17 June 2016

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 22 June 2016** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast  
**General Manager**

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**SCHEDULE**

- **3.30pm**  Council Meeting begins
- **5.30pm**  Questions from the Public to be read out
- **7.40pm**  Closed Council
### Running Sheet

**Ordinary Meeting of Council**

**Running Sheet** held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale on Wednesday, 22 June 2016 at 3.30 pm.

<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.30pm</td>
<td>Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded.</td>
</tr>
<tr>
<td></td>
<td><strong>Acknowledgement of Country - Cllr L A C Whipper</strong></td>
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<tr>
<td></td>
<td>We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today.</td>
</tr>
<tr>
<td>3.32pm</td>
<td>Opening Prayer – Chaplain Steven Clancy, HarbisonCare</td>
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<tr>
<td>3.35pm</td>
<td><strong>Apologies</strong> <em>(if any)</em></td>
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<tr>
<td></td>
<td><strong>Adoption of Previous Minutes – Wednesday, 8 June 2016</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Business Arising</strong> <em>(if any)</em></td>
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<tr>
<td></td>
<td><strong>Declarations of Interest</strong> <em>(if any)</em></td>
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<td></td>
<td><strong>Mayoral Minute</strong> <em>(if any)</em></td>
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<td></td>
<td><strong>Public Forum</strong> <em>(if any)</em></td>
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<tr>
<td></td>
<td><strong>Motion to move into Committee of the Whole - Cllr T D Gair</strong></td>
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<td></td>
<td><strong>Visitor Item</strong> –</td>
</tr>
<tr>
<td></td>
<td>Item 10.1 DA 16/0233 Proposed Six Lot Subdivision &quot;Warrawong&quot; 2 Young Road, Moss Vale</td>
</tr>
<tr>
<td></td>
<td><strong>Council Reports</strong></td>
</tr>
<tr>
<td>5.30pm</td>
<td>Motion to move into Council and the Mayor resumes the Chair</td>
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<tr>
<td>5.30pm</td>
<td>Questions from the Public - <em>to be read</em></td>
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<tr>
<td></td>
<td>Continuation of Council Reports</td>
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<td>General Business Questions</td>
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<td></td>
<td>Questions with Notice</td>
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<tr>
<td></td>
<td>Notices of Motion</td>
</tr>
<tr>
<td>7.40pm</td>
<td>Closed Council</td>
</tr>
<tr>
<td>8.00pm</td>
<td>Meeting Closed</td>
</tr>
</tbody>
</table>

**Ann Prendergast**

**General Manager**
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016

Business

1. OPENING OF THE MEETING
2. ACKNOWLEDGMENT OF COUNTRY
3. PRAYER
4. APOLOGIES
5. ADOPTION OF MINUTES OF PREVIOUS MEETING
   Ordinary Meeting of Council held on 8 June 2016
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTES
9. PUBLIC FORUM

COMMITTEE OF THE WHOLE

10. VISITOR MATTERS
    OPERATIONS, FINANCE & RISK
    Nil
    CORPORATE, STRATEGY & DEVELOPMENT SERVICES
    10.1 DA 16/0233 Proposed Six Lot Subdivision "Warrawong" 2 Young Road, Moss Vale
        ........................................................................................................ 2

11. EN BLOC MOTION

12. OPERATIONS FINANCE & RISK
    12.1 Tender for Replacement of Colo Street Bridge, Mittagong .......... 13
    12.2 Tender for Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade ................................................................. 17
    12.3 10 Frankland Street Mittagong .......................................................... 22
    12.4 Investment Report as at 31 May 2016 ................................................. 23
    12.5 Low Water Supply Pressure - Rebate Policy and Treated Water Extraction Policy ................................................................. 28
    12.6 Road Closure, Part Rainbow Street, Mittagong ............................. 47
    12.7 Licence Agreement for use of Sutton Forest Village Hall .......... 57

13. CORPORATE STRATEGY & DEVELOPMENT SERVICES
    13.1 Post Exhibition Report for New Heritage Items Planning Proposal .... 63
    13.2 Wingecarribee Community Assistance Scheme Recommendations For Funding ................................................................. 76
    13.3 Council Committees During Caretaker Period ............................. 82
Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER
14.1 Legal Affairs

15. DELEGATE REPORTS

16. PETITIONS
Nil

17. CORRESPONDENCE FOR ATTENTION
Nil

18. COMMITTEE REPORTS
18.1 Minutes of the Risk & Audit Committee Meeting held on Monday, 6 June 2016
18.2 Minutes of the Community Assistance Scheme Committee Meeting held on Monday, 16 May 2016
18.3 Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016

19. QUESTIONS WITH NOTICE
19.1 Question with Notice 08/2016 - Moss Vale War Memorial Aquatic Centre
19.2 Question with Notice 09/2016 - Cheap Power

20. NOTICES OF MOTION
20.1 Notice of Rescission of Motion 05/2016 - Bong Bong Street and Merrigang Street Traffic Signals - Parking Changes
20.2 Notice of Rescission of Motion 06/2016 - Chelsea Gardens Coomungie Urban Release Area
20.3 Notice of Motion 15/2016 - Installation of a Fence at the Eridge Park Playing Fields
20.4 Notice of Motion 16/2016 - Video Recording of Council Meetings
20.5 Notice of Motion 17/2016 - Questions from the Public
20.6 Notice of Motion 18/2016 - Bowral Memorial Hall Chairs
20.7 Notice of Motion 19/2016 - Ellsmore Road

21. GENERAL BUSINESS
Nil

22. CLOSED COUNCIL
Moving into Closed Session

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

22.2 Tender for Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade
This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)(d)(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

22.3 10 Frankland Street, Mittagong
This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)(d)(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

22.4 Legal Affairs
This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

23. RESUMPTION OF OPEN COUNCIL
Resumption of Open Council
Adoption of Closed Session

24. ADOPTION OF COMMITTEE OF THE WHOLE

25. MEETING CLOSURE
Our Mission, Our Vision, Our Values

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

**OUR VISION**

- **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’
- **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’

**OUR VALUES**

- Integrity, trust and respect
- Responsibility and accountability
- Communication and teamwork
- Service quality
Council Chambers

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

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

101/3, 101/3.1

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

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

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

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

10 VISITOR MATTERS

CORPORATE STRATEGY & DEVELOPMENT SERVICES

10.1 DA 16/0233 Proposed Six Lot Subdivision "Warrawong"
2 Young Road, Moss Vale

Reference: LUA 16/0233
Report Author: Senior Town Planner
Authoriser: Acting Team Leader Town Planning
Applicant: Civil Development Solutions
Owner: S J Wellard
Link to Corporate Plan: Ensure that that unique heritage qualities of towns, villages and special areas are protected

PURPOSE

This report considers a development application for a six lot residential subdivision of "Warrawong", a potential item of environmental heritage. This report recommends APPROVAL of the application subject to conditions.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. THAT development application DA 16/0233 for a six lot residential subdivision at Lot 2 DP616479, 2 Young Road, Moss Vale be APPROVED subject to conditions as described in Attachment 3 to the report.

2. THAT "Warrawong" house and manager’s cottage be included as an item of environmental heritage in a future planning proposal.

REPORT

BACKGROUND

Development Application and Site History

Council approved DA 14/0842 for a 42 lot subdivision of the remainder of Warrawong (the outer garden and paddock areas which also front Narellan Road, Fitzroy Road and Robertson Road) on 3 February 2015.

The subject site contains the main house, manager’s cottage and garden.
Subject Site and Locality

The site is located to the east of Moss Vale High School (Attachment 2). The area is currently in transition from a rural locality on the fringe of Moss Vale to a residential area. The paddocks to the east of the site have been approved for a 42 lot residential subdivision which is within the construction phase.

The site has a total area of 1.978 ha which is developed with a mature exotic garden, residence and manager’s cottage.

The site is not identified as bushfire prone land, furthermore, there is no mapped native vegetation or endangered ecological species identified on this site.

The site was identified as a draft item of environmental heritage under a planning proposal, however, Council chose to exclude it based on the owner’s objection to a listing. The house (Figure 1) was built in 1915 as a country retreat for Orwell Philips (who lived from 1906 – 1929 at ‘Tusculum’ in Potts Point, now headquarters of the Royal Australian Institute of Architects). Council’s heritage inventory contains relatively scant information concerning this item. The house is considered to be heritage significant and warrants listing.

The site is connected to Council’s water system and connection to Council’s sewer system is proposed.

![Warrawong House](image)

**Figure 1 Warrawong House**

Proposal

The application proposes a six lot residential subdivision with lot sizes as follows:

- Lot 1 - 2074m²
- Lot 2 - 2119m²
- Lot 3 - 2521m²
- Lot 4 - 2000m²
- Lot 5 - 9024m² (lot containing the dwelling and the manager’s cottage)
- Lot 6 - 2044m²

Lots 4 – 6 are to be accessed via a right of carriageway located near the northern boundary.
Lots 1 – 3 are to be accessed via a right of way south of the existing dwellings.

A copy of the amended proposal is attached (Attachment 1). The amended proposal includes the identification of building envelopes (in order to minimise tree removal) and the access to Lot 4 being relocated to the northern right of way (to reduce the tree removal compared with access originally proposed through Lot 3). The applicant has also proposed a condition of consent requiring the following restrictions on the title of proposed lots (proposed with the submission of the amended plan):

- Rural fencing between the lots as per existing boundary fencing;
- Roof cladding of dwellings to be tiled with a main roof pitch of 27.5 degrees;
- External cladding of dwellings to be face brick, bagging or weatherboard as per the existing materials used in the Warrawong house;
- Windows to be of a traditional style profile;
- Creation of building envelopes;
- Tree removal to be restricted to the building envelopes, right of accesses and easements for services (all others to be retained).

These restrictions have subsequently been extended as a result of the recommendations of the heritage impact statement submitted by the applicant (refer to the discussion of heritage impacts later in this report).

STATUTORY PROVISIONS

ASSESSMENT - KEY ISSUES

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Drinking Water Catchment)

The proposed subdivision is a Module 5 development, accordingly the application has been referred to Water NSW for concurrence which has been granted subject to conditions (Condition 28).

Local Environmental Plan

Wingecarribee Local Environmental Plan 2010

The site is zoned R2 Low Density Residential under the LEP with a minimum allotment size of 2000m² in this locality. The creation of Lot 5 would provide a lot with both the main dwelling and manager’s cottage, however, detached dual occupancies are a permissible use in the R2 zone and the proposed development would comply with the dual occupancy provisions in both the LEP and DCP.

Whilst the provision of clause 5.10 (heritage clause) of the LEP does not apply in this instance, Council is still required to assess heritage significance (whether a property is listed or not) under section 79C of the NSW Environmental Planning and Assessment Act, 1979.
The application has been referred to Council’s Heritage Planner who has recommended that the applicant be required to submit a heritage impact statement as the site was considered a draft item of heritage. The applicant has had a heritage impact statement prepared which recommends:

- Rural type wire fencing 1200mm high to be used between the lots to ensure minimal visual disruption across the site.
- Crushed granite paving for driveways and paths within each Lot shall be used to reflect existing landscape character.
- Buildings generally to be single storey with terra-cotta tiled roofs. Main roof pitch to be between 27.5 degrees and 35 degrees. A second level may be contained as an attic space within the 35 degree roof pitch. Shallower pitch may be appropriate over skillion verandah roofs.
- The scale of roofs is to be carefully controlled to ensure ridge heights are not excessive in the context of this site. It is not appropriate to achieve a full second storey roof space by having an unreasonable distance between roof pitching points.
- Dwellings should be designed with a full or partial encircling verandah as apparent on both Warrawong House and Cottage to reflect the historic form and character of these buildings.
- External walls to be rough cast render and/or textured bagging and/or weatherboard cladding to respect the existing architectural materials of both the main residence and adjoining Warrawong Cottage. Limited use of face brick and other materials may be appropriate, however buildings should generally utilise natural materials and finishes.
- Windows to reflect traditional proportions. Large windows can be achieved by repeating smaller glazing units as evident in Warrawong House.
- Building elevations not visible to Warrawong House or the Cottage may interpret these character guidelines more liberally.
- Garages to be free-standing or within an attached wing. Garages should be designed with a lower roof and gutter-line than the main dwelling to reflect traditional proportions of a garage as a ‘lesser’ structure.
- Landscape species may be based on the existing garden species or be native plants of a complimentary form and character.
- Each development application for a dwelling shall be accompanied by a landscape plan showing additional plantings.
- Landscape plans shall indicate all ground surface materials, noting that it is not appropriate to have large areas of reflective hard-standings within the subdivision.

The application was also referred to Council’s Heritage Advisor who advised, inter alia:

“Building and driveway footprints should be included in the subdivision plan as these would have to take into account the existing plantings and sight lines. A detailed landscape plan showing any landscape buffers between the main house and new dwellings would also pick up fence detail and building locations.”
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY & DEVELOPMENT SERVICES

It is considered that the heritage significance of the item would not be diminished subject to the proposed conditions including the restrictions on the title of the proposed lots as discussed above (Condition 14).

Development Control Plans
Moss Vale Development Control Plan
The lots are sufficiently large to allow for the design of a dwelling to comply with the DCP requirements without impacting upon adjoining properties. It is considered that the proposal is generally compliant with the DCP.

Section 79C Evaluation
The matters in Section 79C have been considered as follows:

79C (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 DA complies with the LEP with both minimum allotment size provisions and heritage considerations.

(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 development complies with the provisions of the Moss Vale DCP.

(iiiia) 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.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
The application complies with the regulations.

(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 development proposes the subdivision of a draft item of environmental heritage. The proposed layout has been amended which together with the other restrictions proposed for the title will mitigate the impacts of the development on the significance of the item. It is considered that the heritage significance of the item will not be diminished subject to the conditions proposed. Other impacts such as drainage, traffic and access have been considered and are acceptable subject to conditions.

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

The site is considered to be suitable for development: architectural design/heritage, visual impact, bushfire, access, car parking, amenity and water quality issues are all acceptable or subject to conditions.

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

Refer to the neighbour notification/public participation section of this report.

(e) the public interest.

The proposal is considered to be in the public interest as it provides additional opportunities for residential development.

CONSULTATION

COMMUNITY ENGAGEMENT

External Referrals

<table>
<thead>
<tr>
<th>Referrals/Notice</th>
<th>Advice/Response/Conditions</th>
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<tbody>
<tr>
<td>Water NSW</td>
<td>Concurrence subject to conditions.</td>
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Internal Referrals

Development Engineer: No objection subject to conditions.

Heritage Planner: Recommended a heritage impact statement be prepared and submitted and referral to Council’s Heritage Advisor. A Heritage Impact Statement has been submitted supporting the application subject to restrictions on the title of the proposed lots. Council’s Heritage Advisor has also supported the application subject to restrictions on the titles.

Heritage Advisor: No objection subject to conditions requiring a restriction on the title as previously discussed.

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of two weeks from 7/04/2016 to 25/04/2016 with one submission received which is summarised as follows:
Objection is raised to the subdivision based on the [original] plan submitted which suggested changes to the application as follows:

To preserve the character of both Warrawong House and Warrawong Cottage, a Restriction as to User pursuant to S88b be placed over each proposed allotment. The restrictions are to state:

- All windows in future dwelling houses shall be timber framed and vertical double hung sash type.
- All dwellings shall be clad in weatherboard similar to Warrawong Cottage or rendered brickwork similar to Warrawong House.
- All dwellings shall be roofed in orange terracotta tiles.
- All dwellings shall be restricted to single storey.
- Building envelopes shall be imposed as a restriction as to user with Council being the only authority to vary this restriction.
- No further subdivision of the allotments shall be permitted.
- All access roads shall be of a gravel base. No bitumen of concrete roadways shall be permitted.
- No trees shall be removed without approval from Council.

The submission also recommends heritage listing for Warrawong House and gardens (it was a potential item on Council’s list, however, Council resolved to exclude it given the former owner’s objection) and that the application be revised in accordance with the recommendations of the Tree Audit and Arboricultural Impact Assessment Report by a qualified arborist dated 22 May, 2016 [submitted with the objection letter]. The recommendations of this report are as follows:

1. A survey plan of the property should be commissioned to show all trees with a height greater than six (6) metres. The plan should include spot levels at base of each tree trunk. The survey plan may then be modified to depict TPZ and SRZ offsets to assist with alignment of services and building footprints.

2. Positioning of the vehicle crossover for the southern right of access should minimise removal of Bhutan Cypresses. Furthermore, construction activities should be sympathetic to retained Bhutan Cypresses and the Project Arborist should advise on tree protection measures.

3. Alignment of the northern and southern rights of access should be amended to benefit tree retention:

   a. Access to Lot 4 should be provided from the northern right of access to allow for retention of Trees 15 and 16.
b. Aligning the northern right of access to [sic] the northwest corner of Lot 4 will allow access to Lot 6 from the southwest corner of the Lot, therefore excluding driveway construction beneath Tree 20.

c. Vehicle access to the building envelope of Lot 1 should utilise the southern right of access and not require the construction of a driveway beneath Trees 5 to 8.

d. Alignment and construction activities for the southern right of access should be sympathetic to the retention of Trees 9, 11. The Project Arborist should advise on design, construction methods and tree protection measures to ensure tree longevity.

4. Proposed building envelopes for Lots 4 and 6 should be reviewed with consideration of TPZs for Trees 18, 20 and 21.

5. Easements for drain water and services should be excluded from TPZs of retained trees.

Tree Location Plan
(This Plan has been reproduced under separate cover – see Attachment 4)
It is noted that an amended plan was submitted to Council on 19 May, 2016 which relocates the access to Lot 4, thereby potentially saving trees above noted as T14 – T18. It is also noted that the covering letter requested consideration of a consent condition requiring an 88B which would include:

- Rural fencing between the lots as per existing boundary fencing;
- Roof cladding of dwellings to be tiled with a main roof pitch of 27.5 degrees;
- External cladding of dwellings to be face brick, bagging or weatherboard as per the existing materials used in the Warrawong house;
- Windows to be of a traditional style profile;
- Creation of building envelopes;
- Tree removal to be restricted to the building envelopes, right of accesses and easements for services (all others to be retained).

A further amended subdivision layout plan with heritage impact statement and revised Statement of Environmental Effects was lodged on 7 June, 2016. Trees identified in the Tree Audit and Arboricultural Impact Assessment Report by the arborist have been located by survey in relation to the proposed boundaries and as a result there are some minor amendments to the lot layout. As proposed, tree removal is limited to a section of Torulosa pines for the creation of the new driveway access for Proposed Lots 1 – 3 and a Bhutan cypress within proposed Lot 4. The Statement of Environmental Effects advises:

“The site has significant existing trees and vegetation. A tree audit was recently undertaken by the [the Arborist] (May 2016) on the site with trees 1 to 21 being identified as predominately mature, introduced evergreen conifers. The application was revised to reflect the recommendations discussed between the applicant and Mr Hawthorne. The retention of trees numbered 1 to 10 and the vegetation along the dividing boundary between the two properties have been specifically identified to ensure that the privacy, amenity and general character of Warrawong Cottage is preserved.

Each proposed new lot is of sufficient size to ensure that a suitable dwelling can be constructed and will be able to provide adequate private landscaped open space with the retention of the most significant of the existing trees.”

And

“A large Golden Cypress (tree 19) may need to be removed on lot 4 to allow for the construction of a dwelling on this lot. This tree is in poor condition and has a high level of risk of failure of the western trunk and the existing static chain bracing system which have also caused significant damage.”

