

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

PE4

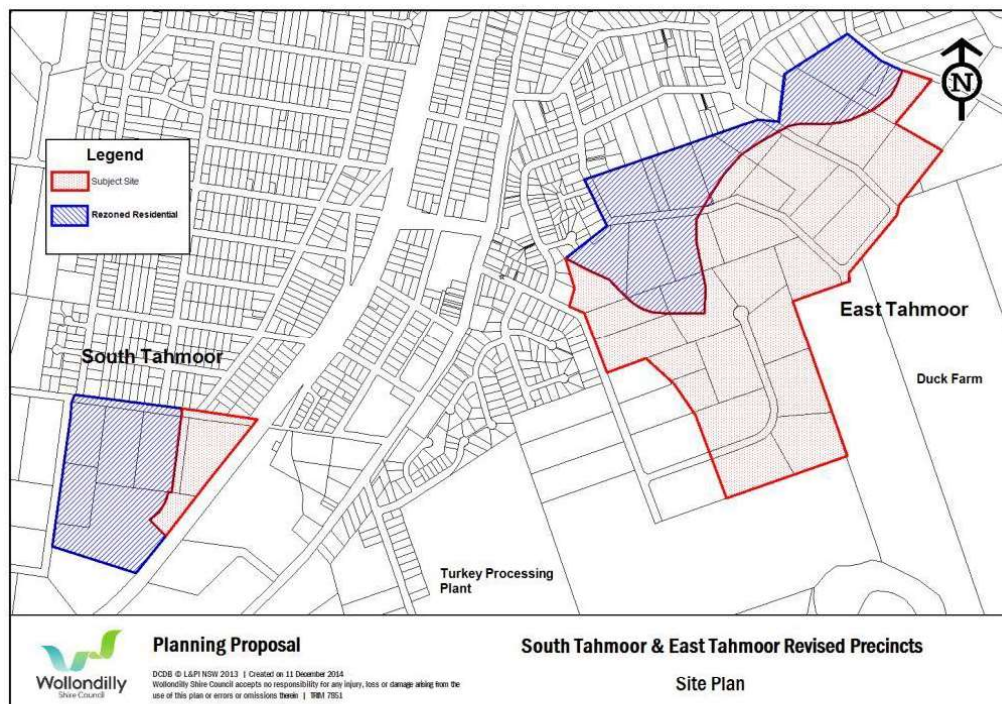
Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

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TRIM 7851

Applicant: Wollondilly Shire Council
Owner: Various

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Stage	Completed
Gateway Determination	30 April 2014
Alteration of Gateway Determination	15 August 2014
Consultation with Public Agencies	12 November - 19 December 2014
Specialist Studies	Studies previously undertaken for PTT Planning Proposal
Public exhibition/community consultation	12 November - 19 December 2014
Referred to Minister for Publication	

EXECUTIVE SUMMARY

- This Planning Proposal has been prepared by Wollondilly Shire Council. It seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to properties within South and East Tahmoor identified on the above site plan to:
 - Change the zoning of the land to R2 Low Density Residential
 - Change the minimum lot size to 450m²

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- Change the natural resources water map to include 10m riparian buffers around Myrtle Creek in East Tahmoor and an unnamed depression in South Tahmoor
- Change the height of building map to allow a height of 9m for land to be zoned residential
- Change the natural resources biodiversity map to include environmentally sensitive land in each precinct
- Change the urban release area map to include this land
- Changing Wollondilly LEP 2011 to include a clause to restrict development until operations on the adjoining duck farm cease.
- The Planning Proposal includes amendments to the Wollondilly Development Control Plan, 2011 which were adopted by Council on Monday 18 February 2013.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy.
- One submission was received in response to Community Consultation which was neutral.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended:
 - that Council support the Planning Proposal in the form subject to community consultation
 - that the Planning Proposal be finalised and forwarded to the Minister for Planning and Environment for publishing
 - that the applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

South Tahmoor and East Tahmoor Revised Precincts were originally part of the Picton, Tahmoor, Thirlmere New Urban Lands Planning Proposal (PTT Planning Proposal) until an odour study was undertaken which resulted in their exclusion from consideration for rezoning under that planning proposal due to the potential odour impact from the nearby Inghams poultry operations. The PTT Planning Proposal LEP Amendment to rezone land to residential was published on the NSW legislation website in January 2014 and included areas of both the South Tahmoor and East Tahmoor precincts that were not odour affected.

