4 October 2019

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 9 October 2019** commencing at **3.30pm**.

Yours faithfully

Barry W Paull  
**Acting General Manager**

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**SCHEDULE**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.30pm</td>
<td>Council Meeting begins</td>
</tr>
<tr>
<td>7.40pm</td>
<td>Closed Council</td>
</tr>
</tbody>
</table>
### Opening of meeting

This meeting is recorded and live streamed for public viewing via the internet in accordance with Council’s Code of Meeting Practice, with the recording stored and made available to the public for later viewing. The recording is subject to copyright.

Members of the public attending or speaking at this meeting will be recorded and publicly broadcast. By attending this meeting you voluntarily consent to your attendance and participation being recorded.

Any part of the meeting that is held in closed session will not be live streamed.

Council requests that everyone present is respectful and uses appropriate language. Council does not accept liability for any defamatory, discriminatory or offensive comments that are made during the course of the meeting.

Please ensure that all electronic devices including mobile phones are switched to silent. Under the Code of Meeting Practice, public recording of this meeting is prohibited without prior authorisation by Council.

Council’s live streaming of Meetings via Facebook is designed to encourage constructive dialogue. We remind users to be digitally responsible and respect their fellow posters. We ask users to keep comments relevant, and not to spam or post personal or commercially sensitive information. This includes content that may be defamatory, derogatory, offensive or discriminatory towards Council employees, Councillors, other persons or organisations. Failure to follow Facebook house rules will result in comments being deleted and if this behaviour persists the user will be blocked.

### Acknowledgement of Country – Clr Halstead

### Opening Prayer – Pastor Donna Jensen Connect Church, Moss Vale

### 3.35pm

- Apologies
- Adoption of Previous Minutes
- Declarations of Interest (if any)
- Mayoral Minute (if any)
- Public Forum (if any)
- Visitor Items
  - **Item 9.1** - DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy
  - **Item 9.2** - Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral
- Council Reports

### 5.30pm

- Questions with Notice
- Notices of Motion
**ORDINARY MEETING OF COUNCIL**

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

on Wednesday, 9 October 2019 at 3.30pm.

<table>
<thead>
<tr>
<th>Time</th>
<th>Agenda Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.40pm</td>
<td>Closed Council</td>
</tr>
<tr>
<td>8.00pm</td>
<td>Meeting Closed</td>
</tr>
</tbody>
</table>

Barry W Paull  
**Acting General Manager**
Business

1. OPENING OF THE MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. PRAYER

4. APOLOGIES

5. ADOPTION OF MINUTES OF PREVIOUS MEETING
   Ordinary Meeting of Council held on 25 September 2019

6. DECLARATIONS OF INTEREST

7. MAYORAL MINUTES

8. PUBLIC FORUM

9. VISITOR MATTERS
   OPERATIONS, FINANCE AND RISK
   Nil
   CORPORATE, STRATEGY AND DEVELOPMENT SERVICES
   9.1 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy
   9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

10. EN BLOC MOTION

11. OPERATIONS FINANCE AND RISK
   11.1 Proposed Lease to Mittagong RSL Club Limited - Area of Closed Road, Rainbow Street, Mittagong
   11.2 Proposed Road Closure of Part Road Reserve - Railway Parade, Balmoral
   11.3 Proposed Part-Road Closure - Corner Queen Street and Gladstone Road, Bowral
   11.4 Application for Transfer of Unnamed Crown Road Located off Hoddle Lane, Robertson
   11.5 Draft Report on the Review of the Whites Creek Floodplain Risk Management Study and Plan
   11.6 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES
   12.1 Development Applications Determined from 27 August 2019 to 23 September 2019
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12.3 Post exhibition report regarding draft amendments to the Provisions for Seniors Housing Controls in the Township and Village Development Control Plans .......................................................... 126
12.4 Development Control Plan - Chelsea Gardens Coomungie Urban Release Area ................................................................................. 132
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13. GENERAL MANAGER
Nil

14. DELEGATE REPORTS

15. PETITIONS
Nil

16. COMMITTEE REPORTS
16.1 Minutes of the Heritage Advisory Committee Meeting held on Friday 13 September 2019 .......................................................... 162

17. QUESTIONS WITH NOTICE
Nil

18. NOTICES OF MOTION
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19. CLOSED COUNCIL
Nil

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

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

**OUR VISION**

- **Leadership**: ‘An innovative and effective organisation with strong leadership’
- **People**: ‘A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council’
- **Places**: ‘Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community’
- **Environment**: ‘A community that values and protects the natural environment enhancing its health and diversity’
- **Economy**: ‘A strong local economy that encourages and provides employment, business opportunities and tourism’

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

Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

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

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

The Council Chamber now has 24 Hour Video Surveillance.
ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Councillor G Markwart was granted leave of absence at the Council Meeting on 25 September 2019 until 25 December 2019 MN 451/19.

Request for Leave of Absence – Councillor P Nelson

Councillor P Nelson intends to be absent from all Council commitments on Wednesday, 9 October 2019, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

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

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

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

| 9.1 | DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy |

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

PURPOSE

The purpose of this report is to consider Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at 12 Solomon Street, Renwick. This report is prepared for determination and recommends Approval subject to Conditions of Consent as described in Attachment 1.

The matter was deferred from the Ordinary Council Meeting of 11 September 2019 and the report has been altered based on amended information received from the applicant.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at Lot 1325 DP1234992, No. 12 Solomon Street, Renwick be APPROVED subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site is described as Lot 1325 in Deposited Plan No. 1234996, No. 12 Solomon Street, Renwick and is part of the new urban release subdivision in Renwick. The site is located at the corner of Solomon Street and Maxted Street within the subdivision. The site has 11.78m frontage to Solomon Street and a 29.5m frontage to Maxted Street, with a total area of 494.8sq. m. The site is relatively flat and is currently vacant.
At the time of a site visit, the lots immediately adjacent to the subject lot were also vacant. The surrounding locality is largely residential detached new single dwellings on predominately lots ranging from 450-600 sq.m in area.

![Site Location Diagram](image)

FIGURE 1 – SITE LOCATION
FIGURE 2 – AERIAL IMAGE
Application History

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

The current application DA19/1571 was considered by Council at its Ordinary Council meeting on the 11 September 2019 and was DEFERRED to allow the applicant to discuss with Council staff the issues around the setback controls. Further to that, the applicant met with the Council Staff, Deputy General Manager and Group Manager Planning Development & Regulatory Services on 17 September 2019 to address the front setback requirements for Unit 2 facing Maxted Street. The amended design was submitted to Council on 23 September 2019. The following report is based on the latest set of drawings submitted by the applicant.

Proposed Development

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

- Construction of a Dual Occupancy, one having a frontage towards Solomon Street and the other towards Maxted Street;

- Each dwelling is proposed with an open kitchen, living, dining and an enclosed study/media on the ground level with two bedrooms and an ensuite on the second level. In total, the proposal equates to three potential bedrooms in Unit 1 and two in Unit 2;

- Construction of a single garage for each dwelling located a minimum of one metre behind the front façade and from any lot boundary, which holds one car and the second car parking space is nominated on the proposed driveway,

- Construct two driveway crossings. One for access into Unit 1 from Solomon Street and the other for access to Unit 2 from Maxted Street.

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

STATUTORY PROVISIONS

State Environmental Planning Policies

*State Environmental Planning Policy No 55 – Remediation of Land*

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. After undertaking a desktop search using Council’s Property and Rating database, Council is satisfied that the
land is not a site of possible contamination and therefore no further assessment of contamination is required.

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

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

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

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

**Local Environmental Plans**

**Wingecarribee Local Environmental Plan 2010**

The relevant provisions of the LEP are discussed as follows:

Clause 2.3 Zone objectives and land use table

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

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

Clause 7.3 Earthworks

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

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

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

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

**Development Control Plans**

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

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

C16.5.2 General Development Controls and Guidelines

Private Open Space (POS)
POS for Unit 1 is 45.74$m^2$ in area according to the submitted drawings which complies with the area requirements but is not located to have a northerly aspect and hence does not comply. No variation request to the Mittagong DCP controls was provided by the applicant.

POS for Unit 2 is 41.31$m^2$ in area according to the submitted drawings which complies with the area requirements and is located to have a northerly aspect and hence complies with the DCP control.

**Building Height & Mass**

The amended elevations do not have all the upper level windows as dormer windows as encouraged by the Mittagong DCP. The proposed south/east elevation of Unit 2, north east elevation of Unit 1 and south elevation of Unit 2 has the appearance of a two storey building. The proposed design therefore is in part contrary to maintaining a low scale domestic residential character of Renwick in general.

**Access, Parking, Garages & Driveways**

Vehicle crossing is proposed to be 3m in the amended plan which complies with the DCP requirements (item c in this clause - maximum 3m). Two spaces for each dwelling is provided, however one being in the garage and the other being on the driveway in front of the building line. Proposed garage is setback by 1m from the front building line. Garage doors are within 40% of the front façade and less than 6m.

**C16.5.5 Integrated Housing Development Controls**

<table>
<thead>
<tr>
<th>Unit 1 (as per proposed plans)</th>
<th>Proposed</th>
<th>DCP requirements</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. FSR</td>
<td>0.46:1 (total)</td>
<td>0.6:1</td>
<td>Complies</td>
</tr>
<tr>
<td>Max. Second Storey Area</td>
<td>58% of ground floor area (excluding Garage)</td>
<td>60% of ground floor area (excluding Garage)</td>
<td>Complies</td>
</tr>
<tr>
<td>Min. Landscape Area</td>
<td>35% (total)</td>
<td>25%</td>
<td>Complies</td>
</tr>
<tr>
<td>Min. Primary POS</td>
<td>45.75$m^2$ – not having a Northerly Aspect</td>
<td>15$m^2$ (ground level) and has a Northerly aspect</td>
<td>Does not Comply</td>
</tr>
</tbody>
</table>

**Dwelling Setbacks**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>4.505m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Secondary Front setback</td>
<td>2.285</td>
<td>2m</td>
</tr>
<tr>
<td>Articulation zone</td>
<td>25%</td>
<td>33% of setback</td>
</tr>
<tr>
<td>Side Setback</td>
<td>1.77$m$ (dwelling wall)</td>
<td>1.5$m$</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>NA</td>
<td>3m</td>
</tr>
</tbody>
</table>

**Garage & Outbuilding Setbacks**
### Unit 1 (as per proposed plans)

<table>
<thead>
<tr>
<th>Proposed</th>
<th>DCP requirements</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>1m behind the building facade</td>
<td>1m behind the building facade</td>
</tr>
<tr>
<td>Side &amp; Rear setbacks</td>
<td>1.05m</td>
<td>1m</td>
</tr>
</tbody>
</table>

### Unit 2 (as per proposed plans)

<table>
<thead>
<tr>
<th>Proposed</th>
<th>DCP requirements</th>
<th>Compliance</th>
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<tr>
<td>Max. FSR</td>
<td>0.46:1 (total)</td>
<td>0.6:1</td>
</tr>
<tr>
<td>Max. Second Storey Area</td>
<td>59% of ground floor area (excluding Garage)</td>
<td>60% of ground floor area (excluding Garage)</td>
</tr>
<tr>
<td>Min. Landscape Area</td>
<td>35% (total)</td>
<td>25%</td>
</tr>
<tr>
<td>Min. Primary POS</td>
<td>41.31m2 – Northerly aspect</td>
<td>15m2 (ground level) and have a Northerly aspect</td>
</tr>
</tbody>
</table>

### Dwelling Setbacks

<table>
<thead>
<tr>
<th>Proposed</th>
<th>DCP requirements</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback*</td>
<td>Part 3.375m and Part 5.725m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Secondary Front setback</td>
<td>NA</td>
<td>2m</td>
</tr>
<tr>
<td>Articulation zone</td>
<td>10%</td>
<td>33% of setback</td>
</tr>
<tr>
<td>Side Setback</td>
<td>1.5m</td>
<td>1.5m</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>3.05m</td>
<td>3m</td>
</tr>
</tbody>
</table>

### Garage & Outbuilding Setbacks

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<th>DCP requirements</th>
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<td>Side &amp; Rear setbacks</td>
<td>1.05m</td>
<td>1m</td>
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</table>

Under clause 54 of the *Environmental Planning and Assessment Regulation 2000*, the applicant was invited to submit amended plans with amended front setback for unit 2 to comply with the Mittagong Town Plan DCP by way of a deferral letter and a meeting. Amended plans were received with the front setback being amended from 2.895m to the current proposed 3.375m as a result of the meeting. However, the front setback for Unit 2 still does not comply fully with the Mittagong DCP in terms of dwelling setback of 4.5m setback (section 16: Renwick Precinct). The applicant provided the below explanation along with the plans:
This setback change as a result is now:

a. Equal to setback for Unit 1 ensuring it does not protrude past so there is consistency between the two units.

b. More than the 3.270m building line setback for Unit 2 at 27 Langley Ave Renwick (known as 51 Bold St). Noting the porch here is 2.1m whereas I have proposed an additional metre at 3.15m to the porch.

c. More than the 2.0m building line setback for Unit 2 at 7 Langley Ave Renwick.

d. More than the half a dozen or so examples of residences I have shown on corner blocks which are more than 600sq/m in size where they require a 3.0m setback to the secondary frontage.

e. Reduced foot print, reduced FSR by the reduction in floor area.

As the proposed development is a detached dual occupancy, the assessment is based on unit 2 to have a primary front setback facing Maxted Street and not a secondary setback due to the detached nature of the two proposed dwellings. The two particular examples provided by the applicant are of Attached Dual Occupancies and hence have been considered as a secondary setback.

Notwithstanding the front setback from Unit 2 is now proposed at 3.375m which is an increase from the original setback of 2.895m. The amended setback has Unit 2 in line with the side setback of Unit 1. In relation to clause C3.6.2 (c) (ii) of the Mittagong Town Plan DCP, if the front setback is different from the minimum setback, an average of the existing setbacks applies.

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

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

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

In this case, the front setback of the neighbouring lot (Lot 1356 DP 1234992) shall be 6m as the area of the lot is approximately 740m². Given the setback of Unit 1 is proposed at 3.375m, the required average setback for Unit 2 is 4.68m however a minimum of 4.5 metres is required. The amended proposal has flipped the original design of Unit 2 so that the garage is closest to the adjoining Lot 1356 Maxted Street. This amendment has provided a stagger of the front building setback from the 3.375m to 5.725m for the garage of Unit 2 to the adjoining dwelling setback of 6 metres. It is therefore considered justifiable to accept the setback variation as proposed.

**Amendments to Mittagong DCP: Renwick Precinct (during the assessment process)**

Section 16: Renwick Precinct of the Mittagong Town DCP has been amended and has been in effect since 18 September 2019. However, the subject application has been assessed based on the Mittagong DCP prior to the amendments as it was lodged before the draft DCP was exhibited. It is to be noted that as the Mittagong DCP has now been amended, any future development application within Renwick will be assessed based on the amended DCP which would preclude similar developments on smaller allotments in the future.
Section 4.15C Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

The proposed dual occupancy is permissible within the R2 – Low Density Residential zone under the Wingecarribee Local Environmental Plan 2010.

(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

(iii) any development control plan, and

The proposed dual occupancy does not entirely comply with Section 16: Renwick precinct of the Mittagong Development Control Plan as outlined in the DCP Assessment above. The major non-compliance is the front setback and the development scale on a small lot.

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

Not applicable to Development Application 19/1571.

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

Not applicable to Development Application 19/1571.

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

Not applicable to Development Application 19/1571.

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

**Impacts of the Development**

<table>
<thead>
<tr>
<th>Context &amp; Setting</th>
<th>s4.15(1)(b)</th>
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<tbody>
<tr>
<td>The proposed development will have a minor negative impact on the streetscape and amenity of adjoining lots, by means of scale, bulk and height; as most of the contextual developments are single dwellings (either existing, under construction or going through a DA process) with no second storey element.</td>
<td></td>
</tr>
<tr>
<td>Neither views, privacy or solar access will be significantly reduced as the lots immediately adjacent to the subject lot are currently mostly vacant lots. However, there will be no substantial private space or usable open space</td>
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</table>
### Impacts of the Development

<table>
<thead>
<tr>
<th><strong>s4.15(1)(b)</strong></th>
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<tbody>
<tr>
<td>similar to traditional dwellings for the proposed two dwellings as the lot is small for the scale of this development. The development does not fit in the context as most of the new developments at Renwick are modest single storey dwellings on one lot. In the rare examples where dual occupancies have been approved and built, they are either attached dual occupancies on larger lots. External materials and finishes have been considered and while a subjective judgment, these have been considered to be satisfactory.</td>
</tr>
</tbody>
</table>

**Access, Transport and Traffic**  
The proposal includes two driveways (one for each dwelling from two frontages of the lot, as access into the property from Maxted Street and Solomon Street respectively.

**Public Domain**  
The subject Dual Occupancy residential development will not have an adverse impact on the public domain.

**Utilities**  
The subject lot is serviced by town water and reticulated sewer.

**Heritage**  
The development will have no greater impact than any other residential development in Renwick precinct from a heritage perspective. However, it does not comply with the Renwick precinct of the Mittagong DCP.

**Flora and Fauna**  
There are no existing trees on the lot.

**Water**  
The subject lot is serviced by reticulated water supply. Each dwelling has been provided with a 5000L rainwater tank to comply with the 88b restriction. Hence, the water requirements for the two dwelling on this lot can be met.

**Waste**  
The proposed development will not give rise to ongoing waste disposal beyond construction waste. Council's roadside waste collection will commence on the occupation of the development.

**Soils**  
The subject development will not have any significant soils impacts. The site is not subject to any significant soils constraints, i.e. is not noted as acid sulphate, highly erodible, saline or of high productive value. The reactivity of the soil has been considered and the footing design is considered appropriate.

**Energy**  
The proposed development does not have a high energy requirement. The proposed development is adequately served by the energy provision to the subject site. BASIX energy conservation measures will apply to the subject development.
<table>
<thead>
<tr>
<th>Impacts of the Development</th>
<th>(s4.15(1)(b))</th>
</tr>
</thead>
<tbody>
<tr>
<td>and will have beneficial impacts. A valid BASIX report has been provided with the application, ref. no. 977941S_02</td>
<td></td>
</tr>
<tr>
<td><strong>Noise and Vibration</strong></td>
<td>The proposed development is of a residential nature and hence it will not generate a disturbing volume of noise and vibration.</td>
</tr>
<tr>
<td><strong>Natural Hazards</strong></td>
<td>No natural hazards are noted by Council's GIS mapping as affecting the site. The subject site is not noted as flood prone by Council's mapping. The subject site is not bush-fire prone.</td>
</tr>
<tr>
<td><strong>Technological Hazards</strong></td>
<td>No technological/man-made hazards are noted as affecting the site or characteristic of the subject development. Whilst primarily the subject of the Construction Certificate (CC) assessment process, the overall fire safety of the development has been considered and the subject development is not characterised by excessive fire risk.</td>
</tr>
<tr>
<td><strong>Safety, Security and Crime Prevention</strong></td>
<td>The subject development will have non detrimental impacts on the Crime Prevention Through Environmental Design (CPTED) principles and strategies, i.e. Safer-by-Design guidelines.</td>
</tr>
<tr>
<td><strong>Social and Economic Impacts in the Locality</strong></td>
<td>The proposed dual occupancy residential nature of the development will not give rise to any noted adverse social impacts.</td>
</tr>
<tr>
<td><strong>Site Design and Internal Design</strong></td>
<td>The design is insensitive to site conditions, due to the scale of the development, as the lot is only 495m² in area. However, the design is not sensitive, to any other constraints such as topography, vegetation, easements, etc.</td>
</tr>
<tr>
<td><strong>Construction</strong></td>
<td>The construction works are not likely to create any environmental/safety issues.</td>
</tr>
<tr>
<td><strong>Cumulative Impacts</strong></td>
<td>The subject site is part of a subdivision that is new and in the process of development.</td>
</tr>
</tbody>
</table>

**(c) Suitability of the Site for the development**

The proposed development is not characteristic of the surrounding locality in that the vast majority of allotments are occupied or proposed to be occupied by one single storey dwelling.
Impacts of the Development

house as opposed to a dual occupancy development. Notwithstanding at the time of lodgement of the development application, dual occupancy developments were permissible with consent without the nomination of a minimum allotment size. The proposal meets the majority of the controls prescribed under the Mittagong DCP as outlined in the report.

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

(d) Any Submissions made

Neighbour Notification

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

(e) The Public Interest

Housing choice and diversity is in the public interest.

COMMUNICATION AND CONSULTATION

Internal Referrals

<table>
<thead>
<tr>
<th>Referrals</th>
<th>Advice/Response/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions Planner (Strategic Planning)</td>
<td>Council’s Contribution Planner raised no objection.</td>
</tr>
</tbody>
</table>

SUSTAINABILITY ASSESSMENT

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

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

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

- Culture
  There are no cultural issues in relation to this report.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

- Governance

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

COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

Determine the development application 19/1571 by way of APPROVAL in accordance with the recommended conditions of consent in ATTACHMENT 1.

Option 2

Determine the development application 19/1571 by way of REFUSAL based on the reasons for refusal listed in ATTACHMENT 4.

Option No. 1 is the recommended option to this report.
CONCLUSION
It is recommended that Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at Lot 1325 DP 1234992, No. 12 Solomon Street, Renwick be approved in accordance with the conditions of consent as included in Attachment 1.

ATTACHMENTS
1. Conditions of Consent
2. Site Plan - circulated under separate cover
3. Elevations - circulated under separate cover
4. Reasons for Refusal
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
9.1 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy
ATTACHMENT 1 Conditions of Consent

Wednesday 9 October 2019

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Dual Occupancy (Detached). No approval granted for any kind of subdivision as part of this development consent.

Reason: To confirm the use of the approved development.

2. Development in Accordance with Plans and Documents

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

<table>
<thead>
<tr>
<th>Plan Title / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared By</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basix Requirements (2)</td>
<td>977941S_02 and 977952S_02</td>
<td>P S Design</td>
<td>02/05/2019</td>
</tr>
<tr>
<td>Landscape Plan</td>
<td>Dwg. L/01</td>
<td>Bluegum Design</td>
<td>12/11/18</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td>12 Solomon Street, Renwick, Issue C</td>
<td>Paul Samulski</td>
<td>01/05/2019</td>
</tr>
</tbody>
</table>

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

3. Inconsistency between documents

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

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

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

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

(b) In the case of a residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be
carried out by the consent commences.

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

5. Erection of Signs

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

(a) Showing the name, address and telephone number of the principal certifying authority for the work, and

(b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) Stating that unauthorised entry to the work site is prohibited.

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

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


Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) In the case of work for which a principal contractor is required to be appointed:

(i) the name and licence number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) In the case of work to be done by an owner-builder:

(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Reason: The condition is prescribed under clause 98B of the Environmental Planning and Assessment Regulation 2000.
7. Construction Certificate

No work shall commence until a:

(a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and

(b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

Reason: Statutory requirement.

8. Appointment of Principal Certifying Authority

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

(a) A Construction certificate for the building work has been issued by:

(i) the consent authority; or

(ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the building work, and

(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

(i) notified the Council of his or her appointment, and

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

(ii) notified the principal certifying authority of such appointment, and

(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(c) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

9. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate, an application under section 68 of the Local Government Act 1993 shall be made to, and issued by, Wingecarribee Shire Council, for the
following approvals:

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater drainage works.

**Reason:** A requirement under the provisions of the Local Government Act 1993.

10. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the Roads Act 1993) prior to the issue of the Construction Certificate. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority’s manual “Traffic Control at Work Sites”. Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of $20 million, to be held by applicant / contractor undertaking the works.

**Advice:** Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.

**Reason:** Statutory requirement.

11. Developer to provide photos of damage to Council property

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property.
Repairs to damaged Council property are to be carried out by the contractor/builder to Council’s specification and supervision prior to issue of any Occupation Certificate or Subdivision Certificate (as applicable).