The tree survey indicates some smaller trees/shrubs also within the building envelopes which are likely to require removal, which are not identified by the arborist.

It is considered that the proposal has addressed the issues raised in the submission.
SUSTAINABILITY ASSESSMENT

- **Environment**
  The main impacts identified in this report are heritage impacts which are to be mitigated via conditions of consent.

- **Social**
  There are no social issues in relation to this report.

- **Broader Economic Implications**
  There are no broader economic implications in relation to this report.

- **Culture**
  There are no cultural issues in relation to this report.

- **Governance**
  The development application has been considered in accordance with WLEP 2010, the EP and A Act and any matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS


COUNCIL BUDGET IMPLICATIONS

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

- Should the applicant choose to appeal a 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 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

The application has been assessed against the relevant Council planning policies.
OPTIONS

The options available to Council are:

Option 1
Approval subject to the consent conditions attached to this report

Option 2
Refusal of the application.

Option 1 is the recommended option to this report.

DISCUSSION OF KEY ISSUES

The main issue associated with this application is in relation to the heritage impact of the proposal on the significance of “Warrawong” house, grounds and manager’s cottage. This issue is considered to be acceptably mitigated through conditions of approval and through the amended layout with building envelopes and an amended access proposal for Lot 4. Tree removal is minimised with the amended layout to the extent that the only trees requiring removal are the Torulosa Pines to create the new driveway access to Lots 1 – 3 and potentially a Golden Cypress (in poor condition) where the dwelling envelope is located on Lot 4.

CONCLUSION

In conclusion, the proposal is compliant with both the LEP and DCP provisions subject to the conditions attached to this report (Attachment 3). It is also recommended that Lot 5 should be included in a future planning proposal as an item of environmental heritage.

Approval of the application is recommended.

ATTACHMENTS

1. Proposed Subdivision Layout - circulated under separate cover
2. Locality Plan - circulated under separate cover
3. Draft Consent Conditions - circulated under separate cover
4. Tree Location Plan - circulated under separate cover

Mark Pepping
Deputy General Manager Corporate, Strategy & Development Services

Friday 17 June 2016
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK

12 OPERATIONS FINANCE & RISK

12.1 Tender for Replacement of Colo Street Bridge, Mittagong

Reference: 6330/16.4
Report Author: Contract Engineer
Authoriser: Manager Design and Construction
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

The purpose of this report is to facilitate the evaluation of the Request for Tender for the replacement of the bridge at Colo Street, Mittagong

RECOMMENDATION

1. THAT in relation to the report concerning Tender for Replacement of Colo Street Bridge, Mittagong - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. THAT the report concerning Tender for Replacement of Colo Street Bridge, Mittagong - be considered in Closed Council – Item 22.1.

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

REPORT

BACKGROUND

Council sought tenders from suitably qualified Contractors for the reconstruction of Colo Street bridge at Mittagong. Tenders were invited by the open tender method on Tuesday 1 December 2016, closing Tuesday 19 January 2016.

Council considered the tenders received at its meeting held 10 February 2016 and resolved to invite fresh tenders.
Fresh tenders were invited by the open tender method on Tuesday 26 April 2016, closing 24 May 2016.

Works include the reconstruction of the Colo Street bridge and associated roadworks, Mittagong.

**REPORT**

Council has sought tenders for suitable and qualified Contractors to provide a lump sum 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, section 163(2), Council is required to invite tenders where estimated expenditure is greater than $150,000 (GST inclusive).

This report presents the assessment and recommendation relating the advertised tender.

**ADVERTISING DETAILS**

The tender was advertised as follows:

- b) Southern Highlands News – 27 April and 4 May 2016.
- c) Council’s eTendering website, tenders.nsw.gov.au, for the duration of the advertising period.

**TENDERS RECEIVED**

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

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Location</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridgeworks Australia Pty Ltd (2)</td>
<td>Surry Hills</td>
<td>2010</td>
</tr>
<tr>
<td>Civil Logic Pty Ltd</td>
<td>Luddenham</td>
<td>2745</td>
</tr>
<tr>
<td>Foundation SupportWorks Australia Pty Ltd</td>
<td>Shepparton, Victoria</td>
<td>3630</td>
</tr>
<tr>
<td>Kenpass Pty Ltd</td>
<td>Kellyville</td>
<td>2155</td>
</tr>
<tr>
<td>Monford Group (2)</td>
<td>Canning Vale, WA</td>
<td>6155</td>
</tr>
<tr>
<td>Quickway Constructions Pty Ltd</td>
<td>Chester Hill</td>
<td>2162</td>
</tr>
<tr>
<td>Rocktown Pty Ltd</td>
<td>Five Dock</td>
<td>2046</td>
</tr>
<tr>
<td>Talis Civil Pty Ltd</td>
<td>Pendle Hill</td>
<td>2145</td>
</tr>
</tbody>
</table>

**SELECTION CRITERIA**

The criteria used to evaluate the Tender is:

1. **Compliance Criteria**

   a) Insurances - $20M Public Liability; Workers’ Compensation
   b) Satisfies Legislative and Conflict of Interest Compliance;
   c) Completion and correct lodgement of Response Schedules.
2. Weighted Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>40%</td>
</tr>
<tr>
<td>Construction timeframe / period</td>
<td>10%</td>
</tr>
<tr>
<td>Ability to manage Quality, Safety and Environment</td>
<td>10%</td>
</tr>
<tr>
<td>Technical, managerial, physical and financial resources</td>
<td>15%</td>
</tr>
<tr>
<td>Experience with similar projects</td>
<td>25%</td>
</tr>
</tbody>
</table>

This tender included an opportunity for “innovation”. Tenderers were offered the opportunity to lodge a proposal for an innovative design and construction solution of the bridge structure.

NON-COMPLIANT TENDERS

Two (2) tenders received were non-compliant. All other tenders received were compliant and conforming as per the guidelines set out in the tender documents.

TENDER EVALUATION

The tender evaluation panel considered the information submitted by each tenderer. Scoring was undertaken individually and subsequently deliberated upon as a group to recognise individual understandings.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

In accordance with Council’s Fit for the Future Improvement Plan, Council will undertake optimal level of maintenance on infrastructure assets through enhanced procurement practices to ensure best value is achieved.

CONSULTATION

Community Engagement

The adjacent school is aware of the pending project.

The timing of the delivery and the effects on stakeholders (including Bus companies, emergency services and the general public) will commence in conjunction with project programming.

The project includes a full road closure. This will cause disruption to pedestrians and motorists for up to three (3) months including a one (1) kilometres detour.

Internal Consultation

The project design has been prepared in consultation with staff from Council’s Infrastructure Services Branch and Asset Branch.

External Consultation

Infrastructure Services has worked closely with a bridge design consultancy regarding the footprint and technical requirements.
SUSTAINABILITY ASSESSMENT

- Environment
  Contractors are required to comply with the following environmental legislation:
  c. *Protection of the Environment Operations (Noise Control) Regulation 2008*

- Social
  The construction of a new road will address the social impacts of inconvenience. Residents will enjoy improved road safety, running surface, drainage, pathways and road aesthetics.

- Broader Economic Implications
  There are no broader economic implications in relation to this report.

- Culture
  There are no cultural issues in relation to this report.

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

COUNCIL BUDGET IMPLICATIONS

Council’s 2015/16 Operational Plan includes an allocation of $1,199,700 for this project.

RELATED COUNCIL POLICY

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

CONCLUSION

The tender evaluation is documented in the report to Council’s Closed Committee.

ATTACHMENTS

There are no attachments to this report.
12.2 Tender for Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade

Reference: 6330/16.14
Report Author: Project Engineer
Authoriser: Manager Design and Construction
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

The purpose of this report is to present the evaluation of the Request for Tender for the Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade Project.

RECOMMENDATION

1. THAT in relation to the report concerning Tender for Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade - Council adopts the recommendations contained within the Closed Council report – Item 22.2.

OR

2. THAT the report concerning Tender for Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade - be considered in Closed Council – Item 22.2.

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

REPORT

BACKGROUND

John Holland Rail has commenced the construction of a road over rail new bridge at the intersection of Railway Parade and the Old Hume Highway, Willow Vale.

Council sought tenders from suitably qualified contractors for the construction of Council’s approaches to the new rail bridge in Railway Terrace and alignment of Railway Terrace with Crimea Street on the opposite side of the Old Hume Highway. Tenders were invited by the open tender method on Tuesday 1 December 2016, closing Tuesday 19 January 2016.

Council considered the tenders received at its meeting held 10 February 2016 and resolved to invite fresh tenders.
Fresh tenders were invited by the open tender method on Tuesday 26 April 2016, closing 24 May 2016.

Works include the construction of the approaches to the new rail bridge in Railway Terrace, alignment of Railway Terrace with Crime Street on the opposite side of the Old Hume Highway, signalisation, asphaltng and lighting of the intersection, pedestrian footpaths, new kerb and gutter, bus bays and stormwater drainage. The new rail bridge has been constructed by a contractor at the direction of John Holland Rail.

REPORT

Council has sought tenders for suitable and qualified contractors to provide a lump sum 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, section 163(2), Council is required to invite tenders where estimated expenditure is greater than $150,000 (GST inclusive).

This report presents the assessment and recommendation relating the advertised tender.

ADVERTISING DETAILS

The tender was advertised as follows:

b) Southern Highlands News – 4 May 2016.
c) Council’s eTendering website, tenders.nsw.gov.au, for the duration of the advertising period.

TENDERS RECEIVED

A total of eight (8) tender submissions were received:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Location</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMD Urban</td>
<td>Wentworth Point</td>
<td>2127</td>
</tr>
<tr>
<td>Cadifern Civil</td>
<td>Thirroul</td>
<td>2515</td>
</tr>
<tr>
<td>GC Civil</td>
<td>Unanderra</td>
<td>2526</td>
</tr>
<tr>
<td>North Shore Paving</td>
<td>Linfield</td>
<td>2070</td>
</tr>
<tr>
<td>Quickway Constructions</td>
<td>Chester Hill</td>
<td>2162</td>
</tr>
<tr>
<td>Snowy Works and Services</td>
<td>Tumut</td>
<td>2720</td>
</tr>
<tr>
<td>Talis Civil</td>
<td>Pendle Hill</td>
<td>2145</td>
</tr>
<tr>
<td>Divalls Earthmoving</td>
<td>Goulburn</td>
<td>2580</td>
</tr>
</tbody>
</table>

SELECTION CRITERIA

The criteria used to evaluate the Tender were as follows:

1. Compliance Criteria

   a) Insurances - $20M Public Liability; Workers’ Compensation
   b) Satisfies Legislative and Conflict of Interest Compliance.
   c) Completion and correct lodgement of Response Schedules.
   d) RMS prequalification R2.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK

2. Weighted Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>40%</td>
</tr>
<tr>
<td>Construction timeframe / period</td>
<td>10%</td>
</tr>
<tr>
<td>Ability to manage Quality, Safety and Environment</td>
<td>10%</td>
</tr>
<tr>
<td>Technical, managerial, physical and financial resources</td>
<td>15%</td>
</tr>
<tr>
<td>Experience with similar projects</td>
<td>25%</td>
</tr>
</tbody>
</table>

NON-COMPLIANT TENDERS
One (1) tender received was non-compliant. All other tenders received were compliant and conforming as per the guidelines set out in the tender documents.

TENDER EVALUATION
The tender evaluation panel considered the information submitted by each tenderer. Scoring was undertaken individually and subsequently deliberated upon as a group to recognise individual understandings.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME
In accordance with Council’s Fit for the Future Improvement Plan, Council will undertake optimal level of maintenance on infrastructure assets through enhanced procurement practices to ensure best value is achieved.

CONSULTATION

Community Engagement
Extensive consultation has been undertaken for this project including multiple letters to residents and media alerts.

The timing of the delivery and the effects on stakeholders (including Bus companies, emergency services and the general public) will commence in conjunction with project programming.

The John Holland Rail’ contractor will be instructed to leave the existing timber bridge operational while Council undertakes its contracted works. Council’s contractor will be instructed to maintain access on the existing timber bridge for as long as possible considering the practicality of constructing the approaches to the new bridge.

A closure will inevitably be required while the new alignment is instated. A detour will be put in place causing some disruption. This will be via Braemar Avenue.

Internal Consultation
The project design has been prepared in consultation with staff from Council’s Infrastructure Services Branch and Asset Branch.
External Consultation
Infrastructure Services has worked closely with RMS and John Holland Rail on the broader project. Intersection Assets including traffic signals and pavement works will be handed over to RMS on project completion.

SUSTAINABILITY ASSESSMENT

- **Environment**
  The completion of the detailed design has identified approximately 4 trees to be removed for one of the bus bays.
  Various efforts have been undertaken to avoid the need to remove the large trees as much as possible. Contractors are required to comply with the following environmental legislation:
  c. *Protection of the Environment Operations (Noise Control) Regulation 2008*
  The successful Contractor is required to submit a Construction Environmental Management Plan, which must be approved by the principal prior to possession of site being awarded.

- **Social**
  The construction of a new road will address the social impacts of inconvenience. Residents will enjoy improved road safety, running surface, drainage, pathways and road aesthetics.

- **Broader Economic Implications**
  There are no broader economic implications in relation to this report.

- **Culture**
  There are no cultural issues in relation to this report.

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

COUNCIL BUDGET IMPLICATIONS
Council’s 2015/16 Operational Plan includes an allocation of $1,000,000 for this project.

RELATED COUNCIL POLICY
Council’s Procurement Guidelines have been used to inform the tender process.

CONCLUSION
The tender evaluation and recommendation are documented in the report to Council’s Closed Committee.
ATTACHMENTS

There are no attachments to this report.
12.3 10 Frankland Street Mittagong

Reference: PN556900
Report Author: Senior Property Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to have Council consider the report by CBRE, prepared at Council’s request, and to make a determination in respect of the Council property at 10 Frankland Street Mittagong.

RECOMMENDATION

1. **THAT** in relation to the report concerning 10 Frankland Street Mittagong, Council adopts the recommendation contained within the Closed Council report – Item 22.3.

OR

2. **THAT** the report concerning 10 Frankland Street Mittagong be considered in Closed Council – Item 22.3.

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

ATTACHMENTS

There are no attachments to this report.
12.4 Investment Report as at 31 May 2016

Reference: 2104
Report Author: Accounting Officer - Banking and Investments
Authoriser: Deputy Chief Financial Officer
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to present Council’s Investment Portfolio held at 31 May 2016.

RECOMMENDATION

THAT the information on Council’s Investments as at 31 May 2016 be received and noted.

REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulations 2005, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Act.

This report provides details of Council’s Investment Portfolio at 31 May 2016.

Attachment 1 to this report provides Council’s Investment Portfolio, detailing investments held and a summary of the portfolio by the institution invested with and their credit rating.

In accordance with Paragraph 212(1)(b) of the Local Government (General) Regulation, the investments listed in Attachment 1 have been made in accordance with:

1. The Local Government Act, 1993
2. The Regulations, and
3. Council’s Investment Policy.

Interest earned from investments totalled $2,591,115 for the eleven (11) months to 31 May 2016.

ATTACHMENTS

1. Investment Portfolio at 31 May 2016
## INVESTMENT RECONCILIATION AS AT 31 MAY 2016

<table>
<thead>
<tr>
<th>Institution</th>
<th>Type</th>
<th>Amount</th>
<th>Interest Rate</th>
<th>Term of Investment - Days</th>
<th>Maturity Date</th>
<th>% Investment Portfolio</th>
</tr>
</thead>
<tbody>
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<td>Bankwest</td>
<td>Term Deposit</td>
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<td>2.95%</td>
<td>121</td>
<td>1/06/2016</td>
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<tr>
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<td>120</td>
<td>2/06/2016</td>
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</tr>
<tr>
<td>NAB</td>
<td>Term Deposit</td>
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<td>3.00%</td>
<td>154</td>
<td>7/06/2016</td>
<td>1.35%</td>
</tr>
<tr>
<td>Auswide Bank</td>
<td>Term Deposit</td>
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<td>3.05%</td>
<td>124</td>
<td>14/06/2016</td>
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</tr>
<tr>
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</tr>
<tr>
<td>NAB</td>
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<td>3.05%</td>
<td>182</td>
<td>4/07/2016</td>
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</tr>
<tr>
<td>Bankwest</td>
<td>Term Deposit</td>
<td>2,000,000</td>
<td>2.90%</td>
<td>152</td>
<td>4/07/2016</td>
<td>1.80%</td>
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<tr>
<td>NAB</td>
<td>Term Deposit</td>
<td>3,000,000</td>
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<tr>
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<td>2.90%</td>
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<td>Term Deposit</td>
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<tr>
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<td>2.70%</td>
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<td>3.00%</td>
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<tr>
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<td>Term Deposit</td>
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<td>1.80%</td>
</tr>
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<td>3.00%</td>
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<td>26/08/2016</td>
<td>2.70%</td>
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<td>Term Deposit</td>
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<td>3.05%</td>
<td>365</td>
<td>30/08/2016</td>
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</tr>
<tr>
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<td>Term Deposit</td>
<td>1,500,000</td>
<td>2.85%</td>
<td>365</td>
<td>7/09/2016</td>
<td>1.35%</td>
</tr>
<tr>
<td>ME Bank</td>
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<tr>
<td>Bankwest</td>
<td>Term Deposit</td>
<td>3,000,000</td>
<td>2.90%</td>
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<tr>
<td>Auswide Bank</td>
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<tr>
<td>ANZ</td>
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<tr>
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<td>3.00%</td>
<td>210</td>
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<td>1.80%</td>
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<tr>
<td>ME Bank</td>
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<td>2.90%</td>
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<td>19/10/2016</td>
<td>1.80%</td>
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<tr>
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<td>365</td>
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<td>1.80%</td>
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<td>3.00%</td>
<td>189</td>
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<td>2.70%</td>
</tr>
<tr>
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<td>Term Deposit</td>
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<td>3.00%</td>
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<td>1.80%</td>
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<td>1.80%</td>
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<td>3.10%</td>
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<td>Bendigo</td>
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### DISTRIBUTION OF INVESTMENTS BY INSTITUTION AS AT 31 MAY 2016

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### DISTRIBUTION OF INVESTMENTS BY RATING AS AT 31 MAY 2016

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### Credit Rating

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<tr>
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</tbody>
</table>
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

12.4 Investment Report as at 31 May 2016
ATTACHMENT 1 Investment Portfolio at 31 May 2016

![Value of Investments by single Institution $'000]

- NAB: $27,160
- Bank West: $17,500
- ANZ: $3,500
- Bank of QLD: $2,000
- BOCU: $10,500
- AMP: $9,500
- NAB: $5,000
- AUstralia Bank: $2,500
- ME Bank: $10,500
- NAB: $10,000
- ANZ: $5,000
- ME Bank: $4,000
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 22 June 2016

12.4  Investment Report as at 31 May 2016
ATTACHMENT 1  Investment Portfolio at 31 May 2016

% of Investment by single Institution

- NAB: 24.43%
- Bank West: 15.74%
- Westpac: 9.45%
- ANZ: 8.55%
- Bendigo: 4.50%
- BOCU: 3.60%
- AMP: 3.00%
- Bank of QLD: 2.25%
- ING: 9.45%
- CUA: 9.00%
- Auswide Bank: 4.50%
- IMB: 3.60%
12.5 Low Water Supply Pressure - Rebate Policy and Treated Water Extraction Policy

Reference: 7690/1
Report Author: Asset Coordinator - Roads & Water
Authoriser: Manager Assets
Link to Corporate Plan: Foster preventative health systems and activities to promote physical, mental and social health

PURPOSE

The purpose of this report is to present the revised policies entitled ‘Low Water Supply Pressure – Rebate Policy’ and ‘Treated Water Extraction Policy’ to Council and recommend that they be adopted.

