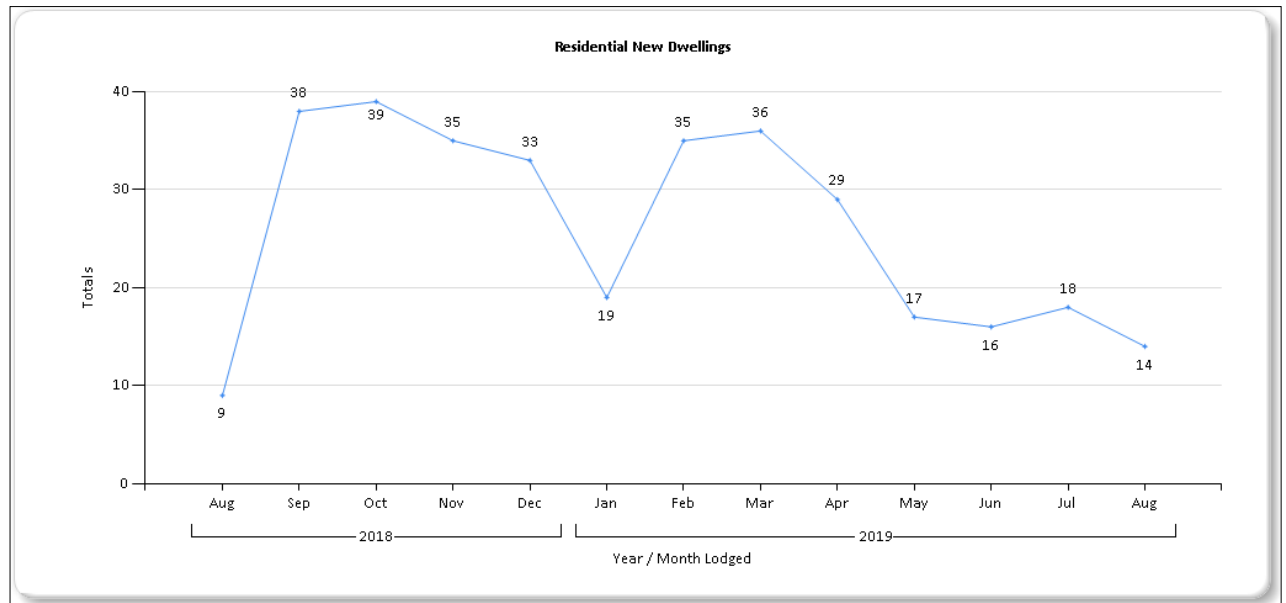
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
73	12/0147.02	11 Wingello Street Wingello NSW 2579 Lot 1 Sec 7 DP 759097	Ch Crawford	Section 4.55 Modification (Increase Shed Height)	02/08/2019		#APPROVED	07/08/2019	



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ATTACHMENTS

There are no attachments to this report.



12.3 Development Application 19/1229 - Residential Flat Building containing 10 Units - 1 Kangaloon Road, Bowral

Reference:	19/1229
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Uri T Design
Owner:	Kangaloon Investments Pty Ltd
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 consider Development Application 19/1229 which seeks approval for a Residential Flat Building containing 10 units at Lot 10 DP 808740, being 1 Kangaloon Road, Bowral. 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 Development Application 19/1229 which seeks approval for a Residential Flat Building containing 10 units at Lot 10 DP 808740, being 1 Kangaloon Road, Bowral, be **APPROVED**, subject to attached conditions of consent as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site, Lot 10 DP 808740, being 1 Kangaloon Road, Bowral, is a vacant 1385 square metre lot, located to the south of the Kangaloon Rd / Moss Vale Rd roundabout (**Attachments 2 and 3**). The site is located in a visually prominent corner position, and is bordered by Kangaloon Road to the east and Moss Vale Road to the west. A 20 metre width / 18 metre length landscaped roadside verge at the Kangaloon Road / Moss Vale Road intersection adjoins the property to the north. The site has a combined frontage of 109 metres to Kangaloon Road and Moss Vale Road. The undeveloped vacant site contains 3 trees.

The broader locality is characterised by a combination of medium density residential development, and single storey detached dwelling houses on 700 square metre lots.

Proposed Development

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Development Application 19/1229 seeks consent for a Residential Flat Building containing 10 Units. The proposed building contains basement car parking for 19 vehicles, and is a three storey building, with the third level contained within the roof pitch.

The proposed development includes:

- Five 3 bedroom units, two 2 bedroom units, and three 1 bedroom units;
- Three storey building, with the third level contained within the roof pitch;
- A “V” shaped building footprint, being a footprint design resulting from the unusually shaped allotment
- Basement parking area for 19 vehicles (15 resident car spaces and 4 visitor car spaces) with driveway access to Kangaloon Road
- 35 degree pitch tiled roof with the third level contained within the roof pitch;
- Central lift providing access from the basement carpark to the upper levels;
- 59% of the site area being landscaped open space, including 32 proposed trees, and more than 200 shrubs
- Maximum 10 metre height (measured from natural ground level to roof pitch)
- Proposed external materials to the facades comprising exposed face brick, painted and rendered masonry,
- Rooftop balcony areas with planter boxes for upper level Units 9 and 10
- Setback of 8.7 metres to Kangaloon Road, and setback of 5.3 metres to Moss Vale Road
- 1.8 metre high masonry fence with segments containing 0.6 metre wide planter boxes to Moss Vale Road and Kangaloon Road boundaries
- Removal of two of the three trees on site, and addition of 32 proposed trees, and more than 200 proposed shrubs

The site plan of the proposed development can be found at **Attachment 4**. The elevations of the proposed development can be found at **Attachment 5**. Plans showing midwinter overshadowing can be found at **Attachment 6**. Plan of proposed landscaping can be found at **Attachment 7**.

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 is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required.



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 stormwater management measures, and construction activities as contained within attached conditions of consent (**Attachment 1 - condition 74**).

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

As the proposed Residential Flat Building contains a proposed third storey within the pitched roof, the provisions of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development must be considered in the assessment of Development Application 19/1229. The proposed Residential Flat Building complies with the provisions of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

Clause 2.3 Zone objectives and land use table

The site is zoned R3 Medium Density Residential under the *Wingecarribee Local Environmental Plan 2010* and in this zone, Residential Flat Buildings are permissible with development consent.

The objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed Residential Flat Building development is consistent with these zone objectives.

Development Control Plans

Bowral Town Plan Development Control Plan

The proposed Residential Flat Building complies with numerous standards contained within the Bowral Town Plan Development Control Plan, including compliance with maximum 3 storey / 12 metre height limit, compliance with the requirement that the third storey be contained within the roof pitch of the building, compliance with minimum street setback requirements, compliance with solar access requirements, compliance with the minimum 50% landscaped open space area requirement, and compliance with private open space requirements for each unit (with the exception of Unit 8 which provides a balcony area of 9.5 square metres, which satisfies the minimum balcony size requirement of 8 square metres required by State Environmental Planning Policy No 65—Design Quality of Residential

Apartment Development, which overrides Bowral Town Plan Development Control Plan requirements).

Two variations are sought to Bowral Town Plan Development Control Plan requirements, being a variation to the maximum floor space ratio and a variation to the southern side boundary setback, as discussed below.

The proposed Residential Flat Building has a proposed floor space ratio of .6045:1, which exceeds the maximum 0.6:1 floor space ratio by 6.3 square metres. This is a minor variation to the maximum 0.6:1 floor space ratio, and a refusal based on this minor non-compliance is not considered to be a defensible position for Council should an appeal be lodged in the Land and Environment Court.

Bowral Town Plan Development Control Plan requires a minimum side setback for residential flat buildings of 1.5 metres plus the height of the building. The proposed “V” shaped Residential Flat Building has two building wings in the southern portion of the site. The adjoining southern property is therefore presented with a view of two building wings interspersed with three large landscaped areas on the subject property. Due to its “V” shaped design, the proposed building has varied setbacks to the southern boundary. At three points, the proposed building does not comply with the minimum side setback requirement to the southern boundary, the worst case being that an 8.5 metre setback is required at one southern corner of the proposed building, however a 6.423 metre setback is proposed. It is considered that these non-compliant components of the southern elevation are offset by the other portions of the building which have a larger southern setback than the minimum requirement. It is considered that these non-compliant components of the southern elevation are also offset by the provision of landscaping, and offset by the fact that proposed development has been designed to ensure the adjoining southern property will retain a minimum of 3 hours solar access to living areas between 9am – 3pm midwinter.

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 proposed Residential Flat Building development is permissible within the R3 Medium Density Residential zone under *Wingecarribee Local Environmental Plan 2010*, and satisfies the R3 Medium Density Residential zone objectives. The proposed development also complies with the provisions of State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.

(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 in this instance (no relevant draft plans).

(iii) any development control plan, and

The proposed Residential Flat Building complies with numerous standards contained within the Bowral Town Plan Development Control Plan, including compliance with maximum 3 storey / 12 metre height limit, compliance with the requirement that the third storey be contained within the roof pitch of the building, compliance with minimum street setback requirements, compliance with solar access requirements, compliance with the minimum 50% landscaped open space area requirement, compliance with car parking requirements, and compliance with private open space requirements for each unit (with the exception of Unit 8 which provides a balcony area of 9.5 square metres, which satisfies the minimum balcony size requirement of 8 square metres required by State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development), which overrides Bowral Town Plan Development Control Plan requirements, therefore no variation is required to Bowral Town Plan Development Control Plan on this matter.

The two variations sought to Bowral Town Plan Development Control Plan requirements, being a variation to the maximum floor space ratio and a variation to the southern side boundary setback, are discussed above and within the Discussion of Key Issues section of this report.

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

Not applicable to Development Application 19/1229.

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

Not applicable to Development Application 19/1229.

(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 built form, character, streetscape, setbacks, and solar access are discussed in the Discussions of Key issues section of this report.

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

The site is considered suitable for the proposed Residential Flat Building development as discussed 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 Residential Flat Building development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

CONSULTATION

Internal Referrals

The required conditions are incorporated throughout the Draft Conditions of Consent (**Attachment 1**).

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer has provided conditions of consent, including conditions addressing stormwater, parking and access.
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed Residential Flat Building development and has provided conditions of consent.
Tree and Vegetation Officer	Council's Tree and Vegetation Officer raises no objection to the proposed development and has provided conditions of consent, including condition of consent requiring protection of the Golden Elm tree located on the southern boundary of the property (condition 53).