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Council received an updated odour study from Inghams based on their proposal to rezone rural land to residential on land used for poultry operations at Cross Street, East Tahmoor. Subsequently consideration was given to the South Tahmoor and East Tahmoor Revised Precincts Planning Proposal at the Ordinary meeting of Council held on Monday 18 November 2013. Council resolved to support a recommendation for the preparation of a planning proposal and its submission to the Department of Planning for a Gateway Determination.

Originally the planning proposal aimed to rezone the whole of No's 36, 44 and 50 Progress Street. However the Gateway Determination received in April 2014 allowed only the land outside the turkey processing facility odour buffer to be included. A Gateway review was sought to include all of No. 36 Progress Street which was the least impacted by the odour buffer and as it has a development approval for seniors living. An alteration to the Gateway Determination was received in August 2014 which allowed the whole of No 36 to be included for rezoning. Consequently only part of No's 44 and 50 are able to be considered for rezoning.

1.1 SITE DESCRIPTION

There are two separate planning proposal sites as detailed in the site plan. The South Tahmoor site proposes the inclusion of an additional three (3) properties with a total area of around 3.6 ha. An additional twenty six (26) properties are proposed to be included in the East Tahmoor site with a total area of around 40 ha. These properties were originally included in the PTT Planning Proposal and 5 properties within the East Tahmoor precinct are still totally excluded due to odour concerns. Details of properties included in this planning proposal are outlined below. Some of the properties are only part of a lot as the other portion is within the recently rezoned South Tahmoor or East Tahmoor precinct previously within the PTT Planning Proposal. As indicated, two properties at No's 44 and 50 Progress Street are within the odour buffer and in accordance with the alteration to the Gateway Determination only part of this land is able to be considered for rezoning.

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South Tahmoor Planning Precinct	
Lot/DP Description	Address
9/16911	10 Bronzewing Street, Tahmoor
1/1032620	18 Bronzewing Street, Tahmoor
Part 2/1032620	35 Byron Road, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
Part 4/262132	38 Tahmoor Road, Tahmoor
Part 223/10669	50 Tahmoor Road, Tahmoor
224/10669	80 Tahmoor Road, Tahmoor
225/10669	90 Tahmoor Road, Tahmoor
Part 211/10669	65 Tahmoor Road, Tahmoor
210/10669	69 Tahmoor Road, Tahmoor
Part A/365411	30 Progress Street, Tahmoor
1/623127	36 Progress Street, Tahmoor
Part 12/826338	44 Progress Street, Tahmoor
Part 13/826338	50 Progress Street, Tahmoor
7/263172	30 Greenacre Drive, Tahmoor
6/263172	36 Greenacre Drive, Tahmoor
5/263172	42 Greenacre Drive, Tahmoor
4/263172	60 Greenacre Drive, Tahmoor
3/263172	66 Greenacre Drive, Tahmoor
10/263172	15 Greenacre Drive, Tahmoor
11/825465	45-65 Greenacre Drive, Tahmoor
Part 2/263172	71 Greenacre Drive, Tahmoor
Part 190/10669	76 Myrtle Creek Avenue, Tahmoor
102/597260	90 Myrtle Creek Avenue, Tahmoor
101/597260	100 Myrtle Creek Avenue, Tahmoor
100/597260	110 Myrtle Creek Avenue, Tahmoor
Part 258/10669	85 Myrtle Creek Avenue, Tahmoor
Part 59/555941	95 Myrtle Creek Avenue, Tahmoor
60/555941	105 Myrtle Creek Avenue, Tahmoor
Part 26/740263	80 River Road, Tahmoor

1.2 DESCRIPTION OF PROPOSAL

It is proposed to rezone land to allow low density residential development. The proposed density of development at around 15 lots per hectare will provide for approximately 45 additional residential lots within the South Tahmoor precinct and 600 residential lots within the East Tahmoor precinct. Final lot numbers will be determined after further detailed investigation as part of any future development application for subdivision and will depend on a range of considerations including treatment of the proposed environmentally sensitive land and riparian buffers.

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It should be noted that some of the land in the East Tahmoor precinct will be impacted by an odour buffer boundary until the duck farming operations cease on the land owned by Inghams. The Odour Restricted Area map which is attached indicates which properties will be impacted. This area is based on the odour contour boundary around the duck sheds which was determined as part of the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal (PTT New Urban Lands). Properties within this area will not be able to subdivide their land for residential purposes until the duck farming operations cease. The Cross Street Planning Proposal to rezone this land to allow residential development is also currently being considered by Council and is expected to be finalised later this year. This land will also not be able to be developed for residential purposes until the duck farming operations cease.