RECOMMENDATION

THAT Council adopt the proposed ‘Low Water Supply Pressure - Rebate Policy’ and ‘Treated Water Extraction Policy’.

REPORT

BACKGROUND

The existing policies entitled ‘Low Water Supply Pressure - Rebate’ and ‘Use of Urban Filling Stations’ were developed in 1998 and 2009 respectively.

These policies have been reviewed and are hereby submitted for Council’s adoption.

The draft policies are entitled ‘Low Water Supply Pressure – Rebate Policy’ and ‘Treated Water Extraction Policy’.

On 13 April 2016, Council resolved that the draft policies be publicly exhibited for a period of 28 days and public submissions be invited.

REPORT

The draft policies and associated procedures were on public exhibition from 27 April to 25 May 2016 and no submissions were received from the public.

The revised policy is hereby submitted for Council’s adoption.
**DEFINITIONS**

- **Access Charge** - As part of Council’s rating process properties that are deemed to be within the Water or Sewer Benefit Area are subject to water and/or sewer Access Charge due to the availability of water or sewer main.

- **Water Benefit Area** - Water Benefit Area is a radius of 225 metres surrounding a Council water main. Properties that fall within this zone are subject to an Access Charge. Exemptions may be granted by Council if it is deemed that the cost of connection is exorbitant and/or the property cannot be developed.

- **Water Filling Station** - A Council approved treated water extraction point for water carters.

**POLICY OBJECTIVES**

- **Low Water Supply Pressure - Rebate Policy**
  
  The objectives of this policy are to:
  
  o Provide a rebate (50% of access charge) for properties which are connected to town water supply and are not supplied with pressure above Council’s minimum standard of service
  
  o Ensure a fair and equitable process for assessing and applying the rebate.

- **Treated Water Extraction Policy**
  
  The objectives of this policy are to:
  
  o Protect Council’s water supply and minimise health risks to the community by ensuring adequate protection against cross contamination as per the Australian Drinking Water Guidelines 2004
  
  o Prevent Council’s assets from being damaged, resulting in costly repairs and water wastage
  
  o Reduce disruption and dirty water issues caused by misuse of standpipes
  
  o Streamline administration and improve policing of water theft.

**EXISTING POLICIES**

The existing policies entitled ‘Low Water Supply Pressure - Rebate’ and ‘Use of Urban Filling Stations’ are attached to this report. (Attachment 1).

**NOTABLE CHANGES TO EXISTING POLICIES**

The draft policies entitled ‘Low Water Supply Pressure - Rebate’ and ‘Treated Water Extraction’ are attached to this report (Attachment 2). The notable changes are listed below:

- **Low Water Supply Pressure - Rebate Policy**
  
  o Water pressure must be below the minimum level of service for a period greater than 30 minutes (continuous and not due to a service interruption)
  
  o Pressure tests will be undertaken using Council’s water model and/or using a pressure logger installed at the meter.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK

- Rebates that are approved will be reported to Council on an annual basis.

- **Treated Water Extraction Policy**
  - Special exemption requests must include the following information:
    - Explanation justifying why the request is being made;
    - The location of where the water will be delivered/used and the distance in kilometres from the nearest water filling station;
    - Estimated number of trips to be made each day;
    - Size of water tank;
    - What backflow prevention will be used to protect against cross contamination;
    - Duration of exemption including start date and finish date.
  - Special exemption applications will be assessed using the information provided by the applicant, network operating conditions, safety, impact on residents and any other criteria considered appropriate by the Manager Water and Sewer.
  - Council water and sewer maintenance and operational activities are exempt from this policy

**IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME**

The proposed changes to the policies as outlined in this report do not impact on Council “Fit for the Future” proposal.

**CONSULTATION**

**Community Engagement**

The draft policies and associated procedures were on public exhibition from 27 April to 25 May 2016. No submissions were received.

**Internal Consultation**

Staff from the following Branches have been consulted:

- Assets
- Infrastructure Services
- Finance
- Environment & Sustainability

**External Consultation**

Research on Policies from the following Councils was undertaken:

- Shoalhaven Water
- Eurobodalla Shire Council
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK

SUSTAINABILITY ASSESSMENT

- Environment
  There are no environmental issues in relation to this report.

- Social
  There are no social issues in relation to this report.

- Broader Economic Implications
  There are no broader economic implications in relation to this report.

- Culture
  There are no cultural issues in relation to this report.

- Governance
  There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications

RELATED COUNCIL POLICY

Strategic Asset Management Plan

OPTIONS

The options available to Council are:

Option 1
Adopt the revised policies.

Option 2
Request modifications to the proposed policies and undertake public exhibition and submission processes again.

Option 1 is the recommended option to this report.

CONCLUSION

- The existing policies were developed in 1998 and 2009 and are due review.
- Modifications have been made to the existing policies to improve consistency, transparency, effectiveness, legislative compliance and improved environmental outcomes.
- The policies have been on exhibition and submissions invited.
- No submissions were received.
ATTACHMENTS

1. Existing Policies
2. Revised Policies
POLLICY MANUAL
(Post 1 July 1993)

SUBJECT: WATER

POLICY TITLE: LOW WATER SUPPLY PRESSURE - REBATE

DIVISION: TECHNICAL SERVICES – WATER AND SEWERAGE

FILE NO: 2210/4, 7790/1

OBJECTIVE: To provide a rebate for properties which are connected to town water supply and are not supplied with pressure above Council's minimum standard of service.

POLICY

1. In accordance with Council's standards of service, low water pressure is defined as being less than 120 kilopascals at the meter.

2. On application from a property owner, pressure measurements shall be taken to determine if the minimum available pressure is less than 120 kilopascals at the meter. If necessary, this may involve a 24 hour pressure recording during a period of high demand.

3. If Council is unable to rectify a low water pressure problem within 7 days of notification, a rebate of 50% of the availability charge shall be given for each billing period until the minimum standard of pressure is provided. The usage charge is not subject to this rebate.

Authorisation: MN 719/98 Date: 2 July 1998

Related Policies:
POLICY MANUAL
(Post 1 July 1993)

SUBJECT: WATER

POLICY TITLE: USE OF URBAN FILLING STATIONS

DIVISION: ENGINEERING

FILE NO: 7790/21

OBJECTIVE: Protect council’s assets by use of centralised urban filling stations.

POLICY:

1. USE OF URBAN FILLING STATIONS
   (a) Water carting for potable and non-potable purposes is only available for purchase at any of the “urban filling stations” located within Wingecarribee Shire Council.
   (b) Use of standpipes on council’s water supply network is prohibited unless special exemption is granted.
   (c) Special exemptions can be requested in writing to council and will be subject to approval by Manager Water and Sewerage.
   (d) Fire Brigades and other emergency services are exempt from this policy.

2. PURCHASE OF WATER
   (a) Application to purchase water is made at Council’s Customer Service Centre.
   (b) If water purchased is for potable supply approval from Environment and Health Department is required.
   (c) Approved applications will be supplied with a “usage card” and access code for the “urban filling stations”

Cont'd
3. CHARGES

(a) Application Fee
Application fee is payable on all applications to use “urban filling stations”. Rates are specified in the revenue policy.

(b) Approval Fee
If application is made to cart water for potable supply then a approval fee is payable on application. Rates are specified in the revenue policy.

Application fee is additional to this fee.

(c) Water Usage
Water is pre purchased in kilolitre units. The amount purchased will be credited on a “usage card”. The charge rate for water will be that specified in Council's Revenue Policy.

If “usage card” is lost a $10 card replacement fee applies. Any water credit remaining on the lost usage card will not be refunded.

4. CLOSING ACCOUNTS

(a) Closing Account
Accounts can be closed with application and return of the usage card. Unused water credit remaining on the “Usage card” can be claimed as a refund.
Low Water Supply Pressure Rebate Policy

PEOPLE

FOSTER PREVENTATIVE HEALTH SYSTEMS AND ACTIVITIES TO PROMOTE PHYSICAL, MENTAL AND SOCIAL HEALTH

Adoption Date: (Governance to insert)
Council Reference: (Governance to Insert)
Policy Owner: Manager Assets
Next review date: 24 February 2018
File Reference: 7690/1

Related Documents: Asset Management Plan
Superseded Policy/GM Practice Note: Low water supply pressure - rebate

OBJECTIVES

The objectives of this policy are:

- To provide a rebate for properties which are connected to town water supply and are not supplied with pressure above Council’s minimum standard of service
- To ensure a fair and equitable process for assessing and applying the rebate.

POLICY STATEMENT

Council is committed to providing the community with a safe, efficient and reliable potable water supply.

If the water pressure of a property falls below the minimum level of service, as measured at the water meter, for a period of time greater than 30 minutes (continuous and not due to a service interruption) the property owner is eligible for a rebate.

On application from the property owner, a pressure test will be undertaken to determine the minimum available pressure at the water meter. This test will be undertaken using Council’s water model and/or using a pressure logger installed at the water meter.
Low Water Supply Pressure Rebate Policy

A 50% rebate will apply to the subject property’s water access charge and will remain effective until Council has rectified the low pressure issue. Rebates will only be provided for a maximum period of 12 months, after which Council will undertake another pressure test to assess if the property is still eligible for a 50% rebate.

Rebates that are approved will be reported to Council on an annual basis.

SCOPE

- This policy applies to all properties connected to Council’s water supply network through a metered connection

DEFINITIONS

Water Service Connection – a pipe connecting the water main to individual property water meters.

Water Meter – a device that measures water usage for a property.

Water Pressure – water pressure measured in kilopascals OR a measure of the force needed to move the water from our mains into your pipes.

Water Benefit Area - a radius of 225 metres surrounding a Council water main.

Access Charge – properties within a Benefit Area are subject to an access charge.

RESPONSIBILITIES

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

- **Councillors**: To approve and adopt this policy
- **Executive**: To lead employees (either directly or through delegated authority) in their understanding of and compliance with this policy.
- **Staff**: To implement and comply with this policy.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

12.5  Low Water Supply Pressure - Rebate Policy and Treated Water Extraction Policy

ATTACHMENT 2  Revised Policies

Low Water Supply Pressure Rebate Policy

PERFORMANCE MEASURES

The success of this policy will be measured by the number of low water pressure complaints within a calendar year.

- Good performance = < or equal to 5 new cases per calendar year
- Poor performance = >5 new cases per calendar year

APPROVED BY:

WINGECARBRIE SHIRE COUNCIL

(Insert Date)
Low Water Supply Pressure Rebate Policy

ATTACHMENTS

Not applicable

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)
Treated Water Extraction Policy

PEOPLE

FOSTER PREVENTATIVE HEALTH SYSTEMS AND ACTIVITIES TO PROMOTE PHYSICAL, MENTAL AND SOCIAL HEALTH

Adoption Date: (Governance to insert)
Council Reference: (Governance to Insert)
Policy Owner: Manager Assets
Next review date: 24 February 2018
File Reference: 7690/1
Related Policies/Legislation:
  Local Government Act 1993 and Regulation
  Water Management Act 2000
  Protection of the Environment and Operations Act 2005
  Public Health Act 2010
  Work Health and Safety Act 2011

Related Documents:
  Australian Drinking Water Guidelines 2004
  Water extraction procedure, water filling station application form, water filling station location map, adopted fees and charges

Superseded Policy/GM Practice Note: Use of Urban Filling Stations

OBJECTIVES

The objectives of this policy are to:
  o Protect Council's water supply and minimise health risks to the community by ensuring adequate protection against cross contamination as per the Australian Drinking Water Guidelines 2004.
  o Prevent Council's assets from being damaged resulting in costly repairs and water wastage.
  o Reduce disruption and dirty water issues caused by misuse of standpipes.
  o Streamline administration and improve policing of water theft.
Treated Water Extraction Policy

POLICY STATEMENT

Council is committed to providing the community with a safe, efficient and reliable potable water supply.

Water may only be drawn from authorised water filling stations located within Wingecarribee Shire Council’s Local Government Area.

The use of standpipes to extract water from Council’s water supply network is prohibited unless special exemption is granted. Special exemptions can be requested in writing to Council and will be subject to approval by Manager Water and Sewer.

SCOPE

- This policy applies to all persons, corporations and/or contractors wishing to extract water from Council’s water supply network for non-potable or potable water carting
- Council water and sewer maintenance and operational activities are exempt from this policy
- Fire Brigades and other emergency services are exempt from this policy.

DEFINITIONS

Water filling station – authorised infrastructure used for bulk water extraction

Hydrant standpipe – a tool used to extract water from a water hydrant

Potable water use – water for human consumption and food preparation

Non-potable water use – water for activities other than human consumption and food preparation

RESPONSIBILITIES

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

- Councillors: To endorse and comply with this policy and related procedure
- Executive: To lead employees (either directly or through delegated authority) in their understanding of and compliance with this policy and procedure.
- Staff: To comply with this policy and related procedure.
Treated Water Extraction Policy

PERFORMANCE MEASURES

The success of this policy will be measured by the number of non-compliance incidents reported and proven within a calendar year.

- Good performance = 0-6 incidents / year
- Poor performance = 6+ incidents / year

BREACHES OF THE POLICY

Breaches of this policy may result in prosecution for theft of water and or any other action deemed appropriate.

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)
Treated Water Extraction Policy

ATTACHMENTS

1. Treated Water Extraction Procedure

Approved By:

WINCHESTER SHIRE COUNCIL

(Insert Date)
Treated Water Extraction Procedure

DIVISION: Operations, Finance and Risk
BRANCH: Assets
FILE NOS: 7690/1
APPROVAL DATE: MINUTE NO:

BACKGROUND
Council has installed water filling stations at key locations within its water reticulation schemes for the purpose of bulk water extraction. These stations provide protection to the community by reducing the risk of disruption, contamination of supply and damage to existing infrastructure.

OBJECTIVE
The objectives of this policy are:
- To protect Council’s water supply and minimise health risks to the community by ensuring adequate protection against cross contamination as per the Australian Drinking Water Guidelines 2004
- To prevent Council’s assets from being damaged resulting in costly repairs and water wastage
- To reduce disruption and dirty water issues caused by misuse of standpipes
- Streamline administration and improve policing of water theft.

STATUTORY PROVISIONS FOR COUNCILLORS AND STAFF
- Local Government Act 1993 and Regulation
- Water Management Act 2000
- Protection of the Environment Operations Act 2005
- Public Health Act 2010
- Work Health and Safety Act 2011
Treated Water Extraction Procedure

PROCEDURES FOR TREATED WATER EXTRACTION POLICY

Approval to extract water from water filling stations

a) Application to use a water filling station shall be submitted at Council’s Customer Service Centre. Approval forms are available at the civic centre or on Council’s website http://www.wsc.nsw.gov.au/water-sewerage-services

b) If the water extracted is for potable supply (i.e. water for human consumption and food preparation) approval from Environment and Sustainability Department is required.

c) Approved applications will be supplied with a usage card and access code for the water filling stations.

Fees and Charges

a) An application fee is payable on all applications.

b) An approval fee is payable if the water extracted is for potable supply.

c) Water is pre-purchased in kilolitre units. The amount purchased will be credited on a usage card.

d) If a usage card is lost a card replacement fee applies. Any water credit remaining on the lost usage card will not be refunded.

e) All fees and charges are specified in the revenue policy.

f) Accounts can be closed with application and return of the usage card. Unused water credit remaining on the usage card can be claimed as a refund.

g) Usage cards have an expiry date and it is the responsibility of the holder to obtain a new card before the old card expires. Any pre-purchased water that is lost as a result of an expired card will not be refunded.

Special Exemptions

a) Special exemptions to use a standpipe to extract water can be made in writing to Manager Water and Sewer.

b) The applicant shall include the following information to support their request:

- Explanation justifying why the request is being made;
- The location of where the water will be delivered/used and the distance in kms from the nearest water filling station;
- Estimated number of trips to be made each day;
- Size of water tank;
- What backflow prevention will be used to protect against cross contamination;
- Duration of exemption including start date and finish date.

Wingecarribee Shire Council – Treated Water Extraction Procedure
Version: 1
Adoption Date: (Governace to insert)
Policy Owner: Manager Assets
Treated Water Extraction Procedure

c) Applications will be assessed using the information provided by the applicant, network operating conditions, safety, impact on residents and any other criteria considered appropriate by the Manager Water and Sewer.

d) A written response will be provided to the applicant informing the outcome of the special exemption request and if approved the duration of approval.

e) Approved applications will be provided with a location map showing the hydrant to extract water from. Council reserves the right to change the location of the hydrant from which water can be extracted.

f) Council will provide a standpipe to use for the approved period. Council will provide induction on how to use the standpipe.

g) All water used will be charged to the applicant.

h) If the water extracted is for potable supply approval from Environment and Sustainability Department is required.

i) Manager Water and Sewer will notify infrastructure services, assets, rangers and development of any special exemptions.

**BREACHES OF THIS POLICY & PROCEDURE**

Breaches of this policy may result in prosecution for theft of water and or any other action deemed appropriate.
12.6 Road Closure, Part Rainbow Street, Mittagong

Reference: PN700000, RD3188
Report Author: Senior Property Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to have Council formally endorse the road closure of part of Rainbow Street, Mittagong. This road closure was approved initially by Council as part of a report regarding a future subdivision of the Mineral Springs Reserve site.

This report deals exclusively with the issue of road closure of part of Rainbow Street Mittagong (being the segment of road that bisects the Mineral Springs Reserve and adjoining the Mittagong RSL property). A further report will be submitted to a future Ordinary Meeting of Council dealing with the Aboriginal Community Cultural Centre and the potential transfer or lease of Council land to the Mittagong RSL.

RECOMMENDATION

THAT Council approves the application for partial road closure of Rainbow Street, Mittagong adjoining the Mineral Springs Reserve AND THAT upon closure, the newly created lot will be classified as Operational Land pursuant to the Local Government Act 1993.

REPORT

BACKGROUND

Council considered a report by the then Manager Strategic Planning on Wednesday 26 October 2011 regarding the proposed subdivision of the Mineral Springs Reserve, including the closure of part of Rainbow Street, Mittagong. A copy of the report with details of the proposal is attached – see Attachment 1. It was resolved by Council as follows (MN 381/11):

1. THAT the proposed two lot subdivision of Lot 33 DP 9299 Rainbow Road and Old Hume Highway Mittagong commonly known as Mineral Springs Reserve proceed as outlined in this report.
2. THAT the General Manager be authorised to make the Development Application for subdivision AND THAT on completion of the assessment and consultation process the application be reported to Council for determination.
3. THAT during the assessment process of the Development Application, Council negotiate with the Mittagong RSL a twenty five (25) year lease over proposed Lot 2 AND THAT the General Manager be authorised to negotiate the terms of the lease.
Mineral Springs Reserve is classified as Operational Land pursuant to the Local Government Act 1993.

**REPORT**

Part of the administrative process to enable the subdivision of land to proceed, requires the closure of part of Rainbow Street, Mittagong. This is for the segment of road which adjoins the Council property known as Mineral Springs Reserve – see Attachment 2.

Historical searching revealed that Rainbow Street was a remnant road from a private subdivision (from 1860’s). This meant that Rainbow Street had to be dedicated before the road closure could proceed to rectify the omission by the original developer of the precinct at the time of the earlier subdivision.