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed Residential Flat Building development, subject to conditions of consent addressing stormwater management and construction activities (condition 74).
Roads and Maritime Service (RMS)	Roads and Maritime Service (RMS) raises no objection to the proposed Residential Flat Building development.

Neighbour Notification (or Advertising)/Public Participation

The proposed Residential Flat Building containing 10 units was neighbour notified to 73 surrounding properties and advertised in the local paper. No submissions supporting or objecting to the proposal were received.

DISCUSSION OF KEY ISSUES

Streetscape

1 Kangaloon Road is a visually prominent site, requiring a sensitively designed building form which makes a positive contribution to the Moss Vale Road and Kangaloon Road streetscapes, and a positive contribution to the Bowral township.

The proposed three storey building, including the third level contained within the 35 degree roof pitch, external materials to the facades comprising exposed face brick, painted and rendered masonry, set within a landscaped open space area comprising 59% of the site area, containing 32 proposed trees and more than 200 proposed shrubs, is considered to make a positive contribution to the Moss Vale Road and Kangaloon Road streetscapes, and a positive contribution to the Bowral township.

The proposed Residential Flat Building complies with numerous standards contained within the Bowral Town Plan Development Control Plan, including compliance with maximum 3 storey / 12 metre height limit, compliance with the requirement that the third storey be contained within the roof pitch of the building, compliance with minimum street setback requirements, compliance with solar access requirements, compliance with the minimum 50% landscaped open space area requirement, compliance with car parking requirements, and compliance with private open space requirements for each unit (with the exception of Unit 8 which provides a balcony area of 9.5 square metres, which satisfies the minimum balcony size requirement of 8 square metres required by State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, which overrides Bowral Town Plan Development Control Plan requirements).

A 1.8 metre high masonry courtyard wall with planter bay areas to Moss Vale Road and Kangaloon Road is proposed. The 16.5 metre length of 1.8 metre high masonry wall adjoining units 3 and 4 fronting Moss Vale Road should be softened by the inclusion of a central section of recessed planter bay area, a minimum of 5 metres length and minimum 0.5 metres width, so as to improve the appearance of the wall to Moss Vale Road. This can be addressed by a condition of consent (**condition 25**).

The proposed three storey building, with the third level contained within the roof pitch, achieves its 0.6:1 Floor Space Ratio while also providing 59% of the site area as Landscaped Open Space. It is an example of how both the Floor Space Ratio and Landscaped Open Space requirements of Bowral Town Plan Development Control Plan can be jointly achieved within a development, providing a medium density residential building at a full floor space ratio within a landscaped setting of greater than 50% landscaped open space.

Overshadowing

The adjoining property to the south of 1 Kangaloon Road is 468 Moss Vale Road, which contains a two storey dwelling house. While no submission has been received from 468 Moss Vale Road as a result of neighbour notification, Bowral Town Plan Development Control Plan requires that the living areas of adjoining properties receive no less than three (3) hours of direct sunlight between 9am and 3pm on June 21 midwinter solstice thereby satisfying the DCP requirement. Shadow diagrams are included in **Attachment 6**.

Building setback to the southern boundary

Bowral Town Plan Development Control Plan requires a minimum side setback for residential flat buildings of 1.5 metres plus the height of the building. The proposed “V” shaped Residential Flat Building has two building wings in the southern portion of the site. The adjoining southern property at 468 Moss Vale Road is therefore presented with a northern view of two building wings interspersed with three large landscaped areas on the subject property. Due to its “V” shaped design, the proposed building has varied setbacks to the southern boundary. At three points, the proposed building does not comply with the minimum side setback requirement to the southern boundary, the worst case being that an 8.5 metre setback is required at one southern corner of the proposed building, however a 6.423 metre setback is proposed. It is considered that these non-compliant components of the southern elevation are offset by the other portions of the building which have a larger southern setbacks than the minimum requirement. It is considered that these non-compliant components of the southern elevation are also offset by the provision of three large interspersed landscaped areas, and offset by the fact that proposed development has been designed to ensure the adjoining southern property will retain a minimum of 3 hours solar access to living areas between 9am – 3pm midwinter.

Private Open Space Areas for above ground dwellings

The proposed 10 unit Residential Flat Building contains 4 units (being units 7, 8, 9 and 10) which do not have ground level courtyards. Bowral Town Plan Development Control Plan requires a minimum 15 square metre private open space area be provided for above ground floor dwellings in a residential flat building. Units 7, 9 and 10 provide balcony areas which exceed 15 square metres in area. Unit 8 provides a balcony area of 9.5 square metres, which satisfies the minimum balcony size requirement of 8 square metres required by State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, which overrides Bowral Town Plan Development Control Plan requirements, therefore no variation is required to Bowral Town Plan Development Control Plan on this matter.

Floor Space Ratio

The proposed Residential Flat Building has a proposed floor space ratio of .6045:1, which exceeds the maximum 0.6:1 floor space ratio by 6.3 square metres. The original plans submitted with Development Application 19/1229 exceeded the maximum 0.6:1 floor space ratio by 13 square metres, and this was subsequently reduced in amended plans submitted to address other concerns raised in the assessment of the application.

The proposed floor space ratio of .6045:1, which exceeds the maximum 0.6:1 floor space ratio by 6.3 square metres is considered to be a minor variation to the maximum 0.6:1 floor space ratio, and a refusal based on this minor non-compliance is not considered to be reasonable or justified, as the additional 6.3 square metres of floor space has no perceivable adverse visual impact to the public domain or adverse impacts upon adjoining properties.

SUSTAINABILITY ASSESSMENT

- **Environment**

Any perceived environmental issues have been discussed within the body of this report.

- **Social**

Any perceived social issues have been discussed within the body of this report.

- **Broader Economic Implications**

There are no broader economic implications associated with this report.

- **Culture**

The proposed Residential Flat Building development has no identifiable cultural impacts.

- **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 2019/20: OP168 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.

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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, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, and the Bowral Town Plan Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

THAT Council determine Development Application 19/1229 by way of approval subject to conditions of development consent contained in Attachment 1; or

Option 2

THAT Council determine Development Application 19/1229 by way of refusal, and nominate reasons for refusal.

Option 1 is recommended.

CONCLUSION

It is recommended that Development Application 19/1229 which seeks approval for a Residential Flat Building containing 10 units at Lot 10 DP 808740, being 1 Kangaloon Road, Bowral, be supported subject to conditions.

The proposal is considered satisfactory in terms of s.4.15 EPA Act 1979, therefore it is recommended that the development application be approved, subject to the attached draft conditions of consent nominated in **Attachment 1**.

ATTACHMENTS

1. Draft Conditions - *circulated under separate cover*
2. Site Location - *circulated under separate cover*
3. Zoning - *circulated under separate cover*
4. Site Plan - *circulated under separate cover*
5. Elevations - *circulated under separate cover*
6. Midwinter Overshadowing - *circulated under separate cover*
7. Proposed Landscaping - *circulated under separate cover*

12.4 Development Application 17/0816.10 - s.4.55 Modification to Approved Vehicle Repair Station - 80 Station Street and 13 Walker Street, Bowral

Reference: DA 17/0816.10
Report Author: Senior Town Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Applicant: Lee Environmental Planning
Owner: Lee Environmental Planning
Link to Community Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to consider s.4.55 modification application 17/0816.10 which seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (being the Station Street, Funston Street and Walker Street frontages of the property). This report is prepared for determination, and recommends **REFUSAL**, for the attached reasons (**Attachment 1**).

The matter was deferred from the Ordinary Council Meeting of 28 August 2019 and the report remains unaltered.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT s.4.55 modification application 17/0816.10 which seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (being the Station Street, Funston Street and Walker Street frontages of the property) be REFUSED, as outlined in the report subject to attached reasons for refusal as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The site is known as Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 STATION STREET BOWRAL (**Attachment 2**). The site is 1780 square metres in area, and the approved Vehicle Repair Station is nearing completion. The site previously contained a dwelling upon 13 Walker Street and the footings of the previous

building which was destroyed by fire. The site has frontage to Walker Street, Funston Street and Station Street.

The site is located in the southern portion of the B4 Mixed Use zone bordered by Bowral Street, Station Street, Funston Street and Moss Vale Road. To the south of the site on Funston Street is R3 Medium Density Residential zoned land which is predominantly characterised by medium density residential development and detached dwellings on 700 square metre allotments.

Proposed Modification

S.4.55 modification application 17/0816.10 seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (being Station Street, Funston Street and Walker Street frontages of the property).

The applicant considers that the requirement for a concrete footpath of width 1200mm is unnecessary for the following reasons:

The proposed use is not a generator of any pedestrian activity. As a car repair station, visitation to the site is car orientated, not pedestrian orientated. This is even more pronounced along the Funston Street frontage of the site, the southern boundary. There is no active interface between the street and the site along Funston Street. There is no existing footpath in this location because there is no desire lines for pedestrians or demand by pedestrians. The proposed development will not generate any demand that would reasonably warrant the construction of the required footpath. As stated, therefore there is no planning purpose for the imposition of the condition.

Further, the Funston Street frontage of the site accommodates existing trees that are a feature of the streetscape. There has been no consideration of these trees in the imposition of the condition. There is also existing power poles within the area that any footpath would be constructed. Again, the practicalities of the condition have not been considered and this further reinforces the view that the condition is an unreasonable, perhaps an unachievable, condition.

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 is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required with this proposed modification application 17/0816.10.

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. The proposed modification does not alter existing Water NSW concurrence conditions.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The site is zoned B4 Mixed Use under the *Wingecarribee Local Environmental Plan 2010* and in this zone, a Vehicle Repair Station is permissible with development consent. S.4.55 modification application 17/0816.10 does not alter this permissibility.

Development Control Plans

Bowral Town Plan Development Control Plan

Section A2.2.2 of the Bowral Town Plan Development Control Plan encourages development to improve urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town.