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1.3 GATEWAY DETERMINATION

A Gateway Determination was issued dated 30 April 2014 and an altered determination on the 15 August 2014. The Determination permitted the proposal to proceed. The Gateway Determination granted that the inconsistencies with Section 117 Directions 1.2 Rural Zones, is justified by the draft South West Subregional Strategy. No further approval is required in relation to this Direction. Specific conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

Gateway Condition	Addressed by:
<p>1. The planning proposal is supported subject to:</p> <ul style="list-style-type: none"> ▪ No development occurring within the relevant buffer area until the current duck farm operations cease. This is to be achieved via a new clause in the LEP and the planning proposal documentation is to be amended to reflect this position; and ▪ Land located within the 500m odour buffer (derived using Environment Protection Authority approved modelling) of the wastewater treatment ponds at Ingham's turkey processing plant, excluding No. 36 	<p>A new clause is proposed to be added to Part 7 Local Provisions in Wollondilly LEP 2011 and the planning proposal has been amended to reflect this position.</p> <p>The planning proposal has been updated to remove parts of Nos 44 and 50 Progress Street from the planning proposal.</p> <p>The mechanism to allow subdivision along the odour boundary will be the Lot Size Map with a minimum lot size equivalent to the residue for the RU4 land at Nos 44 and 50 Progress Street. All other land proposed to be zoned R2 will have a minimum lot size of 450m².</p> <p>Inghams was informed that all of No. 36 Progress Street, East Tahmoor is included within the planning proposal.</p>

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Gateway Condition	Addressed by:
<p>Progress Street, Tahmoor, is to be removed from the planning proposal and accompanying maps; and</p> <ul style="list-style-type: none"> ▪ The planning proposal being updated to advise that Wollondilly LEP 2011 will be amended to include a mechanism to allow subdivision along the odour buffer boundary; and ▪ Inghams being notified of the exclusion of No. 36 Progress Street, Tahmoor from the abovementioned requirement. 	
<p>2. Prior to undertaking public exhibition, Council is to update the planning proposal to reflect the above variations and include a map which clearly identifies the subject land and identifies the location of the duck farms and the relationship of the subject land with the odour buffers from the current operations.</p>	<p>Completed and detailed in Part 4 Mapping of the planning proposal.</p>
<p>3. Once consultation with public authorities is undertaken, Council is to update its consideration of S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection.</p>	<p>The consideration of S117 Directions has been updated in response to consultation with public authorities.</p>

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Gateway Condition	Addressed by:
4. Community consultation is required for a minimum of 28 days in accordance with relevant Department of Planning guidelines.	The planning proposal was exhibited for a period of 37 days in total.
5. Consultation is required with specific public authorities for a minimum period of at least 21 days.	Consultation was undertaken with public authorities during public exhibition and their responses are detailed in the planning proposal and summarised in this report.
6. A public hearing is not required unless Council is obliged to hold one in response for example to a submission or if reclassifying land.	Council has not received any submissions requesting a public hearing.
7. The timeframe for completing the LEP is to be 12 months from the week following the Gateway Determination.	The timeframe for completion of the LEP is by the 7 May 2015.

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CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

The following comments on the Planning Proposal were received from Council staff:

Infrastructure Planning

The main concern in relation to this planning proposal relates to the provision of timely and effective transport infrastructure to service future development resulting from the rezoning. There has been a number of planning proposals within the Tahmoor/Thirlmere area which when developed will result in a cumulative impact on local road infrastructure particularly along Remembrance Drive. Traffic modelling is being undertaken to examine the cumulative impact on the road network and this will assist in determining forward planning for infrastructure. Adequate infrastructure for pedestrians, cyclists and for public transport is also required. In order to ensure there is adequate funding for the provision of this infrastructure it will be necessary to review the required development contributions under the Wollondilly Contributions Plan based on the findings from the transport modelling.

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Comment

Cumulative impact is an important consideration given the number of new residential lots arising from the planning proposals that have been finalised and those yet to be finalised in the Tahmoor/Thirlmere area. The completion of traffic modelling for the Shire will assist in determining whether additional contributions will be required to enable the timely provision of road and transport infrastructure to ensure that the road and transport network is able to cope with the demand resulting from the increasing residential development. While this may result in additional financial impost for landowners developing their land, this is considered to be the fairest way of ensuring that the financial burden is shared by the beneficiaries of the rezoning rather than falling on the wider community.