Reason: To ensure that Council’s assets are protected.

12. Section 7.11 Contributions (formerly Section 94)

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

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <http://www.abs.gov.au>); Section 291 of the Environmental Planning and Assessment Regulation 2000; and Council’s Developer Contributions Plans.

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

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

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


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

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

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

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

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

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


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

<table>
<thead>
<tr>
<th>CPI Period</th>
<th>Water DSP</th>
<th>Sewer DSP</th>
<th>Stormwater DSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid up to 14th September 2019</td>
<td>$11,077.43</td>
<td>$10,739.17</td>
<td>$261.16</td>
</tr>
</tbody>
</table>

Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au<http://www.abs.gov.au>.

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

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

Compliance Certificate

Compliance Certificate fees, in accordance with Council’s Revenue Policy are as follows and shall be paid prior to the issue of the Construction Certificate:

Water $250 + Sewer $250 + Stormwater $250 = $750

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

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

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

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

14. Building Materials & Colour Scheme

The use of Zincalume, galvanised iron, stainless steel, unetched zinc or copper is not permitted.

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

15. Stormwater - Control of Peak Discharge

Prior to the issue of the Construction Certificate, adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

**Reason:** To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.

16. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council’s Design Standards shall be submitted to Council and approved by Council’s Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

**Note:** Construction Certificate Approval does not include approval for works external to the property or civil works.

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.
The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

**Reason:** To ensure adequate storm water management.

### 17. Stormwater - Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

**Reason:** To assist in the prevention of erosion of the site from storm water, if Council has been obtained.

### 18. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

**Reason:** To minimise the amount of waste going to landfill.

### 19. Erosion and Sediment Control Plan

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

(a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.

(b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.

(c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.

(d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.

(e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.

(f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by
means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

(g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

20. Notice of Commencement

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

(a) Not less than two (2) days’ notice of the date on which it is proposed to commence work associated with this Development Consent;

(b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)

(c) Details of the name, address and licence details of the Principal Contractor.

Reason: Statutory requirement.

Advice: Attached Notice of Commencement form to be completed.

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

21. Approved Plans to be available on site

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

Reason: To ensure compliance with approved plans.

22. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material

Note: Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

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

CONDITIONS OF CONSENT

Lot 1325 DP 1234992

The application of waste-derived material to land is an activity that may require a licence under the Protection of the Environment Operations Act 1997. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014.


Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes.

23. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

Reason: To ensure that natural drainage of the property and adjoining properties is not affected.

24. Retaining Walls and Drainage

If the soil conditions require it:

(a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and

(b) adequate provision shall be made for drainage.

(c) any retaining walls which do not comply with the exempt development standards outlined in the State Environmental Planning Policy (Exempt and Complying Codes) 2008, are subject to a separate approval prior to the construction of the retaining wall.

Reason: To ensure that soil is appropriate retained.

25. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 40mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

Reason: To reduce the possibility of damage to public property.

26. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable
agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

**Reason:** Structural safety.

### 27. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

**Reason:** Health and amenity.

### 28. Approved hours of Construction/Demolition

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

<table>
<thead>
<tr>
<th>DAY</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Saturday</td>
<td>7:00am to 5:00pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>Nil</td>
</tr>
<tr>
<td>Public Holidays</td>
<td>Nil</td>
</tr>
</tbody>
</table>

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

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

### 29. Building Operations

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

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

### 30. Maintenance of the site

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

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

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

During construction:

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

(b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

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

ATTACHMENT 1 Conditions of Consent

Lot 1325 DP 1234992

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

**Reason:** Environmental amenity.

31. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

**Reason:** To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

32. Temporary Onsite Toilet

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

Each toilet shall:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

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

33. Waste Management

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

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

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

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

34. Occupation Certificate

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

The Principal Certifying Authority (PCA) is required to be satisfied, amongst other things, that:

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

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

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

35. **Section 138 Roads Act Final**

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issuing of any Occupation Certificate.

**Reason:** To ensure that the development is completed as per this consent and the approved plans.

36. **Section 68 Local Government Act Final**

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issuing of any Occupation Certificate.

**Reason:** To ensure that the development is completed as per this consent and the approved plans.

37. **Council Property**

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

**Reason:** To ensure that Council’s assets are protected.

38. **BASIX Commitments**

Pursuant to Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

(a) Relevant BASIX Certificate means:
Lot 1325 DP 1234992

(i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the Environmental Planning and Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

(ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Reason: To ensure that all of the commitments of BASIX Certificate have been met.

39. House Numbering

A street house number being 75mm on house and no less than 42mm on mailbox or rural address number (allocated by Council), shall be prominently displayed so that it is visible from the street/road prior to issue of the Occupation Certificate.

Reason: To ensure that the property is easily identifiable.

40. Street Trees

Prior to the issue of the Interim or Final Occupation Certificate, a street tree selected in accordance with Council’s Urban Street Tree Masterplan shall be planted within the adjoining footpath / roadside verge to the satisfaction of Council.

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

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

41. Fencing Materials

Fencing to the side and rear boundaries shall be a maximum of 1800mm in height, of rural nature which includes post and rail fence, a post and wire fence or a basalt dry stone wall; and be located behind the front setback of the dwelling.

Reason: To ensure that boundary treatments enhance the landscape character of the streetscape.

END OF CONDITIONS
SCHEDULE 1 REASONS FOR REFUSAL

1. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979 and clause 2.3 (2) of Wingecarribee Local Environmental Plan 2010, the development is considered contrary to the objective of Zone R2 Low Density Residential:
   - To provide for the housing needs of the community within a low density residential environment.

Council considers the development contrary to the objective of R2 zone within the Wingecarribee Local Environmental Plan 2010 as there are two detached two storey dwellings being proposed on a small lot with an area of 494sq. m.

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

2. Having regard to section 4.15 (1) (a) (ii) of the Environmental Planning and Assessment Act 1979, the development is considered contrary to the draft Wingecarribee Local Environmental Plan 2010 which is on exhibition since 25 September 2019, specifically the inclusion of Clause 4.2AA.

4.2AA Erection and subdivision of dual occupancies on land in certain residential zones

(1) The objectives of this clause are as follows:
   (a) to identify a minimum lot size for dual occupancy development,
   (b) to identify a minimum lot size for the subdivision of dual occupancy development, and
   (c) to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.

(2) This clause applies to land in the following zones:
   (a) Zone R2 Low Density Residential
   (b) Zone R3 Medium Density Residential

(3) Development consent must not be granted for the erection of a dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot is a lot that is at least 1000m2.

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

3. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the residential amenity objective specified at section A2.2.4 (b) of the Mittagong Town Plan Development Control Plan:

   (b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.

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

4. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development unsatisfactory with respect to the low density housing objectives specified at section C2.2 (a), (b) and (g) of the Mittagong Town Plan Development Control Plan:

   (a) Maintain and improve the amenity and character of residential areas in (locally).
(b) Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.

(g) Ensure that adequate on-site car parking is provided for residents and visitors.

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

5. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development’s design ignores the mass design guidelines (a) specified at section C16.5.2 of the Mittagong Town Plan Development Control Plan, specifically regarding the Renwick Precinct:

(a) Single storey dwelling forms are encouraged.

Consequently, Council considers the development contrary to the building height and mass objectives (a), (b) and (c) specified at section C16.5.2 of the DCP:

(b) Maintain a low scale domestic residential character in areas of predominantly detached dwellings.

(b) Minimise overshadowing of neighbouring properties by new development.

(c) Minimise disruption of view and loss of privacy to existing and future development.

The Mittagong DCP amendments to Section 16: Renwick Precinct have been adopted as of 25 September 2019. The assessment of this development application has not been conducted against the new DCP. However, the development does not majorly comply with the new adopted Mittagong DCP.

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

6. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers that the development contrary to the Private Open Space objectives specified at section C16.5.2 (a), and (c) of the Mittagong Town Plan Development Control Plan:

Private Open Space

(a) Provide all new dwellings with sufficient usable open space.

(c) Ease of movement between living areas of dwellings and private open space.

Consequently, Council considers the development contrary to the Private Open Space controls (a) specified at section C16.5.2 of the DCP:

(a) Primary Private Open Space should be located to have a northerly aspect having a minimum width of 3 metres.

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

7. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers that the development contrary to the Street Address & Public Facade specified at section C16.5.2 (a), (c) and (d) of the Mittagong Town Plan Development Control Plan:

(a) Dwellings and living areas are to be orientated to address and overlook the street.

(c) Dwellings on corner lots are to address both street frontages

(d) Dwellings at key vistas (eg. end of intersection) are to be treated with additional landscaping.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]
8. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development is contrary to the aspect of Private Open Space control (unit 1) and 4.5m minimum front setback control (unit 2) specified by section C16.5.5 of the Mittagong Town Plan Development Control Plan.

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

9. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts with respect to:
   (a) The character and amenity of the locality and the streetscape
   (b) The scale and density of development in the locality
   (c) Private Open Space
   (d) Vehicle Parking – located on the driveway

   The result of a smaller front setback may result in the neighboring lot to have a smaller setback in lieu of the required minimum setback of 6m, as the Mittagong DCP allows an average setback under clause C2.6.2 (c). This is also inconsistent with the existing developments within Renwick Precinct.

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

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

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

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

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]
9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

Reference: 19/1645  
Report Author: Senior Development Assessment Planner  
Authoriser: Group Manager Planning, Development and Regulatory Services  
Applicant: PS Design & Construction Pty Ltd, trading as PS Design  
Owner: A L & D J B Moss  
Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to present development application 19/1645 for the Council’s consideration, and recommends APPROVAL subject to the conditions specified in Attachment 1.

RECOMMENDATION

THAT development application 19/1645 for erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land and carrying out of works to create two lots for the purpose of dwelling houses at Lot 210 DP1239600, No 40 Sir James Fairfax Circuit, Bowral, be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

REPORT

Subject Site and Locality

Figures 1 and 2 illustrate the land’s location and general layout (see also Attachments 2 & 3). It is a vacant 1070m² low density residential corner lot on the southern side of Sir James Fairfax Circuit and the eastern side of Ginahgulla Drive in Bowral, around 2.5km east of the town centre. The land is accessible by vehicle from Sir James Fairfax Circuit and Ginahgulla Drive.

The land slopes gently and uniformly from south to north, towards the intersection of Sir James Fairfax Circuit and Ginahgulla Drive. There is no significant vegetation on the land.
The locality is characterised by emerging low density residential development.

Figure 1: Locality Map

Figure 2: Aerial image
Background
The land is a vacant lot created in February 2018 by registration of a subdivision of land the subject of Council’s development consent 15/0678 to create 157 residential lots.

Proposed Development
The proposed development comprises erection of two buildings and carrying out of works for the purpose of detached dual occupancy, and subsequent subdivision of the land to create two lots of 570m² and 500m². An extract from the proposed development drawings is included as Attachment 4.

STATUTORY PROVISIONS

State Environmental Planning Policies
State Environmental Planning Policy No 55 – Remediation of Land
SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. The land is not considered likely to be contaminated, nor to require remediation to be made suitable for the proposed development.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
The Catchment SEPP aims:
(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal
(b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality
(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The development is a Module 1 under the NorBE Guidelines, therefore Council has assumed concurrence to consider water quality. In accordance with clause 10 of the Catchment SEPP, the NorBE Tool has been used to determine that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

Local Environmental Plans
Wingecarribee Local Environmental Plan 2010
The relevant provisions of the LEP are discussed as follows.

Clause 1.2—Aims of Plan
The proposed development is considered satisfactory with respect to the particular aims specified by clause 1.2 (2).

Clause 1.4—Definitions
The proposed development comprises erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land and carrying out of works to create two lots for the purpose of dwelling houses.

Clause 2.3—Zone objectives and Land Use Table
The land is in Zone R2 Low Density Residential. The Land Use Table at the end of Part 2 of the LEP specifies developments for the purposes of dual occupancies (detached) and dwelling houses are permitted with consent.

Clause 2.6—Subdivision—consent requirements
Clause 2.6 (1) effectively specifies the land may be subdivided only with development consent.

Clause 4.1—Minimum subdivision lot size
Where applicable, clause 4.1 specifies minimum permissible sizes of lots to be created by subdivision of land. However, the applicability of clause 7.2, discussed below, renders clause 4.1 not applicable to the proposed development.

Clause 7.2—Requirements for subdividing dual occupancies in Zones R2 and B1
Clause 7.2 (2) (a) and (b) specifies that despite any other LEP provision (including clause 4.1), consent may be granted for subdivision of a lawfully erected dual occupancy in Zone R2 if the development:

(a) is on a corner allotment of not less than 1,000m², and
(b) has access to a reticulated town water supply and sewerage system.

The application proposes initial erection of a dual occupancy. The land is a 1070m² corner lot in Zone R2, and has access to Council’s reticulated water supply and sewerage services. Clause 7.2 therefore facilitates the granting of consent for the proposed development.

Recommended consent condition 62 specifies no subdivision certificate shall be granted for the proposed development’s subdivision component unless a final occupation certificate has been granted for both dwellings in its dual occupancy component.

Clause 7.3—Earthworks
Recommended consent condition 36 specifies Council’s consent does not permit any earthworks other than indicated by the consent drawings or specified by an environmental planning instrument as not requiring prior consent.

Clause 7.10—Public utility infrastructure
Provided all recommended consent conditions are complied with, the proposed development will have access to water supply, electricity supply and sewerage infrastructure.

Development Control Plans
Bowral Town Plan Development Control Plan
The applicable sections of the Bowral DCP are addressed below:

Part A—Provisions applicable to all land

Section 2—General objectives

Section A2.2—Objectives of this Plan

Section A2.2.4—Residential amenity

The proposed development is considered satisfactory with respect to the residential amenity objectives specified by section A2.2.4 (a)-(e):
(a) Conserve the unique characteristics of existing residential areas of the Bowral township.

(b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.

(c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products where ever possible.

(d) Contribute to the enhancement of the urban amenity

(e) Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.

Section A2.2.5—Residential diversity

The proposed development is considered satisfactory with respect to the residential diversity objectives specified by section A2.2.5 (a) and (b):

(a) Promote a mix of housing types to increase residential choice within the town, particularly around bus and rail connections.

(b) Encourage appropriate site amalgamation and redevelopment to provide a range of residential opportunities throughout the town.

Section A2.2.6—Visual amenity

The proposed development is considered satisfactory with respect to the visual amenity objectives specified by section A2.2.6 (a)-(c):

(a) Demonstrate an appreciation of the existing streetscape.

(b) Enhance the character of individual streets within the town through appropriate built form design.

(c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.

Section A2.2.8—Environmental sustainability

The proposed development is considered satisfactory with respect to the environmental sustainability objectives specified by section A2.2.8 (a)-(f):

(a) protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality.

(b) no net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality.

(c) Encourage on-site tree plantings which enhance the environment and provide additional wildlife habitat and connectivity of habitat

(d) Maintain and enhance existing public open space areas

(e) Practical incorporation of the principles of ecologically sustainable development into the development
(f) Ensure that buildings are ‘energy smart’ and meet all BASIX requirements.

Section 6—Vegetation management and landscaping

Section A6.2—Private landscaped open space

Section A6.2.1—Objectives

The proposed development is considered satisfactory with respect to the private landscaped open space objectives specified by section A6.2.1 (a)-(f):

(a) Provides a pleasant, vegetated environment for users of the site (workers or residents).
(b) Contributes to the urban streetscape.
(c) Provides a visual buffer between development and the surrounding neighbourhood.
(d) Contributes to existing tree canopies and wildlife habitats.
(e) Provides adequate ground cover to prevent erosion and assist storm water infiltration.
(f) Contributes where possible to the enhancement of key vegetation and topographical features.

Section A6.3—Controls

The proposed development is considered satisfactory with respect to the vegetation management and landscaping controls specified by section A6.3.

Section 7—Subdivision, demolition, siting and design

Section A7.1—Subdivision of land

Section A7.1.1—Minimum lot sizes

As discussed earlier, clause 7.2 of the LEP facilitates the granting of consent for the proposed development’s subdivision component, despite the minimum lot size requirement otherwise applicable to the land under LEP clause 4.1. The proposed development is therefore considered satisfactory with respect to section A7.1.1 of the DCP.

Section 8—Safer by design

Section A8.3—Crime prevention through environmental design

The proposed development is considered satisfactory with respect to the provisions of sections 8.3.1, 8.3.2, 8.3.3 and 8.3.4, respectively regarding:

- Space and activity management
- Territorial reinforcement
- Surveillance
- Access control.

Section A8.4—Specific design requirements

The proposed development is considered satisfactory with respect to the safer by design requirements specified by section A8.4.
Section 9—Construction standards and procedures

Part C—Provisions applicable to residential-zoned land

Section 1—Introduction

Section C1.2—Objectives

The proposed development is considered satisfactory with respect to the objectives of Part C, specified by section C1.2 (a)-(d):

(a) Conservation of the unique characteristics of the residential areas of Bowral, particularly in the case of the identified Conservation Areas,

(b) New residential development which is sympathetic with existing streetscapes and neighbourhood character,

(c) New residential development that is energy efficient, provides good amenity, and is safe and attractive.

(d) Residential development which meets the needs of a range of community and demographic types, including smaller households, older people, people with a disability or people requiring group accommodation.

Section C1.5—Height of buildings

Section C1.5 notes that residential building heights are generally as follows, measured from natural ground level to roofline:

(a) For one-storey development, 6.0m

(b) For two-storey development, 9.0m

(c) For three-storey development, 12.0m.

Section C1.6—Building materials

Section C1.6.1—Objectives

The proposed development is considered satisfactory with respect to the building materials objectives specified by section C1.6.1:

- Ensure that durability, detailing and appearance are all considered when selecting building materials to ensure a high quality appearance over time

- Encourage the use of materials in the construction of new dwellings that are compatible with adjoining dwelling houses and the streetscape in terms of type, colour and form

- Encourage the adoption of an exterior colour scheme which complements the existing streetscape.

Section C1.6.2—Specific controls

Drawings accompanying the application indicate the following exterior colours and finishes:

The proposed development is considered satisfactory with respect to the building materials controls specified by section C1.6.2 (a) and (b):
(a) The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent.

(b) A detailed exterior colour scheme must be presented to allow Council to assess the proposed colours against the existing streetscape.

Section 2—Low density housing

Section C2.2—Objectives of low density housing

The proposed development is considered satisfactory with respect to the low density housing objectives specified by section C2.2 (a)-(j):

(a) Maintain and improve the amenity and character of residential areas in (locality).

(b) Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.

(c) Ensure that the heritage value of any property which is, or is within the vicinity of, an Item, or Draft Item of Heritage, or is within a Heritage, or Draft Heritage Conservation Area, is not compromised.

(d) Promote ecologically sustainable development by requiring the construction of energy smart dwellings.

(e) Maximise solar access to the proposed development.

(f) Maximise privacy between existing development and proposed development.

(g) Ensure that adequate on-site car parking is provided for residents and visitors.

(h) Preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.

(i) Ensure that adequate provision is made for high landscaped open space which complements the overall development and which assists in maintaining existing streetscape quality.

(j) Where located near to road or rail corridors, provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.

Section C2.3—Dual occupancy and secondary dwellings

Section C2.3.3—Controls in the R2 low density residential zone

Section C2.3.3 (b) effectively specifies that whilst no maximum floor area applies to the proposed development’s dual occupancy component, its floor space ratio (FSR) must not exceed 0.5:1. Clause 4.5 (2) of the LEP defines FSR as the ratio of the gross floor area (GFA) of all buildings within the site to the site area. The proposed development’s total GFA is 408m² and the land’s site area is 1070m². The proposed FSR is therefore 0.38:1.

Section C2.3.5—Subdivision of dual occupancy and secondary dwellings

As discussed earlier, clause 7.2 of the LEP facilitates the granting of consent for the proposed development’s subdivision component.
Section C2.4—Development density and scale

Section C2.4.2—Objectives

The proposed development is considered satisfactory with respect to the density and scale objectives specified by section C2.4.2 (a)-(i):

The height, scale and style of development shall:

(a) Be compatible with the scale, appearance and character of any existing buildings on the site.

(b) Retain important natural features of the site, including any significant existing trees.

(c) Ensure that dwellings address the street in an appropriate way.

(d) Be compatible with the scale of development of the established built environment and streetscape.

(e) Ensure that the sides and rear of dwellings, which are generally viewed by neighbours, make a positive contribution to residential amenity.

(f) Provide sufficient vehicle access and parking in accordance with standards contained within this Plan.

(g) Ensure that the visual and acoustic privacy of adjoining dwellings are protected.

(h) Ensure adjoining living areas are located to minimise overshadowing and overlooking.

(i) Ensure windows in living areas are located to minimise and overlooking both within the site and between sites.

Section C2.4.3—Controls

Section C2.4.3 effectively specifies the proposed development’s footprint, which excludes open space areas such as verandahs, balconies and the like, must not exceed 65% of the land’s area. The land’s area is 1070m² and the proposed development’s footprint area, including driveways and the like, is approximately 540m², or 51% of the land’s area.

The proposed development is considered satisfactory with respect to the controls specified by section C2.4.3.

Section C2.5—Dwelling orientation

Section C2.5.1—Objectives

The proposed development is considered satisfactory with respect to the dwelling orientation objectives specified by section C2.5.1:

(a) Ensure that all dwellings are orientated to optimise solar access to the main living areas of each.

(b) Position the dwellings on the site to ensure that those open spaces most used by residents receive maximum access to sunlight.

(c) Maximise opportunities for passive heating and cooling of dwellings to reduce reliance on artificial methods.
(d) Ensure that no dwelling will adversely impact on the solar access of existing neighbouring dwellings.

Section C2.5.2—Specific controls
The proposed development is considered satisfactory with respect to the dwelling orientation controls specified by section C2.5.2.

Section C2.6—Front setbacks
Section C2.6.1—Objectives
The proposed development is considered satisfactory with respect to the front setbacks objectives specified by section C2.6.1:

(a) Ensure the front setback of new infill development is consistent with the existing streetscape.

(b) Provide areas for trees and vegetation to enhance the streetscape and provide privacy.

(c) Preserve existing vegetation connections.

Section C2.6.2—Specific controls
The proposed development is considered satisfactory with respect to the front setbacks objectives specified by section C2.6.2:

(c) (iii) effectively specifies minimum 4.5m front setbacks from Sir James Fairfax Circuit to the northernmost proposed dwelling and from Ginahgulla Drive to the southernmost proposed dwelling. The proposed development substantially complies; there is a minor encroachment by the southernmost proposed dwelling’s porch, which the DCP recognises as part of the development’s open space area.

Section C2.7—Side setbacks
Section C2.7.1—Objectives
The proposed development is considered satisfactory with respect to the side setbacks objectives specified by section C2.7.1:

(a) Provide adequate building separation between new and existing development for the purposes of privacy, ventilation, fire safety and solar access.

(b) Provide space between dwellings to maintain the detached housing character and for individual identity and visual interest.

(c) Ensure consistent patterns of built and unbuilt spaces within the streetscape.

(d) Offer opportunities for deep soil areas and landscaping.

Section C2.7.2—Specific controls
Each of the proposed dwellings complies with the minimum 1.5m side setback effectively specified by section C2.7.2 (c).

Section C2.8—Rear setbacks
Section C2.8.1—Objectives
The proposed development is considered satisfactory with respect to the rear setbacks objectives specified by section C2.8.1:
(a) Provide private open space for both active and passive recreation which has good solar access.

(b) Ensure sufficient area on the site for mature trees and vegetation.

(c) Ensure mid block tree canopy can be established or conserved.

Section C2.8.2—Specific controls
The proposed development would produce two lots smaller than 900m², each being occupied by a dwelling. Section C2.8.2 (c) specifies a minimum rear setback of 3.0m to each dwelling. The proposed development complies.