The dedication of road was completed by:

1. Registration of Deposited Plan at the office of Land & Property Information;
2. Public notice being given of the dedication of the road to the public for a minimum 28 day period; and

Following completion of the dedication process, an application was lodged by Council with the Department of Primary Industries – Crown Lands. There are a substantial number of road closures throughout the state being dealt with by the Crown Lands through one central processing centre; as at September 2015, approximately 7000 applications were still waiting to be processed and no specific resources available to allocate to expedite Council applications.

Council was advised on 5 May 2016 that the final assessment process by the Crown would take 60 days from that date, i.e. by 5 July 2016. On 2 June 2016, the assessing officer from Department of Primary Industries – Crown Lands advised that the initial Council Minutes are insufficient as evidence of approval for the full extent of the proposed road closure.

Therefore this matter is submitted to Council in order that requisite recommendations are adopted to enable the application for road closure to be finalised by the Crown.

**IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME**

None identified.

**CONSULTATION**

**Community Engagement**

A minimum 28 day period of public notice of the dedication of road was given when the notice was advertised in the Southern Highland News, on Council’s website, at the Civic Centre and the three libraries (from 27 January 2016 to 17 February 2016). Similarly public notice of the proposed road closure was previously advertised for a minimum 28 day period in the same locations (from 17 September 2014 to 8 October 2014).
Internal Consultation
Nil

External Consultation
Department of Primary Industries – Crown Lands.

SUSTAINABILITY ASSESSMENT

- Environment
  There are no environmental issues in relation to this report.

- Social
  There are no social issues in relation to this report.

- Broader Economic Implications
  There are no broader economic implications in relation to this report.

- Culture
  There are no cultural issues in relation to this report.

- Governance
  There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS
There are no budgetary implications.

RELATED COUNCIL POLICY
None identified.

CONCLUSION
In order to complete the road closure process, it is recommended that Council adopt the recommendations made in this report in order that the Department of Primary Industries – Crown Lands can finalise Council’s application for the partial closure of Rainbow Street Mittagong.

ATTACHMENTS
1. Previous Council Report
2. Aerial Map
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
12.6 Road Closure, Part Rainbow Street, Mittagong
ATTACHMENT 1 Previous Council Report

ATTACHMENT 1
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP12 Proposed Subdivision Of The Mineral Springs Reserve Mittagong

Environment
Reference: 1826/14, PN700000
Responsible Officer: Manager Strategic and Community Development

PURPOSE

The purpose of this report is to submit to Council a proposal to proceed with the subdivision of the Mineral Springs Reserve site into two allotments with one allotment being retained as the Mineral Springs Reserve and housing the Aboriginal Community and Cultural Centre and the second allotment to be either disposed of by sale or made available through a long term lease.

SUMMARY

Council has formally resolved that the Council owned building located on the Mineral Springs Reserve will accommodate the Permanent Aboriginal Community and Cultural Centre. The proposed subdivision of the Reserve into two allotments will create a smaller allotment which will remain as the Mineral Springs Reserve and house the Permanent Aboriginal Community and Cultural Centre and the second allotment will be available for disposal by sale or through a long term lease.

DESCRIPTION OF PROPOSAL

BACKGROUND

Site History

The current Mineral Springs Reserve was negotiated for purchase by Wingecarribee Shire Council from the Mittagong RSL between 1984 and 1986 with the land officially registered in the name of Wingecarribee Shire Council on 12 May 1986. The land was purchased by Mittagong RSL in 1975. Prior to that the land was in private ownership from 1849.

The reason behind Council’s purchase of the site from Mittagong RSL was to establish a museum building on the site displaying artefacts, relics and historical documents associated with the Fitz Roy Iron works which were established in Mittagong in the 1840’s. The current building on the site was subsequently erected for the purpose of the museum. In addition to the museum building, plans were also made to rehabilitate the spring on the site known as ‘Lady Mary Chalybeate Spring’ (Lady Mary’s Well).

The operation of the museum was unsuccessful and subsequently closed in late 1988. Over the next 5 years, the then Council considered a number of options for the building including tourism and historical purposes. Finally on 1 November 1993, the building was leased to the New Life Centre now known as Southern Highlands Four Square Church. The Church has remained at the site since.

On 8 June 2011, Council in considering a report on the establishment of a Permanent Aboriginal Community and Cultural Centre resolved to utilise the Mineral Springs Building and resolved inter alia:
1. **THAT** Council confirm in writing with the Southern Highlands Foursquare Church that it has until 31 May 2012 to vacate the Mineral Springs Hall at Mineral Springs Reserve Mittagong.

This resolution of Council paved the way for work to commence on establishing a Permanent Aboriginal Community and Cultural Centre for the Shire by mid 2012.

**DETAILS OF PROPOSAL**

**Subject Site and Locality**

The subject site is formally known as Lot 33 DP 9299 Rainbow Road and Old Hume Highway Mittagong but commonly known as the Mineral Springs Reserve. The area of the reserve is 9668m².

The site is adjoined by low density residential development to the west and south. The Mittagong RSL adjoins the site to the east. The Old Hume Highway forms the northern boundary.

The existing building on the site is located in the south western corner of the site with the spring to the north of the existing building. The site is covered by mature eucalyptus trees with a footpath along the northern boundary.
The suggested configuration of the proposed subdivision of the site is illustrated below. It is noted that there is an unmade section of Rainbow Road which is in part occupied by a building owned by the Mittagong RSL. Proposed Lot 1 would remain in public ownership and retain the name of Mineral Springs Reserve. This lot would also accommodate the permanent Aboriginal Community and Cultural Centre and public access to the historic Mineral Spring. Proposed Lot 2 would include the remaining part of the Mineral Springs Reserve and the unmade section of Rainbow Road. Mittagong RSL has expressed an interest in either purchasing the proposed Lot 2 or entering into a long term lease over the land. It is noted that as the land is classified as ‘Operational’ land, Council is not restricted in the extent of a lease which could be for up to 99 years.
STATUTORY ASSESSMENT

Wingecarribee LEP 2010

The Mineral Springs Reserve was previously identified by Council as part of the exhibition of the Draft Local Environmental Plan 2007 to be reclassified from ‘Community’ Land to ‘Operational Land’ and rezoned from 6(a) Public Open space under the Wingecarribee LEP 1989 to R3 Medium Density Residential.

Under the exhibition of the Draft Local Environmental Plan 2009, Mineral Springs Reserve remained identified to be reclassified from ‘Community’ Land to ‘Operational’ Land and rezoned from 6(a) Public Open space under the Wingecarribee LEP 1989 to RE2 Private Recreation.

Following the exhibition of the Draft LEP, no changes were made to the reclassification of the site and zoning and subsequently, under the making of the Wingecarribee LEP 2010, the site was formally reclassified as “Operational Land” and rezoned as RE2 Private Recreation.

CONSULTATION

External Referrals

Council has met several times with the Mittagong RSL regarding Council’s future intentions of the subject land.

Council has also formed an Aboriginal Community and Cultural Centre Working Group to coordinate the establishment of the Permanent Centre by mid 2012.

Further consultations may be required at the formal development application process for the subdivision.

Internal Referrals

At this stage the matter has only been referred to Council’s Property Officer whose comments are provided below.

Further internal referrals would occur at the formal development application stage.

<table>
<thead>
<tr>
<th>Referrals/Notices</th>
<th>Advice/Response</th>
</tr>
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<tbody>
<tr>
<td>Property Officer</td>
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</table>
Neighbour Notification (or Advertising)/Public Participation

As there is no formal application for a subdivision at this stage, no neighbour notification has occurred at this stage. Notwithstanding, extension public consultation occurred in 2008 and 2009 during the public exhibitions of the Draft Local Environmental Plan regarding the reclassification and rezoning of the subject land.

**SUSTAINABILITY ASSESSMENT**

- **Environment**
  The proposal to proceed with a subdivision application to subdivide the Mineral Springs Reserve into 2 allotments will not have any significant impacts on the environment. Public access would remain to the western portion of the site and the existing building will become available for community use. Council through the subdivision process has the ability to register on the certificate of title a caveat which restricts future use and any development land held in private ownership.

- **Social**
  The suggested proposed subdivision retains a significant portion of Mineral Springs Reserve as public land (Proposed Lot 1). This allotment will also provide a permanent home for the Aboriginal Community and Cultural Centre.

- **Broader Economic Implications**
  There are no broader Economic implications associated with this matter.

- **Culture**
  The proposed subdivision paves the way for the establishment of the permanent Aboriginal Community and Cultural Centre which will provide the Aboriginal Community a place where culturally sensitive programs and activities will operate from.

  Public access will also remain to the historic Mineral Spring which will be located within the proposed Lot 1.

- **Governance**
  With thorough reporting and through following due process, there is a proper governance of Council’s property administration. Proper governance includes probity and transparency in Council’s decision making process.

**RELATIONSHIP TO CORPORATE PLANS**

The establishment of a permanent home for the Aboriginal Cultural Centre is listed in the 2011-2013 Delivery Program and the 2011-2012 Operational Plan for completion in June 2012.

**BUDGET IMPLICATIONS**

There will be a cost to Council for the processing of the development application for the subdivision of the land as well as survey work etc. These costs can be recovered through the sale/lease of Lot 2.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
12.6 Road Closure, Part Rainbow Street, Mittagong
ATTACHMENT 1 Previous Council Report

RELATED COUNCIL POLICY


OPTIONS

Provided below are three options for Council's consideration:

1. The proposed two lot subdivision of Mineral Springs Reserve in Mittagong proceed as outlined in this report
2. The proposed two lot subdivision of Mineral Springs Reserve in Mittagong proceed as outlined in this report not proceed
3. Council defer progressing the matter for consideration of an alternative option

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT the proposed two lot subdivision of Lot 33 DP 9299 Rainbow Road and Old Hume Highway Mittagong commonly known as Mineral Springs Reserve proceed as outlined in this report.
2. THAT the General Manager be authorised to make the Development Application for subdivision AND THAT on completion of the assessment and consultation process the application be reported to Council for determination.
3. THAT during the assessment process of the Development Application, Council negotiate with the Mittagong RSL whether proposed Lot 2 should be leased or sold and that the General Manager be authorised to determine Council's position following those negotiations.

(Voting on the Motion)
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
12.6 Road Closure, Part Rainbow Street, Mittagong
ATTACHMENT 2 Aerial Map

ATTACHMENT 2
12.7 Licence Agreement for use of Sutton Forest Village Hall

Reference: 7221
Report Author: Acting Property & Projects Officer
Authoriser: Senior Property Officer
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to gain Council approval to grant a licence agreement for the use of Council property, Sutton Forest Village Hall by the current primary user of the facility, ImaginArta.

RECOMMENDATION

1. THAT Council enter into a five (5) year Licence Agreement to ImaginArta – The Australian Puppet Society Inc, a registered public non-profit organisation, for the primary use of the main hall in Sutton Forest Village Hall.

2. THAT it be noted that the side meeting room will continue to be made available for community use throughout the term of the Licence Agreement.

3. THAT the licence fee in the first year is Three thousand three hundred and sixty eight dollars, including GST ($3,368) being the equivalent to the cost of hire of the main hall in Sutton Forest Village Hall for four (4) weddings in a year AND THAT the licence fee in each subsequent year is increased by the amount set out in Council’s Fees and Charges.

4. THAT the General Manager be delegated authority to negotiate the terms of the Licence Agreement AND THAT authority be delegated to the General Manager and Mayor to execute the new agreement under the common seal of Council.

REPORT

BACKGROUND

Council is the registered proprietor of the whole of the land comprised Lot 1 DP 307686, known as Sutton Forest Village Hall, 7414 Illawarra Hwy Sutton Forest (“the property”).

The property comprises of a main hall, kitchenette and side meeting room, which has been leased in the past to numerous community groups, and community members for functions and meetings. The property is zoned E3 Environmental Management, and is classified as operational property pursuant to Section 26 of the Local Government Act 1993.
REPORT

ImaginArta – The Australian Puppet Society Inc (“ImaginArta”) has been the primary user of the property, entering into a User Agreement for the non-exclusive use of the main hall of the property for a twelve (12) month period which expired on the 1 June 2016.

Use of the Premises

ImaginArta currently use the main hall of the property for performances, workshops, exhibitions and research associated the Australian Puppet Society Inc. The hall is set up to accommodate these events permanently.

The side meeting room at the property is used on a regular fortnightly basis by the Exeter Branch of the Australian Sewing Guild, for four (4) hours each booking. This report recommends that the side meeting room is to continue to be made available for casual user bookings throughout the term of the Licence Agreement with ImaginArta, limiting the use to ‘like for like’ events of meetings, community workshops, however excluding weddings and parties.

Income

The Council property has been in use by ImaginArta for the last twelve (12) months, effectively restricting generation of income at the property. Prior to ImaginArta occupying the property, the Hall was extensively renovated and was vacant for over twelve (12) months whilst these improvements took place.

During the last twelve (12) month period, ImaginArta has hired the premises for a nominal amount of $1.00 (one dollar). ImaginArta have offered to Council to pay an annual fee for the primary use of the main hall of $3,368.00 including GST (Three thousand three hundred and sixty eight dollars, including GST) in the first year. This amount is equal to the cost of four (4) wedding hires per year and, effectively, what Council will lose by not hiring the main hall for weddings. This annual amount will increase as per Council’s Fees and Charges which are reviewed each financial year.

Policy for the Lease or Licence of Council Property (Not-For-Profit organisations)

Council is to ensure that the granting of a Licence Agreement for Council property does not impose an unreasonable burden on general revenue. Council is to obtain a reasonable community dividend (cost neutral) from the use of community land or building having regard to:

(i) proposed Licencee’s capacity to pay;
(ii) the merit of the service or facility provided by the proposed Licensee.

The proposed Licensee, ImaginArta, has agreed to the licence fee which is equal to the cost of four (4) wedding hires in the first year.

In the interests of probity and transparency, it is necessary for the proposed Licensee of Community Land to provide:

(a) evidence that the proposed Licencee is an organisation which is not incorporated for profit purposes or private gain by providing certificate of registration with Australian
Charities and Not-for-Profits Commission (ACNC) and/or certificate issued by Director General stating registration status, registered name, official address and terms of constitution;

(b) demonstrated capacity of Licencee to meet the commitments under lease or licence terms, prior to the lease or licence being granted.

Council staff have undertaken searches to establish that ImaginArta is a not-for-profit organisation. Further, ImaginArta has been the primary user of the hall for the past twelve (12) months. ImaginArta have demonstrated capacity to meet commitments under the Licence Agreement.

Payment of rates and outgoings

In accordance with the relevant Policy, ImaginArta will not be required to pay rates levied against the Council Property including land rates, water access and sewerage charges. Council will pay the rates levied in respect of Council Property.

ImaginArta will be required, as Licensee, to pay 100% of outgoings with respect to the property including but not limited to electricity, gas, telephone, internet, water usage and waste charges.

Development approval

All Lessees and Licensees of Council Property are required to ensure that application is made for development approval in respect of the property. All costs in respect of the application for development approval are to be borne by ImaginArta. It should be noted that while Council’s General Manager will endorse consent on an application as Property Owner, Council as local consent authority is responsible for the approval or otherwise of applications for development.

Recommendations

This report recommends that Council grant a five (5) year Licence Agreement to ImaginArta for the primary use of Sutton Forest Village Hall, based on the general terms and conditions set out in Council’s Policy for Lease & Licence of Council Property (Not-For-Profit organisations). The Licence Agreement will also require the Licensee to pay an annual rental for each year equivalent to four (4) wedding hires in one (1) year (as per Council’s current Fees & Charges).

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

None identified.

CONSULTATION

Community Engagement

The Sutton Forest Village Hall is classified as operational property. This is an administrative matter between Council as property owner and ImaginArta as the proposed licensee. Engagement with the wider community is not required.
INTERNAL CONSULTATION
Deputy General Manager Operations Finance & Risk
Built Assets Coordinator
Senior Property Officer

EXTERNAL CONSULTATION
ImaginArta – The Australian Puppet Society Inc.

SUSTAINABILITY ASSESSMENT

- Environment
  There are no environmental issues in relation to this report.

- Social
  ImaginArta is an incorporated association which is dedicated to the promotion of puppetry throughout the shire through performance, workshops and exhibitions.

- 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

As set out above, for the period of the Licence Agreement it is anticipated that the income for the primary use of the property to be $3,368.00 including GST (three thousand three hundred and sixty eight dollars including GST) in the first year, which is equal to the cost of four wedding hires per year. This annual amount will increase as per Council’s Fees and Charges which is reviewed every financial year.

RELATED COUNCIL POLICY

Lease or Licence of Council Property – Not-For-Profit Organisations

This Policy was adopted on Wednesday 26 November 2014 (MN326/14).

The purpose of this policy is to provide benefits to the Council and its residents by:

- defining the general terms and conditions of Leases and Licences to Not-For-profit Organisations in respect of Council property;
- ensuring that leasing and licensing of Council Property is consistent, transparent, fair and impartial;
ensuring that the lease or licence is in accordance with the Local Government Act 1993, Local Government Regulations and Office of Local Government Guidelines;

• encouraging sound management of Council property.

CONCLUSION
This report recommends that Council offer a Licence Agreement for a maximum five (5) year term to ImaginArta, a not-for-profit organisation, for the primary use of the main hall at Sutton Forest Village Hall. Further, this report recommends that the General Manager and Mayor be delegated authority to execute the Licence Agreement under the Common Seal of the Council.

ATTACHMENTS
1. Floor Plan

Barry W Paull
Deputy General Manager Operations, Finance & Risk

Friday 17 June 2016
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
12.7 Licence Agreement for use of Sutton Forest Village Hall
ATTACHMENT 1 Floor Plan

ATTACHMENT 1

Sutton Forest Village Hall Floor Plan
13  CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1  Post Exhibition Report for New Heritage Items Planning Proposal

Reference: 5901/32  
Report Author: Heritage Land Use Planner  
Authoriser: Acting Strategic Planning Team Leader/Coordinator  
Link to Corporate Plan: Identify and promote buildings, places, trees, gardens, landscapes and other areas of significant cultural heritage value

PURPOSE
The purpose of this report is to inform Council of the public exhibition of the Heritage Items Planning Proposal and to recommend proceeding with the Planning Proposal with amendments.

RECOMMENDATION
1. THAT in accordance with Section 59 of the Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans, Council proceed with the Planning Proposal to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add new heritage items, remove one existing heritage item and amend two existing heritage item listings, subject to the following amendments resulting from the exhibition of the Planning Proposal:

   (a) Update of property description (Lots and DPs) for “Berrima Internment Group”, Berrima;
   (b) Amendment of “Remembrance Driveway Trees”, Berrima to “Remembrance Driveway Plantings” consistent with the terminology used for other Remembrance Driveways;
   (c) Removal of “Burradoo” from the suburb for “Bong Bong Causeway”;
   (d) Deletion of “Bundanoon Pony Club” from the list;
   (e) Amendment of “Southdown”, Burradoo, to include garden and trees and an additional lot (Lot 1011, DP 617269);
   (f) Update of address and property description for “Kerever Park”, Burradoo;
   (g) Update of property description for three “Exeter Park” listings; and
   (h) Amendment of “Milk Stand”, Kangaloon, to correct the address and property description.