Section A2.2.2 of the Bowral Town Plan Development Control Plan states:

New development can also impact on the existing functional amenity of a locality. Traffic, parking, pedestrian access and streetscape all contribute to resident and visitor convenience, safety and enjoyment and Council constantly seeks to improve urban function throughout the town. While not all development can make a positive contribution to these improvements, Council certainly expects that new development will in no way have a detrimental impact on such function. In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Urban Function objectives:

- (a) Improvement of traffic and parking management within the town.*
- (b) Minimisation of vehicular and pedestrian conflicts.*
- (c) Provision of a safe and accessible network of pedestrian links throughout the town.*
- (d) Improvement of connections to public transport facilities.*

Condition 70 of Development Consent 17/0816 requires a concrete footpath of width 1200mm to be constructed across the full length of the property (being Station Street, Funston Street and Walker Street frontages of the property). The required concrete path will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. The proposed s.4.55 modification application 17/0816.10 which seeks to delete the required footpath, is considered contrary to the provisions of the Bowral Town Plan Development Control Plan.

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 B4 Mixed Use under the *Wingecarribee Local Environmental Plan 2010* and in this zone, a Vehicle Repair Station is permissible with development consent. S.4.55 modification application 17/0816.10 does not alter this permissibility.

(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 in this instance (no relevant draft plans).

(iii) any development control plan, and

The proposed modification is considered contrary to the provisions of the Bowral Town Plan Development Control Plan. The required concrete path will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. The proposed s.4.55 modification application 17/0816.10 which seeks to delete the required footpath, is considered contrary to the provisions of the Bowral Town Plan Development Control Plan.

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

Not applicable to S.4.55 modification application 17/0816.10.

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

Not applicable to S.4.55 modification application 17/0816.10.

(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 to S.4.55 modification application 17/0816.10.

(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,

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The proposed modification is considered contrary to the provisions of the Bowral Town Plan Development Control Plan. The required concrete path will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. The proposed s.4.55 modification application 17/0816.10 which seeks to delete the required footpath, is considered contrary to the provisions of the Bowral Town Plan Development Control Plan.

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

The proposed modification does not alter the suitability of the site for the development.

(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 modification seeking deletion of the footpath is considered contrary to the public interest. The required footpath is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town.

CONSULTATION

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer objects to the proposed deletion of the footpath required by condition 70.

Neighbour Notification (or Advertising)/Public Participation

The proposed modification was neighbour notified to surrounding properties. No submissions were received.

DISCUSSION OF KEY ISSUES

Safe and accessible network of pedestrian links throughout the town

Section A2.2.2 of the Bowral Town Plan Development Control Plan encourages development to improve urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town.

Section A2.2.2 of the Bowral Town Plan Development Control Plan states:

New development can also impact on the existing functional amenity of a locality. Traffic, parking, pedestrian access and streetscape all contribute to resident and visitor convenience, safety and enjoyment and Council constantly seeks to improve urban function throughout the town. While not all development can make a positive contribution to these improvements, Council certainly expects that new development will in no way have a detrimental impact on such

function. In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Urban Function objectives:

- (a) Improvement of traffic and parking management within the town.*
- (b) Minimisation of vehicular and pedestrian conflicts.*
- (c) Provision of a safe and accessible network of pedestrian links throughout the town.*
- (d) Improvement of connections to public transport facilities.*

Condition 70 of Development Consent 17/0816 requires a concrete footpath of width 1200mm to be constructed across the full length of the property (being Station Street, Funston Street and Walker Street frontages of the property). The required concrete path will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. The proposed s.4.55 modification application 17/0816.10 which seeks to delete the required footpath, is considered contrary to the provisions of the Bowral Town Plan Development Control Plan.

The applicant's argument that a pedestrian pathway is unnecessary due to the car repair station not being a pedestrian orientated use, and that there is no desire line for pedestrians, is not supported. The addition of a 1200mm concrete pathway provides greater opportunities for pedestrian connectivity between the site and the medium density residential zone along Moss Vale Road / Kangaloon Road. Customers would then have the opportunity to drop their vehicle at the car repair station, walk back to their medium density residential accommodation, and return to collect their vehicle using pedestrian pathways. As medium density residential development continues to occur in the Moss Vale Road / Kangaloon Road area, and the Walker Street precinct continues to redevelop the provision of the network of pedestrian links between medium density residential areas and development in the B4 Mixed Use zone is increasingly necessary.

The applicant's argument that the requirement for a 1200mm wide concrete footpath does not consider existing trees or power lines in Funston Street, is incorrect. The Funston Street verge is of sufficient width to accommodate both existing trees, existing power lines, and a 1200 mm wide concrete pathway.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no broader environmental issues associated with this report.

- **Social**

The provision of a safe and accessible network of pedestrian links throughout the town improves urban function, which in turn has broader positive social implications.

- **Broader Economic Implications**

The provision of a safe and accessible network of pedestrian links throughout the town improves urban function, which in turn has broader positive economic implications.

- **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.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2019/20: OP168 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 has been made against the *Wingecarribee Local Environmental Plan 2010*, *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, and the *Bowral Town Plan Development Control Plan*.

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OPTIONS

The options available to Council are:

Option 1

Approve the modification application by deleting Condition 70; or

Option 2

Refuse the modification application as outlined in the report subject to the reasons for refusal provided in **Attachment 1**.

Option 2 is recommended.

CONCLUSION

Condition 70 of Development Consent 17/0816 requires a concrete footpath of width 1200mm to be constructed across the full length of the property (being Station Street, Funston Street and Walker Street frontages of the property). The required concrete path will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. The proposed s.4.55 modification application 17/0816.10 which seeks to delete the required footpath, is considered contrary to the provisions of the Bowral Town Plan Development Control Plan.

It is recommended that s.4.55 modification application 17/0816.10 which seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (front and sides of the property being Station Street, Funston Street and Walker Street frontages of the property) be REFUSED, as outlined in the report subject to attached reasons for refusal as described in Attachment 1 to the report.

ATTACHMENTS

1. Draft Reasons for Refusal - *circulated under separate cover*
2. Site Location.1 17.0816 - *circulated under separate cover*
3. Zoning - *circulated under separate cover*

12.5 Draft Development Control Plan Amendments

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 inform Council of the outcome of the exhibition of draft amendments to certain residential Development Control Plan (DCP) provisions and site specific draft amendments for two sites in the Berrima Landscape Conservation Area.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT the draft Development Control Plan amendments, as exhibited, relating to:

- a) The maximum floor area of dual occupancy development in the R2, R3 and R5 zones,
- b) The maximum height of dwellings in the Renwick Urban Release Area under the Renwick Precinct Plan of the Mittagong Township DCP,
- c) The minimum lot size required for subdivision of an approved dual occupancy development anywhere in the Shire, including Renwick, and
- d) Site specific provisions in the Rural Lands DCPs to address potential development on land at Odessa Street and Nathan Street Berrima;

be adopted.

REPORT

BACKGROUND

At its Ordinary Meeting of 10 July 2019 Council resolved to place on exhibition draft Development Control Plan amendments to address the following matters:

- 1) *The maximum floor area of dual occupancy development in the R2, R3 and R5 zones.*



- 2) *The maximum height of dwellings in the Renwick Urban Release Area under the Renwick Precinct Plan of the Mittagong Township DCP.*
- 3) *The minimum lot size required for subdivision of an approved dual occupancy development anywhere in the Shire, including Renwick.*
- 4) *Site specific provisions in the Rural Lands DCPs to address potential development on land at Odessa Street and Nathan Street Berrima.*

Each draft amendment is discussed below.

1) *The maximum floor area of dual occupancy development in the R2, R3 and R5 zones.*

These draft amendments will apply to the following controls in all Township and Village DCPs as well as the Rural Lands and Rural Living DCPs.

They clarify that, in the R2 Low Density Residential and R3 Medium Density Residential zones:

- (a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m², or
- (b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

They also clarify that, in the R5 Large Lot Residential zone:

- a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies (Attached) are permitted with consent to a maximum floor area of 100m².
- b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies (Attached), however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

2) *The maximum height of dwellings in the Renwick Urban Release Area under the Renwick Precinct Plan of the Mittagong Township DCP.*

The draft amendments seek to clarify development controls especially relating to Integrated Development in Renwick. While most development applications within Renwick reflect these controls, there have been applications which have sought to construct a traditional two storey dwelling. The draft controls are intended to address this latter case thereby discouraging potentially inappropriate or contentious development.

3) *The minimum lot size required for subdivision of an approved dual occupancy development anywhere in the Shire, including Renwick.*

These amendments specifically clarify the minimum lot size required for subdivision of an approved dual occupancy development in Renwick.

The provisions of the Renwick Precinct Plan have been amended to clarify that a dual occupancy development, even as Integrated Housing, can only be subdivided if it meets the standards set out in clause 7.2 of WLEP 2010. For reference, this clause states:

7.2 *Requirements for subdividing dual occupancies in Zones R2 and B1*

(1) The objectives of this clause are as follows:

(a) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre,

(b) to protect the heritage significance of the historic village of Berrima.

(2) Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential, only if the development:

(a) is on a corner allotment of not less than 1,000 square metres, and

(b) has access to a reticulated town water supply and sewerage system.

(3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre if the land is located within the Berrima Conservation Area as shown on the Heritage Map.

Provisions within WLEP 2010 takes precedence over those with the DCPs, and, because the clause specifically states “despite any other provision of this Plan”, the clause also takes precedence over any other subdivision clause within WLEP 2010, thereby applying to both Torrens and Strata subdivision.

4) *Site specific provisions in the Rural Lands DCP to address potential development on land at Odessa Street and Nathan Street Berrima.*

At its Ordinary Meeting of 22 May 2019 Council resolved, *inter alia*, as follows with regard to a Planning Proposal to amend Schedule 1 to permit development for the purposes of a dwelling house on certain land at Nathan Street Berrima:

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THAT the provisions of the Berrima Landscape Conservation Area in the Rural Lands Development Control Plan (DCP) be amended to:

- (i) Include the proposed lot amalgamation and building envelope map which forms Attachment 1 to this report as the basis on which any future Development Application for subdivision be considered.***
- (ii) Require a Vegetation Management Plan to be prepared and submitted with any future Development Application for subdivision of the subject land and that it specifically address Lot 64 DP 751252.***
- (iii) Require a Heritage Impact Statement to be prepared for any proposed development of a lot resulting from this proposal.***

At its Ordinary Meeting of 22 May 2019 Council also resolved, *inter alia*, as follows with regard to a Planning Proposal to amend Schedule 1 to permit development for the purposes of a dwelling house on certain land at Odessa Street Berrima:

THAT the provisions of the Berrima Landscape Conservation Area in the Rural Lands Development Control Plan (DCP) be amended to:

- (i) Include the proposed building envelope map which forms Attachment 1 to this report as the basis on which any future Development Application for subdivision be considered.***
- (ii) Require a Vegetation Management Plan to be prepared and submitted with any future Development Application for subdivision.***
- (iii) Require a Heritage Impact Statement to be prepared for any proposed development of a lot resulting from this proposal.***

With these controls in place, any Development Application over either of the subject sites would need to comply with these controls and would be assessed against these controls as well as all other relevant controls already within Section 8 Heritage Landscape Conservation of the Rural Lands DCP as well as all the provisions of Section 8.6 which describe detailed and extensive controls for all development in the Berrima Landscape Conservation Area.