Environment and Planning (Development)

Concerns have been raised that the use of a Natural Resources – Biodiversity layer over a residential zone does not offer adequate certainty for development of the land after it is rezoned. These concerns have their origin in the part of the PTT investigation area that has already been zoned to residential.

The difficulties experienced in implementing these controls at the development application stage appear to arise a number of factors. It is considered that the most significant of these is expectations from land owners that the clearing of biodiversity lands is a fait accompli. This is not the case. Land set aside in this manner may be cleared only if it is suitably offset. The alternative is to zone the land with an environmental zoning which precludes possible offsetting of the impacts into better suited environmental land that has less planning merit for development.

Council has an adopted policy position on the use of environmental zones and biodiversity layers. This proposal is consistent with that policy and it is recommended that Council stand by this position. If Council is consistent in this position it is likely that the community and development industry will adapt to this approach and Council will achieve positive environmental and development outcomes.

Planning (Development)

The land is proposed to be included on the Urban Release Area Map which triggers Part 6 Urban release areas under WLEP 2011. Clause 6.1 requires that arrangements be made for designated State public infrastructure. The implementation of this clause has required liaison with the Department of Planning and Environment to determine whether any state agencies require contributions for provision of public infrastructure through a State Infrastructure Levy. This process has taken a considerable amount of time and delayed the assessment of development applications for recently rezoned residential land in Tahmoor and Thirlmere. It would be preferable for the required contributions to be determined upfront through a planning agreement.

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It is recognised that there have been delays in the consideration of subdivision applications for land rezoned under the PTT New Urban Lands planning proposal due to the requirement to consider the need for the imposition of a State Infrastructure Levy. It is anticipated that there will soon be an outcome regarding this levy. While a planning agreement may be a suitable outcome at the rezoning stage, it is difficult when there are a large number of landowners to organise such an agreement. As detailed Clause 6.1 in WLEP 2011 has provisions which apply to Urban Release Areas and the development application stage is the appropriate time when this clause is considered. Unfortunately this is a timely process involving the NSW Government and is not under the control of Council.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- Department of Primary Industries - Agriculture
- NSW Environment Protection Authority
- Transport for NSW
- Roads and Maritime Services
- Department of Education and Communities
- NSW Health
- State Emergency Service
- Fire and Rescue NSW
- NSW Police Force
- Sydney Water
- NSW Office of Water (S117 Direction 2.1 Environment Protection Zones)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Trade and Investment - Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Hawkesbury-Nepean Catchment Management Authority now Greater Sydney Local Land services (S117 Direction 2.1 Environment Protection Zones)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones).

The following is a summary of the matters raised by public authorities and assessment comments.

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Department of Primary Industries (Agriculture)

Council will need to be aware that modelling of odour is difficult and as noted in the report the assessment recognises that community acceptance of odour varies. Agriculture NSW supports that a minimum of 500m buffer is maintained while poultry production and processing is occurring. To augment the odour separation buffer some publications acknowledge that vegetation within the buffers can also assist.

Previously in relation to the exhibition for PTT Planning Proposal, Agriculture NSW also stated that it supports maximising opportunities for new dwelling densities to reduce the pressure for the loss of non-urban land to urban purposes.

Comment

A defined buffer will remain in place from future proposed residential land and the turkey processing facility and this will protect continued production into the future. A buffer is in place with regard to the duck sheds and residential development on rezoned land will not be undertaken until the duck sheds are removed. The proposed density of development will be similar to that permissible within the rezoned PTT precincts and allows for a slightly higher density than the R2 areas in older areas of Tahmoor which have a minimum lot size of 700m².

Department of Primary Industries (DPI -Fisheries)

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend. They note that the subject site contains sections of Myrtle Creek and Redbank Creek and their tributaries which drain to the Nepean River. DPI – Fisheries have determined that Myrtle Creek and Redbank Creek are considered to be Key Fish Habitat. DPI-Fisheries consider that the Aquatic Ecology Assessment adequately meets their requirements and supports the recommendations made.

Riparian buffer zones adjacent to waterways must be established and maintained within the proposal area. The planning proposal should consider SREP No 20 – Hawkesbury Nepean River (No 2 – 1997). DPI- Fisheries is particularly concerned about potential impacts to water quality from stormwater runoff and effluent disposal. The Department recommends that water sensitive urban design measures are implemented so that any increases in nutrient concentrations are minimised. Fisheries NSW have no objection to the planning proposal subject to the establishment of riparian buffer zones and water sensitive urban design consistent with NSW Fisheries Departmental guidelines.