Section C2.9—Building height

Section C2.9.1—Objectives
The proposed development is considered satisfactory with respect to the building height objectives specified by section C2.9.1:

(a) Retention of a low scale domestic residential character (or appropriate alternative depending on locality),

(b) Minimal loss of privacy for existing development

(c) Minimal overshadowing of neighbouring properties by new development

(d) Minimal disruption to the views of existing development.

Section C2.9.2—Specific controls
Section C2.9.2 (a) specifies the maximum height of a dwelling house shall not exceed two storeys. The proposed development complies, noting the southernmost of the two proposed dwellings is of two storey construction.

Section C2.10—Roof forms
The proposed development’s roof forms are considered satisfactory with respect to section C2.10.

Section C2.11—Dwellings on corner allotments
As mentioned earlier, the proposed development would ultimately create two lots, one being a corner lot. The northernmost proposed dwelling, on the proposed corner lot, is therefore subject to the provisions of section C2.11.

Section C2.11.1—Objectives
The proposed development is considered satisfactory with respect to the objectives specified by section C2.11.1 regarding dwellings on corner allotments:

(a) Such development enhances the streetscape of both the streets involved.

(b) The design of both dwellings is suited to a corner allotment in that it presents an attractive façade to both streets.

(c) The design of both dwellings reflects the scale and density of surrounding development.
Section C2.11.2—Specific controls
The proposed development is considered satisfactory with respect to the specific controls specified by section C2.11.2.

Section C2.12—Garaging and driveways
Section C2.12.1—Objectives
The proposed development is considered satisfactory with respect to the objectives specified by section C2.12.1 regarding garaging and driveways.

Section C2.12.2—Specific controls
The proposed development is considered satisfactory with respect to the specific controls specified by section C2.12.2.

Section C2.13—Landscaped open space
Section 2.13.1—Objectives
The proposed development is considered satisfactory with respect to the landscaped open space objectives specified by section C2.13.1:

(a) Meets the minimum on-site Open Space standards applicable to low density residential development.

(b) Retains and protects both individual trees and/or identified Threatened Ecological Communities scattered throughout the locality.

(c) Retains existing natural features on the site that contribute to the character of the site and/or the local area.

(d) Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block in order to contribute to existing tree canopies and wildlife habitats.

(e) Protects the plantings on any site which is, or is in the vicinity of, an Item (or Draft Item) of Heritage or is within a Heritage Conservation Area or Draft Area.

(f) Provides several generously designed outdoor spaces, rather than allowing such spaces to be simply ‘left over’ spaces after the siting of buildings.

(g) Provides both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.

(h) Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.

(i) Creates attractive, landscaped front gardens that include a number of small trees and shrubs.

(j) Encourages the use of the front garden and front of dwelling spaces such as verandas and porches, for both active and passive recreation.
(j) Ensures that the dimensions of verandas and porches are sufficient to make a legitimate contribution to private open space.

(k) Provides useable open space, located to maximise solar access.

(l) Ensures ease of movement between living areas of dwellings and private open space.

Section C2.13.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.13.2 regarding landscaped open space.

Section C2.14—Fencing, gates and letterboxes

Section C2.14.1—Specific controls

Documents accompanying the application do not indicate any fencing proposed forward of the development’s building line. Recommended consent condition 3 specifies Council’s consent does not permit erection of any fencing other than indicated on the consent drawings or specified by an environmental planning instrument as not requiring development consent.

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the specific controls specified by section C2.14.1 regarding fencing, gates and letterboxes.

Section 22—Retford Park Precinct

Section C22.2—Development concepts

Section C22.2.1—Preferred development outcomes

The proposed development is considered satisfactory with respect to the objectives specified by section C22.2.1:

(a) To ensure the scale and character of development is respectful of the low density residential character of the East Bowral area and heritage significance of the adjoining Retford Park (Schedule 5 WLEP 2010).

(b) To ensure the subdivision occurs as agreed in the Retford Park Planning Agreement in respect of:

(i) Staging

(ii) Infrastructure

(iii) Land dedications

(iv) Landscaping and Park Embellishments

(v) Provision of drainage management lands.

Section C22.2.2—Character of the future development

The proposed development is considered satisfactory with respect to the controls specified by section C22.2.2.
Section 4.15 (1) Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the LEP’s relevant provisions.

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

Not applicable.

(iii) any development control plan, and

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of Council’s applicable Bowral Town Plan Development Control Plan.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Provided all recommended consent conditions are complied with, the proposed development

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

The proposed development is considered generally compatible with the intended character and amenity of the locality, and no site attributes are considered to render the land unsuitable for it.

(d) any submissions made in accordance with this Act or the regulations,
Refer to the Consultation section of this report.

(e) the public interest.

There is not considered to be any overriding public interest against granting consent for the proposed development.

CONSULTATION

Pre-lodgement Meeting
The applicant did not seek formal pre-lodgement advice before making the application.

External Referrals

<table>
<thead>
<tr>
<th>Referrals</th>
<th>Advice/Response/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Rural Fire Service (integrated development)</td>
<td>No objection or general terms of approval.</td>
</tr>
</tbody>
</table>

Internal Referrals

<table>
<thead>
<tr>
<th>Referrals</th>
<th>Advice/Response/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accredited Certifier</td>
<td>No objection, subject to various recommended consent conditions.</td>
</tr>
<tr>
<td>Development Engineer</td>
<td>No objection, subject to various recommended consent conditions.</td>
</tr>
<tr>
<td>Coordinator Strategic Land Use Planning</td>
<td>Developer contributions payable, as specified by recommended conditions 11 and 12.</td>
</tr>
</tbody>
</table>

Neighbour Notification (or Advertising)/Public Participation
Council notified the application to surrounding land owners, inviting submissions between 5 and 21 June 2019. The application attracted 12 submissions, including one petition, all objecting to the proposed development. The various grounds for objection are identified and discussed below.

1. Minimum subdivision lot size

Three submissions object on the basis that the proposed development includes subdivision of the land to create lots smaller than the minimum size shown on the LEP Lot Size Map in relation to the land, being 1000m².

Comment – As discussed earlier, the application proposes initial erection of a dual occupancy in Zone R2 and subsequent subdivision of the land to create two lots of 500m² and 570m². The land is a 1070m² corner lot in Zone R2, and has access to Council’s reticulated water supply and sewerage services. Clause 7.2 of the LEP therefore facilitates the granting of consent for the proposed development’s subdivision component despite any contrary other LEP provision.

2. Non-compliance with LEP and DCP

Four submissions assert that the proposed development does not comply with relevant provisions of the LEP and Council’s applicable Bowral Town Plan Development Control Plan (the DCP).
Comment – As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of the LEP and DCP.

3. Neighbourhood character and amenity

Eleven submissions assert that the proposed development is not in keeping with the emerging or intended character of the locality and the wider Retford Park Estate.

It is submitted that the proposed development does not constitute “low density” development as provided for by the land’s R2 Low Density Residential zoning, and the proposed subdivision of the land to create lots of 500m² and 570m² contradicts an intention that the locality be characterised by single dwelling houses on lots of at least 1000m². Objectors also assert that the proposed development is an overdevelopment of the land, and express concern that the proposed development will prompt unwanted higher density residential development in the locality.

Comment – As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of the LEP and DCP.

3. Neighbourhood character and amenity

Eleven submissions assert that the proposed development is not in keeping with the emerging or intended character of the locality and the wider Retford Park Estate.

It is submitted that the proposed development does not constitute “low density” development as provided for by the land’s R2 Low Density Residential zoning, and the proposed subdivision of the land to create lots of 500m² and 570m² contradicts an intention that the locality be characterised by single dwelling houses on lots of at least 1000m². Objectors also assert that the proposed development is an overdevelopment of the land, and express concern that the proposed development will prompt unwanted higher density residential development in the locality.

Comment – As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of the LEP and DCP.

4. Covenants, agreements and instruments

Five submissions object to the proposed development on the grounds that it does not meet design guidelines specifically applicable to Retford Park Estate.

Comment – It is understood that the purchase of residential lots in Retford Park Estate is subject to a contractual agreement that development will take place in accordance with design standards that are administered and enforced by a design panel. These standards are not specifically conveyed by any environmental planning instrument or development control plan, and Council has no role to play in their enforcement.

5. Overshadowing

One submission expresses concern that the proposed development’s two storey component will cause overshadowing of adjoining land and development.

Comment – Shadow diagrams accompanying the application indicate adjoining land will receive direct sunlight of periods exceeding three hours on 22 June (winter solstice) despite the proposed development’s erection.
SUSTAINABILITY ASSESSMENT

- **Environment**
  Provided all recommended consent conditions are complied with, the proposed development is not expected to have any significant negative 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**
  The development application has been considered in accordance with the Wingecarribee Local Environmental Plan 2010, section 79C of the Environmental Planning and Assessment Act 1979 and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2019/20: OP168 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

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

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with regard to Council’s legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council’s legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the relevant provisions of applicable state environmental planning policies, Wingecarribee Local Environmental Plan 2010, and the Bowral Town Plan Development Control Plan.

OPTIONS

The options available to Council are:

Option 1
That the Council determines development application 19/1645 by granting consent, subject to the conditions specified by Attachment 1.

Option 2
That the Council determines development application 19/1645 by refusing consent, and specifies the reasons for its determination.

Option 1 is the recommended option to this report.

CONCLUSION

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of applicable environmental planning instruments, development control plans and Council policies, is not expected to have any significant negative environmental, social or economic impact, nor any significant negative impact on the character and amenity of the locality. It is therefore recommended that the application be determined by granting development consent, subject to conditions as specified by Attachment 1.

ATTACHMENTS

1. 19/1645 Draft Conditions of Consent
2. 19/1645 Locality Map - circulated under separate cover
3. 19/1645 Aerial Image - circulated under separate cover
4. 19/1645 Proposed Development Drawings - circulated under separate cover

Mark Pepping
Deputy General Manager Corporate, Strategy and Development Services
Friday 4 October 2019
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

ATTACHMENT 1 19/1645 Draft Conditions of Consent

19/1645 DRAFT CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent is granted in accordance with Council’s notice of determination for erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land and carrying out of works to create two lots for the purpose of dwelling houses.

Reason: To confirm the use of the approved development.

2. Development in Accordance with Plans and Documents

Except where otherwise specified by conditions of consent, the development shall be carried out in accordance with the documents accompanying the development application, and the stamped consent drawings set out in the following including any notations or amendments made by Council. In the event of an inconsistency between documents or drawings, the more recently dated document or drawing shall prevail to the extent of the inconsistency.

<table>
<thead>
<tr>
<th>Drawing Title</th>
<th>Reference / Version</th>
<th>Prepared By</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site / Stormwater &amp;</td>
<td>Job No 07-19, Page 1 of 3,</td>
<td>PS Design (drawn by PS)</td>
<td>19 June</td>
</tr>
<tr>
<td>Roof Plans</td>
<td>Issue B</td>
<td></td>
<td>2019</td>
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<tr>
<td>Ground Floor &amp; Roof</td>
<td>Job No 07-19, Page 2 of 3,</td>
<td></td>
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</tr>
<tr>
<td>Plans</td>
<td>Issue B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevations, section &amp;</td>
<td>Job No 07-19, Page 3 of 3,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roof Plans</td>
<td>Issue B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscape Plan</td>
<td>Drawing #L/01</td>
<td>Bluegum Design Services</td>
<td>21 May</td>
</tr>
<tr>
<td>Landscape Details</td>
<td>Drawing #L/02</td>
<td>(drawn by SL)</td>
<td>2019</td>
</tr>
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</table>

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

3. Fencing

Council’s consent does not permit erection of any fencing other than indicated on the stamped consent drawings or specified by an environmental planning instrument as not requiring development consent.

Reason: To prevent unauthorised erection of fencing.

4. Inconsistency between documents

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

Reason: To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).
5. **Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

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

(b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

6. **Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) In the case of work for which a principal contractor is required to be appointed:

(i) the name and licence number of the principal contractor, and

(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) In the case of work to be done by an owner-builder:

(i) the name of the owner-builder, and

(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

7. **Home Owners Warranty Insurance**

No residential building work within the meaning of the Home Building Act 1989 may commence until:

(a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98(1)(b) Environmental Planning and Assessment Regulation 2000);

(b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral
ATTACHMENT 1 19/1645 Draft Conditions of Consent

(c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner builder permit required under the Home Building Act 1989;

(d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):

   (i) In the case of work for which a principal contractor is required to be appointed:

   □ The name and licence number of the principal contractor, and

   □ The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989;

   (ii) In the case of work to be done by an owner-builder:

   □ The name of the owner-builder, and

   □ If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.


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

8. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

(a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.

(b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

(c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

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(d) Essential services plan outlining the existing and proposed fire safety measures.

(e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.

(f) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:

   □ Performance requirements that the alternative solution intends to meet.
   □ Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
   □ A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

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

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

9. Appointment of Principal Certifying Authority

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

(a) A Construction certificate for the building work has been issued by:

   (i) the consent authority; or
   (ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

   (i) appointed a principal certifying authority for the building work, and
   (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

   (i) notified the Council of his or her appointment, and
   (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

   (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

ATTACHMENT 1 19/1645 Draft Conditions of Consent

(ii) notified the principal certifying authority of such appointment, and
(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(c) the person having the person having the benefit of the development consent has given at least 2 days’ notice to the Council of the person’s intention to commence the erection of the building.

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

10. Section 68 Local Government Act 1993 Approvals

Prior to the issue of any Construction Certificate for building work in the development, an application under section 68 of the Local Government Act 1993 shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:
- Carry out sewerage works
- Carry out water supply works
- Carry out stormwater drainage works.


11. Section 7.11 Contributions (formerly Section 94)

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

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:
- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities

A “Developer Charges - Notice of Payment” is attached to the back of Council’s notice of determination, and outlines monetary contributions and unit rates applicable at the time of consent. No construction certificate shall be granted for building work in the development unless the contributions listed in the Notice of Payment have been paid.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); Section 251 of the Environmental Planning and Assessment Regulation 2000; and Council’s Developer Contributions Plans.

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

Note: Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled “Notice of Payment..."
9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

ATTACHMENT 1 19/1645 Draft Conditions of Consent

- Developer Charges & Section 94*. Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has beenhonoured (i.e. a minimum of 10 days).

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


No construction certificate shall be granted for building work in the development unless a Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 has been obtained.

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

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

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

A developer Charges - Notice of Payment is attached to the back of Council’s notice of determination and outlines monetary contributions and unit rates applicable at the time of consent.

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

Copies of Development Servicing Plans are available at Wingecarribee Shire Council’s Administration building Moss Vale or are available for download from Council’s website www.wsc.nsw.gov.au.

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

<table>
<thead>
<tr>
<th>CPI Period</th>
<th>Water DSP</th>
<th>Sewer DSP</th>
<th>Stormwater DSP</th>
</tr>
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<tbody>
<tr>
<td>To 31 October 2019</td>
<td>$11,077.43</td>
<td>$10,739.17</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au.

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

Note: Payment of the above charges is to be by BANK CHEQUE OR CASH and is...
9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP 1239600, 40 Sir James Fairfax Circuit, Bowral

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

Attachment 1

Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP 1239600, 40 Sir James Fairfax Circuit, Bowral

ATTACHMENT 1
19/1645 Draft Conditions of Consent

---

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

Compliance Certificate

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

Water $250.00 + Sewer $250.00 = $500.00.

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

No Construction Certificate shall be issued for building work in the development until the Water Management Act 2000 charges have been paid and/or secured and the approval of Council has been obtained.

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

13. Construction Traffic Management Plan

To undertake development works including demolition, earthworks and construction a Construction Traffic Management Plan (CTMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CTMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CTMP must include the following:

a) Details of site security;

b) Off-street parking for employees, contractors and sub-contractors.

c) Site access for construction vehicles and equipment purposes.

d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.

e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.

f) Provision for loading and unloading materials;

g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;

h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)

i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.

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Notice of Determination - Development Application
j) External lighting and security alarms proposed for the construction site.

k) Firefighting measures to be available on site during development and construction.

l) Sanitary amenities proposed on site during development and construction.

m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;

n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;

o) Details of any air and dust management;

p) Details of noise and vibration controls;

q) Anticipated staging and duration of works

r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

**Reason:** To ensure the safety, amenity and protection of public infrastructure and the environment.

14. **Provision of Works and Services**

Prior to the issue of the Construction Certificate, the developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council’s standards and all other relevant codes and guidelines.

**Reason:** Statutory requirement.

15. **Detailed Stormwater Drainage System Design**

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council’s Design Standards shall be submitted to Council and approved by Council’s Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

**Note:** Construction Certificate Approval does not include approval for works external to the property or civil works.

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

**Reason:** To ensure adequate storm water management.
16. Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate.

*Reason:* To ensure appropriate infrastructure is provided to the development.

17. Waste Management Plan

No construction certificate shall be granted for any building work in the development unless a Waste Management Plan has been submitted to and approved by Council.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout the carrying out of works in the development. Waste management and its storage must not pose a threat to public health or the environment.

*Reason:* To minimise the amount of waste going to landfill.

18. Erosion and Sediment Control Plan

No construction certificate shall be granted for any building work in the development unless an Erosion and Sediment Control Plan has been prepared in accordance with “Landcom’s Blue Book” for sedimentation and erosion control plan by a suitably qualified person, and approved by Council.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

(a) Locality of the site, a north point and scale.
(b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
(c) Location of and basic description of existing vegetation.
(d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
(e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
(f) Nature and extent of earthworks, including cut and fill roadworks.
(g) Location of all soil and material stockpiles.
(h) Location of site access, proposed roads and other impervious areas.
(i) Existing and proposed drainage patterns.
(j) Location and type of proposed erosion and sediment control measures.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

9.2 Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

ATTACHMENT 1 19/1645 Draft Conditions of Consent

19/1645, Lot 210 DP 1239600

(k) Site rehabilitation proposals, including final contours.

(l) Time of placement of sediment controls.

(m) Staging of works and how the plan is to be implemented for each stage or activity on site.

(n) Maintenance schedule.

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

19. Erosion and Sediment Control Plan

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

(a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.

(b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.

(c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.

(d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.

(e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.

(f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

(g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

Reason: To minimise soil erosion and sediment movement during construction.
CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

20. Application for a Subdivision Works Certificate

Subdivision work in accordance with Council’s consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council or an Accredited Certifier, pursuant to Section 6.13 of the Environmental Planning and Assessment Act 1979. The application for a Subdivision Works Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council’s Engineering Policies.

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

21. Appointment of Principal Certifying Authority

No subdivision work shall commence in connection with Council’s Development Consent until:

(a) A Subdivision Works Certificate for the subdivision work has been issued by:

(i) the consent authority; or
(ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the subdivision work, and
(ii) notified the principal certifying authority that the person will carry out the subdivision work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the work commences:

(i) notified the Council of his or her appointment, and
(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

(i) appointed a principal contractor for the subdivision work who must be the holder of a contractor licence if any residential building work is involved, and
(ii) notified the principal certifying authority of such appointment, and
(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and

(c) the person having the person having the benefit of the development consent has given at least 2 days’ notice to the Council of the person's intention to commence the subdivision work.

Reason: To ensure that there is certainty as to the consent applying to the land.
22. **Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

*Reason:* To ensure appropriate infrastructure is provided to the development.

23. **Electricity Connection**

Provision shall be made for connection to future underground distributions mains to the development. This shall be achieved by installing:

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

*Note:* A limit of one (1) pole per site will apply.

Details shall be submitted with the application for a Subdivision Works Certificate.

*Reason:* To ensure adequate electricity service is provided to the development.

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK**

24. **Notice of Commencement**

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

(a) Not less than two (2) days’ notice of the date on which it is proposed to commence work associated with this Development Consent;

(b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)

(c) Details of the name, address and licence details of the Principal Contractor.

*Reason:* Statutory requirement.

*Advice:* Attached Notice of Commencement form to be completed.

25. **Principal Certifying Authority Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor’s name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.
Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Advice: Where Council is the PCA, signage is available from Council.

Reason: Statutory requirement.

26. Construction Certificate

No work in the development shall commence until a:

(a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and

(b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

Reason: Statutory requirement.

27. Subdivision Works Certificate & Appointment of Principal Certifying Authority

Subdivision work in accordance with a consent must not commence until:

(a) A Subdivision Works Certificate has been issued.

(b) The person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA).

(c) The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA’s appointment.

(d) The person having the benefit of the consent has given at least two (2) days’ notice to the Council of the person’s intention to commence the subdivision work.

Advice: Crown work certified in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.

Reason: Statutory requirement.

28. Developers Representative during Construction of Works

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

1 Name of Representative:
Development Application 19/1645 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

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2. Company:
3. Position:
4. Contact phone:
5. Contact fax:
6. After Hours Contact:
7. Signature of Representative:
8. Signature & Acceptance of representative by the Developer:
9. Council requires that the nominated “Construction Supervisor” either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

10. Inform Council in writing of their intention 7 days before entering the site.
11. Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: Statutory requirement.

29. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the Roads Act 1993) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

☐ A copy of approved design plans related to the development and proposed works to be undertaken.

☐ Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority’s manual “Traffic Control at Work Sites”. Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

☐ Insurance details - Public Liability Insurance to an amount of $20 million, to be held by applicant / contractor undertaking the works.

Advice: Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals.
under Section 138 of the Roads Act 1993.

Reason: Statutory requirement.

30. Relocation of Existing Services

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber’s permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

Reason: Statutory requirement.

31. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

(b) could cause damage to adjoining lands by falling objects, or

(c) involve the enclosure of a public place or part of a public place.

Reason: To ensure that the safety of the public is not compromised.

32. Erosion and Sediment Control

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

Reason: To ensure that sediment does not leave the site as a result of the construction of the development.

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

33. Approved Plans to be available on site

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

Reason: To ensure compliance with approved plans.

34. Imported ‘Waste-derived’ Fill Material

The only waste derived fill material that may be received at the development site is:

☐ Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or

☐ Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material
Note: Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material’s compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

The application of waste-derived material to land is an activity that may require a licence under the Protection of the Environment Operations Act 1997. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014.


Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes.

35. Survey Report - Minor Development

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

(a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.

(b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.

(c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

Reason: To ensure compliance with approved plans.

36. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

Reason: To ensure that natural drainage of the property and adjoining properties is not affected.

37. Retaining Walls and Drainage

If the soil conditions require it:

(a) retaining walls associated with the erection of a building or carrying out of works in
the development, or other approved methods of preventing movement of the soil, shall be provided, and

(b) adequate provision shall be made for drainage.

(c) any retaining walls which are not indicated on the stamped consent drawings or do not comply with the exempt development standards outlined in the State Environmental Planning Policy (Exempt and Complying Codes) 2009, are subject to a separate approval prior to the construction of the retaining wall.

Reason: To ensure that soil is appropriate retained.

38. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of (WHAT SIZE) mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

Reason: To reduce the possibility of damage to public property.

39. Engineering Inspections by Council

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drafter that the following works are ready for inspection:

(a) Piers associated with external drainage designed to distribute weight of structure away from sewer main prior to pouring of concrete.

(b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

Note: The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.

Note: An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.

Reason: Statutory requirement.

40. Stormwater - Connection to Kerb

All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.

Reason: To comply with Council standards.
41. **Stormwater - Discharge**

   All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

   **Reason:**  To ensure that stormwater is appropriately disposed of.

42. **Earthworks, retaining walls and structural support**

   Any earthworks (including any structural support or other related structure for the purposes of the development):

   (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

   (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

   (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and

   (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.


   **Reason:**  Structural safety.

43. **Damage to Adjoining Properties**

   All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

   **Reason:**  Structural safety.

44. **Erosion and Sediment Control Plan Compliance**

   All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

   **Note:**  In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/or orders.

   **Reason:**  To ensure that the environment is protected.
45. **Soil and Water Management - Site Maintenance**

   Roads servicing the construction site shall be maintained in a condition free of mud, soil and other construction/demolition materials at all times.