REPORT

The draft amendments were placed on public exhibition for a period of 31 days from Wednesday 17 July to Friday 16 August 2019. The draft amendments and associated documentation were available for inspection at Council's Customer Service Counter for the duration of the exhibition period. Exhibition material was also available to view via Council's website as well as at the Bowral, Moss Vale and Mittagong Libraries. Details of the exhibition were also included in e-newsletters sent to over 4,000 recipients.

No submissions were received.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Community consultation was undertaken as described above.

Internal Communication and Consultation

Initial consultation occurred with the Accredited Certifiers to confirm what residential controls required clarification.

External Communication and Consultation

Consultation occurred as described above.

SUSTAINABILITY ASSESSMENT

- **Environment**

The draft amendments will provide greater clarity around what forms of residential development will be supported and where dual occupancy subdivision will be considered. This should provide more consistent urban design and environment outcomes.

- **Social**

The draft amendments will help provide more consistent urban design outcomes contributing to a greater sense of social cohesion and community wellbeing.

- **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 draft DCPs amendments will be exhibited and introduced in accordance with legislative requirements.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

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

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OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report that the draft Development Control Plan amendments, as exhibited, be adopted.

Option 2

Resolve that the draft Development Control Plan amendments as exhibited not be supported, in which case all relevant Development Control Plans remain unamended.

Option 1 is the recommended option to this report.

CONCLUSION

The draft DCP amendments should assist in clarifying remaining aspects of dual occupancy development and subdivision which continue to cause confusion. These improvements will provide greater certainty for property owners as well as improved urban design outcomes.

ATTACHMENTS

There are no attachments to this report.

12.6 Request for a Refund of Development Fees by Southern Highland Botanic Gardens

Reference: 19/1020
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Work collaboratively to address social disadvantage

PURPOSE

The purpose of this report is to consider a request by the Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 19/1020, DA 17/1773, DA 17/1773.01, DA 18/0027 and CC 18/0027.01.

As the application relates to a not for profit organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not for profit organisations are sourced from the Council Contingency Fund.

RECOMMENDATION

1. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 19/1020 refund \$197.50 being 50% of Development Application fee from the Council's Contingency Fund.
2. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 17/1773 refund \$195.50 being 50% of Development Application fee from the Council's Contingency Fund.
3. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 17/1773.01 refund \$94.00 being 50% of Development Application fee from the Council's Contingency Fund.
4. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 18/0027 refund \$447.77 being 50% of Development Application fee from the Council's Contingency Fund.
5. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Construction Certificate Fees pertaining to CC 18/0027.01 refund \$2073.05 being 50% of the construction certificate fee from the Council's Contingency Fund.

REPORT

BACKGROUND

Southern Highlands Botanic Gardens is a charitable organisation which provides general community support in Australia.

In 2019 the Southern Highlands Botanical Gardens lodged Development Application 19/1020, for the purposes of seeking approval for a Temporary Use of Land (Temporary Event for 52 functions per year, Including food and drinks). The purpose of these events is to raise awareness of the botanic gardens within the community and to increase their engagement with a wider demographic spread of community members and to raise funds for the development and ongoing operation of the gardens. Southern Highlands Botanic Gardens is located on the corner of Old South Road and Kangaloon Road Bowral. In lodging this application, SHBG paid \$391.00 in Development Application fees associated with the development.

In 2018 the Southern Highlands Botanic Gardens lodged Development Application 18/0027 and Construction Certificate application CC 18/0027.01, for the construction of a 79 square metre addition to an existing building to contain an educational room and kitchenette on the north east corner of Old South Road and Kangaloon Road Bowral. In lodging this application, SHBG paid \$895.54 and \$4146.10 respectively in application fees associated with the development.

In 2017 the Southern Highlands Botanic Gardens lodged Development Application 17/1773 and Section 4.55 Modification Application DA 17/1773.01, for the development of a retail nursery display area in proximity to existing structures on the site. In lodging this application, SHBG paid \$391.00 and \$188.00 respectively in application fees associated with the development.

REPORT

Southern Highlands Botanic Gardens has made written request to Council dated 30 July 2019 seeking to have the development fees associated with 19/1020, 17/1773, 17/1773.01, 18/0027 and CC 18/0027.01 refunded (**Attachment 1**).

Council's adopted policy position for refund of development fees associated with not for profit community organisation is prescribed within its Revenue Policy (Fees and Charges 2019/2020) under clause 23.5 which provides inter alia:

Registered Charities and not for profit organisations may be refunded the following fees subject to Council resolution:

(a) Development Application Fee:

- (i) Half the Development Application fee.*

(b) Construction Certificate Fee:

- (ii) Half the Construction Certificate fee.*
(iii) Half the Inspection Fee

Application fees are required to be paid in full at the time of lodgement of the application and requests for refunds in accordance with this clause need to be made in writing and will be presented to a Council meeting for consideration and if resolved a refund may be made in

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accordance with the provisions of this section. Associated fees would be paid from Council's contingency fund if resolved to be supported.

*Evidence of Registered Charities and / or not for profit organisations shall be provided to Council upon application (**Attachment 2**).*

On the basis of the policy position, the applicant has paid the DA19/1020, DA 17/1773, DA 17/1773.01, DA 18/0027 development fees and CC 18/0027.01 Construction Certificate fees in full at time of lodgement and is now seeking an appropriate refund. The calculated eligibility for refund based on clause 23.5 is 50% of the DA Fee and CC Fee.

Application	Fee	50% Discount
DA 19/1020	\$395.00	\$197.50
DA 17/1773	\$391.00	\$195.50
DA 17/1773.01	\$188.00	\$94.00
DA 18/0027	\$895.54	\$447.77
CC 18/0027.01	\$4146.10	\$2073.05
TOTAL	\$6,015.64	\$3007.82

The total eligible refund amount totals \$197.50 + \$195.20 + \$94.00 + \$447.77 + \$2073.05 = **\$3007.82**

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation is required.

Internal Communication and Consultation

Internal consultation has taken place with the Group Manager Planning Development and Regulatory Services.

External Communication and Consultation

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.

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- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance of the Contingency Fund as at 11 September 2019 is \$32,657.

RELATED COUNCIL POLICY

Revenue Policy (Fees and Charges – 2019/2020).

OPTIONS

The option to Council is to refund Southern Highlands Botanic Gardens \$3007.82 being 50% of Development Applications 19/1020, 17/1773, 17/1773.01, 18/0027 and Construction Certificate 18/0027.01 fee amount of \$6015.64, by way of a donation sourced from Council's Contingency Fund.

CONCLUSION

The application for the partial refund of development application fees paid by the Southern Highlands Botanic Gardens complies with the requirements of section 23.5 of the Revenue Policy (Fees and Charges 2019/2020) and the request is submitted to Council for determination.

ATTACHMENTS

1. Request for Refund of Application Fee Letter
2. Evidence of Australian Charities and Non for Profits Organisation

12.6 Request for a Refund of Development Fees by Southern Highland Botanic Gardens

ATTACHMENT 1

Request for Refund of Application Fee Letter



Southern Highlands
Botanic Gardens

30 July 2019

Ms Ann Prendegast
General Manager
Wingecarribee Shire Council
mail@wsc.nsw.gov.au

Dear Ms Prendegast

Request for refund of application fees for registered charities

In accordance with clause 23.5 of WSC's Fees & Charges, we seek reimbursement for half the appropriate fees paid by the Southern Highlands Botanic Gardens in respect of development applications over the past two years.

SHBG is a not-for-profit organisation and a registered charity.

The following application fees have been paid for which we are seeking an appropriate refund.

- Application for DA17/1773 - \$391.
- Application for modification to DA17/1773 - \$188
- Application for DA18/0027 - \$895.54
- Application for construction certificate re DA18/0027 - \$4,146.10
- Application for DA19/1020 - \$395

The SHBG bank account details are:

Bank: BDCU Alliance Bank

Account name: Southern Highlands Botanic Gardens Limited

BSB: 802101

A/C: 100071868

Yours sincerely

Charlotte Webb OAM
Chairman

12.6 Request for a Refund of Development Fees by Southern Highlands Botanic Gardens

ATTACHMENT 2 Evidence of Australian Charities and Non for Profits Organisation



31/07/2019

Southern Highlands Botanic Gardens Limited | Australian Charities and Not-for-profits Commission



SOUTHERN HIGHLANDS BOTANIC GARDENS LIMITED

- ✓ Charity is registered
- ✓ Charity reporting is up to date

Charity details

Also known as:

Southern Highlands Botanic Gardens Incorporated (former name)

ABN:68164166821**Address:**

443b Moss Vale Road
Bowral NSW 2576
Australia

Email:info@shbg.com.au**Address For Service email:**christine.hawkins@shbg.com.au**Charity Size:**

Medium

Who the charity helps:

General community in Australia

Date established:

2003

Last reported:

19 December 2018

Next report due:

31 December 2019

Financial Year End:

30/06

Summary of activities

Developed living collections for recreational and educational purposes; contributed to conservation of native and other plants; educated and informed the general public about botanical gardens; provided a pleasant environment for recreational activities consistent with the development of a botanic garden.