2. THAT all affected property owners and all persons/groups that made submissions be informed of Council’s decision.
REPORT

BACKGROUND

In 2008 heritage consultants Architectural Projects Pty Ltd were engaged by Council to review more than 700 potential heritage items identified by Council and the community for potential heritage listing in Schedule 5 of Wingecarribee Local Environmental Plan (WLEP) 2010. Following research and field work undertaken by the consultants, the final report was submitted to Council in 2009 and recommended that more than half of the investigated items be heritage listed.

At its Ordinary Meeting of 9 March 2011 Council considered a report (o-EP7) on the advancement of these recommended items toward heritage listing and resolved to undertake consultation with the owners of recommended properties comprising letters to owners and information kiosks during the consultation period. (Refer to Attachment 1 for the full text of the resolution.)

An update on the progress of consultation with owners was reported to the Council Meeting of 8 February 2012 which described the information updates that had been undertaken since the matter was previously reported to Council. Resulting from this update, Council essentially resolved to confirm the previous resolution with some minor refinements. (Refer to Attachment 1 for the full text of the resolution.)

Letters were sent to the owners of the 341 unique properties on 9 February 2012 providing information about the process which identified their property as being of heritage significance. In addition, five (5) information kiosks were held in Bowral (x 2), Moss Vale, Mittagong and Exeter to provide owners with the opportunity to speak with members of Council staff. The kiosks were well attended with approximately 70 people in all attending.

A total of 37 written submissions were received in relation to 40 individual properties over the course of the consultation period. The issues raised in these submissions were varied and broadly covered the following:

- loss of property and sales values
- modification to the proposed item
- concern over additional costs of maintenance and development
- bought without heritage affectation
- lack of evidence to support heritage assessment
- general errors in the proposed listing
- loss of autonomy over property
- concern that changes cannot be made
- loss of development potential
- lack of consultation by Council
- Previous Council decision to not list potential heritage items where owners objected
- Provision of historical and other additional data
- Support of the listing.
A report to Council was considered at the 11 July 2012 meeting which detailed those initial consultations with owners. Council deferred the matter pending an information session with Councillors. (Refer to Attachment 1 for the full text of the resolution.)

The information session was held on 15 August 2012 and as a result of this meeting, additional letters were sent to all property owners specifically requesting feedback on the proposed heritage listing (in Schedule 5 of WLEP 2010) of their properties. Almost half of the feedback forms were returned to Council and these were reported to the Council meeting of 28 November 2012. That report summarised the main concerns raised in the feedback forms and provided options to Council in how to advance the project. The three (3) options identified were to list owner-supported and other selected properties (including Council owned and/or controlled sites and properties whose owners did not provide feedback), to list all recommended properties, or do nothing. The option to list properties supported by their owners to be heritage listed and other selected properties was highlighted as the preferred option.

Council, on consideration of this report, resolved to proceed with the listing of the 28 properties supported by their owners to be heritage listed as well as 23 Council owned/controlled sites, and to submit a Planning Proposal to the NSW Department of Planning (now the NSW Department of Planning and Environment) Gateway Process. It was further resolved that a further report be presented to Council with a strategy to deal with the remaining properties not proceeded with at that time (including those properties whose owners objected to the proposed listing). (Refer to Attachment 1 for the full text of the resolution.)

**CHALLONER COTTAGE**

Challoner Cottage at 82 Bong Bong Road, Renwick, is a two storey brick building built in the 1940s as part of the Mittagong Farm Homes institution (later called Renwick). It is one of the last remaining buildings/structures on the large public-owned Renwick site and was the only two storey building built on the site.

In October 2012, the State Government owner of Challoner Cottage lodged an application to demolish the building and subdivide the land (LUA 12/0921). There was significant public concern about this proposal and in early 2013 Council resolved to not support the application. Due to it being a Crown application, Council’s ability to refuse or impose conditions was restricted and the application was referred to the Joint Regional Planning Panel (JRPP) for consideration. The JRPP resolved in July 2013 to not support the application and recommended that Council heritage list the site.

On 14 August 2013 Council considered a Notice of Motion tabled by Councillor Whipper to inter alia put an Interim Heritage Order on Challoner Cottage. (Refer to Attachment 1 for the full text of the resolution.) However, by this time there had been significant community interest in the future of Challoner Cottage and its plight had been brought to the attention of the NSW Office of Environment and Heritage (OEH). As a formal decision had not been made on the application for demolition and that Challoner Cottage was not considered to be under imminent threat, the issuing of an Interim Heritage Order was put on hold. Another factor contributing to this decision was that Council staff were aware that OEH were preparing a nomination for State heritage listing of Challoner Cottage. In October 2013 Council was formally notified of the NSW Heritage Council’s intention to list Challoner Cottage on the State Heritage Register. Submissions were invited and considered and Challoner Cottage was officially included on the State Heritage Register on 28 March 2014.
Following this action, it was decided by Council staff that the listing of Challoner Cottage in the Wingecarribee Local Environmental Plan (WLEP) 2010 would be effected as part of the Heritage Items Planning Proposal.

In September 2014, development application 12/0921 was withdrawn by the applicant.

**REPORT**

Following Council’s last resolution on the Heritage Items Planning Proposal of 28 November 2012, letters were sent to all affected property owners informing them of Council’s decisions.

In response to this letter, a number of property owners whose properties were deferred from listing by Council provided written notification that they would like their property included in the Planning Proposal for heritage listing. This resulted in an additional 10 properties being added to the Planning Proposal following Council’s resolution. Further to those properties, and in addition to Challoner Cottage (already reported), the Berrima Internment Group was added to the Planning Proposal, as was another site that has been listed on the State Heritage Register (reflecting this listing in Council’s LEP is deemed best practice).

Two other sites were added to the list: Bong Bong Causeway, Bong Bong Common; and Nattai Creek Bridge, Ferguson Crescent, Mittagong. The Causeway is the extension and clarification of the existing heritage listed Bong Bong Common site, and the Nattai Creek Bridge was recommended for listing by the Heritage Committee on 15 August 2014. The minutes of that Heritage Committee meeting were adopted by Council on 10 September 2014.

**PREPARATION OF PLANNING PROPOSAL AND GATEWAY DETERMINATION**

The Planning Proposal was prepared in January 2014 and initially sent to the Department of Planning and Environment in February 2014. The Department requested a number of amendments to the Planning Proposal before it was submitted to the Gateway. Amendments were prepared and the revised Planning Proposal sent to the Department in September 2014. This Planning Proposal comprised the properties resolved by Council plus the additional properties supported by their owners, with the addition of Challoner Cottage, the Berrima Internment Group, Bong Bong Causeway and Nattai Creek Bridge as reported above.

A Gateway Determination was received on 2 October 2014 which provided an 18 month timeframe to finalise the Planning Proposal. This Gateway Determination was amended on 7 March 2016 to allow an additional 6 months to complete the proposed amendment.

Due to the difficulty in producing in-house the quantity of maps required for the Planning Proposal, Council requested that the Department prepare the draft LEP maps and these were completed in mid-2015. Due to the complexity and scale of those maps, separate maps were produced for the public exhibition which more simply identified the subject sites. At the time of writing, these maps and the full suite of exhibition documents are still available for viewing from Council’s website on the “Heritage Items Planning Proposal” page.

**PUBLIC EXHIBITION**

The Planning Proposal was advertised on 15 July 2015 and placed on public exhibition for 31 days until 14 August. Copies of the exhibition documents were available for download from Council’s website and hard copies were available for viewing at the Bowral, Mittagong, Moss Vale and Mobile libraries.
Individual letters were sent to all affected property owners as well as adjacent neighbours and a number of community groups. The letters to owners were accompanied by a map showing the extent of the proposed heritage listing. The letters invited submissions on the Planning Proposal.

A total of 16 submissions were received in response to the public exhibition. An additional submission was received in May 2016, bringing the total number of submissions to 17. The issues raised in these submissions are discussed in the following section.

**ASSESSMENT OF SUBMISSIONS**

Of the 17 submissions, 13 submissions supported the heritage listing of one or more sites, three (3) submissions were in objection to the listing of a particular site, and one (1) submission was neutral.

Of the submissions in support of the heritage listings, a total of eleven (11) submissions were received from owners who support the heritage listing of their property/ies (one of which, from the NSW Department of Education, covers 6 school sites). Eight (8) of these supported the listing without amendment and three (3) supported the listing with amendment.

The properties of which the owners supported the proposed listing without amendment are:

- Avoca Public School (stone school building and residence), 961 Sheepwash Road, Avoca (2 submissions in support were received from the Department of Education and the Relieving School Principal)
- Empire Cinema, 325-327 Bong Bong Road, Bowral
- ‘Hathaway’ house, 75A Bowral Street, Bowral
- Bundanoon Public School (former residence, 1909 library and toilet blocks), 6-14 Church Street, Bundanoon
- Exeter Public School (1907 classroom, former residence and trees), School Lane, Exeter
- Glenquarry Public School (1892 library and residence), 35 Tourist Road, Glenquarry
- Bungalow, 44 Alfred Street, Mittagong
- ‘Lake View’, 17 Edward Street, Mittagong
- Cottage, 15 Broughton Street, Moss Vale
- Sutton Forest Public School (1879 classroom and toilets, and 1912 classroom), 7366 Illawarra Highway, Sutton Forest
- Wingello Public School (1913 timber classroom), 591 Murrimba Road, Wingello
- Mount Gibraltar and Quarries complex, Oxley Drive, Bowral. (Note that the submission in support was from one of the caretakers of the site, the Mount Gibraltar Landcare and Bushcare Group). [Further note that the Planning Proposal seeks to amend the existing heritage listing of this site to align with the State Heritage Register listing of the same area].

The properties of which the owners supported the proposed listing with amendment are listed below with a summary of the submission along with a comment from the heritage officer:
• ‘Park Hill’, 48 Narellan Road, Moss Vale—The owner does not object to the heritage listing of the site subject to the area listed being confined to the house and sheds and not the surrounding paddocks which may impact on future subdivision.

_Heritage Officer’s Comment:_ The site, which currently comprises 3 lots, is zoned R2 Low Density Residential with a minimum lot size of 2000m². The site has a current application for a 14 lot subdivision (DA 15/1196) which covers the eastern side of the property. The western lot (currently Lot 12 Sec 4 DP 977031) and the remainder of the house and garden area (currently part of Lot 14 Sec 4 DP 977031) will be consolidated as part of this DA. Consistent with heritage practice in which the whole lot on which a heritage item is located is shown shaded on the heritage map, it is considered reasonable that only the new consolidated lot be subject to the heritage listing. If further subdivisions are proposed on the consolidated lot in the future, a lot comprising a smaller heritage curtilage can be determined at that time and the heritage listing extent altered as required.

• ‘Southdown’, 563-565 Moss Vale Road, Burradoo—The owner supports the proposal to list ‘Southdown’. However, the proposal only includes the main lot (Lot 52, DP 238031) and the owner requests that an adjacent lot, Lot 1011 DP 617269, which was originally part of the ‘Southdown’ property and which contained the piggery and orchard, also be added to the heritage listing, as well as the trees and gardens on both lots.

_Heritage Officer’s Comment:_ ‘Southdown’ is one of the first large holdings in the Burradoo area and although the house and part of its garden has been retained, much of the outer parts of the property have been subdivided and sold off over time. The adjacent lot at 559 Moss Vale Road has been acquired by the owner and given its history as part of the original property, should be added to the proposed listing of ‘Southdown’.

• Milk Stand (opposite hall), Kangaloon Road, Kangaloon—The proposed item is situated largely on the submission maker’s land (i.e. Lot 1 DP 790608) and not wholly within the road reserve as indicated in the Planning Proposal and neighbour notification. However, the owner is supportive of the listing of the milk stand and the adjacent tree. (Please note that the owner who made the submission is the previous owner and not the current owner of Lot 1 DP 790608).

_Heritage Officer’s Comment:_ Retain in Planning Proposal to list site amending the item name to include the Pinus radiata and including the adjacent lot on which the milk stand and tree sit partially.

There were three (3) submissions on behalf of owners who do not support the planning proposal for their property. These submissions and the Heritage Officer’s comments are detailed below.

• ‘Kerever Park’ (formerly ‘Knoyle’) house including interiors and garden, 4 Ranelagh Road, Burradoo.

The submission states that the owners purchased the property in 2014 and were not made aware of the heritage proposal. The submission goes on to state that the listing will devalue the property and that there is a current DA consent on the site (which has recently been amended) for subdivision and that listing will impact on the ability to sell the property “at an acceptable price”. The submission also states that it was expected that heritage constraints were considered at the time of the assessment of the DA for subdivision.
Heritage Officer's Comment: The site has been proposed for heritage for some time and the previous owners were well aware of the proposal to heritage list. In fact, they had commissioned a Heritage Assessment and Landscape Management Guidelines from a prominent heritage consultant with the express aim of “explain[ing] to purchasers the significance of the place”. The property is a significant early homestead of the Fairfax family with a corresponding garden. The further overlay of its later religious use is also important and the property meets several of the criteria for heritage listing and, therefore, should be listed. The heritage values of the house and garden were considered when the property was subdivided and Council’s Heritage Advisor's input sought. The proposed listing of the property in part prompted heritage advice at DA stage to be sought. The site has a valid subdivision consent which would not be affected by the heritage listing.

- Victorian shop, painted wall signs and house, 561 Argyle Street, Moss Vale.

The submission outlines the difficulties that the owner has experienced in leasing out the shop portion of the building under the current zoning. Much of the submission relates to the economic use of the site and does not provide any evidence that the site is not suitable for heritage listing.

Heritage Officer’s Comment: It is acknowledged that the site has presented a number of problems for its various owners over time due to the configuration of the building and the zoning which fails to recognise the previous use of the building. A Planning Proposal to allow a wider range of uses for the building would likely be supported by Council staff if the owner wished to prepare and submit one. The heritage listing of the site may, in the meantime, provide the opportunity for an expanded range of uses subject to suitable conservation work being undertaken and, for this reason, it is recommended that the heritage listing of the site should proceed.

- Milk Factory Gallery, 33-37 Station Street, Bowral (part of the Former Industrial Buildings, 33-37 Station Street, Bowral).

This submission, which was received only just prior to reporting this matter to Council, states that the owner's current position is that they would not support heritage listing of the site at this time, but that they respect the heritage values of the site.

Heritage Officer's Comment: The owner has been supportive of the proposed heritage listing in the past and it is acknowledged that he has been an excellent custodian of the building. It is noted in the submission that Council's default position is that if an owner objects to the listing of a site then it will not be listed. This approach is not supported by heritage professionals because if a site is assessed as having heritage significance and meets the criteria for heritage listing, then its value should be reflected in the LEP. It should be noted that the Milk Factory is part of a proposed listing of two buildings comprising the Milk Factory complex and the neighbouring former Co-Op complex at 31 Station Street. If Council is to decide to not list the Milk Factory it must also decide whether or not to proceed with the listing of the former Co-Op building. However, the submission contains no heritage justification for the objection to the listing and, as such, the recommendation from a heritage perspective is to proceed with the Planning Proposal containing this site.

There were two (2) general submissions, both in support of multiple listings. The first was from a resident of the Mittagong area who wrote to support the proposed listing of six items in the old part of Mittagong with which they are familiar and which date to the establishment of the town. The other submission was from the Berrima Residents Association which acknowledged that the Planning Proposal includes four new heritage items within the Berrima area and supported the inclusion of these items.
One (1) submission, from a member of the Mittagong Girl Guide Support Group, was neutral on the issue of the heritage listing, but provided historical information about the establishment of the Girl Guides in Mittagong which has been added to Council’s heritage database.

**REVIEW OF OTHER PROPOSED ITEMS INCLUDED IN THE PLANNING PROPOSAL**

As part of the exhibition process and the assessment of the submissions, Council’s Heritage Officer has reviewed all of the proposed listings to ensure that all properties are correctly listed and that their assessment for inclusion in the Planning Proposal is robust and the decision justifiable.

There are two Council owned properties whose listing has been queried and have been reassessed. These are Lackey Park in Moss Vale and the Bundanoon Pony Club in Bundanoon.

In listing an item of heritage in WLEP 2010, there needs to be good justification to do so. There are many examples of significant buildings and places within the Wingecarribee Shire which are not heritage listed. This can be for several reasons including that its significance is not known to the relevant Council officer/s, or that owners have objected in the past to a proposed listing. In the case of both Bundanoon Pony Club and Lackey Park, both have a history tied to the establishment and growth of each town and this has formed the basis of the original recommendation from heritage consultants for listing. However, Council’s Heritage Officer is cognizant that, for the wider community, the value is enhanced when the reasons for listing are readily recognisable or able to be understood. This might include a significant historic event, but is more likely an attractive building or landscape. In the case of Lackey Park and Bundanoon Pony Club, the open space is appreciated by the local community, but there are no particularly attractive or architecturally significant features on either of these sites, nor are they representative of a significant historical event or period. For these reasons, it is considered reasonable to remove these sites from the Planning Proposal for listing at this time. If further research uncovers more detailed history which could strengthen a case for heritage listing, this decision can then be reviewed.

**COMPREHENSIVE LIST OF PROPOSED AMENDMENTS TO EXHIBITED PLANNING PROPOSAL LIST OF PROPOSED ITEMS**

This report has detailed a number of proposed changes to the original list of proposed heritage items contained in the Heritage Items Planning Proposal exhibited last year. A copy of the list of items as contained in that version of the Planning Proposal is contained as Attachment 2 to this report. A summary of properties to remain in the Planning Proposal for inclusion in Schedule 5 of WLEP 2010, and those which will not proceed, is contained as Attachment 3 to this report.