   **Reason:** To minimise construction / demolition materials being trucked off site.

46. **Prevention of Nuisance**

   All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

   **Reason:** Health and amenity.

47. **Dust Control**

   Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

   **Reason:** Environmental amenity

48. **Council Reserve / Street Tree Retention**

   All trees in Council’s road reserve are to be preserved except where removal is separately approved by Council via a tree preservation order permit or development application, to ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

   **Advice:** Reference should be made to Council’s Urban Street Tree Master Plan.

   **Reason:** To ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

49. **Approved hours of Construction/Demolition**

   The carrying out of building and other works in the development shall be limited to the following hours:

<table>
<thead>
<tr>
<th>DAY</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Saturday</td>
<td>7:00am to 5:00pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>Nil</td>
</tr>
<tr>
<td>Public Holidays</td>
<td>Nil</td>
</tr>
</tbody>
</table>

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

50. **Construction Traffic Management Plan**

   All development activities and traffic movements shall be carried out in accordance with the approved Construction Traffic Management Plan.

   All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on
site at all times and made available to the Accredited Certifier and Council on request.

**Reason:** Compliance with condition of consent.

### 51. Building Operations

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

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

### 52. Maintenance of the site

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

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

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

During construction:

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

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

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

**Reason:** Environmental amenity.

### 53. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

**Reason:** To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

### 54. Protection of Public Places

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 Roads Act 1993 approval...
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(including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

Reason: Public safety.

55. Temporary Onsite Toilet

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

Each toilet shall:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or

(c) be a temporary chemical closet approved under the Local Government Act 1993.

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

56. Waste Management

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

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

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

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

57. Occupation Certificate

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

The Principal Certifying Authority (PCA) is required to be satisfied, amongst other things, that:

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

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

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

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

58. **Smoke Alarms**

A Compliance Certificate certifying the installation of smoke alarms shall be provided to Council prior to the Occupation Certificate.

**Reason:** To ensure compliance in accordance with Australian Standard AS 3786 Smoke Alarms and NCC requirements.

**Advice:** Where there is more than 1 alarm to be installed, the certificate shall state that the alarms have been interconnected.

59. **BASIX Commitments**

Pursuant to Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of Council's consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

(a) Relevant BASIX Certificate means:

(i) a BASIX Certificate that was applicable to the development when Council's development consent was granted (or, if the development consent is modified under Section 4.55 of the Environmental Planning and Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

(ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

**Reason:** To ensure that all of the commitments of BASIX Certificate have been met.

60. **House Numbering**

A street house number being 75mm on house and no less than 42mm on mailbox or rural address number (allocated by Council), shall be prominently displayed so that it is visible.
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ATTACHMENT 1 19/1645 Draft Conditions of Consent

19/1645, Lot 210 DP 1239600

from the street/road prior to issue of the Occupation Certificate.

Reason: To ensure that the property is easily identifiable.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

61. Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier (in accordance with Section 6.15 of the Environmental Planning and Assessment Act 1979) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and 3 copies shall be included with the application.

All works specified in Council’s development consent and approved Subdivision Works Certificate plans shall be completed and all development consent conditions complied with prior to issue of the Subdivision Certificate.

The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each condition of consent has been complied with.

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

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

62. Occupation Certificate

No subdivision certificate shall be granted for the development unless an occupation certificate has been granted for both of the dwellings in the development.

Reason: To ensure the development’s dual occupancy (detached) component is satisfactorily completed prior to any subdivision of the land.

63. Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained in the form of a Notification of Arrangement (NOA). The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

Reason: To ensure appropriate infrastructure is provided to the development.

64. Provision of Services

A separate access, sewer connection, storm water drainage connection, water service and electricity supply shall be provided to each allotment within the subdivision at the applicants expense prior to the issue of the Subdivision Certificate.

All property services shall be located within the lots that they serve in accordance with
Council's Engineering Standards. The applicant shall provide to Council written confirmation of compliance.

**Reason:** To ensure that all available services are provided to each lot within the subdivision.

65. **Residential Driveway**

A standard concrete vehicular gutter layback shall be constructed at the driveway entrances in accordance with Council's Standard drawing Nos SD107 and SD123 prior to the issue of the Subdivision Certificate.

**Reason:** To comply with Council's Engineering Standards.

66. **Provision of Reticulated Sewer to Each Lot**

Reticulated sewer service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

Sewerage mains shall be constructed to serve the development.

**Reason:** To ensure that the development is serviced.

67. **Construction of Sewer Sidelines**

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost prior to the issue of the Subdivision Certificate.

Council's application form shall be completed by the applicant and the appropriate fee paid.

If the sideline is to be extended from a sewer main in adjoining property, written permission of the affected landowner allowing work to be undertaken, shall be submitted with the application form.

**Reason:** To ensure that the development is serviced.

68. **Construction of Water Mains to Lots**

A reticulated water service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

**Reason:** To ensure that the development is serviced.

69. **Construction of Water Service**

A water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate.

Council's application form shall be completed by the Developer and the appropriate fee paid.

**Advice:** A water meter should be installed prior to construction commencing.

**Reason:** To ensure that the development is serviced.
70. **Landscaping Plan**

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

**Reason:** To ensure that the landscaping is completed prior to completion of the subdivision.

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

71. **Erosion Control on Completed Developments**

Adequate erosion and sediment control measures shall be maintained in place where necessary until site stabilisation and revegetation is finalised.

**Reason:** To protect the environment.

**INTEGRATED DEVELOPMENT CONDITIONS**

72. **General Terms of Approval - NSW Rural Fire Service**

The NSW Rural Fire Service has issued its Bush Fire Safety Authority for the development pursuant to section 1008 of the Rural Fires Act 1997 without any specific conditions.

**ADVISORY MATTERS**

**Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before YouDig service in advance of any construction or planning activities.

**Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision or essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on Phone Number 1800 810 443.

**END OF CONDITIONS**
11 OPERATIONS FINANCE AND RISK

11.1 Proposed Lease to Mittagong RSL Club Limited - Area of Closed Road, Rainbow Street, Mittagong

Reference: PN 1820850
Report Author: Property and Project Officer
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council’s long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to grant a Lease to the Mittagong RSL Club Limited for the occupation of Council property being closed road reserve, Rainbow Street Mittagong.

RECOMMENDATION

1. THAT the General Manager be delegated authority to negotiate the terms and conditions of the Lease to Mittagong RSL Club Limited for the property known as area of Closed Road, Rainbow Street, Mittagong being Lot 1 in Deposited Plan 1235505, for a maximum term of 21 years.

2. THAT the General Manager and Mayor be delegated authority to execute the new Lease of the area of closed road and to affix the Common Seal of Council, if required.

REPORT

BACKGROUND

Council is the registered proprietor of the whole of the land comprised in Lot 1 DP 1235505 being the area of closed road, Rainbow Street, Mittagong (“the Council property”). The part of the Council property that forms the leased area is outlined in Attachment 1.

Council has been formally approached by the Mittagong RSL Club Limited requesting a Lease for the area of closed road.

Council is currently undertaking a boundary adjustment with the Mittagong RSL Club Limited to remedy an encroachment onto the Council property. It is expected that the plan of boundary adjustment will be registered before the end of the year.

The Boundary adjustment has been the subject of two formal Council reports, the first being in October 2011 and the most recent report which was submitted to Council in August 2017.
REPORT

Following a Councillor briefing session held on the 4 September 2019, this matter is now referred to Council for formal approval of the necessary resolutions to appropriately deal with the Lease of the Council property.

It is proposed that a Lease be granted to the Club for a period of twenty one (21) years. The purpose of the Lease is for Open Space/passive recreation (consistent with the surroundings and the current use of the land). It is proposed that rental will be $1.00 p.a. if demanded.

It is important to note the Leased area is the remaining section of the former road and does not encroach on the creation of the separate lot for the Wingecarribee Aboriginal Community and Cultural Centre.

Classification of land

The Council property is classified pursuant to section 26 of the Local Government Act, 1993 as “Operational” Land. The classification of the land governs the manner in which Council may deal with the land.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement is not required as the land is classified as Operational.

Internal Communication and Consultation

Executive

External Communication and Consultation

Mittagong RSL Club Limited

SUSTAINABILITY ASSESSMENT

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

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

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

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

COUNCIL BUDGET IMPLICATIONS
There are no budget implications in relation to this report. Ongoing maintenance of the proposed lease area will be the responsibility of the Lessor.

RELATED COUNCIL POLICY
None identified. The land does not have any fixed structures or buildings.

CONCLUSION
Council has been formally approached by the Mittagong RSL Club Limited requesting a Lease for the area of closed road Rainbow Street, Mittagong. This report recommends that authority be delegated to the General Manager to negotiate the terms and conditions of the Lease with the Club.

ATTACHMENTS
1. Attachment 1 - aerial map - circulated under separate cover
11.2 Proposed Road Closure of Part Road Reserve - Railway Parade, Balmoral

Reference: PN1770530; RD1306
Report Author: Property and Projects Officer
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council’s long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to invite an application to close part of the road reserve of Railway Parade, Balmoral adjoining 49 Station Street, Balmoral.

RECOMMENDATION

1. **THAT** Council invite a formal Application for the part road closure from the applicant (being the owner of 49 Station Street, Balmoral) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.

2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close the portion of Council Public Road reserve adjoining 49 Station Street, Balmoral **AND THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.

3. **THAT** if there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the portion of Council Public Road reserve referred to in Resolution 1 above.

4. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council any agreement, plan or real property dealing in respect of the proposed closure of the portion of Council Public Road reserve referred to in Resolution 1 above.

5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

6. **THAT** following the closure and sale of the portion of Council Public Road Reserve, the applicant is required to consolidate the newly created lot (being the former segment of closed road) with the applicant’s respective property.
REPORT

BACKGROUND

Council has recently been contacted by the owner of 49 Station Street, Balmoral, requesting that Council consider the closure and sale of part of the road reserve adjoining their property.

The portion of road reserve which is the subject of this report is formed and approximately 20 metres in width, and directly adjoins the applicant’s property as shown in Attachment 1.

REPORT

Council approval is sought to invite an application for the part-road closure of the road reserve of Railway Parade, Balmoral adjoining 49 Station Street, Balmoral.

The area of the proposed closure is a 2 metre wide strip running along the western boundary of the applicant’s property and is approximately 98.53m² (subject to final survey).

With the area of the applicant’s property being 1,114m², the total area of the property after consolidation would be approximately 1,212.53m². As the applicant’s property is zoned R2 – Low Density Residential with a minimum allotment size of 2,000m², the property would not be able to be subsequently subdivided.

The relevant Council Officers have been consulted and invited to comment in relation to the closure and sale of the unformed road.

Council’s Asset Branch has required that the road reserve be kept at a minimum of 18 metres wide. This condition will be met as the road reserve is currently 20 metres in total width, and the proposed area of closure being a 2 metre strip running along the western boundary of 49 Station Street, Balmoral.

LEGISLATIVE REQUIREMENTS

Part 4, Division 3 of the Roads Act 1993 outlines the statutory requirements regarding the closure of Council public roads by Council.

The Crown no longer has the power to close constructed or unconstructed Council public roads. This means that all applications for closure of Council public roads must be processed by Council as the roads authority. Only constructed (formed) Council public roads remain vested in the ownership of Council upon closure. Unconstructed (unformed) Council public roads become vested in the Crown upon closure.

If the closure of part of the road reserve proceeds, a new title will be created following registration of the Plan of Road Closure at the Office of Land Registry Services. The newly created lot (being the segment of closed road) will be required to be consolidated with the applicant’s adjoining property at the applicant’s cost.
COMMUNICATION AND CONSULTATION

Community Engagement
Following receipt of the formal request for the part-road closure from the applicant, Council will issue a public notice of its intention to close part road reserve of Railway Parade, Balmoral adjoining 49 Station Street, Balmoral. This notice will be advertised for a minimum twenty eight days.

Council will also issue a notice of proposed closure to property owners in the vicinity of the road reserve.

Internal Communication and Consultation
The relevant Council Officers have been consulted and invited to comment in relation to the closure and sale of the unformed road.

Council’s Asset Branch has required that the road reserve be kept at a minimum of 18 metres wide. This condition will be met as the road reserve is currently 20 metres in total width, and the proposed area of closure being a 2 metre strip running along the western boundary of 49 Station Street, Balmoral.

External Communication and Consultation
Adjoining owner (applicant)

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
The adjoining owner as applicant will be responsible for the payment of all fees and charges in relation to the process of the road closure. Fees will include an initial application fee to Council for road closure, along with surveying and registration fees.
RELATED COUNCIL POLICY
None identified.

CONCLUSION
It is recommended that Council support the proposed closure of part road reserve, Railway Parade Balmoral, and that the applicant be invited to submit a formal application for road closure and sale.

ATTACHMENTS
1. Attachment 1 - Aerial Map - *circulated under separate cover*
11.3 Proposed Part-Road Closure - Corner Queen Street and Gladstone Road, Bowral

Reference: PN580100; RD1552; RD1597
Report Author: Property and Projects Officer
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council’s long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to invite an application to close part of the road reserve on the corner of Queen Street and Gladstone Road, Bowral adjoining 10 Queen Street, Bowral.

RECOMMENDATION

1. THAT Council invite a formal Application for the part-road closure from the applicant (being the owner/developer of 10 Queen Street, Bowral) AND THAT it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.

2. THAT Council give a minimum twenty eight (28) days public notice of its intention to close the portion of Council Public Road reserve adjoining 10 Queen Street, Bowral AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.

3. THAT if there are no objections received by Council during the period of public exhibition notice, that pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the portion of Council Public Road reserve referred to in Resolution 1 above.

4. THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of Council any agreement, plan or real property dealing with respect to the proposed closure of the portion of Council Public Road reserve referred to in Resolution 1 above

5. THAT authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

6. THAT following the closure and sale of the portion of Council Public Road Reserve, the applicant be required to consolidate the newly created lot (being the former segment of closed road) with the applicant’s respective property.
REPORT

BACKGROUND

Council has recently been contacted by the consulting firm acting on behalf of the developer/applicant of 10 Queen Street Bowral requesting that Council consider the closure and sale of part of the road reserve. The closure and sale of the part road reserve would rectify the encroachment of retaining walls that have been constructed within the road reserve as part of the development.

Queen Street and Gladstone Road Bowral were created as part of the original subdivision of the land. The portion of road reserve subject to this report is formed, and directly adjoins the developer/applicant’s development as shown in Attachment 1.

REPORT

Council approval is sought to invite an application for the part-road closure of the road reserve on the corner of Queen Street and Gladstone Road, Bowral.

The area of encroachment is identified in Attachment 2.

The area of the encroachment is as follows:

- retaining wall on the western side of the allotment 0.7m,
- splayed corner boundary 0.8m, and
- southern boundary by 0.7m

While the encroachment area is subject to final survey, the proposed area of closure is considered minimal and will have no adverse impact on the Road Reserve or street amenity.

The relevant Council Officers have been consulted and invited to comment in relation to the closure and sale of the unformed road. There were no objections from Council Officers.

LEGISLATIVE REQUIREMENTS

Part 4, Division 3 of the Roads Act 1993 outlines the statutory requirements regarding the closure of Council public roads by Council.

The Crown no longer has the power to close constructed or unconstructed Council public roads. This means that all applications for closure of Council public roads must be processed by Council as the roads authority. Only constructed (formed) Council public roads remain vested in the ownership of Council upon closure. Unconstructed (unformed) Council public roads become vested in the Crown upon closure.

If the closure of part of the road reserve proceeds, a new title will be created following registration of the Plan of Road Closure at the Office of Land Registry Services. The newly created lot (being the segment of closed road) will be required to be consolidated with the applicant’s adjoining property at the applicant’s cost.
COMMUNICATION AND CONSULTATION

Community Engagement
Following receipt of the formal request for the part-road closure from the applicant, Council will issue a public notice of its intention to close part road reserve adjacent to 10 Queen Street, Bowral (corner Queen Street and Gladstone Road). This notice will be advertised for a minimum twenty eight days.

Council will also issue a notice of proposed closure to property owners in the vicinity of the road reserve.

Internal Communication and Consultation
The relevant Council Officers have been consulted and invited to comment in relation to the closure and sale of the road reserve. There were no objections from Council Officers.

External Communication and Consultation
Consulting firm acting on behalf of applicant.

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
The adjoining owner as applicant will be responsible for the payment of all fees and charges in relation to the process of the road closure. Fees will include an initial application fee to Council for the road closure, along with surveying and registration fees.

RELATED COUNCIL POLICY
None identified.
CONCLUSION

It is recommended that Council support the proposed closure of the part road reserve on the corner of Queen Street and Gladstone Road Bowral, and that the applicant/developer be invited to submit a formal application for road closure and sale.

ATTACHMENTS

1. Attachment 1 - Aerial Map - circulated under separate cover
2. Attachment 2 - Design Drawing Showing Area of Encroachment - circulated under separate cover
11.4 Application for Transfer of Unnamed Crown Road Located off Hoddle Lane, Robertson

Reference: PN 632500; RD 3614
Report Author: Property and Projects Officer
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to make an application to Crown Lands to transfer an unnamed Crown Road, located off Hoddle Lane, Robertson, to Council.

RECOMMENDATION

1. **THAT** Council make application to the Crown Lands Office for the transfer of the unmade road adjacent to Lots 1 – 2 & 5 - 8 Section 10 in Deposited Plan 758882 and Lots 9 & 10 in Deposited Plan 835002, Hoddle Lane, Robertson, from the Crown to Council as roads authority.

2. **THAT** if the Minister approves the Council application referred to in Resolution 1 above, it is noted that the relevant Council Policy will apply to the “unmade road” upon transfer AND **THAT** the adjoining landowner be advised accordingly.

REPORT

Council has been approached by a resident requesting that Council take control of the unnamed Crown Road adjacent to their property at 6 Hoddle Lane, Robertson.

The applicant currently owns two separate lots consisting of the front allotment (Lot 6) which has a dwelling erected on the property as well as a vacant allotment (Lot 7). The unnamed Crown Road dissect the property.

The vacant allotment (Lot 7) has a dwelling entitlement, however does not have a sewer connection. With the road being in Crown ownership the resident is unable to carry out works on Crown Land without owners’ consent. This would be required to have the sewer connected.

The Crown has advised both Council and the resident that it would be beneficial for Council to make application to transfer the road to Council as the Crown application process is both complex and lengthy.
It is important to note that this application does not include a proposal to close any part of the unnamed road.

**LEGISLATION**

*Section 151 Roads Act 1993.*

Pursuant to this legislation, the Minister may, by order published in the Government Gazette, transfer a specified Crown Road to another road authority, i.e., Council. Upon publication of the order, the road ceases to be a Crown Road and becomes a Council public road.

**COMMUNICATION AND CONSULTATION**

**Community Engagement**

No community engagement is required for the purposes of submitting an application to the Crown. If Council resolves to proceed with the application to transfer the road from the Crown to Council, it should be noted that the procedures for the transfer are set out in the *Roads Act 1993* and accompanying Regulation.

**Internal Communication and Consultation**

Assets Branch

**External Communication and Consultation**

Applicant.

**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.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

RELATED COUNCIL POLICY
None identified.

CONCLUSION
It is recommended that Council make application for the transfer of the Crown road to Council pursuant to Section 151 of the Roads Act 1993.

ATTACHMENTS
1. Attachment 1 - Aerial Map - circulated under separate cover
11.5 Draft Report on the Review of the Whites Creek Floodplain Risk Management Study and Plan

Reference: 8100/6.1
Report Author: Floodplain and Stormwater Engineer
Authoriser: Manager Assets
Link to Community Strategic Plan: Improve opportunities for people to ‘have their say’ and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

The purpose of this report is to seek Council’s endorsement to place the draft report on the Review of the Whites Creek Floodplain Risk Management Study and Plan on public exhibition.

RECOMMENDATION

THAT the draft report on the Review of the Whites Creek Floodplain Risk Management Study and Plan be put on public exhibition for a period of 60 days.

REPORT

BACKGROUND

Council has been undertaking flood studies and floodplain risk management studies for many years. These projects are jointly funded by NSW Government and Council with two-thirds funding provided by the State Government. Council secured a grant for the Review of the Whites Creek Floodplain Risk Management Study and Plan in 2017-18. The study commenced in early 2018 and the draft report has been completed. It is a requirement that the report be put on public exhibition for community feedback.

The draft report on the Review of the Whites Creek Floodplain Risk Management Study and Plan was presented before the Wingecarribee Floodplain Risk Management Advisory Committee on 13 September 2019. A detailed discussion was held about the draft report. The Committee suggested that the draft report on the Review of the Whites Creek Floodplain Risk Management Study and Plan be put on public exhibition for a period of 60 days for community feedback. Community information sessions may be held during the exhibition period if there is enough community interest. A hard copy of the draft report is located in the Councillors’ room in the Civic Centre.
COMMUNICATION AND CONSULTATION

Community Engagement
The community will be engaged during the exhibition period. The draft report will be on display in Council libraries and in the Civic Centre. The draft report will also be uploaded in the Council website following a media release in the local newspaper. Community meetings will be arranged if requested by the community.

Internal Communication and Consultation
Assets, Planning and Development staff have been consulted.

External Communication and Consultation
The Department of Planning Industry and Environment was consulted at the end of each milestone during the study. The public will be provided the opportunity to consult with Council during the exhibition period.

SUSTAINABILITY ASSESSMENT

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

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

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

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

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

COUNCIL BUDGET IMPLICATIONS
There are no budget implications in relation to this report.

RELATED COUNCIL POLICY
There are no related Council policies.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

OPTIONS
The options available to Council are:

**Option 1**
The draft report on the Review of the Whites Creek Floodplain Risk Management Study and Plan is put on public exhibition as recommended by the Wingecarribee Floodplain Risk Management Advisory Committee.

**Option 2**
Council may decide against the recommendation of Floodplain Risk Management Advisory Committee and not go for public exhibition.

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

CONCLUSION
The draft report on the Review of the Whites Creek Floodplain Risk Management Study and plan is put on public exhibition for a period of 60 days as recommended by the Floodplain Risk Management Advisory Committee for community feedback.

ATTACHMENTS
1. Executive Summary-Draft report on the Whites Cr FRMSP
EXECUTIVE SUMMARY

Overview
The Whites Creek catchment is located in the Southern Highlands of New South Wales. It drains a 7 square kilometre catchment in a north westerly direction through Moss Vale before draining into the Medway Rivulet and into the Wingecarribee River. The extent of the Whites Creek catchment draining through Moss Vale is shown in Figure ES1 on the following page.

During periods of heavy rainfall across the catchment, there is potential for flooding to occur as a result of major watercourses overtopping their banks and “overland” flooding when the capacity of the local stormwater system is exceeded. Flooding has been experienced on a number of occasions, particularly across Lackey Road, Railway Street and the Illawarra Highway/Argyle Street.

The ‘Whites Creek Floodplain Risk Management Study’ (URS) was prepared in 2012, outlining a range of measures that could be potentially implemented to better manage the existing and potential future flood risk across the Whites Creek catchment at that time. Since this study was completed, technological updates, as well as changes to development in the catchment that may impact flood behaviour, necessitate a review and update the floodplain risk management study and plan for the Whites Creek catchment. Catchment Simulation Solutions have been commissioned by Wingecarribee Shire Council to undertake this work.

The Flooding Problem
The extent of the existing flooding problem was quantified using new computer flood models of the Whites Creek catchment that were developed specifically for the study. The computer models were validated against historic flood information to ensure they were providing a reliable description of flood behaviour across the catchment.

The validated model was then used to simulate a range of hypothetical “design” floods. Peak floodwater depths were extracted from the results of the design flood simulations for the 1% AEP (Annual Exceedance Probability) flood and probable maximum flood (PMF) and are presented in Figures ES2 and ES3. The floodwater depth and velocity results were also used to prepare flood hazard mapping for the 1% AEP flood, which is provided in Figure ES4.

The outcomes of the modelling determined that the most significant floodwater depths are predicted to occur within roadways, with Argyle Street and Lackey Road the most vulnerable roadways in the study area. In large floods, more roads would become inundated and would not be trafficable. In general, commercial properties adjoining Argyle Street are subject to a higher flood exposure during more frequent floods than residential properties. Overall, it is expected that 140 properties (101 residential and 39 commercial) would be subject to above floor flooding during the PMF event.