Where the charity operates

12.6 Request for a Refund of Development Fees by Southern Highland Botanic Gardens

ATTACHMENT 2 Evidence of Australian Charities and Non for Profits Organisation



31/07/2019

Southern Highlands Botanic Gardens Limited | Australian Charities and Not-for-profits Commission

States:

NSW

Using the information on the Register

Information on the Charity Register has been provided to the ACNC by charities. If information is not shown, this may be because it has not yet been provided. The ACNC may also approve information be withheld from the Charity Register in certain circumstances. [Read more about information on the Charity Register.](#)

Annual reporting

TITLE	DUE DATE	DATE RECEIVED	DOWNLOAD
Financial Report 2020	31 December 2020	Not yet submitted	—
Annual Information Statement 2020	31 December 2020	Not yet submitted	—
Financial Report 2019	31 December 2019	Not yet submitted	—
Annual Information Statement 2019	31 December 2019	Not yet submitted	—
Financial Report 2018	31 March 2019	19 December 2018	Download
Annual Information Statement 2018	31 March 2019	19 December 2018	View AIS
Financial Report 2017	31 January 2018	12 December 2017	Download
Annual Information Statement 2017	31 January 2018	12 December 2017	View AIS
Annual Information Statement 2016	31 January 2017	20 December 2016	View AIS
Financial Report 2016	No due date	Not required	—
Annual Information Statement 2015	31 January 2016	7 December 2015	View AIS
Financial Report 2015	No due date	Not required	—
Annual Information Statement 2014	31 January 2015	5 December 2014	View AIS
Financial Report 2014	No due date	Not required	—
Annual Information Statement 2013	31 March 2014	21 March 2014	View AIS
Financial Report 2013	No due date	Not required	—

Documents

12.6 Request for a Refund of Development Fees by Southern Highland Botanic Gardens

ATTACHMENT 2 Evidence of Australian Charities and Non for Profits Organisation



31/07/2019

Southern Highlands Botanic Gardens Limited | Australian Charities and Not-for-profits Commission

TITLE	DATE	REPORTING YEAR	DOWNLOAD
Governing Document	20 December 2016		Download

Responsible People

The role of a 'Responsible Person' is an important one for registered charities. Generally, a charity's Responsible People are its board or committee members, or trustees.

Charlotte Webb

Chairperson

[View profile →](#)

Christine Hawkins

Director

[View profile →](#)

Christine Hawkins

Director

[View profile →](#)

Christopher Blaxland

Director

[View profile →](#)

Christopher Webb

Director

[View profile →](#)

Gregory Freckmann

Director

12.6 Request for a Refund of Development Fees by Southern Highland Botanic Gardens

ATTACHMENT 2 Evidence of Australian Charities and Non for Profits Organisation



31/07/2019

Southern Highlands Botanic Gardens Limited | Australian Charities and Not-for-profits Commission

[View profile →](#)**Lynette Collingridge**Director[View profile →](#)**The charity's subtype history**

PURPOSE	START DATE	END DATE
Advancing the natural environment	1 January 2014	—
2012 Another purpose beneficial to the community	3 December 2012	31 December 2013

Registration status history

EFFECTIVE DATE	STATUS
3 December 2012	Registered

Enforcement action history

There have been no enforcements for this charity.

Enforcement action refers to the exercise of powers under the ACNC Act.



12.7 Children's Services Service Delivery Review

Reference:	200/11.1
Report Author:	Corporate Strategy Projects Officer
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to provide Council with a recommendation on the future operations of Council's Children's Services following completion of a Service Delivery Review.

RECOMMENDATION

THAT the report concerning Children's Services Service Delivery Review be considered in Closed Council Item No. 19.3.

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).

ATTACHMENTS

There are no attachments to this report.

Mark Pepping
Deputy General Manager Corporate, Strategy and Development Services

Friday 6 September 2019

COUNCIL MATTERS

16 COMMITTEE REPORTS

16.1 Minutes of the Traffic Committee Meeting on Thursday 22 August 2019

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday 22 August 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 5.1 Road Safety Officer Report

TC32/19

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

☐ Fatality Free Friday 31 May 2019

National initiative supported by Transport for NSW, Roads and Maritime Service and Wingecarribee Shire Council. The annual campaign aims for zero deaths on Australian roads just for one day. Coordinated an information display at Service NSW Mittagong for Fatality Free Friday FFF 31 May. To help awareness of road safety and give people the opportunity to take the FFF pledge. Supported and attended by four NSW Mittagong Highway Police Officers (see photo end of report).

☐ Speed Busters

The four solar powered speed display signs were in location at Bowral, Exeter and Bundanoon 11 April – August 2019. Two new solar powered speed display signs have been purchased to expand the speed busters campaign.

☐ RSO Project Funding 2019/20

Submitted seven road safety project grant funding applications for the 2019 – 2020 Road Safety Officer projects. The projects are funded by the Roads and Maritime Service RMS for the Local Government Road Safety Program LGRSP. Including Learner Driver Graduated Licencing Scheme, Learner Driver Log Book Run, 65 Plus Senior Driver Safety, Pedestrian Safety, Motorcycle Mapping, Heavy Vehicles and the Speed Busters speed management campaign.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

COMMITTEE REPORTS



☐ Bicycle Safety

Submitted grant funding application to Transport for NSW to support 2019 NSW Bike Week. Funding is made available to promote the annual BBT (Bong Bong Track) Family Bike Ride in September.

☐ U Turn the Wheel

In conjunction with Moss Vale Rotary coordinated and conducted U Turn the Wheel, celebrating the 20 year anniversary 13, 14 August. Attended by Year 11 students from Bowral High, Moss Vale High, Frensham College, Oxley College and Southern Highlands Christian School. Working with the community to help reduce incidence of road trauma for young, high risk road users.

Item 5.2 Police Report on recent road crashes in the Shire

TC33/19

THAT the information be received and noted.

Item 5.3 Traffic arrangements for 2019 Bowral Classic

TC34/19

THAT-

1. There is no objection to the traffic arrangements proposed for the Bowral Cycling Classic on Sunday 20 October 2019 subject to approval by the Police Service and completion of the approval process for Class 2 Race Events as per the NSW Guidelines for Bicycle Road Races and the Guide to Traffic and Transport Management for Special Events.
2. The promoter of the Bowral Cycling Classic be requested to undertake extensive advertising of the proposed route(s) of the 4 (four) race categories and details of any interruption to normal traffic arrangements on the day.

Item 5.4 Traffic Management arrangements for 2019 Southern Highlands Outdoor Adventure & Recreation Show

TC35/19

THAT there is no objection to the traffic and parking arrangements proposed for the 2019 Southern Highlands Outdoor Recreation and Adventure Show event on Friday 8 November to Sunday 10 November 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a Class 2 event and RMS ROL approval for the temporary speed limit reduction.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

COMMITTEE REPORTS



Item 5.5 Traffic arrangements for 2019 Wingecarribee Schools Environment Day

TC36/19

THAT there is no objection to the traffic arrangement proposed for 2019 Wingecarribee Schools Environment Day on Tuesday 22 October 2019 subject to the completion of a Traffic Management Plan in accordance with the Guide to Traffic and Transport Management for Special Events for a Class 3 event.

Item 5.6 Traffic Management arrangements for the 2019 Tulip Time Twilight Community Walk.

TC37/19

THAT there is no objection to the traffic and parking arrangements proposed for the 2019 Tulip Time Twilight Community Walk event on Tuesday 24 September 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a Class 2 event.

Item 5.7 2019 Tulip Time parking and signage

TC38/19

THAT there is no objection to the following parking and signage changes being implemented:

1. Original signage to be removed and 'Permit Holder Only' signs to be installed between 6am and 7am on Monday 23 September.
2. Bus Zone signs and disabled parking zone signs to be installed between 6am and 7am on Tuesday 24 September.
3. All event signage be removed and original signage to be replaced between 7am and 8am on Monday 7 October.

Item 5.8 Proposed Parking Restrictions Boardman Road (South), Bowral

TC39/19

THAT No Stopping restrictions be implemented on the western side of Boardman Road (South) from a point ten (10) metres north of the northern entrance to the Southern Highlands Christian School to a point ten (10) metres south of the southern entrance (approximately 160m)

Item 5.9 Proposed barrier lines in Bong Bong Road and Mary Street, Mittagong

TC40/19

THAT double barrier lines be installed on Bong Bong Road and Mary Street in accordance with Australian Standard 1742.2 and Give Way lines be marked and repainted at the intersection of Bong Bong Road and Mary Street.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

COMMITTEE REPORTS



Item 5.10 Proposed Give Way signage at the intersection of Kamilaroi Crescent and Bartholomew Way, Braemar

TC41/19

THAT Give Way signage and line marking be installed at the intersection of Kamilaroi Crescent and Bartholomew Way, Braemar in accordance with Australian Standard AS1742.2 Manual of uniform traffic control devices Part 2: Traffic control devices for general use.

Item 5.11 Timed Heavy Vehicle Access on Innes Road, Moss Vale for St Paul's Catholic Parish Primary School

TC42/19

THAT the matter be deferred to the next Traffic Committee meeting to be held on 14 November 2019 pending further investigation.

Item 5.12 Proposed additional accessible parking in Moss Vale War Memorial Aquatic Centre, Moss Vale

TC43/19

THAT the addition of accessible parking facilities for the disabled in Moss Vale War Memorial Aquatic Centre, Moss Vale is not supported at this time.

THAT the matter be deferred to the next Traffic Committee Meeting on 14 November pending further investigation and review.

Item 5.13 Signage on Wombeyan Caves Road

TC44/19

THAT the information be received and noted.

THAT it be noted the RMS will conduct a Road Safety Audit on Wombeyan Caves Road.

Item 5.14 Proposed line markings on Throsby Street and Arthur Street, Moss Vale

TC45/19

THAT the chevron markings, edge lines (E4), a continuity line (C1) and a 45° left turn arrow be installed on Arthur Street as well as the faded barrier lines (BB) and missing arrows be repainted at the intersection of Throsby Street and Arthur Street

Item 5.15 Traffic Committee Action Sheet

TC46/19

THAT the information be received and noted

5.16 Parking and traffic management alterations Ascot Road, Bowral

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

COMMITTEE REPORTS



TC47/19

THAT

1. The Local Traffic Committee supports the project to convert 30 degree parking to 90 degree parking in Ascot Road, Bowral with one-way traffic flow implemented in Ascot Road between Sheffield Road and Mona Road, and the direction of flow shall be from Sheffield Road to Mona Road. All necessary regulatory signage in accordance with RMS requirements shall be installed as shown in Figure 2 of this report.
2. All available parking to the front of the Bowral and District Public Hospital (Bowral Street) shall be designated as 2 hour time limited parking from 8:30 am to 6:00 pm Monday to Friday and 8:30 am to 12 pm on Saturdays.

5.17 Allocation of Carparking Space to Police Command, Moss Vale

TC48/19

THAT

1. The car park space in the south eastern corner of the Elizabeth Street Car Park (north of the police station) be allocated for use by the Southern Highlands Police Station by the installation of a "No Parking Police Vehicles Excepted" sign.