The following amendments to that list of proposed heritage items are recommended before the updated Planning Proposal is sent to the Department of Planning and Environment for processing. Additions are shown in **bold and underlined** text and deletions in **strikethrough** text. The majority of these changes are minor in nature or discussed in the section regarding the submissions above. Please note that where the officer does not recommend removing the item from the list, it is not shown as a deletion in this section. Those are discussed separately in the Options section of this report. (Note that the Significance and Item No. column has been removed for this table as no changes are proposed to those columns.)
## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

**Wednesday 22 June 2016**

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

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Item Name</th>
<th>Address</th>
<th>Property Description</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berrima</td>
<td>Berrima Internment Group</td>
<td>Argyle Street Berrima River Reserve, Oxley Street</td>
<td>Part Lots 7026-7028, DP 1026280; Lot 7316, DP 1178372; Part of Lot 450, <strong>Lots 7033-7034, DP 1125727;</strong> DP 751252; Lot 2, DP 833835; <strong>Part of Lot 7018, DP 1123913</strong></td>
<td>Lot and DP changed since the exhibition of the Planning Proposal in 2015. Address clarified.</td>
</tr>
<tr>
<td>Berrima</td>
<td>Remembrance Driveway Trees Plantings</td>
<td>Old Hume Highway</td>
<td>Lot 1, DP 225190; Lot 1, DP 399452; Lot 1, DP 402230</td>
<td>Clarify description to encompass all plantings, which was the original intent, rather than just “trees”.</td>
</tr>
<tr>
<td>Bong Bong (Burradoo)</td>
<td>Bong Bong Causeway</td>
<td>Wingecarribee River, Bong Bong Common, Moss Vale Road</td>
<td>Lot 1, DP 225190; Lot 1, DP 399452; Lot 1, DP 402230</td>
<td>Delete reference to “Burradoo” which is superfluous.</td>
</tr>
<tr>
<td>Bundanoon</td>
<td>Bundanoon Pony Club</td>
<td>145 Quarry Road</td>
<td>Lot 1, DP 618233</td>
<td>Deleted from Planning Proposal as discussed in previous section.</td>
</tr>
<tr>
<td>Burradoo</td>
<td>“Southdown” house, garden and trees</td>
<td>559 and 563-565 Moss Vale Road</td>
<td><strong>Lot 1011, DP 617269;</strong> Lot 52, DP 238031</td>
<td>Additional lot added and description amended at request of owner.</td>
</tr>
<tr>
<td>Burradoo</td>
<td>“Kerever Park” house including interiors &amp; garden</td>
<td>2-4 Ranelagh Road and 24 Hurlingham Avenue</td>
<td><strong>Lot 122, DP 805766;</strong> <strong>Lots 1-3, DP 1219070</strong></td>
<td>Lot has been subdivided since the Planning Proposal was prepared. If the listing of this site proceeds, it should apply to the same area as the original “Kerever Park” site.</td>
</tr>
<tr>
<td>Exeter</td>
<td>Exeter Park</td>
<td>16 Exeter Road</td>
<td><strong>Lot 1-2, DP 1171097;</strong> Lot 1, DP 1205191</td>
<td>Lot and DP changed since the exhibition of the Planning Proposal in 2015.</td>
</tr>
<tr>
<td>Exeter</td>
<td>War Memorial Gates, Exeter Park</td>
<td>16 Exeter Road</td>
<td><strong>Lot 2, DP 1171097;</strong> Lot 1, DP 1205191</td>
<td>Lot and DP changed since the exhibition of the Planning Proposal in 2015.</td>
</tr>
<tr>
<td>Exeter</td>
<td>Badgery Memorial, Exeter Park</td>
<td>16 Exeter Road</td>
<td><strong>Lot 2, DP 1171097;</strong> Lot 1, DP 1205191</td>
<td>Lot and DP changed since the exhibition of the Planning Proposal in 2015.</td>
</tr>
<tr>
<td>Kangaloon</td>
<td>Milk Stand and Pinus radiata (opposite Hall)</td>
<td>1515 Kangalloon Road and Kangalloon Road Reserve</td>
<td><strong>Lot 1 DP 790608</strong></td>
<td>Correct location clarified by previous owner and tree included in listing.</td>
</tr>
<tr>
<td>Moss Vale</td>
<td>Lackey Park</td>
<td>100 Lackey Road</td>
<td><strong>Lot 10, Sec A, DP 2810</strong></td>
<td>Deleted from Planning Proposal as discussed in previous section.</td>
</tr>
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</table>
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 22 June 2016
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY & DEVELOPMENT SERVICES

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Item Name</th>
<th>Address</th>
<th>Property Description</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moss Vale</td>
<td>&quot;Park Hill&quot;</td>
<td>48 Narellan Road</td>
<td>Lots 12, Sec 4, DP 977031 and Part of Lot 14, Sec 4, DP 977031</td>
<td>Clarification of the extent of the listing to only include the two lots listed. The exhibited map included an additional lot which will be deleted from the Planning Proposal maps.</td>
</tr>
</tbody>
</table>

All other proposed items as listed in Attachment 2 will remain unchanged.

ADVANCEMENT OF PROPOSED HERITAGE ITEMS PREVIOUSLY DEFERRED

The resolution of Council of 28 November 2012 included a large number of proposed heritage items that were deferred mainly because the owner’s support had not been received, or because further heritage investigation was required. It is still the intention of Council staff to undertake further consultation on these properties, as well as other properties that have since been identified for heritage listing. Once the current Planning Proposal has been finalised, and as time and work priorities allow, Council’s Strategic Planner–Heritage will investigate properties and consult with owners with the aim of advancing previously identified and recommended items for heritage listing.

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

This proposal has limited implications on Council’s Fit for the Future Improvement Plan. Any additional cost associated with maintaining heritage listed properties owned by Council will be reported to Council as part of the Annual Budget process.

CONSULTATION

Community Engagement

The Planning Proposal was advertised on 15 July 2015 and placed on public exhibition for 31 days until 14 August. All documents were available for viewing and download from Council’s website. Further details of this public exhibition and the assessment of submissions received were discussed earlier in this report.

Internal Consultation

Council owned/controlled properties were referred to relevant Council officers. No written submissions were received from Council officers on any of the proposed Council owned/controlled items. However, some verbal discussions prompted the review of some of the proposed listings which have been discussed in this report.

External Consultation

All owners current at that time on Council’s rates system were informed by letter of the public exhibition. In addition, neighbours were also informed of the public exhibition. A number of community groups were also notified. Submissions received by neighbours and community groups were discussed earlier in this report.
SUSTAINABILITY ASSESSMENT

- Environment
The integrity of Council’s heritage list relies on periodic review. This project seeks to expand the heritage list of the WLEP 2010 with those items identified and assessed to be important markers of the history and development of the Southern Highlands.

- Social
Many of the properties recommended for heritage listing were identified by members of the community as properties with potential heritage and existing social value. The advancement of these properties to a recognised heritage status through listing within the WLEP 2010 ensures that these properties are protected for the understanding and enjoyment of future generations.

- Broader Economic Implications
Whilst there may be some real or presumed economic implications for individual property owners in the heritage listing of their properties, these are somewhat tempered by avenues of assistance that are available to owners of heritage properties (such as free heritage advice and heritage grants) as well as the opportunity to take advantage of the conservation incentives clause in the WLEP 2010.

- Culture
The advancement to heritage listing of buildings and places assessed as having special meaning to the history and development of the local area is important in nurturing the cultural understanding of our past and the role that it plays in our future.

- Governance
Council is being given the opportunity to consider the results of the consultations on which to base their decision on whether and in what manner to proceed toward heritage listing of all or some of the identified properties.

COUNCIL BUDGET IMPLICATIONS
Existing in-house expertise and resources will be used in the completion of the Planning Proposal as well as future consultations and other statutory steps in making an amendment to the WLEP 2010.

RELATED COUNCIL POLICY
If Council should decide to proceed with the Planning Proposal, it will result in an amendment to the WLEP 2010. The existing heritage provisions of the WLEP 2010 would be the benchmark against which future assessment of development applications for such properties would be undertaken.
OPTIONS

The options available to Council are:

Option 1—*Proceed with Planning Proposal with minor amendments*

Option 1 is to proceed with the Planning Proposal with the minor amendments discussed in this report and listed in the Recommendation at the beginning of this report.

This option maintains the greatest heritage integrity in that it advances the proposed heritage items put out on public exhibition in 2015, minus two sites that are considered to be marginal.

Option 2—*Proceed with Planning Proposal with further amendments*

Option 2 is to proceed with the Planning Proposal with the amendments as recommended in this report plus the removal from this Planning Proposal any other properties as decided by Council. These could include those properties not supported by their owners, namely Kerever Park, 2-4 Ranelagh Road, Burradoo; Victorian shop and painted wall sign at 561 Argyle Street, Moss Vale; and the Milk Factory Gallery, 33-37 Station Street, Bowral.

It is acknowledged that the owners of these properties objected to the heritage listing. However, none have provided any valid heritage argument which would justify these properties not being heritage listed and listing may provide tradeoffs for any future development plans through the heritage incentives clause in the WLEP 2010. There is the faulty notion that heritage listing equals no development, but Wingecarribee Council officers are well versed in heritage matters and take a serious but reasonable approach to development of heritage properties, whether or not they are officially listed.

Option 3—*Not proceed with the Planning Proposal at this time*

Council could decide not to proceed with the Planning Proposal or defer it for the new Council for a decision. This is not a viable option because the Gateway Determination provides an allowance until October 2016 to finalise the Planning Proposal. If the Planning Proposal is not finalised by this time then a new Planning Proposal will need to be prepared and the process that is currently nearing completion will need to be repeated.

Option 1 is the recommended option to this report.

CONCLUSION

The Heritage Items Planning Proposal has been in the making since 2008 when Council engaged heritage consultants to undertake an assessment of nominated heritage items. Since that time, several consultations involving the comprehensive list of proposed properties have been undertaken and a Planning Proposal prepared which proposes the listing of 83 new heritage items, 1 new archaeological site, 2 amendments to an existing heritage item and an archaeological site, and 1 removal from the heritage list. This report has detailed the consultations and submissions received as a result of public exhibition undertaken in 2015 and recommends that Council resolves that the Planning Proposal, as amended, to be sent to the Department of Planning and Environment for making in order to effect an amendment to the Wingecarribee Local Environmental Plan 2010.
ATTACHMENTS

1. Council Resolutions Relating to the Heritage Items Planning Proposal. - *circulated under separate cover*

2. List of Proposed Heritage Items and Amendments to Existing Heritage items as contained within the Heritage Items Planning Proposal exhibited in July/August 2015. - *circulated under separate cover*

3. Summary of Heritage Items to Remain In, or Be Removed From, the Planning Proposal - *circulated under separate cover*
13.2 Wingecarribee Community Assistance Scheme Recommendations For Funding

Reference: 1870/2016
Report Author: Acting Community Development Coordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Increase community inclusion, cohesion and social interaction

PURPOSE

The purpose of this report is to seek Council’s approval of the final recommendations from the Community Assistance Scheme Committee for financial assistance under the 2016/2017 Wingecarribee Community Assistance Scheme.

RECOMMENDATION

1. THAT Council adopts the recommendations of the Community Assistance Scheme Committee as detailed in Attachment 1 to the report.

2. THAT successful applicants be advised and invited to attend a formal presentation to receive Certificates of Entitlement

3. THAT this presentation ceremony be conducted during Local Government Week on Wednesday 3 August 2016 commencing at 5.30pm in the Civic Centre Theatrette.

4. THAT correspondence is forwarded to the unsuccessful applicants advising them of the outcome.

5. THAT $6,893 in unallocated funds is rolled over into the 2017/2018 Community Assistance Scheme budget to ensure all applications for funding under the Community Assistance Scheme receive the same level of scrutiny.

REPORT

BACKGROUND

The Wingecarribee Community Assistance Scheme allows Council to provide funding to local non-profit organisations for the purpose of implementing and improving community based projects within the Shire on an annual basis. The scheme opens for six weeks during February and March and funds are awarded during Local Government week in August.

The scheme has traditionally offered funding to projects that fall under the three broad categories of community development, arts and culture, sport and recreation. For the second year additional funds have again been made available under the Environmental Levy to fund environmental projects.
All applications received under the scheme undergo rigorous assessment. Applications are first reviewed by Council staff, sorted for eligibility and given a score on their merit. These applications are then taken to the relevant Council committees for prioritisation and comment. This feedback is then reviewed by the Community Assistance Scheme Committee in a separate meeting and a final recommendation for funding is given.

This year the Community Assistance Scheme Committee has recommended that grants and donations to the value of $122,776.76 be approved for distribution to local community groups and organisations.

**REPORT**

The Community Assistance Scheme opened on 22 February 2016 and closed on 31 March 2016, allowing six weeks for potential applicants to prepare and submit their proposals.

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

a) Potential applicants were assisted by relevant Council staff by phone or in person;

b) Promotion of the scheme including a media release, advertisements in the Council section of local newspapers, regular e-mails to the Wingecarribee Community Services Forum, an item in Council’s e-newsletter to 500 people and information on the scheme was uploaded on Council’s website as well as forwarded to village associations.
APPLICATIONS RECEIVED

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>NUMBER OF APPLICATIONS</th>
<th>AMOUNT REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARTS AND CULTURE</td>
<td>19 applications</td>
<td>$63,047.90</td>
</tr>
<tr>
<td></td>
<td>(6 donations, 13 grants)</td>
<td>($3,600 donations, $60,047.90 grants)</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT</td>
<td>27 applications</td>
<td>$96,161.20</td>
</tr>
<tr>
<td></td>
<td>(9 donations, 18 grants)</td>
<td>($5,200 donations, $90,961.20 grants)</td>
</tr>
<tr>
<td>SPORT AND RECREATION</td>
<td>13 applications</td>
<td>$48,814</td>
</tr>
<tr>
<td></td>
<td>(5 donations, 8 grants)</td>
<td>($2,900 donations, $45,914 grants)</td>
</tr>
<tr>
<td>ENVIRONMENT</td>
<td>5 applications</td>
<td>$15,901.76</td>
</tr>
<tr>
<td></td>
<td>(1 donation, 4 grants)</td>
<td>($600 donations, $15,301.76 grants)</td>
</tr>
<tr>
<td>OTHER</td>
<td>11 applications</td>
<td>$50,185.40</td>
</tr>
<tr>
<td></td>
<td>(1 donation, 10 grants)</td>
<td>($600 donations, $49,585.40 grants)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>74 applications</td>
<td>$274,110.26</td>
</tr>
<tr>
<td></td>
<td>(1 application related to 2 categories)</td>
<td>($12,900 donations, $261,810.26 grants)</td>
</tr>
</tbody>
</table>

The Community Assistance Scheme received a total of 74 applications. Funding was sought for 22 donations and 52 grants with a total value of $274,110.26.

Following the closing date, the following process was undertaken:

a) Evaluations were conducted, beginning with the initial culling of “Not Eligible” applications according to the guidelines of the scheme;

b) Research was undertaken by Council staff to assist the specialist working groups and the Community Assistance Scheme Committee in their deliberations;

c) The second stage of the evaluation process involved seeking feedback from each of the relevant committees of Council including the Environment Committee, the Arts and Culture Committee and the Community Development Committee during their
scheduled meetings held in April and May 2016. As the Sport and Recreation Committee did not meet during the assessment period, staff recommendations were sought in regard to these applications. Applications relating to Council properties were also reviewed by relevant staff.

d) The Community Assistance Scheme Committee met on 16 May 2016 and again on 6 June 2016 to conduct the final overall evaluation of all applications, making reference to the recommendations from the committees and staff comments.

f) Final recommendations are detailed in the attachment – Community Assistance Scheme Recommendations – Grants and Donations presented with this report, which for confidentiality purposes has been circulated under separate cover.

SUCCESSFUL APPLICATIONS

Of the 74 applications, 19 grant applications were considered ineligible, undeveloped or were ranked low priority under the Guidelines.
The Community Assistance Committee recommends funding to 55 applicants, for a total amount of $122,776.76.

RECOMMENDED APPLICATIONS

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>NUMBER OF APPLICATIONS</th>
<th>AMOUNT RECOMMENDED</th>
</tr>
</thead>
</table>
| ARTS & CULTURE            | 14 applications        | $33,647.90
|                           | (5 donations, 9 grants)| ($3,000 donations, $30,647.90 grants) |
| COMMUNITY DEVELOPMENT     | 20 applications        | $41,831
|                           | (9 donations, 11 grants)| ($5,200 donations, $36,631 grants) |
| SPORT & RECREATION        | 9 applications         | $11,000
|                           | (5 donations, 4 grants)| ($3,000 donations, $8,000 grants) |
| ENVIRONMENT               | 4 applications         | $6,076.76
|                           | (1 donation, 3 grants) | ($600 donations, $5,476.76 grants) |
| OTHER                     | 8 applications         | $30,221
|                           | (1 donation, 7 grants) | ($600 donations, $29,621 grants) |
| TOTAL                     | 55 applications        | $122,776.66
|                           | (1 application funded from 2 categories) | ($12,400 donations, $110,376.76 grants) |
|                           | (21 donations, 34 grants)| |
CONSULTATION

Community Engagement
Information on the scheme was made available on request.

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

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

SUSTAINABILITY ASSESSMENT

- Environment
The scheme supports environmental projects that fit into the parameters of Council’s Environment levy.

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

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

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

- Governance
All applications received under this scheme have undergone a thorough evaluation by the relevant Council committee/s and staff member/s in accordance with Council policy and procedure.

COUNCIL BUDGET IMPLICATIONS

The total budget allocated for the Wingecarribee Community Assistance scheme in the 2016/17 budget is $120,000 and with the addition of $10,000 from the Environment Levy, the total amount of available funding is $130,000.
As per Council resolution MN 312/15, $3,593 of unallocated funds from the 2015/2016 scheme will be rolled over into the 2016/17 budget bringing the total budget available for the 2016/2017 Community Assistance Scheme to $133,593.

The total amount recommended for allocation under Council’s Community Assistance Budget (excluding the Environment Levy) is $116,700 leaving a surplus amount of $6,893.

It is recommended that this surplus not be awarded to groups throughout the year on an ad hoc basis and instead be rolled over into the following 2017/2018 budget to ensure all applications for funding receive the same level of scrutiny.

RELATED COUNCIL POLICY

There are no policies associated with this matter.

OPTIONS

The options available to Council are:

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

Option 2
Council amend or reject the recommendations.

Option 1 is the recommended option to this report.

CONCLUSION

Applications for the Wingecarribee Community Assistance Scheme 2016/2017 have been assessed by the Community Assistance Scheme Committee and final recommendations for Council have been prepared.

ATTACHMENTS

1. Recommendations for funding for the 2016/17 Community Assistance Scheme - circulated under separate cover - confidential
13.3 Council Committees During Caretaker Period

Reference: 107
Report Author: Integrated Planning & Reporting Coordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure important decisions are made on the basis of how they meet our goals

PURPOSE

To determine Council’s position regarding Committee Meetings during the caretaker period.

RECOMMENDATION

THAT Council confirm the schedule of final meetings for Committees for the 2012-2016 Council term as follows:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Final Meeting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Committee</td>
<td>20 June 2016</td>
</tr>
<tr>
<td>Arts &amp; Culture Committee</td>
<td>25 July 2016*</td>
</tr>
<tr>
<td>Business Unit Committee</td>
<td>8 July 2016</td>
</tr>
<tr>
<td>Community Development Committee</td>
<td>5 July 2016</td>
</tr>
<tr>
<td>Council Facilities Committee</td>
<td>5 July 2016</td>
</tr>
<tr>
<td>Community Safety Committee</td>
<td>1 August 2016</td>
</tr>
<tr>
<td>Economic Development &amp; Tourism Committee</td>
<td>26 July 2016*</td>
</tr>
<tr>
<td>Environment &amp; Sustainability Committee</td>
<td>15 June 2016</td>
</tr>
<tr>
<td>Finance Committee</td>
<td>18 May 2016</td>
</tr>
<tr>
<td>Heritage Committee</td>
<td>10 June 2016</td>
</tr>
<tr>
<td>Risk &amp; Audit Committee</td>
<td>8 August 2016*</td>
</tr>
<tr>
<td>Seniors Working Group</td>
<td>11 April 2016</td>
</tr>
<tr>
<td>Sports &amp; Recreation Committee</td>
<td>14 July 2016</td>
</tr>
<tr>
<td>Traffic Committee</td>
<td>22 July 2016</td>
</tr>
<tr>
<td>Water &amp; Sewer Advisory Committee</td>
<td>To be determined</td>
</tr>
<tr>
<td>Wingecarribee Floodplain Risk Management Advisory Committee</td>
<td>20 June 2016</td>
</tr>
</tbody>
</table>

* denotes extraordinary meetings and the proposal is consistent with recommendations from committee minutes

REPORT

BACKGROUND

In accordance with Local Government (General) Regulation 2005 (clause 393B) local councils assume a caretaker role during the election period to ensure that major decisions are not made which would limit the actions of an incoming council. The local government election is scheduled for 10 September 2016, as such the caretaker period will commence on 13 August 2016. By implication Council committees are also subject to the restrictions of the caretaker period.
REPORT

It is common practice within the NSW Local Government sector that committee meetings are not held in August and September of the ordinary election.