A flood damage assessment was completed as part of the study to quantify the financial impact of flooding across the catchment. The damages assessment determined that if a 1% AEP flood was to occur today, over $500,000 worth of damage could be expected across the Whites Creek catchment.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 9 October 2019

11.5 Draft Report on the Review of the Whites Creek Floodplain Risk Management Study and Plan
ATTACHMENT 1 Executive Summary-Draft report on the Whites Cr FRMSP
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

11.5 Draft Report on the Review of the Whites Creek Floodplain Risk Management Study and Plan

ATTACHMENT 1 Executive Summary-Draft report on the Whites Cr FRMSP

LEGEND

 Depths (m)

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</tbody>
</table>

Whites Creek Catchment
Future Development Area

Figure ES3: Peak PMF Floodwater Depths
The study also considered the potential future flood risk in the catchment by assessing the impacts climate change and future development may have on flood behaviour. These assessments indicated that future catchment development and climate change increases as a result of increasing rainfall intensities would likely increase existing flood levels along most of Whites Creek. Future development has the potential to result in increased flood damage across 17 buildings/properties.

**Options for Reducing the Existing and Potential Future Flooding Problem**

A range of flood modification, property modification and response modification measures were considered to help manage the existing and potential future flood risk. Over 40 preliminary options were assessed qualitatively. The outcomes of the quantitative assessment yielded a shortlist of 24 options that were assessed in detail. The detailed assessment of each option involved evaluation against a range of specific criteria to provide an appraisal of the potential feasibility of each option. This included the impact that each option is predicted to have on existing flood behaviour, the environment, economics and emergency response as well as the technical feasibility of each option. All options that were assessed in detail are shown in Figure E55.

Creek modification options including vegetation management and channel reshaping were considered, however, where found to have negligible impacts during large floods. As a result, they are not recommended for implementation as a flood risk management option. However, options such as vegetation management can have aesthetic and environmental benefits so can still be considered for implementation (although this needs to be balanced against increased potential for bed and bank erosion).

**Draft Floodplain Risk Management Plan**

Based upon the outcomes of the detailed evaluation, the options highlighted in yellow on Figure E55 are recommended for implementation/further detailed investigation as part of the draft Floodplain Risk Management Plan for the Whites Creek catchment. Those options that were evaluated in detail but were not found to be viable are shown in grey.

It is expected that implementation of the plan will have a capital cost of approximately $720,000. In addition to the capital costs, some options will require an investment in time from various agencies including Wingecarribee Shire Council and the State Emergency Service in addition to monetary contributions. Ongoing costs will generally be the responsibility of Council. Two options will require significant discussions with third parties to gain their support for the option, before the detail design, refined cost estimate and true benefit cost ratio can be determined.

It should be noted that the costs indicated on Figure E55 are estimates only. The cost for each recommended option will need to be refined through further detailed investigations and preparation of detailed design plans which is beyond the scope of the current study.

It is important that the Floodplain Risk Management Plan is continually monitored, reviewed and updated over time to ensure that it evolves with the catchment and new flood knowledge. It is recommended that Council review the Whites Creek Floodplain Risk Management Study and Plan in 5 years time.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 9 October 2019

11.5 Draft Report on the Review of the Whites Creek Floodplain Risk Management Study and Plan

ATTACHMENT 1 Executive Summary-Draft report on the Whites Cr FRMSP
<table>
<thead>
<tr>
<th>#</th>
<th>Option</th>
<th>Report Section</th>
<th>Implementation Responsibility</th>
<th>Total Cost</th>
<th>BCR</th>
<th>Priority</th>
<th>Timing</th>
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<tr>
<td>FM2</td>
<td>Further detail investigation of new detention basin in Broulee Park</td>
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<td>FM5</td>
<td>Discuss the potential to upgrade the existing railway culverts near Argyle Street with Australian Rail Track Corporation (ARTC)</td>
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<td>Council &amp; ARTC</td>
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<td>LEP Amendments</td>
<td>8.2.1</td>
<td>Council</td>
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<td>PM2</td>
<td>DCP Amendments</td>
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<td>PM3</td>
<td>Update Section 10.7 certificate information</td>
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<tr>
<td>RM1</td>
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<td>9.2.1</td>
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<td>Encourage the community to develop household Flood Plans</td>
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<td>Local Flood Plan Updates</td>
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### Draft Report on the Review of the Whites Creek Floodplain Risk Management Study and Plan

**ATTACHMENT 1** Executive Summary-Draft report on the Whites Cr FRMSP

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<tr>
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11.6 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project

Reference: 6330/18.2
Report Author: Group Manager Capital Projects
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to formally bring to a close the Request for Tender for the Bundanoon and Wingecarribee Water Treatment Plants (WTP) Clear Water Tank Baffles Project.

RECOMMENDATION

THAT Council formally close the tender process associated with the direct negotiations with Aqualift PTY LTD.

REPORT

BACKGROUND

In order to improve water quality, investigation to the modification of the tank baffles was proposed via the original RFT. The suggested improvements involved the installation of additional baffles in the water tanks for both Wingecarribee and Bundanoon WTPs. At the ordinary meeting of Council held 9 May 2018, Council adopted the following resolutions:

THAT in relation to the report concerning Tender for the Design, Supply and Installation of the Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles project – Council adopts the recommendation contained within the Closed Council report – Item 22.2 as follows:

MN179/18

1. THAT Council does not invite fresh tenders for the clear water tank baffles at the Bundanoon and Wingecarribee Water Treatment Plants as there are very few contractors available to offer completeness of customised design, manufacturing, and installation of the potable tank baffles for these two specific applications.

2. THAT Council enters into negotiations with Argyle Commercial PTY LTD from Goulburn, NSW with a view to entering into a contract in relation to the clear water tank baffles at the Bundanoon and Wingecarribee Water Treatment Plants, as preliminary research indicates that they design, manufacture and can install fixed baffles within tank reservoirs to increase the detention time within tanks, in
accordance with clauses 178(3)(e) and 178(4)(a) & (b) of the Local Government (General) Regulation 2005.

At the ordinary meeting of Council held 25 July 2018, Council adopted the following resolutions:

**MN272/18**

THAT in relation to the report concerning the negotiations for the Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project – Council adopts the recommendations contained within the Closed Council report – Item 22.1 as follows:

1. THAT Council note that negotiations with Argyle Commercial PTY LTD from Goulburn, NSW have ceased.

2. THAT Council enters into negotiations with Aqualift PTY LTD from Wauchope NSW with a view to entering into contract in relation to the clear water tank baffles at the Bundanoon and Wingecarribee Water Treatment Plants, in accordance with clauses 178(3)(e) and 178(4)(a) & (b) of the Local Government (General) Regulations 2005. Aqualift PTY LTD has demonstrated capacity to manufacture and install fixed baffles within tank reservoirs to increase the detention time within tanks.

**REPORT**

Resulting from the detailed investigations and preliminary negotiations it was determined that the structural integrity of the tanks would be compromised by the additional baffles. As such all negotiations with Aqualift PTY LTD have ceased and require formal close out by Council.

**COMMUNICATION AND CONSULTATION**

**Community Engagement**

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

**Internal Communication and Consultation**

Extensive communication and consultation have taken place between Council’s Procurement Area, Assets and operational areas. This consultation included scope and technical requirements.

**External Communication and Consultation**

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

**SUSTAINABILITY ASSESSMENT**

- **Environment**

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

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

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

• Governance
Tender has been conducted in accordance with Part 7 of the Local Government (General) Regulation 2005.

COUNCIL BUDGET IMPLICATIONS
There are no budget implications to this report.

RELATED COUNCIL POLICY
Councils procurement guidelines have been used to inform the tender process.

CONCLUSION
It is recommended that Council formally close the tender process associated with the direct negotiations with Aqualift PTY LTD.

ATTACHMENTS
There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance and Risk

Friday 4 October 2019
# 12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

## 12.1 Development Applications Determined from 27 August 2019 to 23 September 2019

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<tr>
<th>Application ID</th>
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<th>Description</th>
<th>Date Lodged</th>
<th>Days Stopped</th>
<th>Assess Days</th>
<th>Total Days</th>
<th>Date Finalised</th>
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<td>964 Sheepwash Road Avoca NSW 2577 Lot 1 DP 602938</td>
<td>CJ Mockett</td>
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<td>2 19/0463</td>
<td>982 Sheepwash Road Avoca NSW 2577 Lot 2 DP 602938</td>
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<td>3 19/1780</td>
<td>5910 Illawarra Highway Avoca NSW 2577 Lot 10 DP 1241979</td>
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<td>Secondary Dwelling</td>
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<td>65</td>
<td>68</td>
<td>28/08/2019</td>
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<td>4 20/0117</td>
<td>897 Wilson Drive Balmoral NSW 2571 Lot B DP 387396</td>
<td>Z Simpson, C Simpson</td>
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<td>38</td>
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</table>

**PURPOSE**

The purpose of this report is to update Councillors on Development Applications Determined for the period 27 August 2019 to 23 September 2019.

**RECOMMENDATION**

THAT the information relating to the lists of Development Applications Determined for the period 27 August 2019 to 23 September 2019 be received and noted.
<table>
<thead>
<tr>
<th>Application ID</th>
<th>Primary Property</th>
<th>Owner</th>
<th>Description</th>
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## AGENDA

**FOR THE ORDINARY MEETING OF COUNCIL**

**Wednesday 09 October 2019**

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

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<tr>
<th>Application ID</th>
<th>Primary Property</th>
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<th>Description</th>
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<td>665 Kangaloon Road Glenquarry NSW 2576 Lot 8 DP 264034</td>
<td>DW Stapleton</td>
<td>Dwelling House and Secondary Dwelling</td>
<td>20/06/2019</td>
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<td>31</td>
<td>1436 Wombeyan Caves Road High Range NSW 2575 Lot 1 DP 1066330</td>
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<td>15/07/2019</td>
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<td>32</td>
<td>52 Wilson Drive Hill Top NSW 2575 Lot 54 Sec 5 DP 10173</td>
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<td>21/02/2019</td>
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<td>8 Grandview Parade Hill Top NSW 2575 Lot 98 Sec 1 DP 10173</td>
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<td>1260 Wilson Drive Hill Top NSW 2575 Lot 2 DP 703057</td>
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<td>Residential Alterations and Additions (Garage, Deck)</td>
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<td>W Gardner</td>
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<td>2-8 Station Street Mittagong NSW 2575 Lot 1 DP 1237499</td>
<td>Mittagong Central Developments Pty Ltd</td>
<td>Section 4.55 Modification (Alterations to Condition 2, 17, 30, 77, 83, 91)</td>
<td>20/06/2019</td>
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<td>Assess Days</td>
<td>Total Days</td>
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<td>27 Lyell Street Mittagong NSW 2575 Lot C DP 390215</td>
<td>S Lee, M Lee</td>
<td>Commercial Premises</td>
<td>23/04/2019</td>
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<td>181-183 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1125162</td>
<td>Aldi Foods Pty Limited</td>
<td>Shop - Alterations and Additions</td>
<td>02/05/2019</td>
<td>46</td>
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<td>2 Leopold Lane Mittagong NSW 2575 Lot 2 DP 1251538</td>
<td>L Welch, D Welch</td>
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<td>27/06/2019</td>
<td>13</td>
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<td>21 Nero Street Mittagong NSW 2575 Lot 2 DP 1245206</td>
<td>J Babet</td>
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<td>05/07/2019</td>
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<td>7a Huxley Street Mittagong NSW 2575 Lot 3 DP 1254219</td>
<td>K Ridler-Dutton, G Ridler-Dutton</td>
<td>Dwelling House</td>
<td>17/07/2019</td>
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<td>47</td>
<td>Farnborough Drive Moss Vale NSW 2577 No Related Land</td>
<td>Baron Corporation Pty Ltd</td>
<td>Section 4.55 Modification (Regulate already constructed 'borrow pit')</td>
<td>16/07/2019</td>
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<td>99 Lackey Road Moss Vale NSW 2577 Lot 1 DP 734845</td>
<td>Madfouni Superannuation Pty Ltd, Madfouni Fut Pty Ltd,</td>
<td>Section 4.55 Modification (Additional vehicular crossing. Change water quality devices)</td>
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<td>74 Yarrawa Road Moss Vale NSW 2577 Lot 12 DP 790612</td>
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<td>Section 4.55 Modification (Extensions)</td>
<td>27/08/2019</td>
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<td>16 Illawarra Highway Moss Vale NSW 2577 Lot 32 DP 736050</td>
<td>SM Elderton</td>
<td>Section 4.55 Modification (Relocate Laundry to Outbuilding. Internal Alterations)</td>
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<td>404 Nowra Road Moss Vale NSW 2577 Lot 1 DP 1125424</td>
<td>KAI Hill, E Hill</td>
<td>Continued Use (Unauthorised Dam) Residential Alterations and Additions (New Farm Shed)</td>
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<td>38a Valetta Street Moss Vale NSW 2577 Lot 4 DP 537575</td>
<td>J Blanchard, G Blanchard</td>
<td>Subdivision (2 Lots)</td>
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<td>Description</td>
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<td>Days Stopped</td>
<td>Assess Days</td>
<td>Total Days</td>
<td>Date Finalised</td>
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<td>54</td>
<td>386 Argyle Street Moss Vale NSW 2577 Lot 1 DP 119716</td>
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<td>Alterations and Additions (New upstairs function room)</td>
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<td>Residential Alterations and Additions (Extensions)</td>
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<td>11 Salamander Place Moss Vale NSW 2577 Lot 6 DP 1221913</td>
<td>H Carolin, R Carolin</td>
<td>Dwelling House</td>
<td>31/07/2019</td>
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<td>Residential Alterations and Additions (Retaining Wall)</td>
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<td>Manson Family Investments Pty Limited</td>
<td>Section 4.55 Modification (Extension and Internal Alteration)</td>
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<td>12/09/2019</td>
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<td>C Harrington, A Harrington</td>
<td>Residential Alterations and Additions (Deck and Pergola)</td>
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<td>29/08/2019</td>
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<td>G Robinson, G Robinson</td>
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<td>05/09/2019</td>
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<td>61</td>
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<td>J Webster, L Webster</td>
<td>Dwelling House</td>
<td>16/08/2019</td>
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<td>5</td>
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<td>14/09/2019</td>
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<td>Z Andrews</td>
<td>Dwelling House</td>
<td>22/08/2019</td>
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<td>7</td>
<td>17</td>
<td>09/09/2019</td>
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<td>63</td>
<td>32 Challoner Rise Renwick NSW 2575 Lot 14 DP 1221206</td>
<td>D Wales</td>
<td>Residential Alterations and Additions (Shed)</td>
<td>23/08/2019</td>
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<td>10</td>
<td>02/09/2019</td>
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<td>64</td>
<td>26 Green Street Renwick NSW 2575 Lot 41 DP 1221206</td>
<td>F Khalid, J Rahaman</td>
<td>Dwelling House</td>
<td>12/09/2019</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>18/09/2019</td>
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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

**Wednesday 09 October 2019**

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

### Application ID | Primary Property | Owner | Description | Date Lodged | Days Stopped | Assess Days | Total Days | Date Finalised
---|---|---|---|---|---|---|---|---
65 | 19/1509.05 | 48 Caalong Street, Robertson NSW 2577 Lot 17 DP 15947 | T Perkiss, B Noakes | Section 4.55 Modification (Amend Condition 11 to specify habitable floor. Delete Condition 27 Pertaining to Flood) | 09/09/2019 | 0 | 1 | 1 | 10/09/2019
66 | 20/0002 | 17b May Street, Robertson NSW 2577 Lot 2 DP 1162069 | C Zonneveld, S Zonneveld | Residential Alterations and Additions (Deck) | 01/07/2019 | 0 | 80 | 80 | 19/09/2019
67 | 20/0005 | 5164 Illawarra Highway, Robertson NSW 2577 Lot 10 DP 717077 | EA Miller | Residential Alterations and Additions (Extensions, Shed) | 01/07/2019 | 0 | 78 | 78 | 18/09/2019
68 | 20/0101 | 233 Wallaby Hill Road, Robertson NSW 2577 Lot 1 DP 731833 | R Sorensen | Residential Alterations and Additions (Extensions) | 26/07/2019 | 0 | 36 | 36 | 31/08/2019
69 | 20/0137 | 9-11 Hoddle Street, Robertson NSW 2577 Lot 2 Sec 2 DP 758882 | K Jackman, G Smith | Residential Alterations and Additions (Extensions) | 02/08/2019 | 0 | 27 | 27 | 30/08/2019
70 | 20/0253 | 377 Wildes Meadow Road, Wildes Meadow NSW 2577 Lot 4 DP 1076262 | R Hayes, A Hayes | Residential Alterations and Additions (Extensions, Carport, Garage) | 30/08/2019 | 0 | 14 | 14 | 13/09/2019
71 | 16/0712.04 | 8 Drapers Road Willow Vale NSW 2575 Lot 41 DP 1222926 | S De Horne, D De Horne | Section 4.55 Modification (Secondary Dwelling – Studio) | 14/08/2019 | 0 | 24 | 24 | 07/09/2019

### Refused Applications

<table>
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<tr>
<th>Application ID</th>
<th>Primary Property</th>
<th>Owner</th>
<th>Description</th>
<th>Date Lodged</th>
<th>Days Stopped</th>
<th>Assess Days</th>
<th>Total Days</th>
<th>Date Finalised</th>
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</table>
1 | 17/0816.10 | 80 Station Street, Bowral NSW 2576 Lot 3 DP 740426 | S Reekie, AF Reekie | Section 4.55 Modification (Proposed deletion of Condition 80 which required construction of a 1200mm wide footpath along the front and side of the property) | 04/06/2019 | 0 | 100 | 100 | Refused By Council 13/09/2019
Reasons for Refusal

1. The concrete path required by condition 70 of Development Consent 17/0816 will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. (S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

2. The proposed deletion of Condition 70 of Development Consent 17/0816 is not considered to be in the public interest. (S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Primary Property</th>
<th>Owner</th>
<th>Description</th>
<th>Date Lodged</th>
<th>Days Stopped</th>
<th>Assess Days</th>
<th>Total Days</th>
<th>Date Finalised</th>
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<tr>
<td>2</td>
<td>19/1694</td>
<td>Merrigang Pty Ltd Residen</td>
<td>Residential Alterations and Additions - Fence</td>
<td>29/05/2019</td>
<td>35</td>
<td>70</td>
<td>105</td>
<td>12/09/2019</td>
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Reasons for Refusal:

1. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the residential amenity controls specified at section C2.12.2 (k) of the Bowral Town Plan Development Control Plan:

(k) The vehicular crossing point to the garage from the street shall be located to reflect the existing vehicular access point pattern in the street. Applicants are directed to Council’s relevant Endorsed Technical Specifications.

The proposal does not comply with Council’s Endorsed Technical Specifications D1 – Geometric Road Design, driveway crossing requirements (Table D1.8 – Geometric Road Design) the following requirements are noted:

Table D1.8
Provision of Vehicular Crossings

<table>
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<tr>
<th></th>
<th>Residential</th>
<th>Industrial</th>
<th>Commercial</th>
<th>Rural</th>
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<tr>
<td>Number of crossings</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>per street frontage</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Minimum width per crossing</td>
<td>3.0m</td>
<td>6.0m</td>
<td>4.0m</td>
<td>4.0m</td>
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<tr>
<td>Minimum distance to closest side of crossing from kerb tangent point at intersections</td>
<td>6.0m</td>
<td>6.0m</td>
<td>6.0m</td>
<td>To be assessed on its merits</td>
</tr>
</tbody>
</table>

Notes:

Rural crossings are to be provided in accordance with SD 110. If crossing is adjacent to sealed road entrance, it is to be sealed from existing edge of bitumen to boundary line.
Currently the subject lot has one driveway, and therefore, the maximum allowance of Council’s Geometric Road Standard has been achieved as shown above.

The other lots in the street do not legally have two driveway crossovers and hence the proposal is not in keeping with the streetscape.

In relation to car parking, Bowral Town DCP requires two parking spaces for a dwelling with 3 or more bedrooms, which can comfortably enter and exit the site in a forward motion. The loss of on street car parking in critical area for the additional driveway is not supported by Council.

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

2. Having regard to section 4.15 (1) (a) (iv) of the Environmental Planning and Assessment Act 1979, Council considers the information provided with the development application in complete and unsatisfactory with respect to the clause 54 (6) of the Environmental Planning and Assessment Regulations 2000 even after Council requesting the information in the form of a RFI letter dated 07 August 2019.

The applicant was also invited to withdraw the application and responded that he does not have any intention to do so.