RECOMMENDATION

THAT recommendations Nos TC32/19 to TC48/19 – as detailed in the Minutes of the Traffic Committee Meeting held on 22 August 2019 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 22 August 2019



MINUTES

of the Traffic Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Thursday 22 August 2019

The meeting commenced at 9:30 am

File No. 107/6



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **DECLARATIONS OF INTEREST**

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Additional Late Items

5.16 Parking and traffic management alterations in Ascot Road, Bowral	19
5.17 Allocation of car parking space to Southern Highlands Police Station	20
6. DATE OF NEXT MEETING	20
7. MEETING CLOSURE	20



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 22 AUGUST 2019 COMMENCING AT 9:30 AM.

Present:	Clr Ken Halstead Mrs Jayd Marsh Sergeant Matt Hoffman Mr Ian Armstrong	Chair Roads and Maritime Services NSW Police Representing Member for Wollondilly
In Attendance:	Clr Garry Turland	
Council Staff:	Mr Terry Pailing Ms Daria Chen Mr Naif Ahmed	Acting Traffic Engineer Traffic Engineer Coordinator Assets Roads & Traffic
Agency representative:	Mr Chris Moule	Berrima Buslines
Absent:	Mr Stace Lewer Ms Melanie Lausz Mr Frank Iacono	Manager Assets Road Safety Officer Transportation Planning Engineer
Minutes:	Mrs Liz de Graaf	Administration Assistant

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Katherine Wood (representing the Member for Goulburn).

RECOMMENDATION

THAT the apology of Katherine Wood be accepted and leave of absence granted.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 16 MAY 2019

RECOMMENDATION

THAT the minutes of the Traffic Committee Meeting held on Thursday 16 May 2019 TC 16/19 to TC 30/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



4. DECLARATIONS OF INTEREST

Ian Armstrong, representing the Member for Wollondilly declared at non-pecuniary less than significant interest in item 5.6 – Traffic Management Arrangements for the 2019 Tulip Time Twilight Community Walk.

Mr Armstrong is a business owner at Bowral Bowling Club. The Twilight walk route goes past the Bowling Club however will have minimal impact.



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



5. AGENDA REPORTS

5.1 Road Safety Officer progress report

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

PURPOSE

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



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



RECOMMENDATION

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

☐ **Fatality Free Friday 31 May 2019**

National initiative supported by Transport for NSW, Roads and Maritime Service and Wingecarribee Shire Council. The annual campaign aims for zero deaths on Australian roads just for one day. Coordinated an information display at Service NSW Mittagong for Fatality Free Friday FFF 31 May. To help awareness of road safety and give people the opportunity to take the FFF pledge. Supported and attended by four NSW Mittagong Highway Police Officers (see photo end of report).

☐ **Speed Busters**

The four solar powered speed display signs were in location at Bowral, Exeter and Bundanoon 11 April – August 2019. Two new solar powered speed display signs have been purchased to expand the speed busters campaign.

☐ **RSO Project Funding 2019/20**

Submitted seven road safety project grant funding applications for the 2019 – 2020 Road Safety Officer projects. The projects are funded by the Roads and Maritime Service RMS for the Local Government Road Safety Program LGRSP. Including Learner Driver Graduated Licencing Scheme, Learner Driver Log Book Run, 65 Plus Senior Driver Safety, Pedestrian Safety, Motorcycle Mapping, Heavy Vehicles and the Speed Busters speed management campaign.

☐ **Bicycle Safety**

Submitted grant funding application to Transport for NSW to support 2019 NSW Bike Week. Funding is made available to promote the annual BBT (Bong Bong Track) Family Bike Ride in September.

☐ **U Turn the Wheel**

In conjunction with Moss Vale Rotary coordinated and conducted U Turn the Wheel, celebrating the 20 year anniversary 13, 14 August. Attended by Year 11 students from Bowral High, Moss Vale High, Frensham College, Oxley College and Southern Highlands Christian School. Working with the community to help reduce incidence of road trauma for young, high risk road users.

TC32/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



5.2 Police report on recent road crashes in the Shire

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

PURPOSE

Reporting on recent road crashes in the Shire recorded by Police

RECOMMENDATION

THAT the information be received and noted

TC33/19

Unanimous support

1 fatality since Nov 2017

Wombeyan Caves Road – not recorded as a fatal road crash, as it was a health episode.



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.3 Traffic Arrangements for 2019 Bowral Classic**

Reference: 7420/2
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic arrangements for the 2019 Bowral Cycling Classic

RECOMMENDATION**THAT:**

- 1. there is no objection to the traffic arrangements proposed for the Bowral Cycling Classic on Sunday 20 October 2019 subject to approval by the Police Service and completion of the approval process for Class 2 Race Events as per the NSW Guidelines for Bicycle Road Races and the Guide to Traffic and Transport Management for Special Events.*
- 2. the promoter of the Bowral Cycling Classic be requested to undertake extensive advertising of the proposed route(s) of the 4 (four) race categories and details of any interruption to normal traffic arrangements on the day.*

TC34/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.4 Traffic Management Arrangements for 2019 Southern Highlands Outdoor Adventure & Recreation Show**

Reference: 7420/3
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic arrangements for the 2019 Southern Highlands Outdoor Recreation and Adventure Show.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the 2019 Southern Highlands Outdoor Recreation and Adventure Show event on Friday 8 November to Sunday 10 November 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a Class 2 event and RMS ROL approval for the temporary speed limit reduction.

TC35/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



5.5 Traffic Arrangement for 2019 Wingecarribee Schools Environment Day

Reference: 7460/25
 Report Author: Traffic Engineer (Contractor)
 Authoriser: Manager Assets
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic arrangements for 2019 Wingecarribee Schools Environment Day.

RECOMMENDATION

THAT there is no objection to the traffic arrangement proposed for 2019 Wingecarribee Schools Environment Day on Tuesday 22 October 2019 subject to the completion of a Traffic Management Plan in accordance with the Guide to Traffic and Transport Management for Special Events for a Class 3 event.

TC36/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.6 Traffic Management Arrangements for the 2019 Tulip Time Twilight Community Walk**

Reference: 7420/3
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic arrangements for the 2019 Tulip Time Twilight Community Walk.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the 2019 Tulip Time Twilight Community Walk event on Tuesday 24 September 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a Class 2 event.

TC37/19

Unanimous support

Ian Armstrong, representing the Member for Wollondilly declared at non-pecuniary less than significant interest in item 5.6 – Traffic Management Arrangements for the 2019 Tulip Time Twilight Community Walk.

Mr Armstrong is a business owner at Bowral Bowling Club. The Twilight walk route goes past the Bowling Club however will have minimal impact.



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.7 2019 Tulip Time parking and signage**

Reference: 1671/18,7420/3
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the parking and signage for 2019 Tulip Time near Corbett Gardens. Tulip Time Festival dates in Corbett Gardens are from Tuesday 24 September to Sunday 6 October, with gardens being closed on Sunday 22 and Monday 23 September for set-up.

RECOMMENDATION

THAT there is no objection to the following parking and signage changes being implemented:

- 1. Original signage to be removed and 'Permit Holder Only' signs to be installed between 6am and 7am on Monday 23 September.*
- 2. Bus Zone signs and disabled parking zone signs to be installed between 6am and 7am on Tuesday 24 September.*
- 3. All event signage be removed and original signage to be replaced between 7am and 8am on Monday 7 October.*

TC38/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.8 Proposed Parking Restrictions Boardman Road (South) Bowral**

Reference: 7453
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider a request for parking restrictions in Boardman Road (South) Bowral

RECOMMENDATION

THAT No Stopping restrictions be implemented on the western side of Boardman Road (South) from a point ten (10) metres north of the northern entrance to the Southern Highlands Christian School to a point ten (10) metres south of the southern entrance (approximately 160m)

TC39/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.9 Proposed barrier lines in Bong Bong Road and Mary Street, Mittagong**

Reference: 7400
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider the installation of double barrier lines on Bong Bong Road and Mary Street, Mittagong.

RECOMMENDATION

THAT double barrier lines be installed on Bong Bong Road and Mary Street in accordance with Australian Standard 1742.2 and Give Way lines be marked and repainted at the intersection of Bong Bong Road and Mary Street.

TC40/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.10 Proposed Give Way signage at the intersection of Kamilaroi Crescent and Bartholomew Way, Braemar**

Reference: 7415/2, RD6000
Report Author: Traffic Engineer (Contractor)
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To authorise the installation of prescribed traffic management devices (Give Way signage and line marking) at the intersection of Kamilaroi Crescent and Bartholomew Way, Nattai Ponds, Braemar.

RECOMMENDATION

THAT Give Way signage and line marking be installed at the intersection of Kamilaroi Crescent and Bartholomew Way, Braemar in accordance with Australian Standard AS1742.2 Manual of uniform traffic control devices Part 2: Traffic control devices for general use.

TC41/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.11 Timed Heavy Vehicle Access on Innes Road, Moss Vale for St Paul's Catholic Parish Primary School**

Reference: 7453
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider a 4.5 tonne load limit on Innes Road, Moss Vale during the gazetted school zone times.

RECOMMENDATION

THAT the matter be deferred to the next Traffic Committee meeting to be held on 14 November 2019 pending further investigation.

TC42/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.12 Proposed additional accessible parking in Moss Vale War Memorial Aquatic Centre, Moss Vale**

Reference: 7455
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider additional parking facilities for the disabled (accessible parking) in Moss Vale War Memorial Aquatic Centre, Moss Vale.

RECOMMENDATION

THAT the addition of accessible parking facilities for the disabled in Moss Vale War Memorial Aquatic Centre, Moss Vale is not supported at this time.

THAT the matter be deferred to the next Traffic Committee Meeting on 14 November pending further investigation and review.

TC43/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.13 Signage on Wombeyan Caves Road**

Reference: 7400
Report Author: Traffic Engineer (Contractor)
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To inform the Traffic Committee on ongoing maintenance activities on Wombeyan Caves Road.

RECOMMENDATION

THAT the information be received and noted.

THAT it be noted the RMS will conduct a Road Safety Audit on Wombeyan Caves Road.

TC44/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.14 Proposed line markings on Throsby Street and Arthur Street, Moss Vale**

Reference: 7453
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider additional line markings on Throsby Street and Arthur Street, Moss Vale.