Council has a number of committees and working groups, the frequency of these meetings varies and is outlined below:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Meeting Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Committee</td>
<td>Third Monday of every second month</td>
</tr>
<tr>
<td>Arts &amp; Culture Committee</td>
<td>Fourth Monday of every second month</td>
</tr>
<tr>
<td>Business Unit Committee</td>
<td>First Friday of every second month</td>
</tr>
<tr>
<td>Community Development Committee</td>
<td>First Tuesday of every second month</td>
</tr>
<tr>
<td>Council Facilities Committee</td>
<td>First Tuesday of every second month</td>
</tr>
<tr>
<td>Community Safety Committee</td>
<td>First Monday of every third month</td>
</tr>
<tr>
<td>Economic Development &amp; Tourism Committee</td>
<td>Second Tuesday every second month</td>
</tr>
<tr>
<td>Environment &amp; Sustainability Committee</td>
<td>Third Wednesday every second month</td>
</tr>
<tr>
<td>Finance Committee</td>
<td>Third Wednesday, quarterly (note: must be held 8 weeks after end of the quarter)</td>
</tr>
<tr>
<td>Heritage Committee</td>
<td>Second Friday every second month</td>
</tr>
<tr>
<td>Risk &amp; Audit Committee</td>
<td>First Monday every three months</td>
</tr>
<tr>
<td>Seniors Working Group</td>
<td>Second Monday every month</td>
</tr>
<tr>
<td>Sports &amp; Recreation Committee</td>
<td>As required</td>
</tr>
<tr>
<td>Traffic Committee</td>
<td>As required</td>
</tr>
<tr>
<td>Water &amp; Sewer Advisory Committee</td>
<td>As required</td>
</tr>
<tr>
<td>Wingecarribee Floodplain Risk Management Advisory Committee</td>
<td>As required</td>
</tr>
</tbody>
</table>

Based on meeting frequency, a number of committees will be impacted by the caretaker period. It is common practice that the recommendations from committee meetings are adopted by the current Council, and considering the duration of the caretaker period, it is recommended that no committee meetings are held after 1 August 2016.

ON FIT FOR THE FUTURE PROPOSAL OUTCOME

There are no implications for Council’s Fit for the Future Improvement Proposal.

CONSULTATION

Community Engagement

Nil

Internal Consultation

Executive
SUSTAINABILITY ASSESSMENT

- **Environment**
  There are no environmental issues in relation to this report.

- **Social**
  There are no social issues in relation to this report.

- **Broader Economic Implications**
  There are no broader economic implications in relation to this report.

- **Culture**
  There are no cultural issues in relation to this report.

- **Governance**
  The report ensures that Council is acting in accordance with *Local Government (General) Regulation 2005* (clause 393B). Under this clause local councils assume a caretaker role during the election period to ensure that major decisions are not made which would limit the actions of an incoming council.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Nil

OPTIONS

The option available to Council is to determine the final meeting dates for Committees for the 2012-2016 Council term.

CONCLUSION

Under clause 393B of the *Local Government (General) Regulation 2005* councils are required to assume a caretaker role, by implication this impacts on the function of Council committees.

ATTACHMENTS

There are no attachments to this report.
Mark Pepping
Deputy General Manager Corporate,
Strategy & Development Services

Friday 17 June 2016
COUNCIL MATTERS

14 GENERAL MANAGER

14.1 Legal Affairs

Reference: 107/22
Report Author: General Counsel
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 25 May 2016.

RECOMMENDATION

1. THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 22.4.

2. THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.

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

REPORT

BACKGROUND

This report updates the current status and costs paid during 1 May 2016 to 31 May 2016 of legal proceedings involving Council, including those matters completed since the last report to Council. Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.

REPORT

On 17 April 2013, Council resolved: THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.
The report on the status of legal affairs involving Council contains information and advice that is privileged on the ground of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the Local Government Act 1993.

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

CONSULTATION

Community Engagement

There was no community engagement in the matters reported.

Internal Consultation

Staff and management provide information, as required, to assist the progress of the matters reported and General Counsel reviews and provides advice and instructions, as necessary, on various aspects of the matters reported.

External Consultation

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

SUSTAINABILITY ASSESSMENT

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

- Social
  There are no social issues in relation to this report.

- Broader Economic Implications
  There are no broader economic implications in relation to this report.

- Culture
  There are no cultural issues in relation to this report.

- Governance
  There is a strong community expectation in relation to enforcement and compliance actions of Council. Actions taken are in line with Council’s Compliance and Enforcement Policy.
COUNCIL BUDGET IMPLICATIONS

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

RELATED COUNCIL POLICY

Council’s Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal Costs - 1-31 May 2016

Ann Prendergast
General Manager

Friday 17 June 2016
## Legal Costs - 1-31 May 2016

<table>
<thead>
<tr>
<th>May 2016</th>
<th>YTD</th>
<th>MATTER</th>
<th>LIFE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,780.32</td>
<td>$122,449.16</td>
<td>De Angelis v WSC (LEC)(Court of Appeal)</td>
<td>445,216.00</td>
</tr>
<tr>
<td>$2,858.40</td>
<td>$28,054.78</td>
<td>Fenwick v WSC (LEC) (Old Wingello Road, Bundanoon)</td>
<td>28,054.78</td>
</tr>
<tr>
<td>$1,384.70</td>
<td>$9,185.00</td>
<td>Issa &amp; Daher v WSC (LEC) (Evelyn Ave, Bundanoon)</td>
<td>9,185.00</td>
</tr>
<tr>
<td>$3,351.28</td>
<td>$5,464.20</td>
<td>Woolworths v WSC (LEC) (WW Servo, Mittagong)**</td>
<td>5,464.20</td>
</tr>
<tr>
<td>$5,810.96</td>
<td>$5,999.72</td>
<td>Lei Wu v WSC (LEC) (11 Clarke St., Bowral)</td>
<td>5,999.72</td>
</tr>
</tbody>
</table>

**Does not include the KFC proceedings which are billed separately – (No invoices received for KFC proceedings in the month of May)**

$539,434.21 – Total legal costs paid 1 July 2015 to 31 May 2016  
$665,303.83 - Total legal costs paid from 1 July 2014 to 30 June 2015
18 COMMITTEE REPORTS

18.1 Minutes of the Risk & Audit Committee Meeting held on Monday, 6 June 2016

Reference: 2102/3  
Report Author: Administration Officer  
Authoriser: Group Manager Corporate & Community  
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report provides the Minutes of the Risk & Audit Committee Meeting held on Monday, 6 June 2016.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS’ ATTENTION AND ADOPTION

Item 3 Business Arising

3.1 Business Units & Saleyards

RA 11/16

THAT Council be advised in Closed Session of the breakdown of the fiscal costs relating to the matter of the investigation of controls and procedures in the saleyards and related business units.

Item 7.4 Agreed Audit Actions Report

RA 18/16

THAT the Agreed Audit Actions Report be noted and that an update on the actions of the Asset Management audit be brought back to the next meeting.

Item 8.1 Extraordinary Meeting of the Risk & Audit Committee

RA 20/16

THAT an extraordinary meeting of the Risk & Audit Committee be held on Monday, 8 August 2016 from 10am – 11am to specifically consider the following matter:

- Update on the agreed audit actions from the Asset Management Review.
RECOMMENDATION

THAT recommendations Nos 10/16 to 20/16 – as detailed in the Minutes of the Risk & Audit Committee Meeting held on Monday, 6 June 2016 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 Risk & Audit Committee Meeting held on Monday, 6 June 2016
MINUTES

of the
Risk & Audit Committee Meeting

held in
Nattai Room
Civic Centre, Elizabeth Street, Moss Vale

on

Monday 6 June 2016

The meeting commenced at 10.05am

File No. 2102/3
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

1. APOLOGIES

2. ADOPTION OF MINUTES OF PREVIOUS MEETING
   Risk & Audit Committee Meeting held on 7 March 2016

3. BUSINESS ARISING ................................................................. 2
   3.1 Business Units & Saleyards ............................................ 2

4. DECLARATIONS OF INTEREST .................................................. 3

5. COMMITTEE ACTION LIST ...................................................... 4
   5.1 Committee Actions Update ............................................. 4

6. RISK MANAGEMENT .............................................................. 5
   6.1 Investing in our Future - Special Rate Variation ................ 5
   6.2 Corporate Risk Program Update ..................................... 6

7. INTERNAL AUDIT ..................................................................... 7
   7.1 Internal Audit Report on Information Technology (IT) Control
       Environment ...................................................................... 7
   7.2 Internal Audit Report on Accounts Payable ...................... 8
   7.3 Internal Audit Status Report .......................................... 9
   7.4 Agreed Audit Actions Report ....................................... 10
   7.5 External Audit - Interim Audit 2015/16 .......................... 11

8. GENERAL BUSINESS .............................................................. 12
   8.1 Extraordinary Meeting of the Risk & Audit Committee ....... 12

9. DATE OF NEXT MEETING ....................................................... 13

10. MEETING CLOSURE .................................................................. 13
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

Present:
- Ms Jan Edwards  Chairperson
- Cllr I M Scandrett  Councillor
- Mr Lyle Briggs  Community Representative
- Ms Alana Saunders  Community Representative

In Attendance:
- Cllr Juliet Arkwright  Councillor
- Mitchell Morley  InConsult Internal Auditor
- Mark Pepping  DGM Corporate, Strategy & Development Services
- Richard Mooney  Chief Financial Officer
- Nick O’Connor  Group Manager Corporate & Community
- Andrew Lynch  Senior Governance Officer
- Danielle Lidgard  Coordinator Integrated Planning & Reporting
- Megan Baldwin  Internal Audit & Legal Support Officer
- Andy Camahan  Manager Information Services (Left 11.11am)
- Bellinda Serone  Administration Officer

1. APOLOGY
Apologies were received from Ann Prendergast, Barry Paull, Cllr Whipper and Cllr Uliana.

2. CONFIRMATION OF MINUTES

MINUTES OF THE RISK & AUDIT COMMITTEE MEETING HELD ON MONDAY 7 MARCH 2016

RA 10/16

MOTION moved by Ms J Edwards and seconded by Cllr I M Scandrett

THAT the minutes of the Risk & Audit Committee Meeting held on Monday 7 March 2016 MN 1/16 to MN 9/16 inclusive, copies of which were forwarded to Councillors and Committee members, be adopted as a correct record of the proceedings of the meeting.

PASSED
3. BUSINESS ARISING

3.1 Business Units & Saleyards

RA 11/16

MOTION moved by Clr I M Scandrett and seconded by Ms J Edwards

THAT Council be advised in Closed Session of the breakdown of the fiscal costs relating to the matter of the investigation of controls and procedures in the saleyards and related business units.

PASSED
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

4. DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.
5. COMMITTEE ACTION LIST

5.1 Committee Actions Update

Reference: 2102/3
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

To keep the Risk and Audit Committee apprised of the progress of resolutions and directions issued by the Committee.

RA 12/16

MOTION moved by Cllr I M Scandrett and seconded by Ms A Saunders

THAT the Risk & Audit Committee Actions Update report be noted.

PASSED
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

6. RISK MANAGEMENT

6.1 Investing in our Future - Special Rate Variation

Reference: 200/11
Report Author: Integrated Planning & Reporting Coordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure important decisions are made on the basis of how they meet our goals

PURPOSE

An application for a special rate variation was a key strategy from Council’s Fit for the Future Improvement Proposal.

On 17 May 2016 the Independent Pricing and Regulatory Tribunal (IPART) announced full approval of Council’s Special Rate Variation for increases of 8.55% for 2016-17 and 9.25% in each of 2017-18 and 2018-19 with an increase of 12.15% in 2019-20, a cumulative increase of 45.30%, with the increase to remain permanently in the rate base.

The Coordinator Integrated Planning & Reporting gave a presentation to the Committee on the Investing In Our Future project.

Cllr Scandrett thanked the Investing In Our Future project team for their efforts.

RA 13/16

MOTION moved by Cllr M Scandrett and seconded by Ms J Edwards

THAT the report be noted.

PASSED
6.2 Corporate Risk Program Update

Reference: 2102/3
Report Author: Workplace Systems Coordinator

PURPOSE

The purpose of this report is to provide the Risk & Audit Committee with an update on Council’s Risk Management Program.

RA 14/16

MOTION moved by Ms A Saunders and seconded by Mr L Briggs

THAT the report be noted.

PASSED
7. INTERNAL AUDIT

7.1 Internal Audit Report on Information Technology (IT) Control Environment

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

This report details the results and recommendations of InConsult’s internal audit of Council’s Information Technology control environment.

Mitchell Morley from InConsult addressed the Committee on this report.

RA 15/16

MOTION moved by Cllr I M Scandrett and seconded by Mr L Briggs

THAT the internal audit report on Information Technology Control Environment be noted.

PASSED

Andy Carnahan left the meeting at 11.11am.
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

7.2 Internal Audit Report on Accounts Payable

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

This report details the results and recommendations of InConsult’s internal audit of Council’s Accounts Payable.

Mitchell Morley addressed the Committee on this report.

RA 16/16

MOTION moved by Cr I M Scandrett and seconded by Mr L Briggs

THAT the Internal Audit Report on Accounts Payable be noted.

PASSED
7.3 Internal Audit Status Report

Reference: 2102/3
Report Author: Senior Governance Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report provides the Committee with an update on Internal Audit activities undertaken during the past quarter and the 2015/16 financial year. It also provides an update on the provision of Internal Audit services.

RA 17/16

MOTION moved by Ms J Edwards and seconded by Ms A Saunders

THAT the report be noted.

PASSED
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

7.4 Agreed Audit Actions Report
Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

To provide an overview of progress on the implementation of agreed actions and recommendations from previous audits.

RA 18/16

MOTION moved by Mr L Briggs and seconded by Cllr M Scandrett

THAT the Agreed Audit Actions Report be noted and that an update on the actions of the Asset Management audit be brought back to the next meeting.

PASSED
MINUTES OF THE RISK & AUDIT COMMITTEE MEETING
Monday 6 June 2016

7.5 External Audit - Interim Audit 2015/16
Reference: 107/34
Report Author: Chief Financial Officer
Authoriser: Chief Financial Officer
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE
This report provides the Risk and Audit Committee with a copy of the Management Letter received from Council’s External Auditors Warton Thompson and Co for the first interim audit for the 2015/16 Financial Year. The report also provides an update of the corrective actions which have been put in place to address issues raised in previous external audit Management Letters.

RA 19/16

MOTION moved by Cr I M Scandrett and seconded by Mr L Briggs

THAT the Risk and Audit Committee note the contents of the Management Letter for the first interim audit for the 2015/16 Financial Year AND THAT the Committee note the update provided on outstanding issues raised by Council’s External Auditor, Warton Thompson and Co.

PASSED
8. GENERAL BUSINESS

8.1 Extraordinary Meeting of the Risk & Audit Committee

RA 20/16

MOTION moved by Clr I M Scandrett and seconded by Mr L Briggs

THAT an extraordinary meeting of the Risk & Audit Committee be held on Monday 8 August 2016 from 10am – 11am to specifically consider the following matter:

- Update on the agreed audit actions from the Asset Management Review.

PASSED
9. **DATE OF NEXT MEETING**

The next meeting will be an extraordinary meeting to be held on Monday 8 August 2016 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 10.00am.

10. **MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.56 AM
18.2 Minutes of the Community Assistance Scheme Committee Meeting held on Monday, 16 May 2016

Reference: 1800/2016  
Report Author: Acting Community Development Coordinator  
Authoriser: Group Manager Corporate & Community  
Link to Corporate Plan: Foster and support diverse interest groups to harness the skills, passion, time and commitment of community members and organisation, and to leverage effective participation

PURPOSE

This report provides the Minutes of the Community Assistance Scheme Committee Meeting held on Monday, 16 May 2016.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS’ ATTENTION AND ADOPTION

Item 5.1 Assessment of Applications to the 2016 Wingecarribee Community Assistance Scheme

COM 1/16

THAT the recommendations of the Community Assistance Scheme Committee for funding of applications to the 2016 Wingecarribee Community Assistance Scheme be reported to the 8 June 2016 meeting of Council for endorsement.

RECOMMENDATION

THAT recommendation No COM 1/16 – as detailed in the Minutes of the Community Assistance Scheme Committee Meeting held on Monday, 16 May 2016 be adopted.

ATTACHMENTS

1. Minutes of the Community Assistance Scheme Committee Meeting held on Monday, 16 May 2016
MINUTES

of the
Community Assistance Scheme Committee Meeting

held in
Nattai Room
Civic Centre, Elizabeth Street, Moss Vale

on

Monday 16 May 2016

The meeting commenced at 9.10am

File No. 1800/2016
MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING
Monday 16 May 2016

1. WELCOME AND APOLOGIES

2. DECLARATIONS OF INTEREST

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

4. BUSINESS ARISING

5. AGENDA REPORTS ................................................................. 2
   5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme ........................................... 2

6. GENERAL BUSINESS ............................................................... 3

7. MEETING CLOSURE .................................................................. 4
MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING
Monday 16 May 2016

MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON MONDAY 16 MAY 2016 COMMENCING AT 9.10AM.

Present:  
Cllr Duncan Gair Chair
Cllr Larry Whipper Councillor
Cllr Juliet Arkwright Councillor (left 10.55am)
Cllr Ian Scandrett Councillor (left 11.05am)

In Attendance:  
Cllr Graham McLaughlin Councilor
Jenny Kena Acting Coordinator Community Development
Barry Arthur Manager Environment & Sustainability
(leave 9.23am)
Belinda Serone Administration Officer

1. WELCOME AND APOLOGIES
An apology was received from Cllr Garry Turtland.

2. DECLARATIONS OF INTEREST

Two Declarations of Interest were received from Ms Jenny Kena.
1. Significant non-pecuniary interest – application ID 1720. Ms Kena remained in the room and did not take part in the discussion except when Councillors asked for a clarification.
2. Significant non-pecuniary interest – application ID 4220. Councillors requested Ms Kena remain in the room for the discussion to answer questions. Ms Kena left the room for the final decision.

A Declaration of Interest was received from Cllr Graham McLaughlin (significant non-pecuniary interest – application ID 2820). Cllr McLaughlin remained in the room and did not take part in the discussion.

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

There were no previous minutes.

4. BUSINESS ARISING

There was no business arising.
5. AGENDA REPORTS

5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme

Reference: 1870/2016
Report Author: Acting Community Development Coordinator
Authoriser:
Link to Corporate Plan: Encourage and implement activities that strengthen community spirit

PURPOSE

To complete the assessment of applications to the 2016 Wingecarribee Community Assistance Scheme and make recommendations for projects to be funded.

COM 1/16

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

THAT the recommendations of the Community Assistance Scheme Committee for funding of applications to the 2016 Wingecarribee Community Assistance Scheme be reported to the 8 June 2016 meeting of Council for endorsement.

PASSED
6. GENERAL BUSINESS

There was no general business.
7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11:10 AM.
18.3 Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016

Reference: 1870/2016
Report Author: Acting Community Development Coordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Foster and support diverse interest groups to harness the skills, passion, time and commitment of community members and organisation, and to leverage effective participation

PURPOSE

This report provides the Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS’ ATTENTION AND ADOPTION

Item 3 Adoption of Minutes of Previous Meeting

COM 2/16
THAT the minutes of the Community Assistance Scheme Committee Meeting held on Monday 16 May 2016 be amended to change Minute COM 1/16 to a recommendation, not a resolution as a quorum was not present at the time of voting on the Motion.