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

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

   (a) The character and amenity of the locality and the streetscape
   (b) The streetscape aspect of Merrigang Street
   (c) Loss of on street Vehicle Parking
   (d) The Heritage aspect of the area

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

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

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

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

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

ATTACHMENTS

There are no attachments to this report.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES

12.2 Development Applications Received from 27 August 2019 to 23 September 2019

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

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 27 August 2019 to 23 September 2019

RECOMMENDATION

THAT the information relating to Development Applications Received from 27 August 2019 to 23 September 2019 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE
Date range: 27 August 2019 to 23 September 2019

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Primary Property</th>
<th>Owner</th>
<th>Description</th>
<th>Date Lodged</th>
<th>Council</th>
<th>Decision</th>
<th>Determined Date</th>
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<tr>
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<td>17/0612.02</td>
<td>1091 Sheepwash Road Avoca NSW 2577 Lot 1 DP 1245627</td>
<td>S Grant</td>
<td>Section 4.55 Modification (Extensions &amp; Swimming Pool)</td>
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<td>2</td>
<td>20/0335</td>
<td>‘Glenora’ 6045 Illawarra Highway Avoca NSW 2577 Lot 40 DP 1095193</td>
<td>Fitzpatrick Group Nominees Pty Ltd</td>
<td>Farm Building</td>
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<td>20/0345</td>
<td>1091 Sheepwash Road Avoca NSW 2577 Lot 1 DP 1245627</td>
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<td>75 Park Avenue Aylmerton NSW 2575 Lot 8 Sec 2 DP 10484</td>
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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019

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

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<td>Works Depot 9 Cavendish Street Mittagong NSW 2575 Lot 9 Sec 39 DP 1374 Lot 10 sec 39 DP 1374</td>
<td>Wingecarribee Shire Council</td>
<td>Alterations and Additions (New Shed)</td>
<td>20/09/2019</td>
<td>#PENDING</td>
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<tr>
<td>61 17/0741.06</td>
<td>74 Yarrawa Road Moss Vale NSW 2577 Lot 12 DP 790612</td>
<td>C Bowman, PT Multari</td>
<td>Section 4.55 Modification (Extensions)</td>
<td>27/08/2019</td>
<td>#APPROVED 06/09/2019</td>
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<td>62</td>
<td>16 Illawarra Highway Moss Vale NSW 2577 Lot 32 DP 736050</td>
<td>S Elderton</td>
<td>Section 4.55 Modification (Relocate Laundry to outbuilding. Internal Alterations)</td>
<td>02/09/2019</td>
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<td>#APPROVED</td>
<td>10/09/2019</td>
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<td>63</td>
<td>27 Torulosa Drive Moss Vale NSW 2577 Lot 129 DP 1232222</td>
<td>MJ Furness, RE Furness</td>
<td>Section 4.55 Modification (Modify Landscaping. Retaining Walls)</td>
<td>05/09/2019</td>
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<tr>
<td>64</td>
<td>Coomungie 141 Yarrawa Road Moss Vale NSW 2577 Lot 3 DP 706194 and 22 Lovelle Street, Moss Vale NSW 2577 Lot 12 DP 866036</td>
<td>Prime Moss Vale Pty Ltd</td>
<td>Chelsea Gardens and Coomungie Lands. Integrated and Staged Concept Development. Part A - Proposed Stage 1 Subdivision including 182 Residential Lots, 2 Open Space / Drainage Lots &amp; 4 Residue Lots. Part B - Proposed Concept Subdivision including approximately 1200 Residential Lots</td>
<td>27/08/2019</td>
<td>JRPP</td>
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<td>65</td>
<td>7011 Illawarra Highway Moss Vale NSW 2577 Lot 100 DP 738308</td>
<td>MA Hemming, RB Hemming</td>
<td>Commercial / Retail / Office</td>
<td>28/08/2019</td>
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<td>66</td>
<td>55 Farnborough Drive Moss Vale NSW 2577 Lot 159 DP 1095417</td>
<td>M Martin, RJ Martin, DR Martin</td>
<td>Secondary Dwelling</td>
<td>04/09/2019</td>
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<tr>
<td>67</td>
<td>60a Argyle Street Moss Vale NSW 2577 Lot 3 DP 1031966</td>
<td>JI Anderson, JA Anderson</td>
<td>Dual Occupancy (Attached) Residential Alterations and Additions to Existing Dwelling (Extensions)</td>
<td>06/09/2019</td>
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<td>Application ID</td>
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<td>68</td>
<td>20/0299</td>
<td>AM Smith, S Culpeper</td>
<td>Residential Alterations and Additions (Extensions &amp; Studio)</td>
<td>10/09/2019</td>
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<td>69</td>
<td>20/0306</td>
<td>Hurrikayne Pty Ltd</td>
<td>Demolish Existing Dwelling</td>
<td>11/09/2019</td>
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<td>20/0314</td>
<td>Throsby Park</td>
<td>Residential Alterations and Additions (New Garage &amp; Swimming Pool)</td>
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<td>19/1356.06</td>
<td>Manson Family Investments Pty Limited</td>
<td>Section 4.55 Modification (Extension and Internal Alteration)</td>
<td>03/09/2019</td>
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<td>12/09/2019</td>
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<td>Charm Constructions Pty Limited</td>
<td>Dwelling House</td>
<td>28/08/2019</td>
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<tr>
<td>73</td>
<td>20/0312</td>
<td>F Khalid, J Rahman</td>
<td>Dwelling House</td>
<td>12/09/2019</td>
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<td>#APPROVED</td>
<td>18/09/2019</td>
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<td>74</td>
<td>20/0343</td>
<td>DG Noble, H Noble</td>
<td>Dwelling House</td>
<td>20/09/2019</td>
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<td>20/0344</td>
<td>LJ Ash, S Ash</td>
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<td>20/09/2019</td>
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<tr>
<td>76</td>
<td>19/1509.05</td>
<td>T Perkiss, B Noakes</td>
<td>Section 4.55 Modification (Amend Condition 11 to specify habitable floor. Delete Condition 27 Pertaining to Flood)</td>
<td>09/09/2019</td>
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<td>#APPROVED</td>
<td>10/09/2019</td>
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<td>77 20/0277</td>
<td>4978 Illawarra Highway Robertson NSW 2577 Lot 7 DP 739043</td>
<td>JA Mauger</td>
<td>Residential Alterations and Additions (Shed)</td>
<td>05/09/2019</td>
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<td>78 20/0319</td>
<td>42 Burrawang Street robertson NSW 2577 Lot 12 DP 1215655</td>
<td>T Allen, C Allen, K Clements</td>
<td>Dual Occupancy (Detached)</td>
<td>13/09/2019</td>
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<td>79 20/0253</td>
<td>377 Wildes Meadow Road Wildes meadow NSW 2577 Lot 4 DP 1076262</td>
<td>RL Hayes, AJ Hayes</td>
<td>Residential Alterations and Additions (Extensions, Carport &amp; Garage)</td>
<td>30/08/2019</td>
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<td>80 20/0265</td>
<td>100 Blencowes Lane Wildes Meadow NSW 2577 Lot 12 DP 586550</td>
<td>Joamel Holdings Pty Ltd</td>
<td>Secondary Dwelling</td>
<td>03/09/2019</td>
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<td>81 20/0331</td>
<td>‘Myravale’ 421 Myra Vale Road Wildes Meadow NSW 2577 Lot 1 DP 725832 Lot 14 DP 661321 Lot 14 DP 1080826</td>
<td>Lasovase Pty Ltd</td>
<td>Dwelling House</td>
<td>16/09/2019</td>
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<td>82 16/0885.04</td>
<td>380 Woodlands Road Woodlands NSW 2575 Lot 2 DP 263756</td>
<td>RS Ali</td>
<td>Section 4.55 Modification (Extensions. Remove Farmstay)</td>
<td>29/08/2019</td>
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<tr>
<td>83 20/0353</td>
<td>14 Ayrshire Parade Bowral NSW 2576 Lot 328 DP 1234848</td>
<td>SS Owen, RE Struk, BR Owen</td>
<td>Dwelling House</td>
<td>23/09/2019</td>
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<td>84 20/0357</td>
<td>148a Bowral Street Bowral NSW 2576 Lot 53 DP 1132127</td>
<td>KC Broad</td>
<td>Subdivision (2 Lots)</td>
<td>23/09/2019</td>
<td>#PENDING</td>
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<td>85 20/0358</td>
<td>26-28 Railway Avenue Colo Vale NSW 2575 Lot 7 Sec 3 DP 2944 Lot 8 Sec 3 DP 2944</td>
<td>Colo Vale Community Association Incorporated</td>
<td>Residential Alterations and Additions (Shed)</td>
<td>23/09/2019</td>
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AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

<table>
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<tr>
<th>Application ID</th>
<th>Primary Property</th>
<th>Owner</th>
<th>Description</th>
<th>Date Lodged</th>
<th>Council</th>
<th>Decision</th>
<th>Determined Date</th>
<th>Weekly Circular</th>
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<tbody>
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<td>86 20/0356</td>
<td>150 Sheepwash Road Glenquarry NSW 2576 Lot 4 DP 241697</td>
<td>RD Ashbolt</td>
<td>Residential Alterations and Additions (Internal Alterations)</td>
<td>23/09/2019</td>
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<tr>
<td>87 20/0355</td>
<td>4980 Illawarra Highway Robertson NSW 2577 Lot 6 DP 739043</td>
<td>C Vickers, C Vickers</td>
<td>Temporary Use of Land (Use Existing Farm Building as a Venue for Occasional Auction Sales)</td>
<td>23/09/2019</td>
<td>#PENDING</td>
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</table>

![Graph of Residential Dwellings](image1.png)

![Graph of Residential Alterations and Additions](image2.png)
ATTACHMENTS

There are no attachments to this report.
12.3 Post exhibition report regarding draft amendments to the Provisions for Seniors Housing Controls in the Township and Village Development Control Plans

Reference: 5700
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to inform Council of the public exhibition of draft amendments to Seniors Housing provisions in the Township and Villages Development Control Plans.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.
RECOMMENDATION

1. THAT the following draft amendment to the introduction to the Seniors Housing provisions in the Township and Village Development Control Plans be adopted:

   Applicants are directed to the definition of Seniors Housing included in WLEP 2010 where such development is permitted with consent in the R2 Low Density Residential and R3 Medium Density zones.

   It is noted that, under Schedule 1 of the Seniors SEPP, the SEPP does not apply within Wingecarribee Shire. However, the Seniors Housing provisions in the DCPs make useful reference to the Seniors SEPP to assist applicants in the preparation of development proposals and to assist Council officers in the assessment of Development Applications for Seniors Housing in the R2 Low Density Residential and R3 Medium Density Residential zones as permitted with consent under WLEP 2010.

   The following objectives and controls are drawn from the State Environmental Planning Policy relating to Seniors Living prepared by the NSW Department of Planning. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) and applicants are directed to the Seniors SEPP to ensure they comply with all assessment requirements.

2. THAT the amended Seniors Housing provisions as adopted be included in all Township and Village Development Control Plans.

3. THAT the submission maker be advised of Council’s decision.

REPORT

BACKGROUND

Seniors Housing is permitted with consent in the R2 Low Density Residential and R3 Medium Density Residential zones under Wingecarribee Local Environmental Plan 2010. A standard set of controls for Seniors Housing is contained in all Township and Village Development Control Plans (DCPs), with the exception of the Northern Villages DCP, the New Berrima Medway DCP and the Penrose Wingello DCP.

Where these provisions are included, they are located at Chapter 8 in Section C (Residential Zoned Land). The introduction to these provisions references the need for development applications for Seniors Housing in the R2 Low Density Residential and R3 Medium Density Residential zones under WLEP 2010 to comply with the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP).

It is noted that, under Schedule 1 of the Seniors SEPP, the SEPP does not apply to Wingecarribee Shire. However, the Seniors Housing provisions in the DCPs make useful reference to the Seniors SEPP to assist applicants in the preparation of development proposals and to assist Council officers in the assessment of Development Applications for
Seniors Housing in the R2 Low Density Residential and R3 Medium Density Residential zones as permitted with consent under WLEP 2010.

How and when the Seniors SEPP applies has been the subject of some confusion and to address this, a draft amendment to the Township and Village DCPs was recommended to remove the current reference to the SEPP.

At its Ordinary Meeting of 14 August 2019 Council resolved to place on public exhibition draft amendments to the current DCP provisions, intended to achieve two (2) outcomes:

1. to include provisions for Senior Housing into those DCPs where they are currently not included, namely the Northern Villages DCP, the New Berrima Medway DCP and the Penrose Wingello DCP, and

2. to remove the reference to (Seniors SEPP) – namely “Applicants are directed to the SEPP to ensure they comply with all requirements”.

REPORT

The draft amendments and associated documentation was exhibited from Wednesday 21 August to Friday 20 September 2019. Exhibition material was available for inspection at Council’s Customer Service Counter for the duration of the exhibition period. Exhibition material was also available to view via Council’s website as well as at the Bowral, Moss Vale and Mittagong Libraries. Details of the exhibition were also included in e-newsletters sent to over 4,000 recipients.

One (1) submission was received which raised the following issues:

<table>
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<tr>
<th>Issue Raised</th>
<th>Council response</th>
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<td>The reasons stated for the amendment are to address areas where SEPP Seniors does not currently apply, being land within a water catchment area as identified under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (SEPP Sydney Drinking Water).</td>
<td>Council is aware of the proposed amendments to the SEPP. The Explanation of Intended Effects was exhibited with the draft Environmental SEPP in 2017.</td>
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<td>The apparent conflict between Seniors SEPP and the mapped water catchment areas under SEPP Sydney Drinking Water is the subject of an upcoming amendment to SEPP Seniors by the Department of Planning, Infrastructure and Environment (Department). In the Explanation of Intended Effects, the Department confirms that: “To remove doubt, it is proposed that the term ‘water catchment’ be removed from Schedule 1 of SEPP (Seniors). This will allow development applications for seniors housing and housing for people with a disability to be assessed under SEPP (Seniors) if located on land zoned primarily for urban purposes and in a water catchment, including a drinking water catchment.”</td>
<td>Recent communication with the Policy Branch of the Department of Planning, Industry and Environment (the Department) indicates the time frame for implementation of these amendments remains uncertain due to issues emerging through the exhibition process.</td>
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<td>This amendment by the Department will effectively</td>
<td>It is therefore proposed to continue to include Seniors Housing controls within the DCPs as an interim measure.</td>
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<td>These proposed amendments will in no way impact the operation of the SEPP because if SEPP provisions are amended.</td>
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**Issue Raised**

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<td>overturn Council’s stated reasoning for the proposed changes to the DCP. These changes are, therefore, redundant and unnecessary. It is recommended that Council enable the Department to continue their already commenced process to amend SEPP Seniors and address the identified conflict between SEPP Seniors and SEPP Sydney Drinking Water.</td>
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<th>Council response</th>
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<tr>
<td>to include Wingecarribee Shire, they will prevail over any DCP provisions.</td>
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The proposed amendment to the DCP will also have wider implications for existing Seniors Housing developments within the LGA. Despite SEPP Seniors not applying to most of the LGA under the current provisions, over time Council has approved multiple applications as being pursuant to SEPP Seniors and the development standards contained in the SEPP. The effect of the proposed changes to the DCP would cast doubt on the validity of these existing developments, and any potential future amendments and upgrades.

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<th>Council response</th>
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<td>Although the SEPP itself does not apply, the criteria contained within the SEPP have consistently formed the basis for assessment of any Seniors Housing application. All previous approvals remain valid and would not impact on the outcome of any future application which would be assessed against provisions and controls relevant at the time of assessment.</td>
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</table>

Town Planning officers also provided comment during the exhibition of the draft amendments, noting that, although the SEPP itself does not apply to Wingecarribee Shire, the assessment criteria contained within the SEPP have provided a useful reference to assist applicants in the preparation of development proposals and to assist Council officers in their assessment.

In considering these comments, it was concluded that the current reference in the DCPs to the Seniors SEPP should remain, but that further clarification be provided. The alternative would be to remove reference to the Seniors SEPP altogether and include all the Seniors SEPP controls in each DCP. This would enlarge considerably the size of each DCP and appear an unnecessary duplication. It is noted that key guidelines and controls from the Seniors SEPP are contained within the DCP provisions, but without either including all the others, or retaining a reference to the Seniors SEPP, the DCP provisions cannot adequately stand alone.

To provide further clarification, it is proposed that the current wording at the introduction to the Seniors Housing chapter in the DCP be amended as follows:

> Applicants are directed to the definition of Seniors Housing included in WLEP 2010 where such development is permitted with consent in the R2 Low Density Residential and R3 Medium Density zones.

> It is noted that, under Schedule 1 of the Seniors SEPP, the SEPP does not apply within Wingecarribee Shire. However, the Seniors Housing provisions in the DCPs make useful reference to the Seniors SEPP to assist applicants in the preparation of development proposals and to assist Council officers in the assessment of Development Applications for Seniors Housing in the R2 Low Density Residential and R3 Medium Density zones.
Density Residential and R3 Medium Density Residential zones as permitted with consent under WLEP 2010.

The following objectives and controls are drawn from the State Environmental Planning Policy relating to Seniors Living prepared by the NSW Department of Planning. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) and applicants are directed to the Seniors SEPP to ensure they comply with all assessment requirements.

It is not considered necessary to re-exhibit the draft amendment as the intent of the amendment remains the same and results from feedback to the previous exhibition.

The intended outcome of the exhibition to extend the Seniors Housing provisions to all DCPs, including the Northern Villages DCP, the New Berrima Medway DCP and the Penrose Wingello DCP, remains.

IMPACT ON COUNCIL’S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no impacts on Council’s Fit for the Future improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement
Community consultation was undertaken as described above.

Internal Communication and Consultation
Internal consultation was undertaken with Council’s Town Planning staff.

External Communication and Consultation
No external consultation was undertaken.

SUSTAINABILITY ASSESSMENT

- Environment
The draft amendments will provide a consistent set of controls by which to assess Seniors Housing to address any potential environmental impacts.

- Social
The draft amendments will provide a consistent set of controls by which to assess Seniors Housing to ensure it is located to best provide access to services and facilities.

- 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
If Council resolves to adopt the draft amendments, the relevant Development Control Plans will be amended accordingly.

COUNCIL BUDGET IMPLICATIONS
There are no budget implications associated with this report.

RELATED COUNCIL POLICY
No other Council policies are affected by this report.

OPTIONS
The options available to Council are:

Option 1
Support the recommendations of this report that the proposed amendment to Development Control Plan provisions for Seniors Housing be adopted and that the amended provisions be inserted into all the Township and Village DCPs.

Option 2
Resolve that the current Seniors Housing provisions not be amended as recommended.

Option 1 is the recommended option to this report.

CONCLUSION
Provisions for Seniors Housing are contained in all of the Township and all of the Village Development Control Plans with the exception of the Northern Villages DCP, the New Berrima Medway DCP and the Penrose Wingello DCP. It is recommended that these controls be extended to those DCPs where they are currently not included.

To maintain consistency with previous and current assessment protocol, which uses the criteria contained within the Seniors SEPP, it is concluded that the current reference to the Seniors SEPP in the Seniors Housing DCPs provisions should be retained, but clarified as contained in the recommendation.

ATTACHMENTS
There are no attachments to this report.
12.4 Development Control Plan - Chelsea Gardens Coomungie Urban Release Area

Reference: 5700/78  
Report Author: Coordinator Strategic Land Use Planning  
Authoriser: Group Manager Planning, Development and Regulatory Services  
Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to inform Council of the outcome of the exhibition of draft amendments to the Moss Vale Town Plan Development Control Plan (DCP) relating to the Chelsea Gardens Coomungie Urban Release Area.

RECOMMENDATION

THAT the draft Amendments to the Moss Vale Town Plan Development Control Plan (as shown in Attachment 1) relating to the Chelsea Gardens Coomungie Urban Release Area be adopted.

REPORT

BACKGROUND

The Chelsea Gardens Coomungie Urban Release Area (URA) is located on the south eastern edge of the Moss Vale township. The land was rezoned by the Department of Planning and Environment in October 2017 to a mix of primarily residential zones with minimum lot sizes ranging from 450m² to 2,000m².

The subject land is mapped as an Urban Release Area under Wingecarribee Local Environmental Plan (WLEP) 2010, and is subject to Part 6 of the LEP, which requires a Development Control Plan (DCP) to be prepared prior to a development application being considered over the site.

Council staff worked with the current owners of the site to prepare and finalise draft DCP provisions that will be incorporated as a ‘precinct’ within the Moss Vale Town Plan DCP. At the Ordinary Meeting of Council of 8 May 2019 Council considered a report on the draft DCP and it was resolved:

1. THAT Council endorse the draft Amendment to the Moss Vale Town Plan Development Control Plan, relating to the Chelsea Gardens Coomungie Urban Release Area included as Attachment 1 to this report, for public exhibition.

2. THAT the draft Amendment to the Moss Vale Town Development Control Plan be publicly exhibited for a minimum period of 56 days.
3. **THAT** the draft Amendment be reported back to Council following the public exhibition period.

This report provides an update on the outcomes of the public exhibition of draft DCP provisions, and recommends minor changes to the DCP in response to the submissions received throughout the exhibition period. A copy of the draft DCP recommended for adoption (with proposed changes shown highlighted) is provided as Attachment 1.

**REPORT**

**Draft Development Control Plan**

The draft DCP sets out planning controls and guidelines that will be used in the design and assessment of all future development applications within the URA including the subdivision and future residential and village centre developments. The draft DCP will guide the future development to ensure that the URA provides a high level of amenity for occupants and the broader community.

The draft DCP provisions are set out in four (4) sections as outlined below. Future development within the URA will also be required to comply with the generic provisions contained in the Moss Vale Town Plan DCP.

- **Section 1: Chelsea Gardens/Coomungie Lands Precinct**
  - Outlines the applicable area and how it relates to Council’s other planning documents as well as detailing the vision and desired character outcomes for the site.

- **Section 2: Subdivision Controls**
  - This section contains development controls relating to the subdivision of the URA including a concept master plan (see Figure 2) and controls for publicly accessible areas such as streets, footpaths, parks and nature reserves.

- **Section 3: Village Centre Controls**
  - This section contains development controls and guidance on commercial activities for the village centre.

- **Section 4: Private Domain Controls**
  - This section provides development controls specific to residential development including residential built form, site planning and landscaping controls.
Figure 1 – Subject Land
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Figure 2 – Concept Master Plan
The draft DCP sets development controls to guide the future development of the subject land. The DCP does **not** assess and identify off-site infrastructure works that may be required to support the development of the site.

Council staff are currently working with the landowners and State Government agencies to determine the off-site infrastructure requirements, and how these works will be delivered. A separate report on the off-site infrastructure requirements, including potential mechanisms to deliver the infrastructure will be put to Council in due course.

Council staff are also investigating whether a special rating category may be required over the subject land to facilitate a higher level of amenity for the future community, without creating an unreasonable maintenance burden for Council.

**Public Exhibition**

The draft amendments were placed on public exhibition from Wednesday 15 May to Friday 12 July 2019 (inclusive). The draft amendments and associated documentation were available for inspection at Council’s Customer Service Counter for the duration of the exhibition period. Exhibition material was also available to view via Council’s website as well as at the Libraries.

Details of the exhibition were advertised in local newspapers and included in e-newsletters sent to over 4,000 recipients. Adjoining land owners were notified in writing and invited to attend an information session for adjoining residents on Tuesday 2 July 2019.

A total of 28 submissions were received during the exhibition period, including 27 submissions from community members and one (1) submission from Water NSW. Where multiple submissions were received from an individual, they have been considered as a single submission in the numbers outlined above. However, the contents of each submission have been considered in this report.

The key issues raised in the submissions, and Council’s response to these issues are detailed below.

**Issue 1 – Minimum Lot Sizes**

Ten (10) submissions raised concerns about the proposed lot sizes in the URA, particularly in relation to the amount of smaller lots (450-600m²) and the perceived over development of the site.

The submissions state that smaller lots are not in keeping with the ‘Southern Highlands character’, and that there should be a greater proportion of larger lots in the URA. A number of submissions also argued that there should be a mix of small and large lots throughout the URA, rather than specific minimum lot sizes for different areas. One (1) submission states that while there may be a want / need for smaller lots, we do not need them in the Southern Highlands.

A number of submissions argue that larger lots provide more opportunity for areas of private open space, increased setbacks and mature trees, which is more in keeping with the Southern Highlands character.

**Staff Comments**

The minimum lot sizes for the URA are governed through the provisions of *Wingecarribee Local Environmental Plan 2010* (LEP), and were ultimately set by the NSW Government as part of the rezoning process. Council opposed the rezoning of the URA and did not have a say in determining the minimum lot sizes across the site.
Under NSW legislation, lot sizes are set through LEP provisions, and a DCP control cannot be more restrictive than a standard set through a LEP. Therefore, the draft DCP cannot require larger lot sizes than those set by the State Government in rezoning the land.

It is noted however, that the specified lot sizes are a ‘minimum’ and there will be a mix of lot sizes throughout the URA, over and above the minimum, to respond to market demands and site conditions.

No changes to the draft DCP are proposed in relation to the minimum lot sizes.

### Issue 2 – External Infrastructure

A total of fifteen (15) submissions made reference to external infrastructure, particularly in relation to the impact of the development on the external traffic and transport network. Twelve (12) submissions raised concerns about traffic from the URA and the impacts on Argyle Street, Yarrawa Road, Throsby Street and Villiers Road. Many of the submissions argued that the development should not proceed until appropriate traffic and transport solutions have been determined.

Two (2) submissions raised concerns about the capacity of Council’s water and sewer infrastructure to cope with the proposed development, and a further two (2) submissions raised concerns about stormwater infrastructure and the potential for the development to increase flooding in Moss Vale.

Three (3) submissions argued that local schools, hospitals and public transport systems need to be upgraded to support the development of the URA, with one (1) submission arguing that the development should provide an area for a school within the URA.

### Staff Comments

The draft DCP is intended to guide the future development of the URA, and includes controls in relation to on-site infrastructure. The draft DCP does not assess the off-site infrastructure requirements, including any potential network upgrades, as this is not the role of a DCP.

Council is currently assessing the impacts of the proposed development on its infrastructure networks in consultation with the Roads and Maritime Service (RMS), Department of Planning, Industry and Environment (DPIE) and Council’s assets team. It is anticipated that this process will identify network upgrades that are required to support the development, and maintain an acceptable level of service on the broader infrastructure networks.

As part of this process, DPIE (formerly OEH) and Council’s stormwater / flooding consultants have reviewed the proposed water cycle treatment system, and are supportive of the proposed treatment cycle. Further, in response to the traffic modelling undertaken to date and consultation with RMS, the draft DCP is recommended to be amended to formalise a north-east vehicle access point to the Illawarra Highway (subject to RMS approval). This will assist in reducing the traffic impacts on the local road network, particularly Yarrawa Road and Throsby Street.