RECOMMENDATION

THAT the chevron markings, edge lines (E4), a continuity line (C1) and a 45° left turn arrow be installed on Arthur Street as well as the faded barrier lines (BB) and missing arrows be repainted at the intersection of Throsby Street and Arthur Street

TC45/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



5.15 Traffic Committee Action Sheet

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

PURPOSE

Reporting on the Traffic Committee Action Sheet

RECOMMENDATION

THAT the information be received and noted

TC46/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019



LATE ITEMS

5.16 Parking and traffic management alterations Ascot Road, Bowral

Reference: 7450/7453
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider the most appropriate parking arrangements for the Hospital Precinct, Bowral and to determine whether the implementation of one-way traffic flow between Sheffield Road and Mona Road is supported.

RECOMMENDATION

THAT

1. The Local Traffic Committee supports the project to convert 30 degree parking to 90 degree parking in Ascot Road, Bowral with one-way traffic flow implemented in Ascot Road between Sheffield Road and Mona Road, and the direction of flow shall be from Sheffield Road to Mona Road. All necessary regulatory signage in accordance with RMS requirements shall be installed as shown in Figure 2 of this report.
2. All available parking to the front of the Bowral and District Public Hospital (Bowral Street) shall be designated as 2 hour time limited parking from 8:30 am to 6:00 pm Monday to Friday and 8:30 am to 12 pm on Saturdays.

TC47/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 22 August 2019

**5.17 Allocation of Carparking Space to Police Command, Moss Vale****Reference:** 100**Report Author:** Cllr K Halstead**Authoriser:****Link to Corporate Plan:** Work in partnership to ensure a safe road network**PURPOSE**

The purpose of this report is to introduce discussion regarding the possible allocation of one (1) parking space from the Elizabeth Street Parking Area to the Southern Highlands Police Station, Moss Vale.

RECOMMENDATION**THAT**

1. The car park space in the south eastern corner of the Elizabeth Street Car Park (north of the police station) be allocated for use by the Southern Highlands Police Station by the installation of a "No Parking Police Vehicles Excepted" sign.

TC48/19

Majority support

It was noted that Matt Hoffman representing the NSW Police did not participate in the discussion.

6. DATE OF NEXT MEETING

The next meeting will be held on Thursday 14 November in the Nattai Room commencing at 9:30am.

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11:05 AM

16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 August 2019

Reference:	107/25
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Sustainably manage natural resources for broader community benefit

PURPOSE

This report provides the Minutes of the Environment and Sustainability Advisory Committee meeting held on Wednesday, 21 August 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ES 11/19

THAT the apology of Cr G Markwart and Ms Jennifer Slattery be accepted and leave of absence granted

Item 3 Adoption of Minutes of Previous Meeting

ES 12/19

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 15 May 2019 MN ES 7/19 to MN ES 10/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 Agenda Reports -2019/2020 Environment Levy Budget

ES 13/19

THAT in line with the Environment and Sustainability Advisory Committee Terms of Reference to monitor and review the progress of Environment Levy works and budgets, and to meet community expectations, the Committee supports the Chair and Deputy Chair of the Committee to meet, as a matter of priority, with the Chief Financial Officer to establish an appropriate methodology for involving the advice and expertise of the Committee in the preparation of the Environment Levy annual budget

AND THAT the outcomes of that meeting be reported back to the next meeting of the E&S Committee.

Item 5.2 2018/2019 Environment and Sustainability program and future reporting

ES 14/19

THAT the report and reporting framework be noted.



RECOMMENDATION

THAT recommendations Nos ES11/19 to ES14/19 – as detailed in the Minutes of the Environment and Sustainability held on 21 August 2019 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 Environment and Sustainability Advisory Committee Meeting held on 21 August 2019



MINUTES

of the Environment and Sustainability Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 21 August 2019

The meeting commenced at 10.30am

File No. 100/219

**16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting
held on Wednesday, 21 August 2019**

**ATTACHMENT 1 Minutes of Environment and Sustainability Advisory
Committee Meeting held on 21 August 2019**



**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING**

Wednesday 21 August 2019



- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
- 4. DECLARATIONS OF INTEREST**
- 5. AGENDA REPORTS3**
 - 5.1 2019/2020 Environment Levy Budget3
 - 5.2 2018/2019 Environment and Sustainability program and future reporting4
- 6. DATE OF NEXT MEETING.....5**
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16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting
held on Wednesday, 21 August 2019

ATTACHMENT 1 Minutes of Environment and Sustainability Advisory
Committee Meeting held on 21 August 2019



MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING

Wednesday 21 August 2019



MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE
MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC
CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 21 AUGUST 2019
COMMENCING AT 10.30AM.

Present:

Councillors: Cllr L A C Whipper *Chair*

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

Agency
Representatives:

In Attendance: Mr Barry Arthur *Manager Environment & Sustainability*
Mr Ian Perkins *Natural Resource Project Coordinator*
Mr Richard Mooney *Chief Financial Officer (left the meeting at 11:15am)*

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Cr G Markwart and Ms Jennifer Slattery.

ES 11/19

MOTION moved by Mr C West and seconded by Ms P Hall

THAT the apology of Cr G Markwart and Ms Jennifer Slattery be accepted and leave of absence granted

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Cr L A C Whipper acknowledged country:

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

16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting
held on Wednesday, 21 August 2019

ATTACHMENT 1 Minutes of Environment and Sustainability Advisory
Committee Meeting held on 21 August 2019



MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING

Wednesday 21 August 2019



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE
MEETING HELD ON WEDNESDAY 15 MAY 2019

ES 12/19

MOTION moved by Mr C West and seconded by Ms P Hall

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 15 May 2019 MN **ES 7/19** to MN **ES 10/19** 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

Ms Pat Hall – although she is employed by National Park and Wildlife, she attends the meeting as a community representative and any comments or positions expressed are personal and not related to her employer.

**16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting
held on Wednesday, 21 August 2019****ATTACHMENT 1 Minutes of Environment and Sustainability Advisory
Committee Meeting held on 21 August 2019****MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING**

Wednesday 21 August 2019

**5. AGENDA REPORTS****5.1 2019/2020 Environment Levy Budget****Reference:** 2210/8**Report Author:** Manager Environment and Sustainability**PURPOSE**

Mr Barry Arthur presented to the committee. The presentation provided a breakdown of the approved budget for 2019/2020; an overview of different reporting options; a discussion around the Environment Levy Reserve and its use and a summary of Council resolutions and commitments to IPART relating to the ongoing operation of the Environment Levy. The Committee discussed its advisory role, under its Terms of Reference, relating to the delivery of environmental goals and strategies and the annual Environment Levy Budget.

On 12 June 2019 Council adopted the 2019/2020 Operational Plan and Budget.

The exhibition of the draft environment levy budget generated considerable public debate and Council received a high number of submissions on the matter. In adopting the budget, Council took into consideration feedback received during the public exhibition of the Draft plans. Council also resolved to have a Councillor briefing on the allocation of all administrative and coordination costs in comparison to other business units. The adopted Operational Plan and Budget can be accessed at <https://www.wsc.nsw.gov.au/integrated-planning-and-reporting>

The Environment Levy budget will be discussed in detail at the meeting. Time has been allocated in the meeting to outline and discuss the environment and sustainability actions identify in the 2019/2020 Operational Plan and the Environment Levy program.

ES 13/19

MOTION moved by Mr C West and seconded by Ms L McGrath

THAT in line with the Environment and Sustainability Advisory Committee Terms of Reference to monitor and review the progress of Environment Levy works and budgets, and to meet community expectations, the Committee supports the Chair and Deputy Chair of the Committee to meet, as a matter of priority, with the Chief Financial Officer to establish an appropriate methodology for involving the advice and expertise of the Committee in the preparation of the Environment Levy annual budget

AND THAT the outcomes of that meeting be reported back to the next meeting of the E&S Committee.

PASSED

**16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting
held on Wednesday, 21 August 2019****ATTACHMENT 1 Minutes of Environment and Sustainability Advisory
Committee Meeting held on 21 August 2019****MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING**

Wednesday 21 August 2019

**5.2 2018/2019 Environment and Sustainability program and
future reporting****Reference:** 2210/8**Report Author:** Manager Environment and Sustainability**PURPOSE**

Mr Barry Arthur presented to the committee a report on Council's Environment and Sustainability program from the 2018/2019 year. The format and frequency of reporting was discussed by the Committee. The Committee members in attendance supported the suggested use of reports generated from Council's Performance Planning system on a six monthly basis. The strengths and limitations of this reporting was discussed. Ongoing feedback from Committee members will be encouraged to refine these reports.

The committee will be presented with a report on the 2018/2019 environment and sustainability program. Future reporting options will also be discussed

ES 14/19

MOTION moved by Ms P Hall and seconded by Mr P Shanahan

THAT the report and reporting framework be noted.

PASSED

**16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting
held on Wednesday, 21 August 2019**

**ATTACHMENT 1 Minutes of Environment and Sustainability Advisory
Committee Meeting held on 21 August 2019**



**MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY
COMMITTEE MEETING**

Wednesday 21 August 2019



6. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 20 November 2019 in Nattai Room
Civic Centre, Elizabeth Street, Moss Vale commencing at 10.30am.

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.28 PM

16.3 Minutes of the Finance Committee Meeting held on Wednesday, 21 August 2019

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 Wednesday, 21 August 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 3 Apologies
FC20/19

THAT apologies be received from Councillor McLaughlin and Councillor Markwart and leave of absences be granted.

Item 4 Confirmation of Minutes

FC21/19

THAT the minutes of the Finance Committee Meeting held on Wednesday 15 May 2019 MN FC15/19 to MN FC19/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Agenda Reports – Revolving Energy Fund – Annual Report

FC 22/19

1. *THAT Council note the energy and financial savings achieved through projects completed under the Revolving Energy Fund.*
2. *THAT Council approve the transfer of \$56,287.52 from Council's electricity budget to the Revolving Energy Fund for the 2018/19 Financial Year.*
3. *THAT a press release be issued by the Mayor in relation to the results achieved through the Revolving Energy Fund for the year 2018/19.*

Item 6.2 Quarterly Operational Plan 2018/19 progress report, 1 April to 30 June 2019

FC 23/19

THAT the Quarterly Progress Report on Operational Plan 2018/19, 1 April to 30 June 2019, be noted.