Item 5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme

COM 3/16
1. THAT the recommendations of the Community Assistance Scheme Committee for funding of applications to the 2016 Wingecarribee Community Assistance Scheme as detailed in Attachment 2 be reported to the 22 June 2016 meeting of Council for endorsement with the exception of No.33 – Application Number 4020.
2. THAT the meeting of the Community Assistance Scheme Committee be reconvened later today in order that Clr J Arkwright can be present for consideration of No.33 – Application Number 4020.
3. THAT the Guidelines of the Community Assistance Scheme be reviewed prior to the opening of the 2017/18 funding round.

Item 5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme (Cont)

COM 4/16
THAT Community Assistance Scheme No.33 – Application Number 4020 not be recommended for funding.
RECOMMENDATION

THAT recommendations Nos COM 2/16 to COM 4/16 – as detailed in the Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016 be adopted.

ATTACHMENTS

1. Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016
MINUTES

of the
Community Assistance Scheme Committee Meeting

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

on

Wednesday 8 June 2016

The meeting commenced at 10.54am

File No. 1870/2016
MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING

Wednesday 8 June 2016

1. WELCOME AND APOLOGIES

2. DECLARATIONS OF INTEREST

3. ADOPTION OF MINUTES OF PREVIOUS MEETING
   Community Assistance Scheme Committee Meeting held on 16 May 2016

4. BUSINESS ARISING

5. AGENDA REPORTS .................................................. 2
   5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme ................................. 2

5. AGENDA REPORTS (CONT) ........................................... 3
   5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme ................................. 3

6. GENERAL BUSINESS .................................................. 4

7. DATE OF NEXT MEETING ............................................. 5

8. MEETING CLOSURE ..................................................... 5
MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING
Wednesday 8 June 2016

MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING OF WINGECARRIBE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 8 JUNE 2016 COMMENCING AT 10.45AM.

Present: Clr Duncan Gair
Clr Larry Whipper
Clr Ian Scandrett
Clr Garry Turland

Chair
Mayor & Chair, Community Development Committee
Chair, Sport & Recreation Committee

In Attendance: Jenny Kena
Nicola Robson

Acting Community Development Coordinator
Ageing & Disability Officer

1. WELCOME AND APOLOGIES

The apology of Clr Juliet Arkwright was noted.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest at this Meeting.

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING HELD ON MONDAY 16 MAY 2016

COM 2/16

MOTION moved by Clr T D Gair and seconded by Clr G M Turland

THAT the minutes of the Community Assistance Scheme Committee Meeting held on Monday 16 May 2016 be amended to change Minute COM 1/16 to a recommendation, not a resolution as a quorum was not present at the time of voting on the Motion.

PASSED

4. BUSINESS ARISING

Nil
5. AGENDA REPORTS

5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme

Reference: 1870/2016
Report Author: Acting Community Development Coordinator
Authoriser: 
Link to Corporate Plan: Encourage and implement activities that strengthen community spirit

PURPOSE

To finalise recommendations for funding of applications to the 2016 Wingecarribee Community Assistance Scheme taking into consideration staff recommendations re allocation of outstanding funds.

The Committee agreed to all recommendations with the exception of No. 33 – Application Number 4020

COM 3/16

MOTION moved by Clr G M Turland and seconded by Clr I M Scandrett

1. THAT the recommendations of the Community Assistance Scheme Committee for funding of applications to the 2016 Wingecarribee Community Assistance Scheme as detailed in Attachment 2 be reported to the 22 June 2016 meeting of Council for endorsement with the exception of No.33 – Application Number 4020.

2. THAT the meeting of the Community Assistance Scheme Committee be reconvened later today in order that Clr J Arkwright can be present for consideration of No.33 – Application Number 4020.

3. THAT the Guidelines of the Community Assistance Scheme be reviewed prior to the opening of the 2017/18 funding round.

PASSED

It was noted that the meeting closed at 11.12 am and was reconvened at 3.05 pm with the following in attendance – Clr Duncan Gair, Clr Larry Whipper, Clr Ian Scandrett, Clr Garry Turland, Clr Juliet Arkwright and Nicola Robson (Ageing and Disability Officer).
5. AGENDA REPORTS (CONT)

5.1 Assessment of applications to the 2016 Wingecarribee Community Assistance Scheme (Cont)

MOTION

COM 4/16

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

THAT Community Assistance Scheme No.33 – Application Number 4020 not be recommended for funding.

PASSED
6. GENERAL BUSINESS

Nil
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 22 June 2016

18.3 Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016

ATTACHMENT 1 Minutes of the Community Assistance Scheme Committee Meeting held on Wednesday, 8 June 2016

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MINUTES OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING
Wednesday 8 June 2016

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7. DATE OF NEXT MEETING

The date of the next meeting is to be advised

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3.15 PM
19 QUESTIONS WITH NOTICE

19.1 Question with Notice 08/2016 - Moss Vale War Memorial Aquatic Centre

Reference: 101/2, 1650/13.5
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: Council staff
From: Cllr Garry Turland
Received: 15 June 2016

Subject: Moss Vale War Memorial Aquatic Centre

Question:
Can Council staff please provide a total 12 months breakdown, for the period June 2014 to June 2015, of the number of persons who visited the pool and the number of persons who visited the gym. (Please do not combine the visitor numbers).

Response:
For the 2014 to 2015 financial year and also YTD 2015 to May 2016, the number of persons who have visited is provided in the table below.

<table>
<thead>
<tr>
<th></th>
<th>14/15</th>
<th>YTD 15/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatic</td>
<td>46,563</td>
<td>53,547</td>
</tr>
<tr>
<td>Health Club</td>
<td>47,729</td>
<td>53,872</td>
</tr>
<tr>
<td>Learn to Swim</td>
<td>30,845</td>
<td>31,507</td>
</tr>
<tr>
<td>Total</td>
<td>125,137</td>
<td>138,926</td>
</tr>
</tbody>
</table>

RECOMMENDATION

THAT the information in relation to Question with Notice - 08/2016 – Moss Vale War Memorial Aquatic Centre - be noted.
19.2 Question with Notice 09/2016 - Cheap Power

Reference: 101/2
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: Council Staff and Clr Scandrett
From: Clr Garry Turland
Received: 15 June 2016

Subject: Cheap Power

Question:
At the last Council election Clr Scandrett stated he was going to get cheap power for the Wingecarribee Shire residents.
Can Clr Scandrett advise:
1. How were you going to do this?
2. Have you done anything as you promoted this in your campaign at the 2012 Council elections.
3. Have you ever called a public meeting on your promises to date?

Can Council staff advise:
1. Has Clr Scandrett requested a meeting with staff to investigate if this could be achieved?
2. Can Council even provide the means to provide cheap power to the Wingecarribee residents?

RECOMMENDATION

THAT the information in relation to Question with Notice 09/2016 – Cheap Power - be noted.
NOTICES OF MOTION

20.1 Notice of Rescission of Motion 05/2016 - Bong Bong Street and Merrigang Street Traffic Signals - Parking Changes

Reference: 100/5, 7456, 7460/8.1
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Garry Turland, Duncan Gair and Graham McLaughlin have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 22 June 2016:

THAT the following Motion passed by Council on Wednesday, 8 June 2016 – being Item No 12.3 – Bong Bong Street and Merrigang Street Traffic Signals – Parking Changes - Minute No 265/16 – be rescinded:

1. THAT Council accepts the parking restriction changes and signage at the intersection of Bong Bong Street and Merrigang Street which are required to meet statutory requirements for parking at traffic signalised intersections.

2. THAT Council does not accept the provision of a “Loading Zone” on Merrigang Street at the north east corner of the intersection, instead retaining the two (2) existing car parking spaces.

3. THAT Council accepts the removal of three (3) car parking spaces required to meet statutory and capacity requirements for the traffic signals at Bong Bong Street and Merrigang Street.

4. THAT Council accepts the removal of one (1) tree on Bong Bong Street (south west corner of the Bong Bong Street and Merrigang Street intersection) which is required to ensure clear approach sight lines to the proposed signal lanterns over the long term.

5. THAT Council write formally to the Roads & Maritime Services (RMS), the NSW Minister for Roads and the Local and State Members of Parliament requesting that the RMS improve their level of communication and engagement with Council.

6. THAT Council does not support the retention of the vehicular access on the north eastern corner of Bong Bong Street servicing the adjoining property.
RECOMMENDATION

Submitted for determination.

PREAMBLE:

We request that the above motion be rescinded due to the lack of community and shopkeeper consultation regarding the changes to parking.

COMMENT FROM STAFF

Council officers have discussed the level of consultation undertaken regarding the parking to enable the commissioning of the signals and the need for the proposed “Loading Zone” with the RMS.

As advised in the report to Council, RMS officers visited each business in the vicinity of the Bong Bong Street and Merrigang Street intersection. RMS advised that the businesses understood the reason and need to remove three (3) parking spaces.

The RMS has provided additional detail of the consultation undertaken:

On 26 May 2016, two (2) RMS officers discussed parking arrangements with:

- NAB
- St George Bank
- Wild Food Natural Health Market
- Bowral Mower Sales and Repairs
- Richardson & Wrench Real Estate
- Studio 7 Hairdressers
- Highland Recruitment

On 31 May 2016, two (2) RMS officers discussed parking arrangements with:

- Royal Hotel

The RMS Works Manager further advised:

A site meeting was arranged with the tenant and property owner on the 30/5/16, however the property owner was not able to attend. We were able to come to agreement to maintain a property access on Bong Bong Street by relocating in to the north of the current position. The loading zone was a contingency position, if we were unable to come to agreement on the access.

I have personally left messages today (15 June 2016) for both the owner and the tenant, however I have had no reply.
As advised in the report:

- One (1) parking space is required to provide mandatory approach clearance in Merrigang Street (next to the bank on the south eastern corner).

- Two (2) parking spaces are required on Bong Bong Street (south western corner) to provide mandatory approach clearance and also for capacity purposes (to provide a bypass lane to reduce delay when a vehicle is waiting to turn right from Bong Bong Street into Merrigang Street – east).

The RMS has stated that a further reduction in the loss of spaces cannot be made at this site.

The RMS advised on 15 June 2016 that the proposed “Loading Zone” is no longer required:

The RMS further advised that, since the writing of the report to the Ordinary Council Meeting of 8 June 2016, there had been further discussion between the RMS and the real estate office (see comments from the RMS Works Manager, above) regarding the access to the property car park on the north eastern corner of the intersection (the real estate office).

The RMS have advised that the real estate office will accept the relocation of the lay back driveway in Bong Bong Street and an internal arrangement that will meet their loading and unloading requirements. This activity will be undertaken off street. The RMS, as advised above, are attempting to discuss the matter further with the property owner.
20.2 Notice of Rescission of Motion 06/2016 - Chelsea Gardens Coomungie Urban Release Area

Reference: 100/5, PN1682700, PN1705662, 5901/5
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Duncan Gair, Garry Turland and Graham McLaughlin have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 22 June 2016:

THAT the following Motion passed by Council on Wednesday, 8 June 2016 – being Item No 13.5 – Chelsea Gardens Coomungie Urban Release Area - Minute No 270/16 – be rescinded:

THAT Council advise the Department of Planning and Environment that it continues not to support the Planning Proposal to rezone the Chelsea Gardens/Coomungie Urban Release Area to R2 Low Density Residential and apply a minimum lot size of 450m².

RECOMMENDATION

Submitted for determination.

Should the above motion of rescission be carried, we hereby give notice of our intention to move the following motion:

1. THAT Council advise the Department of Planning and Environment that it supports the Planning Proposal to rezone the Chelsea Gardens/Coomungie Urban Release Area to R2 Low Density Residential and apply a minimum lot size of 450m².
2. THAT prior to determination by the Department, additional studies be undertaken particularly regarding potential flooding, traffic, water and sewer infrastructure impacts of the proposed development and how they will be addressed by the State Government.
3. THAT the percentage of 450m² blocks be consistent with other approved subdivisions within the Shire.
4. THAT Council does not support access via Villiers Road and Hill Street.
5. THAT the yield of building blocks be between 800 to 900 maximum.
20.3 Notice of Motion 15/2016 - Installation of a Fence at the Eridge Park Playing Fields

Reference: 100/4
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 June 2016:

1. THAT Council staff bring back to Council a costing and timing on the installation of a fence at the Eridge Park Playing Fields along the Moss Vale Road and the Eridge Park Road boundary.

2. THAT Council staff hold a meeting with all the sporting, schools and user groups to understand their requirements and fears of this unfenced section of the playing field.

RECOMMENDATION

Submitted for determination.

Preamble

A fence is required to protect young children from leaving the park and wondering onto a main road and to stop any unwanted persons entering the park when children are there.
PREAMBLE

It is time to trial a simple video recording of meetings. This will be a very low cost and can utilise a local video company.

With local events including, eg, Council Tourism video now being recorded and uploaded, this trial is easily delivered by local contractors.

The trial is not to be broadcast live but to be uploaded later in segments after each segment is named to match the agenda. Long items may need to be in multiple parts to suit.

The public who can’t attend Council meetings will then be able to assess the issues and review items they are interested in.

Surrounding Councils are all videoing so as to allow interested residents and businesses who are too far from Council or unable to attend to be able to review items of interest.
To not video meetings in this time of very affordable and easily contracted technology would effectively disenfranchise residents especially when we have made a point of saying in the Fit for the Future program that we are focussed on open communication with all residents and ratepayers.

**COMMENT FROM STAFF**

Council can decide to record its meetings to ensure the accuracy of its minutes or for some other council function. This can be an audio or video recording, or both. Council currently makes an audio recording of those parts of its meetings which are open to the public, and a copy of these recordings is made available to Councillors and members of the public on request for a small fee.

In considering whether to implement video recording of Council meetings, Council will need to consider section 8 of the *Privacy and Personal Information Protection Act 1998* (PPIPA). This section states that personal information must not be collected unless it is reasonably necessary for a lawful purpose directly related to council’s function. Further, Council will need to have regard to section 18 of PPIPA, which requires:

- that personal information must not be disclosed unless it is directly related to the reason why the information was collected; and
- council has no reason to believe that the person concerned would object; or
- the person concerned is likely to have been aware or has been made aware (in line with section 10 of PPIPA) that information of that kind is usually disclosed.

Section 10 of PPIPA also requires a council, where reasonable, to make a person aware of certain matters before their information is collected or as soon as practical after collection.

The preamble to the Notice of Motion suggests that a local video company can be used for this purpose. This would require a Request for Quotation process to be undertaken consistent with Council’s Procurement Guidelines.

Further considerations which will also need to be taken into account are the infrastructure requirements for video equipment and audio set-up and the development of a policy framework for video recording Council meetings which reflects applicable legislation, such as the PPIPPA Act.

These various Governance considerations could be the subject of a briefing to Councillors where further information can be provided.

It should be noted that there is no funding available for a trial or for any future permanent arrangement.
20.5 Notice of Motion 17/2016 - Questions from the Public

Reference: 100/4
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 June 2016:

1. THAT “live” questions from the public be restored to Council’s Meeting Agenda.
2. THAT the format be the same as previously with the change being that no preamble shall be allowed.
3. THAT written questions can still be submitted by close of business prior day if the writer is unable to attend Council.
4. THAT speakers be advised that the Chairman has total discretion at all times as to ensuring proper meeting courtesies be followed and in that the content of the question being asked is reasonable and presented so.

RECOMMENDATION

Submitted for determination.

Preamble

It is time to reinstate live questions from the public with the change being that no preamble will be allowed and that speakers be made aware that no inappropriate content will be allowed.

COMMENT FROM STAFF

The Notice of Motion is inconsistent with clause 10.9.2 of Council’s Code of Meeting Practice (the Meeting Code), which states:

10.9.2 Questions from the Public are to be written on the prescribed form and submitted to the General Manager’s office by 3:30pm on the Monday immediately before the next applicable meeting.
Section 363 of the Local Government Act 1993 (the Act) provides that a council can only amend its Meeting Code by following the procedures outlined in sections 361-362 of the Act. These are extracted below:

361 Preparation, public notice and exhibition of draft code

(1) Before adopting a code of meeting practice, a council must prepare a draft code.

(2) The council must give public notice of the draft code after it is prepared.

(3) The period of public exhibition must not be less than 28 days.

(4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.

(5) The council must publicly exhibit the draft code in accordance with its notice.

362 Adoption of draft code

(1) After considering all submissions received by it concerning the draft code, the council may decide:

   (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or

   (b) to adopt the draft code as its code of meeting practice.

(2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.
20.6 Notice of Motion 18/2016 - Bowral Memorial Hall Chairs

Reference: 100/4
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 June 2016:

1. **THAT** a report detailing the full timeline relating to the audience chairs and trolleys for the Bowral Memorial Hall be provided AND **THAT** the report include the following:

   (a) copies of orders;
   (b) details of each payment made;
   (c) all communication/s with the supplier;
   (d) all other related documents and records be made available in the Councillors’ room for review.

2. **THAT** the report also advise:

   (a) definite delivery date of the remaining chairs and trolleys;
   (b) when the specialist trolleys for the Orchestra chairs will be delivered from the supplier of the Orchestra chairs;
   (c) that arrangements have been made to hire equivalent quality chairs for the Southern Highlands Symphony Orchestra 25 and 26 June concerts.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

As previously advised, Council expects delivery of the balance of the audience chairs and an additional two chair trolleys, in the first week of July 2016.

Arrangements have been made to supply 100 additional audience chairs for the Southern Highlands Symphony Orchestra concerts on 25 and 26 June 2016, and the Musical Director of the Southern Highlands Symphony Orchestra has been advised.
Notice of Motion 19/2016 - Ellsmore Road

Reference: 100/4
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 June 2016:

1. THAT Council staff undertake an inspection and report on the damage to the newly sealed sections of Ellsmore Road, particularly where the gutters have scoured the new pavement.

2. THAT the report include a list of action required and costings.

3. THAT the report also provide details of damage to the whole road.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

An inspection has already been completed of Ellsmore Road to assess the damage as a result of the recent high rain event.

Rectification works are already underway to repair the damage to the roadside drains, and it is anticipated that the cost of these works will largely be covered by the contractor’s works insurance.
22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

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

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

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

Section 10B

1. [Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
   a. Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
   b. If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

2. [Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
   a. are substantial issues relating to a matter in which the council or committee is involved, and
   b. are clearly identified in the advice, and
   d. are fully discussed in that advice.

3. [Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).

4. [Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
   a. a person may misinterpret or misunderstand the discussion, or
   b. the discussion of the matter may:
      (i) cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or
      (ii) cause a loss of confidence in the council or committee.

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

Director General’s Guidelines

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

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

22.1 Tender for Replacement of Colo Street Bridge, Mittagong

Relevant Legal Provisions
This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and 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 facilitate the evaluation of the Request for Tender for the replacement of the bridge and associated roadworks at Colo Street, Mittagong

22.2 Tender for Railway Terrace/Old Hume Highway/Crimea Street Intersection Upgrade

Relevant Legal Provisions
This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and 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 Railway Terrace/Old Hume Highway/Crimea St Intersection Upgrade Project.

22.3 10 Frankland Street, Mittagong

Relevant Legal Provisions
This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or
proposes to conduct) business and 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 objective of this report is to have Council consider the advice contained in the submission by CBRE. CBRE are specialist advisors engaged by Council to undertake pre-market testing and to make a determination in relation to the Council property at 10 Frankland Street Mittagong.

22.4 Legal Affairs

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)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description
Reporting the ongoing management of legal proceedings since last reported to Council on 25 May 2016.

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 17 June 2016