### Issue 3 – Vehicle Access Points

Nine (9) submissions raised concerns about the vehicular access points to the site, including (6) submissions that argued more access points are needed to provide better connectivity to the Moss Vale town centre, to reduce traffic impacts and to provide alternate access arrangements in an emergency (i.e. flood or bushfire). The submissions stated that the north-east access to the Illawarra Highway was essential from both a traffic and safety perspective.
Three (3) submissions argued against increasing access to / from Villiers Road in the northern part of the site, and sought assurance from Council that the proposed access arrangements (approximately 15 large lots) would not be increased in the future. However, one (1) submission argued that the proposed access to Villiers Road should become a proper access point into the URA, providing better vehicle connectivity with the Moss Vale town centre.

One (1) submission argued that the proposed development is essentially a large cul-de-sac development, with only one practical access point (Yarrawa Road), creating an isolated satellite community.

One (1) submission raised concerns about the proposed roundabout on the intersection of Yarrawa, Mount Broughton and Nowra Roads and its visual impacts on the landscape. The submission argues that the intersection must be subtle and of the highest landscape value, and that the development should be set back from the corner, so as not to create visual impacts on the landscape.

**Staff Comments**

The draft DCP currently shows a ‘potential future access’ to the north-east of the site, providing a ‘potential’ vehicle access to the Illawarra Highway. However, it is recommended that the draft DCP be amended to provide greater certainty that the north-east vehicle access point will be delivered subject to RMS approval. The proposed north-east access point is considered essential to minimise the impacts of the proposed development on the external traffic network, and will provide improved connectivity and integration with the existing Moss Vale urban area.

Limiting access off Lovell Street and Villiers Road was in direct response to concerns raised by the community and Council’s traffic and transport team throughout the rezoning process. It is not proposed to increase access on these local roads.

The proposed roundabout at Yarrawa, Mount Broughton and Nowra Roads will be designed to improve the function of the intersection and provide safe access into the URA. The draft DCP includes a detailed landscape strategy, to ensure the development is in keeping with the character of the Southern Highlands.

**Issue 4 – Pedestrian / Cycleway Connectivity**

A number of submissions raised concerns about pedestrian and bicycle connections into the Moss Vale town centre. Three (3) submissions argued that cycleway/footpaths should be provided from the site, through to the town centre to encourage residents to walk / cycle into town, and a further two (2) submissions argued that there should be a footpaths provided along Villiers Road from the site.

Five (5) submissions raised concerns about the location of the cycleway / footpath shown running through the dog-off-leash area in Seymour Park, and argued that any footpath should not impact on the dog-off-leash area.

**Staff Comments**

The draft DCP provides for pedestrian and bicycle access from the subject land to Arthur Street in the north, providing a potential link into the town centre. The DCP does not identify additional offsite infrastructure works linking Arthur Street to the town centre, as this is not the role of the DCP. This is the role of Council’s Pedestrian Access and Mobility Plan which identifies footpath and cycleway upgrades that are required throughout the Shire.

The location of the pedestrian / cycle way through Seymour Park was shown as indicative only, and would be subject to detailed design throughout the development application process. However, to alleviate concern in the community, the draft DCP is recommended to...
be amended to remove the footpath from the dog-off-leash area, and show a future link to
Arthur Street, subject to future design.

**Issue 5 – Streets, Footpaths and Cycle Ways**

Five (5) submissions raised concerns about the lack of footpaths / cycleways in the URA, and that footpaths should be provided on all streets (preferably on both sides of the street). The submissions argued that footpaths and cycleways should not only be limited to collector roads, and that pedestrians, bikes, prams and wheelchairs should not be required to share the road with cars.

One (1) submission argued that all streets should be widened in line with the proposed Boulevard and Collector roads, with a road reserve width of 25 metres to provide safe vehicle access for emergency vehicles. A further submission stated that streets should be wide enough to accommodate a future bus route throughout the URA.

**Staff Comments**

There appears to be some confusion about the location of footpaths and cycleways in the draft DCP. The exhibited DCP includes footpaths on **ALL** roads within the URA, with the exception of the steep access road off Villiers Road due to the severity of the slope in this location. Therefore, pedestrians, prams and wheelchairs etc will not be required to share the road carriageway with vehicles.

The draft DCP also includes wider shared pathways (2.5m wide) on all Boulevard and Collector Roads to separate bicycles from vehicles on streets with higher traffic volumes.

All streets have been designed to allow safe access for emergency and service vehicles. The proposed road hierarchy provides a safe and legible street network, and will provide a pedestrian friendly environment for the URA. It is **not** recommended to widen all streets in the URA.

**Issue 6 – Public Open Space**

Six (6) submissions raised concern about the amount of public open space provided for in the draft DCP. The submissions argue that large open spaces are part of the Southern Highlands character and that more open space is required to provide opportunities for children to play and for people to meet and live and active lifestyle.

One (1) submission raised concerns about the proposed lakes/ponds in the central open space. The submission argues that the water should be fenced off for safety reasons, and will therefore not be a landscape feature as outlined in the DCP.

**Staff Comments**

Public open space is considered essential to provide amenity to future residents, to promote an active lifestyle and to build a sense of community within the URA. The draft DCP provides for a network of public open space and active transport linkages to ensure that the future residents have access to high quality open space.

The proposed development provides for a higher proportion of open space compared to the existing Moss Vale urban area and other recent developments within the Shire (with the exception of Renwick). The amount and location of the public open space is considered appropriate for the URA.

It is not considered necessary to fence the proposed water bodies within the central open space area. The water bodies are an important design element within the central open space, and will be designed to minimise any potential safety risks. There are a number of similar water bodies in parks throughout the Shire that are not fenced (i.e. Lake Alexander).
and the proposed water bodies will provide a high level of amenity for future residents and the broader community.

**Issue 7 – Landscaping**

A number of submissions applauded the landscape plan within the draft DCP in capturing the character of the Southern Highlands. One (1) submission raised concerns about the tree species, and particularly the potential impact of large trees on houses and infrastructure. Another submission stated that mature trees should be planted and that there should be sufficient room in road reserves for large trees.

**Staff Comments**

The draft landscape plan was developed in consultation with Council’s parks and gardens team, and is consistent with Council’s Street Tree Master Plan. Further, the proposed street design, including verge width and footpath locations, were assessed by Council’s Park and Gardens team, who were satisfied that the road reserves will allow for large trees, without impacting on footpaths and kerb and gutter etc.

**Issue 8 – Neighbourhood Character**

A number of submissions applauded the desired character and development concepts outlined in the DCP. However, some concerns were raised about whether the intended outcomes would be achieved, based on examples of other recent residential estates in the Shire.

In addition to the concerns about lot sizes and open space (addressed above), five (5) submissions raised concerns about residential site coverage. The submissions argue that larger lots are required (with less site coverage), to allow for mature vegetation, private open space, landscaping and development that is in keeping with the character of the Southern Highlands.

Seven (7) submissions raised concerns about fencing within the URA. The submissions supported the DCP controls in relation to corner lot fencing, but argued that all fencing should be rural style fencing, and colourbond fencing should not be permitted.

**Staff Comments**

In response to the submissions received, the draft site coverage controls were reviewed, and are proposed to be reduced to provide a higher proportion of landscaped areas on residential allotments.

The draft fencing controls in the DCP provide strong guidance on fencing that can be viewed from a public place (i.e. front and corner fencing), to ensure streetscapes are not dominated by fencing (particularly colourbond fencing). However, as boundary fencing can generally be undertaken as exempt development, the DCP provides guidance, but is deliberately not overly restrictive on boundary fencing between residential lots.

Additional fencing controls are proposed on the urban / rural interface in response to the submission received, and are addressed below.

**Issue 9 – Residential Character**

Four (4) submissions made reference to the residential design controls within the draft DCP. Two (2) of the submissions state that the residential design controls are not prescriptive enough, and more detailed architectural controls are required to ensure a quality residential development outcome across the site. The submissions seek more direction in relation to architectural styles, colours and materials, and state that only non-reflective materials should be used.
Three (3) submissions raised concerns about garage doors, and their potential impacts on streetscapes. Two (2) of the submissions argue that the controls need to do more to reduce the prominence of garage doors, with one suggesting that garages should be separate from the dwellings and located at the rear of the property. One (1) submission supported the controls in the draft DCP in relation to the additional setbacks and maximum frontage widths for garages.

**Staff Comments**

While the draft DCP seeks to encourage good design outcomes in relation to residential built form, an owner / applicant has the ability to build a dwelling as complying development, which does not require approval from Council, and is not subject to the controls in the DCP. Therefore, if development controls are overly prescriptive or restrictive in the DCP, it often encourages applicants to go down the complying development path, rather than a Development Application where there is an ability to achieve better design outcomes.

The draft DCP has a strong focus on detailed controls to guide the subdivision, landscaping and public domain to deliver a high quality subdivision outcome, as well strike the right balance in relation to built form controls, and not encourage applicants to use the complying development pathway.

The draft DCP has detailed controls in relation to garages to ensure that garages do not dominate the streetscape. However, as outlined above, it is important to strike the right balance between achieving a good design outcome, while not forcing applicants down the complying development pathway through overly restrictive controls.

**Issue 10 – Housing Types / Mix**

A number of submissions made reference to the housing mix and housing typologies within the URA. Five (5) submissions stated that a greater mix of housing types is needed to meet the needs of the community, including attached and semi-detached housing, terraces, multi-storey housing and seniors living housing.

Three (3) submission raised concerns about houses on smaller lots, and that there should be more large houses on large blocks of land, consistent with the Southern Highlands character.

**Staff Comments**

While the draft DCP seeks to encourage a mix of housing types throughout the URA, there is limited scope in a DCP to encourage / require specific housing typologies. Rather, the DCP can only guide the built form, with housing types ultimately controlled through land use zones in WLEP 2010.

Under the R2 Low Density Residential zone, there are only a limited number of residential uses that are permissible across the site, including dwellings, dual occupancies, secondary dwellings and seniors living. So there is only limited scope to increase the mix of housing types in the URA.

As outlined above, the minimum lot sizes are governed through the LEP, and were ultimately set by the NSW Government as part of the rezoning process. The draft DCP cannot require larger lot sizes than those set by the State Government in rezoning the land.

**Issue 11 – Urban Interface**

Eight (8) submissions raised concerns about the interface of the development with the adjoining rural lands, the golf course and residential properties to the north. Two (2) submissions supported the landscape buffer on the western edge of the URA adjoining
Yarrawa Road, but encouraged the use of appropriate vegetation to provide a visual buffer for adjoining rural lands.

Two (2) submissions raised concerns about the impact of the development on adjoining rural lands to the east and north-east of the URA. The submissions argued that there should be a buffer around the rural interface to protect and maintain the right to farm of the adjoining properties. Further, the submissions strongly argued for rural fencing (i.e. barbed wire or electric fencing) along the rural / urban interface to keep cattle in the property.

The submissions also requested landscaping along the rural / urban interface, to protect future residents from dust and pesticides from the adjoining rural lands. Further, it was argued that the use of rural fencing would contribute to neighbourhood character (i.e. not colourbond fencing around the boundary) when viewed from adjoining land and public roads.

Three (3) submission raised concerns about the interface with the Moss Vale Golf Course, and the risk of errant golf balls impacting on future dwellings / residents. The submissions requested either a barrier be erected along the shared boundaries and / or a landscaped setback to provide a physical barrier and enhance the visual amenity.

Two (2) submissions raised concerns about the impact of the proposed development (including the new roads) will have on existing properties on Hill Road. The proposed new access road from Hill Road immediately adjoins the rear boundary of properties fronting Hill Road creating privacy and security issues.

**Staff Comments**

It is important to manage the impacts of the URA on adjoining lands and better plan for the urban interface. In response to the submissions received in this regard, a number of changes to the draft DCP are proposed as outlined below.

**Urban / Rural Interface**

A new section 2.4.1 is proposed in the draft DCP as outlined below.

**Residential Design Rural Edge Interface**

**Objectives**

i. Provide a sympathetic transition between the residential development and the adjoining rural land uses as shown in Error! Reference source not found. Reference source not found.

ii. Ensure an appropriate connection with the adjacent rural uses whilst maintaining a level of amenity and passive surveillance.

iii. Minimise land use conflicts and impacts on adjoining rural lands.

**Development Control**

i. Development adjoining the rural edge interface should be designed to minimise impacts on adjoining rural lands.

ii. Development along the rural edge interface should be sensitively designed to minimise the visual impacts of the development when viewed from public roads and adjoining rural landscapes.

iii. Development along the rural edge interface is to be designed to enhance passive surveillance with views over the rural landscapes.

iv. Development controls i. – iii. above can be achieved by:
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a. Provision of perimeter roads along the rural edge interface maintaining existing rural fencing along the property boundaries, or

b. Provision for a rural ‘style’ fence and landscape buffer at the boundary interfacing with rural land as shown in Figure 4 below. Note – Council would need to satisfied that appropriate arrangements are made at the subdivision stage to address development controls i. – iii. This may require, for example, a restriction on the Title of residential lots in relation to fencing.

Golf Course Interface

A new section 2.4.2 is proposed in the draft DCP as outlined below.

**Residential Design Golf Course Edge Interface**

**Objectives**

i. Provide a sympathetic interface between the residential development and the adjoining golf course as shown in Error! Reference source not found.

ii. Ensure an appropriate connection with the adjacent golf course whilst maintaining a level of amenity and passive surveillance.

**Development Control**

i. Development adjoining the golf course edge interface should be designed to minimise impacts on the operation of the adjoining golf course.

ii. Development along the golf course interface should be sensitively designed to minimise the visual impacts of the development when viewed from the golf course.

iii. Development along the golf course edge interface is to be designed to enhance passive surveillance with views over the golf course.

iv. Development controls i. – iii. above can be achieved by:

   a. Provision of perimeter roads along the golf course edge interface with and appropriate landscape buffer or fencing, or

   b. Where no perimeter road is proposed, an appropriate landscape buffer or fencing at the boundary interfacing with the golf course is required to maintain golf hazards to a manageable risk. Note – Council would need to satisfied that appropriate arrangements are made at the subdivision stage to address development controls i. – iii. This may require, for example, a restriction on the Title of residential lots in relation to landscaping / fencing.

Hill Road Interface

The draft DCP is also proposed to be amended to provide a landscaped buffer along the proposed access road from Hill Road, which will improve the privacy of existing properties on Hill Road.

**Issue 12 – Village Hub**

Four (4) submission were received in relation to the ‘Village Hub’. The submissions stated that the proposed village hub should provide higher level shops (i.e. a supermarket) and a range of land uses that will meet the needs of the local community. Further, the village hub should be adaptable and include community spaces and meeting points, encourage walkability and reduce cars in the Moss Vale town centre.
Staff Comments
The village hub is considered important in building a sense of community in the URA, as well as meeting some of the day to day needs of the residents. However, as outlined above, the draft DCP guides the built form within the URA. The future land uses are determined through the LEP, and cannot be determined through a DCP. It is therefore possible for a supermarket to be developed within the commercial zone in the URA.

Issue 13 – Water Sustainability
Two submissions raised concerns around water supply and sustainability, and questioned how the URA will be serviced by town water, and what measures were in place to use water sustainably.

Staff Comments
Council has planned for the URA in its Water and Sewer Development Servicing Plans, with new water supply infrastructure, including a new reservoir planned for the area.

The draft DCP includes provisions on sustainable water management at both the subdivision and resulting residential development stages, that aim to protect and improve water quality, and encourage the efficient use of water in residential development.

Issue 14 – Ecology
A number of submissions raised concerns about the impact of the proposed development on native flora and fauna, and recommended that detailed ecological studies should be completed prior to the development proceeding.

Staff Comments
A detailed biodiversity assessment has been prepared to support the concept Mater Plan development application over the site.

Water NSW Submission
Water NSW made a submission on the draft DCP and the key issues raised in their submission are outlined below.

Water NSW requests the DCP require all future lots to be connected to the sewer. Further, Water NSW recommends that the DCP is not finalised until the water and sewer servicing strategy has been prepared by the Applicant. The strategy should include:

- Scheme Plans for water, sewer and stormwater services,
- the staging and sequencing of works, the required scope and timing of sewerage infrastructure and the STP upgrades required to accommodate the expected lot yields, and
- the necessary management and maintenance requirements to ensure the water, stormwater and sewerage-related infrastructure will be effectively maintained over the long-term.

Water NSW recommends that Council work with the Applicant to redesign this northern section of the development along the drainage feature to better protect water quality and allocate sufficient land for stormwater management.

Water NSW also notes that there are numerous farm dams across the site and considers that the site analysis plan should be expanded to also include riparian areas and any other areas of open water (e.g. farm dams). Further, Water NSW requests that the reference to ‘potential soil contamination’ is extended to include ‘water contamination’.
Staff Comments

As requested by Water NSW, all future development within the URA is required to be connected to the sewer.

The DCP requires any future development application to be supported by a water and sewer servicing strategy consistent with the request of Water NSW. However, it is not considered appropriate to defer the DCP until the servicing strategies are complete. The role of the DCP is to provide guidance on how the URA will be developed. It is not intended to provide a detailed servicing strategy for the land.

The draft DCP provides an indicative Master Plan which shows how the land might be developed, subject to more detailed design. Any future development application over the site will need to demonstrate how riparian areas, farm dams, land contaminates and water quality will be managed. It is not considered necessary or appropriate to undertake that level of detailed design as part of the DCP process.

Indicative Master Plan

The indicative Master Plan in the draft DCP has been slightly modified to improve the street network in the south-western portion of the site. The updated Master Plan does not have any impacts outside of the street configuration and provides for an improved street pattern with greater connectivity and permeability. All figures in the draft DCP have been updated to reflect this minor amendment to the street network.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement was undertaken as described above.

Internal Communication and Consultation

The preparation of the draft DCP included internal consultation with Council’s traffic, flooding, assets, environment, and certification and development assessment teams, to ensure the draft DCP was robust.

External Communication and Consultation

Community engagement was undertaken as described above.

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

• Social

There are no social issues in relation to this report.

• Broader Economic Implications

There are no broader economic implications in relation to this report.
• Culture
There are no cultural issues in relation to this report.

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

COUNCIL BUDGET IMPLICATIONS
There are no budget implications in relation to this report.

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

OPTIONS
The options available to Council are:

Option 1
THAT the draft Amendments to the Moss Vale Town Plan Development Control Plan (as shown in Attachment 1) relating to the Chelsea Gardens Coomungie Urban Release Area be adopted.

Option 2
THAT adopt the draft Amendments to the Moss Vale Town Plan Development Control Plan as exhibited taking into account changes recommended as a result of the public consultation process.

This option is not preferred as it does not take into consideration the feedback received during the public exhibition period.

Option 3
THAT Council not adopt the draft Amendments to the Moss Vale Town Plan Development Control Plan relating to the Chelsea Gardens Coomungie Urban Release Area.

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

CONCLUSION
The draft DCP will guide the future development of the Chelsea Gardens Coomungie URA to ensure that the development is in keeping with the expectations of the community. The draft Amendments were publicly exhibited and a number of changes to the draft DCP are recommended as a result of the feedback received during the exhibition period.

ATTACHMENTS
1. Development Control Plan for Adoption - circulated under separate cover
12.5 Draft Bonds Policy

Reference: 19/1121
Report Author: Group Manager Planning, Development and Regulatory Services
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan:
An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to consider a new policy position that establishes clear guidelines for consideration for the acceptance of varying types of financial bonds as security from parties other than Council for certain works on public land or works on private land where such works will become donated assets to the Council.

RECOMMENDATION

1. THAT Council endorse the Draft Bonds Policy for the purposes of community consultation.

2. THAT Council place the Draft Bonds Policy on public exhibition for a period of not less than 28 days.

3. THAT a report be prepared outlining any submissions received during the exhibition period for consideration by full Council prior to the formal adoption of the draft policy.

REPORT

BACKGROUND

The purpose of the draft Bonds Policy is to establish a consistent and robust framework for the acceptance of varying types of financial bonds as security from parties for certain works on public land or works on private land where such works will become donated assets to Council.

These works are typically, but not necessarily limited to roads and other public works such as community infrastructure including footpaths, drainage facilities, recreational facilities, water and Sewer infrastructure, water quality facilities, buildings or landscaping that are required to be constructed in association with a Development Consent or other Council approval.
REPORT

The Draft Bonds Policy outlines Council’s requirements for the lodgement of bonds and guarantees associated with development consents where public infrastructure works are undertaken by parties other than Council and were such works will be Council assets.

The objectives of the Policy are:

- To establish a clear guidelines for the acceptance of varying types of financial bonds for certain works;

- Ensure that future facilities and infrastructure including landscaping are delivered in a specified timeframe to protect existing Council assets and/or works are delivered to relevant standards when they are to become Council assets.

The policy outlines the different types of security bonds which may be required in accordance with sections 4.17(6) and 6.15 of the Environmental Planning & Assessment Act 1979 including the required bond amounts and the duration and return of bonds.

The endorsement of the Draft Bonds Policy will ensure that Council maintains sufficient security for works where such works will become donated assets to Council to guarantee the delivery of those assets to relevant standards.

COMMUNICATION AND CONSULTATION

Community Engagement

If the Draft Policy is endorsed by Council it will be placed on public exhibition for a period of not less than 28 days to enable the public to provide submissions in relation to the Draft Policy.

Internal Communication and Consultation

The Draft Policy has been developed in consultation with Council’s Planning Development and Regulatory Services Staff, Assets Branch and Infrastructure Services.

Environment

There are no environmental issues in relation to this report.

- Social

There are no social issues in relation to this report.

- Broader Economic Implications

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

- Culture

There are no cultural issues in relation to this report.
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- Governance
  The Draft Policy position will provide a governance framework for Council to apply in the acceptance of bonds and securities relating to development.

COUNCIL BUDGET IMPLICATIONS
It is not expected that the draft policy will have any budgetary implications. The Draft Policy will ensure however that appropriate securities are held by the Council to warrant either completion of Council owned assets by private developers and also ensuring that the standard of assets are maintained during warranty periods. This will ensure that Council and the community is not disadvantaged as a result of being required to financially contribute to works that fail during the maintenance liability period or complete works that have not been finalised as part of a development.

RELATED COUNCIL POLICY
There is no related Council Policy to the Draft Bonds Policy.

OPTIONS
The options available to Council are:

Option 1
THAT Council endorse the Draft Bonds Policy for the purposes of community consultation.
THAT Council place the Draft Bonds Policy on public exhibition for a period of not less than 28 days.
THAT a report be prepared outlining any submissions received during the exhibition period for consideration by full Council prior to the formal adoption of the draft policy.

Option 2
THAT Council not endorse the Draft Bonds Policy and provide an alternative position for the acceptance of bonds relating to development.
Option No. 1 is the recommended option to this report.

CONCLUSION
The draft policy position will ensure that Council has a consistent and robust policy framework with respect to acceptance of security bonds for public infrastructure works undertaken by parties, with such works becoming Council assets.

ATTACHMENTS
1. Draft Bonds Policy
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ATTACHMENT 1 Draft Bonds Policy

Draft Bonds Policy

LEADERSHIP

OUR LEADERSHIP IS BASED ON MUTUAL TRUST TO FOSTER AND EMBODY VALUES OF RESPECT, RESPONSIBILITY, INTEGRITY AND ETHICAL GOVERNANCE.

Adoption Date: (Governance to insert)
Council Reference: (Governance to insert)
Policy Owner: Group Manager Planning Development and Regulatory Services
Next review date: (2 years recommended)
File Reference: TBA
Related Policies/Legislation: Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.
Related Documents: Nil
Superseded Policy/GM Practice Note: Nil

OBJECTIVES

This Policy has been prepared to outline Council’s requirements for the lodging of bonds and guarantees associated with the development process where public infrastructure works are undertaken by parties other than Council.

Council will require a cash bond or bank guarantee to ensure that future facilities and infrastructure including landscaping are delivered in a specified timeframe, to protect existing Council assets, or to ensure that constructed works perform or are delivered to relevant standards. They are also accepted to facilitate the release of a subdivision or occupation certificate prior to completion of all public infrastructure works.