Item 6.3 Rates and Charges Write-off for the 2018/19 Financial Year

FC 24/19

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

COMMITTEE REPORTS



***THAT** Council note and write off rates and charges (including sundry debtors) outlined in this report totalling \$1,752,350.47 for the 2018/19 financial year.*

Item 6.4 2018/19 Budget Expenditure Revotes

FC 25/19

1. ***THAT** Council adopt the list of expenditure revotes for the June Review totalling \$26,293,920 for inclusion in the 2019/20 Budget as shown in the following attachments to this report:*

<i>Fund</i>	<i>September</i>	<i>December</i>	<i>June</i>	<i>Total</i>
<i>General Fund</i>	\$7,760,576	\$9,546,481	\$19,814,840	\$37,121,897
<i>Water Fund</i>	-	-	\$3,178,848	\$3,178,848
<i>Sewer Fund</i>	\$1,670,589	-	\$3,300,232	\$4,970,821
<i>Total Revotes</i>	\$9,431,165	\$9,546,481	\$26,293,920	\$45,271,566

2. ***THAT** Council approve the transfer of \$4,806,935 to the Expenditure Revotes Reserve, representing the General Revenue portion of the General Fund Revotes.*

RECOMMENDATION

THAT recommendations Nos FC 20/19 to FC 25/19 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 21 August 2019 be adopted.

ATTACHMENTS

1. Minutes of the Finance Committee Meeting held on 21 August 2019



MINUTES

of the
Finance Committee Meeting
held in
Council Chambers
Civic Centre, Elizabeth Street, Moss Vale
on

Wednesday 21 August 2019

The meeting commenced at 9:00am

File No. 107/21

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. APOLOGIES	
4. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Finance Committee Meeting held on 15 May 2019	
5. DECLARATIONS OF INTEREST	2
6. AGENDA REPORTS	3
6.1 Revolving Energy Fund - Annual Report.....	3
6.2 Quarterly Operational Plan 2018/19 Progress Report, 1 April to 30 June 2019.....	4
6.3 Rates and Charges Write-off for the 2018/19 Financial Year	5
6.4 2018/19 Budget Expenditure Revotes.....	6
7. CLOSED COMMITTEE	7
Nil	
8. DATE OF NEXT MEETING	7
9. MEETING CLOSURE	7

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 21 AUGUST 2019 COMMENCING AT 9:00AM

Present: Mayor Cllr T D Gair (Chair)
Cllr G J Andrews
Cllr K J Halstead
Cllr P W Nelson
Cllr I M Scandrett
Cllr G M Turland
Cllr L A C Whipper

In Attendance:	General Manager	Ms Ann Prendergast
	Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
	Chief Financial Officer	Mr Richard Mooney
	Group Manager Corporate and Community	Ms Danielle Lidgard
	Deputy Chief Financial Officer	Mr Damien Jenkins
	Management Accountant	Mr Peter Dunn
	Administration Officer	Ms Michelle Richardson

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."

3. APOLOGIES

PERS

FC 20/19

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr P W Nelson

THAT *apologies be received from Councillor McLaughlin and Councillor Markwart and leave of absences be granted.*

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



PERS

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

107/21

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 15 MAY 2019

FC 21/19

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

THAT the minutes of the Finance Committee Meeting held on Wednesday 15 May 2019 MN FC15/19 to MN FC19/19 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 declared.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



6. AGENDA REPORTS

6.1 Revolving Energy Fund - Annual Report

Reference:	5480/6
Report Author:	Environmental Policy Officer
Authoriser:	Manager Environment and Sustainability
Link to Community	
Strategic Plan:	Manage Council's resource consumption, with significant increases in efficiency and adoption of renewable energy

PURPOSE

The purpose of this report is to provide an update on the achievements of Council's Revolving Energy Fund for the 2018/19 financial year.

The Chief Financial Officer addressed Council in relation to this item

FC 22/19

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

1. **THAT** Council note the energy and financial savings achieved through projects completed under the Revolving Energy Fund.
2. **THAT** Council approve the transfer of \$56,287.52 from Council's electricity budget to the Revolving Energy Fund for the 2018/19 Financial Year.
3. **THAT** a press release be issued by the Mayor in relation to the results achieved through the Revolving Energy Fund for the year 2018/19.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



6.2 Quarterly Operational Plan 2018/19 Progress Report, 1 April to 30 June 2019

Reference: 501/2018
Report Author: Internal Audit and Legal Support Officer
Authoriser: A/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 exception report provides an overview of Council's achievements in delivering its annual Operational Plan 2018/19.

The General Manager addressed Council on this item

FC 23/19

MOTION moved by Cllr L A C Whipper and seconded by Cllr G J Andrews

THAT the Quarterly Progress Report on Operational Plan 2018/19, 1 April to 30 June 2019, be noted.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



6.3 Rates and Charges Write-off for the 2018/19 Financial Year

Reference: 2100
Report Author: Coordinator Revenue
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of the 2018/19 Rates and Charges to be written off as permitted under the *Local Government Act, 1993*.

The General Manager has a statutory obligation to advise Council of all Rates and Charges that are written off. The adoption of this report means Council has complied with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* (Clause 131).

FC 24/19

MOTION moved by Cllr P W Nelson and seconded by Deputy Mayor G M Turland

THAT Council note and write off rates and charges (including sundry debtors) outlined in this report totalling \$1,752,350.47 for the 2018/19 financial year.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



6.4 2018/19 Budget Expenditure Revotes

Reference: 2120/2019
Report Author: Management Accountant
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval of the 2018/19 proposed expenditure revotes which are required to be carried over to the 2019/20 Budget.

The Chief Financial Officer addressed Council in relation to this item

The General Manager addressed Council in relation to this item.

FC 25/19

MOTION moved by Cllr P W Nelson and seconded by Deputy Mayor G M Turland

1. **THAT** Council adopt the list of expenditure revotes for the June Review totalling \$26,293,920 for inclusion in the 2019/20 Budget as shown in the following attachments to this report:

Fund	September	December	June	Total
General Fund	\$7,760,576	\$9,546,481	\$19,814,840	\$37,121,897
Water Fund	-	-	\$3,178,848	\$3,178,848
Sewer Fund	\$1,670,589	-	\$3,300,232	\$4,970,821
Total Revotes	\$9,431,165	\$9,546,481	\$26,293,920	\$45,271,566

2. **THAT** Council approve the transfer of \$4,806,935 to the Expenditure Revotes Reserve, representing the General Revenue portion of the General Fund Revotes.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

NOTICES OF MOTION



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 August 2019



7. CLOSED COMMITTEE

Nil

8. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 16 October 2019 in Council Chambers, Civic Centre, Moss Vale commencing at 9.00am.

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9:57am

In accordance with the provision of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 21 August 2019 numbered M/N 20/19 to M/N 25/19 were signed by me hereunder at the Council Meeting held on 21 August 2019 .

CHAIRMAN

READ AND CONFIRMED ON

CHAIRMAN

PUBLIC OFFICER



18 NOTICES OF MOTION

18.1 Notice of Motion 35/2019 - Climate Change

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 11 September 2019:

RECOMMENDATION

Submitted for determination.

1. THAT Council acknowledge the increased likelihood of bushfires, severe storms, drought and floods and the resultant effect on residents and council's operational budget particularly in relation to water supply and bushfire control.
2. THAT Council make a formal declaration of Climate Change Emergency, and a report be brought back to Council which considers how Council's plans, policies and works programs can address the climate emergency and ensure this is embedded into future Council strategic plans.
3. THAT Council take steps to develop a Shire-wide Community Climate Emergency Plan.
4. THAT Council examine how our community strategic plan, works program and planning documents may be able to address the climate emergency, and investigate the options available to Council to put this emergency declaration into operation.
5. THAT Council write to Federal and State politicians expressing our concerns in relation to the social, environmental and financial impacts of Climate Change.
6. THAT Council note and give *in principle support* to the Climate Strike by students at Glebe Park on 20th September acknowledging in particular the need for Governments at all levels to acknowledge and act *to mitigate* the potential impacts of climate change on the lives of our young people and those of future generations.

COMMENT FROM STAFF

A Councillor briefing session is recommended in the first instance to help provide all Councillors with sufficient background to support a well-informed discussion on this matter.

The Wingecarribee Community Strategic Plan contains the Goal

4.4 Wingecarribee addresses, adapts, and builds resilience to climate change,
and the strategies:



4.4.1 Manage Council's resource consumption, with significant increases in efficiency and adoption of renewable energy

4.4.2 Build community capacity to reduce greenhouse gas emissions and respond to the impacts of climate change

4.4.3 Plan for predicted impacts of climate change

4.4.4 Monitor and report on community progress to achieving net zero emissions and identify key steps to achieving a carbon neutral Council

Council is identified against these strategies in different capacities as either a supporter, partner and leader. Other partners are also identified against these strategies.

The State of the Environment 2018 Report by the CSIRO and Bureau of Meteorology states our climate is already changing. The Office of Environment and Heritage in their South East and Tablelands Climate Change Snapshot, published in 2014 also states our region will continue to see higher temperatures and less cold nights. We will also see more frequent and prolonged heatwaves and spend more time in drought. This will also increase the risk of bushfire and extend the bushfire season. There will also be seasonal changes in rainfall.

These changes are likely to affect our community, our places and our economy. An adequate response is required at all levels of government. For Council this includes both mitigation and adaptation actions. In this regard Council has developed a Climate Change Adaptation Plan which identifies the actions Council will take to adapt to a changing climate and to avoid or minimise the climate change risks. An update of the Plan is being undertaken now and is almost complete.

Council has been taking action on climate change for a number of years, and we have ongoing programs in place. There is still many more opportunities we need to investigate and act on. Despite growth in the Shire, Council has reduced its emission by 8% over the last 4 years through our energy action plans and the REFund.

Worldwide, 985 jurisdictions in 18 countries have declared a climate emergency including 45 local governments in Australia. By declaring a climate emergency, local governments have acknowledged that urgent actions are required from all levels of government.

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 Bowral Rugby Club House Re-Development - Stage 2**

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 Bowral Rugby Club House Re-Development – Stage 2.

- 19.2 **Tender for Water Reservoir Cathodic Protection**

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 design and installation of cathodic protection systems at five (5) steel potable water storage reservoir tanks.

- 19.3 **Children's Services Service Delivery Review**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 September 2019

CLOSED COUNCIL



Brief description

This report provides a recommendation on the future operations of Council's Children's Services following completion of a Service Delivery Review.

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

Ann Prendergast
General Manager

Friday 6 September 2019