This policy outlines the different types of security bonds which may be required in accordance with Section 4.17(8) and 6.15 of the Environmental Planning & Assessment Act 1979 including the required bond amounts and the duration and return of bonds and bank guarantees.

Any bond taken under this policy must not be applied or used for the purposes of deferring any development contributions arising under Section 7.11 or any obligation under a Voluntary Planning Agreement (VPA) or Works-In-Kind Agreement (WIK). Conversely, any bond, bank guarantee, or the like, taken as security to defer Section 7.11 development contribution, VPA or WIK obligations, cannot be applied to any purposes described under this bonds policy.
POLICY STATEMENT

The intent of the Bonds Policy is to establish clear guidelines for the acceptance of varying types of financial bonds as security from parties, other than Council, for certain works on public land or works on private land where such works will become donated assets to Council.

These works are typically, but not necessarily limited to, roads and other public works such as community infrastructure including footpaths, drainage facilities, recreational facilities, water and sewer infrastructure, water quality facilities, buildings or landscaping that are required to be constructed in association with a Development Consent, or other Council approval.

The various security bonds are detailed as follows:

1. **Incomplete Works Bonds**

1.1 **General Works**

*Purpose of the Bond*

To ensure the cost of incomplete civil works are covered, at the discretion of Council. The bond may also apply if the proposed works do not comply with Council’s standard or the developer seeks to obtain registration of the subdivision prior to the works being completed due to:

(i) timing to comply with Council’s standards; or

(ii) time required to complete non-essential infrastructure works

The deferral of such works shall not expose Council to any public liability risks or safety issues.

Council will not accept a bond for the completion of essential outstanding Council infrastructure works.

*Circumstances where bonds are required*

A bond is payable prior to release of the Subdivision, Interim or Final Occupation Certificate.

The Applicant shall provide a written guarantee (letter of undertaking) of the timeframe to undertake the required works.

The timeframe and schedule for the carrying out of the bonded works yet to be completed shall be not more than 6 months from the date of the Subdivision, Interim or Final Occupation Certificate being issued.

*Bond amounts (excluding GST)*

The bond amount is either 150% of the total engineering public works costs where latent conditions are prevalent prior to finalisation of works; or 130% of the total engineering public works costs where there is certainty in estimating and validating outstanding works.

The bond amount shall be determined by written evidence (including two quotes or QS Report prepared by qualified professional taking into account local market conditions) identifying the cost...
Draft Bonds Policy

of the works, provided by the applicant to Council to ascertain the amount.

Council will undertake its own assessment of the quotes submitted/QS Report prior to accepting the bond amount. The works are required to be scoped by the applicant / developer and agreed to by Council prior to the assessment of costs being undertaken.

**Duration and return of the bond**

The bond will be held by Council until the works are completed to Council’s satisfaction.

If the works are not completed within the nominated time, then Council may either call in the bond or request additional security to cover the future value of the work including administrative costs to Council and increases in construction costs due to the timing of works and contingency costs.

The bond shall be returned following a written request for the return of the bond and completion of Council’s adopted bond return application form.

1.2 **Footpath Infrastructure**

Council requires footpath infrastructure to be delivered as part of the approved subdivision works. If a developer elects to defer the footpath construction and Council agrees to that deferral, a payment of a bond shall be required.

The deferred footpath works must be completed once 80% of housing has been constructed within the approved subdivision, or within 2 years from the date of the deferral, whichever occurs first.

Where a Footpath Bond is accepted by Council, the following provisions will apply.

**Purpose of the bond**

To ensure the construction of concrete footpaths and/or pedestrian/cycle shared ways located in existing and/or proposed public land are constructed as detailed in the development consent and approved construction certificate plans. The bond applies only where such facilities are in existing and/or proposed public land.

**Circumstances where the bond is required**

The bond is payable prior to release of the Subdivision or Occupation Certificate. The bond period is to commence on the date of issue of a subdivision and is required to be held until works are complete to the satisfaction of Council.

**Bond amounts (excluding GST)**

The total amount of the incomplete works will be confirmed by Council following the provision of written evidence provided by the Applicant to Council to ascertain the amount. Evidence can be provided in the form of two written quotes or QS Report prepared by qualified professional taking into account local market conditions.

Council will undertake its own assessment of the quotes prior to accepting the bond amount.

The bond amount is 130% of the value of the incomplete works.
Draft Bonds Policy

Duration and return of bonds

The bond is held by Council until the works are completed to Council’s satisfaction.

If the works are not completed within the nominated time, then Council may call in the bond or request additional security for indexation of the value of the works.

The bond shall be returned following a written request for the return of the bond and completion of the bond return request form.

1.3 Water Quality Facility Works

Purpose of the bond

To ensure the water quality facility/facilities located in existing and/or proposed public land are constructed as detailed in the approved drawings. The bond applies only where such facilities are in existing and/or proposed public land.

Circumstances where the bond is required

The bond is payable prior to the issue of a Subdivision Certificate.

The Applicant shall provide a written guarantee of the timeframe to undertake the works.

The timeframe and schedule for the carrying out of the bonded works yet to be completed shall be not more than 6 months from the date of the Subdivision Certificate being issued.

Bond amounts (excluding GST)

The bond amount is 130% of the total value of the water quality facility works including:

(i) the cost of removing the sediment, turf and geotextile layer on the water quality facility;

(ii) the cost of preparing detailed design documentation if the design is yet to be finalised; and

(iii) planting the water quality facility to its final form.

The bond amount shall be determined by written evidence (including two quotes or QS Report prepared by qualified professional taking into account local market conditions) identifying the cost of the works provided by the Applicant to Council to ascertain the amount.

Council will undertake its own assessment of the quotes submitted/QS Report prior to accepting the bond amount.

Duration and return of bonds

The bond is held by Council until the works are completed to Council’s satisfaction.

If the works are not completed within the nominated time, then Council may either call in the bond or request additional security for indexation of the value of the works.
Draft Bonds Policy

The bond shall be returned following a written request for the return of the bond and completion of the bond release request form.

2. Defects and Liability Bond

Purpose of the bond

To ensure costs to cover maintenance and for any defects and liabilities of any new public infrastructure provided by an applicant/developer, such as roads and kerb and gutter, drainage, footpaths, water, sewer, buildings, riparian corridors, water sensitive urban development, street tree plantings and vegetation and public reserves.

Circumstances where bonds are required

The bond is payable prior to issue of Subdivision, Interim or Final Occupation Certificate for the designated works.

The bond needs to clearly nominate the value of the actual works that the developer is liable for.

Bond amount (excluding GST)

The defects and liability bond is 10% of the value of the works covered by the defects liability period, with a minimum value of $10,000

The value of the works shall be determined by written evidence (including two quotes or QS Report prepared by qualified professional taking into account local market conditions) identifying the cost of the works provided by the Applicant to Council to ascertain the amount.

Council will undertake its own assessment of the quotes submitted/QS Report prior to accepting the bond amount.

Duration and return of bonds

The bond is held for a minimum of 24 months from the date of the release of the Subdivision Certificate. Following the rectification of any defects Council at its discretion may request a new defects and liability period to apply from the date of acceptance of rectification works.

If the rectification works are not completed to Council’s satisfaction, Council may either call in the bond or request additional security to cover the future value of the work including administrative costs to Council and increases in construction costs due to the timing of works and contingency costs.

Bonds are considered for release on receipt of a written request for the return of the bond and completion of the bond release request form.

3. Damages Bond

Purpose of the bond

To ensure any damage to existing public infrastructure resulting from development or associated works is rectified to Council’s satisfaction.
Draft Bonds Policy

The bond is required for the protection of existing Council assets during construction, such as footpaths, street furniture and signage, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement.

**Circumstances where bonds are required**

The bond is payable prior to issue of a Construction Certificate for commencement of the development.

**Bond amount (excluding GST)**

A dilapidation report of the identified infrastructure is to be submitted to Council prior to the commencement of construction to determine current state of repair. The report should identify relevant infrastructure in the vicinity of the works and a written assessment of the condition of the infrastructure, including photos and any test results.

The bond amount is calculated at 10% of the value of the development works.

**Duration and return of bonds**

The bond is held by Council until all identified rectification works (if required) are completed to Council’s satisfaction.

Bonds are considered for release on receipt of a written request for the return of the bond and completion of the bond release request form.

4. **Rolling Developer Bond**

**Purpose of the bond**

Council may allow a rolling bond where there is a large development entity with a project in which there are multiple stages in a development. This enables a developer to submit a consolidated security to cover each of the bonds required by this policy.

This allows for bonds to be transferred from one stage to another provided the required works have been satisfactorily completed, rather than needing to submit lodgment and/or refund applications for each bond, at the end of each stage.

This option provides a streamlined approach to managing various bonds.

**How to apply for a rolling bond**

Any application to enter into a rolling bond arrangement will be dealt with on a case by case basis.

The Applicant will be required to enter into a formal agreement with Council that outlines how the rolling bond is managed.

The Applicant will be required to maintain a complete register of all bonds within the rolling bond agreement, and provide quarterly reports to Council on the status of existing included bonds, and upcoming proposed changes.
Draft Bonds Policy

Circumstances where bonds are required

The criteria for lodgment of bonds are outlined in Sections 1- 4 of this policy. The type of bonds incorporated into a Rolling Bond will determine when the initial security must be submitted to Council. For example if the rolling bond for staged development is to include damage bonds, then the Rolling Bond must be in place prior to the issue of a Construction Certificate for stage 1.

Bond amount (excluding GST)

The value of a Rolling Bond is calculated by accumulated value of all bonds required by the policy and applicable Development Consents, as appropriate to the staging of works.

Accordingly the amount of security held under a rolling bond at any time, must be equivalent to the accumulated value of all outstanding bonds required for that development.

The value of the rolling bond may vary over the course of the development, depending on the timing and completion of stages.

Duration and return of bonds

Bonds will be returned or credited against the rolling bond in accordance with the criteria outlined in Sections 1- 4 of this policy.

SCOPE

Development Consents that require works on public infrastructure and the process to fulfil the condition could require lengthy disruption to normal operation and presents a risk to the community if not able to be completed as intended or scheduled.

A security bond will take the form of an irrevocable and unconditional bank guarantee (without expiry or termination date) in favour of Council, bank cheque or cash.

Council may consider a request to bond incomplete works, where the following criteria are met:

- The works do not adversely affect the efficiency and/or operation of the development or a vital element of the development (including health and sanitary conditions);
- The incomplete works do not present a safety issue that cannot be satisfactorily managed at the discretion of council;
- The completion of the incomplete works can be carried out without significant impact on the operation of the development site and/or will not inhibit the commencement of building development on the development site;
- The nature and value of the incomplete works can be accurately estimated and validated. A request to bond where there exist latent conditions on site may be considered; and
- The developer can retain sufficient control of the site to satisfactorily carry out the incomplete works.
Draft Bonds Policy

Council reserves its rights to refuse a Bond, based on its own risk assessment.

Any variance to the above will be at the discretion and approval of the Group Manager Planning, Development & Regulatory Services

DEFINITIONS

Nil

RESPONSIBILITIES

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

Executive:

- To lead staff (either directly or through delegated authority) in their understanding of and compliance with this policy.
- To approve resources to develop, implement and review this policy.
- To exercise discretion to vary the policy as thought appropriate.
- Ensure that their own behaviour provides a model of conduct in line with the principles of this policy.

Group Manager Planning, Development & Regulatory Services:

- To implement and review this Policy and related procedures.
- To lead staff in their understanding of, and compliance with, this Policy.

Staff:

- To ensure that they comply with the requirements of the policy and procedures.

PERFORMANCE MEASURES

The success of this policy is measured by zero departures.

BREACHES OF THE POLICY

Breaches of this policy should be reported to Group Manager Planning, Development & Regulatory Services.
Draft Bonds Policy

Services. The Group Manager Planning, Development & Regulatory Services will investigate alleged breaches and determine the appropriate course of action to resolve the matter.

APPROVED BY:

WINGECARRIBE SHIRE COUNCIL

(Insert Date)
12.6 Register of Returns Disclosing Interests of Councillors and Designated Persons

Reference: 101/3
Report Author: A/Coordinator Corporate Strategy and Governance
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to table the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2019, as required by clause 4.25 of Council’s Code of Conduct.

RECOMMENDATION

THAT the information in the report in relation to the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2019 be received and noted.

REPORT

BACKGROUND

In accordance with clause 4.21(b) of the Code of Conduct, a Councillor or designated person holding that position at 30 June in any year must complete and lodge with the General Manager a Disclosure of Interests Return within three months after 30 June.

Clause 4.8 of the Code of Conduct defines a ‘designated person’ as:

- The General Manager;
- Other senior staff of the council;
- Other members of staff and delegates of the council who hold a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest; or
- A person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.
Under clauses 4.24-4.25 of the Code of Conduct, the General Manager must keep a Register of Returns required to be made and lodged by Councillors and designated persons and all completed Returns are required to be tabled at the first meeting of Council held after the lodgement date, 30 September 2019.

**REPORT**

The completed Disclosure of Interests Returns of Councillors and Designated Persons are tabled and available to inspect. Returns have been received from all Councillors and designated persons with the exception of those who are not present in the workplace to complete their obligations due to leave arrangements. These individuals will be required to complete their Returns when they are back from leave.

The Disclosure of Interests Returns are in the form prescribed at Schedule 2 of the Code of Conduct.

**CONSULTATION**

**Community Engagement**
Not applicable

**Internal Communication and Consultation**
All Councillors and designated persons were provided with a copy of the Disclosure of Interests Return to be completed as well as additional guidance material published by the Office of Local Government.

**External Communication and Consultation**
Not applicable

**SUSTAINABILITY ASSESSMENT**

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

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

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

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

- **Governance**
  This report ensures proper governance by adhering to relevant requirements of the Code of Conduct in the interests of probity, transparency and open government. Pursuant to clause 4.25 of the Code of Conduct, the Register of Returns Disclosing Interests of Councillors and
Designated Persons kept by the General Manager is to be tabled at the first Council meeting following 30 September annually.

The applicable clauses of the Code of Conduct reflect provisions of the Model Code of Conduct for Local Councils in NSW which is prescribed under section 440 of the Local Government Act 1993.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

- Gifts and Benefits Policy
- Fraud and Corruption Control Policy
- Public Interest Disclosures Policy

OPTIONS

The only option available to Council is:

THAT the information in relation to the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2019 be received and noted.

CONCLUSION

This report ensures proper governance by adhering to relevant requirements of the Code of Conduct as adopted in accordance with the Local Government Act 1993.

ATTACHMENTS

There are no attachments to this report.

Mark Pepping
Deputy General Manager Corporate, Strategy and Development Services

Friday 4 October 2019
16 COMMITTEE REPORTS

16.1 Minutes of the Heritage Advisory Committee Meeting held on Friday 13 September 2019

Reference: 107/16
Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday 13 September 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS’ ATTENTION AND ADOPTION

A copy of the Minutes of the Heritage Advisory Committee is provided at ATTACHMENT 1.

Item 1 Welcome and Apologies

HAC 11/19

THAT the apology of Clr Graham McLaughlin and Ms Linda Emery be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

HAC 12/19

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 05 July 2019 HAC 1/19 to 10/19 inclusive, copies of which were forwarded to members of the Committee, be adopted as a correct record of the proceedings of the meeting.

Item 5.1 Welcome to New Community Representatives to the Heritage Advisory Committee

HAC 13/19

THAT the report be noted.

Item 5.2 Update on Heritage Matters

HAC 14/19

THAT the report be noted.

Item 5.3 Development Applications notified to the Committee since the last meeting

HAC 15/19

THAT the following submissions made on development applications since the last meeting of the Committee be noted:
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
COMMITTEE REPORTS

### COMMITTEE REPORTS

**Property** | Post Office, 5-9 Church Street, Bundanoon  
**Application Number** | 20/0042  
**Application For** | Retail Shop - Alterations & Additions  
**Date** | 24 July 2019  
**Comment** | No objections to the proposal. The proposed alterations would seem an improvement on the generic (and unsympathetic to Bundanoon) post office design and will in effect enhance the building considerably.

| Property | 3 Elm Street, Bowral  
| Application Number | 20/0081  
| Application For | Residential Alterations and Additions - Carport  
| Date | 25 July 2019  
| Comment | Noted set back should be ok.

| Property | 52 Bendooley Street, Bowral (Presbyterian Church)  
| Application Number | 20/0114  
| Application For | Place of Public Worship – Alterations and Additions - Accessible Amenities  
| Date | 13 August 2019  
| Comment | No issues with this application. The alterations are within the existing footprint of the building and will not alter the external appearance.

| Property | 193-203 Old Hume Highway, Mittagong (Highlands Marketplace)  
| Application Number | 20/0152  
| Application For | Commercial Alterations and Additions - Extensions  
| Date | 15 August 2019  
| Comment | No problem with this DA.as long as the Heritage items are displayed in an appropriate location.

**Item 5.3 Heritage Awards 2020**

HAC 16/19

*THAT* the Wingecarribee Heritage Awards be presented on Thursday, 30 April 2020 at a venue to be determined AND *THAT* advertising and promotion for applications commence as soon as possible.

**Item 5.4 Review of National Trust Guidelines for Berrima**

HAC 17/19

*THAT* the Committee recommends that Council supports a review by the National Trust of Australia (NSW) of their 1977 study of Berrima.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 09 October 2019
COMMITTEE REPORTS

RECOMMENDATION

THAT recommendations Nos HAC 11/19 to HAC 17/19 as detailed in the Minutes of the Heritage Advisory Committee meeting held on 13 September 2019 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Heritage Advisory Committee Meeting held on 13 September 2019.
MINUTES

of the
Heritage Advisory Committee Meeting

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

on

Friday 13 September 2019

The meeting commenced at 3.02pm

File No. 107/16
MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING
Friday 13 September 2019

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

5. AGENDA REPORTS ................................................................. 3
   5.1 Welcome to New Community Representatives to the Heritage
       Advisory Committee................................................................ 3
   5.2 Update on Heritage Matters............................................... 4
   5.3 Development Applications notified to the Committee since the last
       meeting................................................................................ 5
   5.4 Heritage Awards 2020....................................................... 7
   5.5 Review of National Trust Guidelines for Berrima.................... 8

6. DATE OF NEXT MEETING ...................................................... 9
7. MEETING CLOSURE ............................................................. 9
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
Wednesday 9 October 2019
ATTACHMENT 1 Minutes of the Heritage Advisory Committee Meeting held on 13 September 2019.

MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING
Friday 13 September 2019

MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 13 SEPTEMBER 2019 COMMENCING AT 3.02PM.

Present: Cllr P W Nelson Chair
Community Representatives: Mr Dennis McManus
                         Mr Ian Stapleton
                         Ms Charlotte Webb
                         Mr Simon Bathgate
Agency Representatives: Ms Laurel Cheetham Australian Garden History Society
                         Ms Maai Clark National Trust of Australia
In Attendance: Mr Michael Park Coordinator Strategic Land Use Planning
               Ms Sarah Farnese Strategic Land Use Planner (Heritage)

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Cllr G McLaughlin and Ms L Emery.

HAC 11/19

MOTION moved by Ms C Webb and seconded by Ms L Cheetham

THAT the apology of Cllr Graham McLaughlin and Ms Linda Emery be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Cllr Nelson acknowledged country:

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

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING HELD ON FRIDAY 5 JULY 2019
16.1 Minutes of the Heritage Advisory Committee Meeting held on Friday 13 September 2019

ATTACHMENT 1 Minutes of the Heritage Advisory Committee Meeting held on 13 September 2019.

MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING
Friday 13 September 2019

HAC 12/19

MOTION moved by Ms L Cheetham and seconded by Ms C Webb

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 05 July 2019 HAC 1/19 to 10/19 inclusive, copies of which were forwarded to members of the Committee, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. DECLARATIONS OF INTEREST

Nil
5. **AGENDA REPORTS**

5.1 **Welcome to New Community Representatives to the Heritage Advisory Committee**

Reference: 107/16  
Report Author: Strategic Land Use Planner - Heritage

**PURPOSE**

This report is to confirm the appointment of Mr Dennis McManus and Mr Simon Bathgate as community representatives to the Heritage Advisory Committee.

**HAC 13/19**

**MOTION** moved by Mr D McManus and seconded by Ms M Clark  
**THAT** the report be noted.  
**PASSED**
MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING
Friday 13 September 2019

5.2 Update on Heritage Matters

Reference: 5650
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to update the Committee on non-DA related heritage matters.

HAC 14/19

MOTION moved by Ms L Cheetham and seconded by Ms M Clark

THAT the report be noted.

PASSED
5.3 Development Applications notified to the Committee since the last meeting

Reference: 107/16
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to present a list of development applications (DAs) notified to the Heritage Advisory Committee since the last meeting.
HAC 15/19

**MOTION** moved by Mr D McManus and seconded by Ms C Webb

**THAT** the following submissions made on development applications since the last meeting of the Committee be noted:

<table>
<thead>
<tr>
<th>Property</th>
<th>Application Number</th>
<th>Application For</th>
<th>Date</th>
<th>Comment</th>
</tr>
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<tbody>
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<td>20/0042</td>
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<td>24 July 2019</td>
<td><strong>No objections to the proposal. The proposed alterations would seem an improvement on the generic (and unsympathetic to Bundanoon) post office design and will in effect enhance the building considerably.</strong></td>
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<td>20/0114</td>
<td>Place of Public Worship – Alterations and Additions - Accessible Amenities</td>
<td>13 August 2019</td>
<td><strong>No issues with this application. The alterations are within the existing footprint of the building and will not alter the external appearance.</strong></td>
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<tr>
<td>193-203 Old Hume Highway, Mittagong (Highlands Marketplace)</td>
<td>20/0152</td>
<td>Commercial Alterations and Additions - Extensions</td>
<td>15 August 2019</td>
<td><strong>No problem with this DA as long as the Heritage items are displayed in an appropriate location.</strong></td>
</tr>
</tbody>
</table>

**PASSED**
5.4 Heritage Awards 2020

Reference: 1607/5
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to discuss the timing and format of the 2020 Wingecarribee Heritage Awards.

HAC 16/19

MOTION moved by Mr D McManus and seconded by Ms L Cheetham

THAT the Wingecarribee Heritage Awards be presented on Thursday, 30 April 2020 at a venue to be determined AND THAT advertising and promotion for applications commence as soon as possible.

PASSED
5.5 Review of National Trust Guidelines for Berrima

Reference: 5650
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

The purpose of this report is to discuss the request from the Berrima Residents Association to review

HAC 17/19

MOTION moved by Ms M Clark and seconded by Mr D McManus

THAT the Committee recommends that Council supports a review by the National Trust of Australia (NSW) of their 1977 study of Berrima.

PASSED
6. **DATE OF NEXT MEETING**

The next meeting will be held on Friday 15 November 2019 in Theatrette, Civic Centre, Elizabeth Street, Moss Vale commencing at 3.00pm.

7. **MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.26 PM
18 NOTICES OF MOTION

18.1 Notice of Motion 36/2019 - Portable Kiosk

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

PURPOSE
Councillors Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 October 2019:

THAT Staff provide a report to Council on the possible provision for lease of a site in the vicinity of the carpark at Lake Alexandra for a portable kiosk, such report to include suitable leasing terms, hours, connection to services, rent, waste management etc.

RECOMMENDATION
Submitted for determination.
18.2 Notice of Motion 37/2019 - Introduction to Local Government and Councillor Candidate Workshops

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

PURPOSE
Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 October 2019:

THAT Council fund “Introduction to Local Government and Councillor Candidate workshops” to be presented by LG NSW where the total cost will be $3,290 (inclusive of GST) for up to 12 participants. This cost covers training and course materials, as well as facilitator related travel costs.

RECOMMENDATION
Submitted for determination.

COMMENT FROM STAFF
Staff are currently preparing a program to inform and assist potential candidates running in the 2020 Local Government Elections of their obligations as a candidate and also as an elected Councillor.

Barry W Paull
Acting General Manager

Friday 4 October 2019