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Comment

A 10m riparian buffer is proposed around the tributary in East Tahmoor and this will be placed on the Natural Resources Water mapping layer which relates to clause 7.3 Water protection in Wollondilly LEP 2011. This clause has objectives for maintaining water quality and this has to be considered in relation to any development application for subdivision. The need to meet water sensitive urban design outcomes is included in Wollondilly DCP Volume 10 Subdivision of Land.

Transport for NSW

Transport for NSW is concerned with ensuring public and active transport requirements are addressed at the planning proposal stage. They consider there is a need for a comprehensive transport study and masterplan or site specific development controls in relation to provision for pedestrian, cycleway and public transport infrastructure. Pedestrian and cycleway links are required to the town centre and Tahmoor Railway station. Bus transport routes and facilities should be detailed. Treatment of safe access for pedestrians and cyclist through intersections with roundabouts should be detailed. Consideration should be given to the staging, implementation and funding of such infrastructure.

Comment

There are a number of planning proposals in East Tahmoor and consideration is being given to ensuring there are adequate routes for traffic, buses and shared pedestrian/cycleway routes to service these new areas. Council is keen to promote sustainable transport options as indicated in its Community Strategic Plan. Council has design guidelines for the provision of pedestrian footpaths, cycleways and bus shelters for any future subdivision. With these provisions the developer would be required to provide these facilities along the frontage of any proposed subdivision which would include existing roads and proposed new roads. Safe access for pedestrians and cyclists is a major consideration. The structure plans for South Tahmoor and East Tahmoor precincts within Wollondilly DCP 2011 provides a broad overview of the potential road and pedestrian/cycleway network for each precinct. Accordingly with these provisions and the continuing planning for route linkages to service the East Tahmoor area it is considered that the precincts will be able to be developed to meet the requirements of NSW Transport.

Roads and Maritime Services (RMS)

The RMS has indicated that they do not object to the proposal provided there is an appropriate planning mechanism to ensure contributions to State and regional road infrastructure are collected. For instance this could be the inclusion of the “satisfactory arrangements clause”. RMS notes that the traffic study prepared for PTT New Urban Lands Planning Proposal identified a number of road infrastructure upgrades along Remembrance Driveway. RMS states that the cumulative impact of development associated with these land releases will have a significant impact on the State and regional classified road networks.

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RMS in consultation with Council, the Department of Planning & Environment and Transport NSW is currently undertaking a study to identify the impact of land releases in Wollondilly on the State road network. The study will identify the impact of the land releases and infrastructure upgrades required to accommodate them and determine the cost apportionments that should be applied. This study is expected to be finalised by early 2015. RMS recommends that a similar exercise be undertaken by Council to identify the works required on the regional classified road network including road widening and intersection upgrades along Remembrance Driveway.

RMS supports sustainable modes of transport to reduce car dependency and recommends the identification of appropriate pedestrian and cycleway networks throughout the Shire.

Comment

Land within the precincts will be included on the Urban Release Area map which is linked to Part 6 - Urban release areas of Wollondilly LEP 2011 which requires that “satisfactory arrangements” are made for the provision of designated State public infrastructure before the subdivision of land is allowed. As the RMS is undertaking an assessment of infrastructure upgrades and cost apportionment which will potentially apply when this land is developed it is unlikely that the delay experienced by current subdivision applications will apply when development applications are made to subdivide this land.

Council have engaged traffic consultants to carry out shire wide traffic modelling with the growth data out of the draft Growth Management Strategy. It is anticipated that the results from this will also be available in early 2015. The results of this modelling will assist in the review of the Wollondilly Contributions Plan to assess the need for additional contributions for identified local infrastructure. It is considered that these provisions satisfy the requirements of the RMS.

NSW Education and Communities

The Department of Education and Training (DET) has undertaken a high level analysis which indicates that additional demand would be generated for public education spaces from the potential 645 additional dwellings resulting from the planning proposal. Both Tahmoor Public School and Picton High School are currently fully utilising all permanent classrooms and Picton High School relies on supplementary temporary classrooms. As a result new and supplementary classrooms may need to be provided. The DET has requested that the planning system and Wollondilly Shire Council support land use policies that help address these pressures, including the following:

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- Investing in existing schools to make them bigger and in doing so ensuring the amenity and function of existing schools is maximised and updated with flexible technology rich learning spaces
- Open planned school models that revolve around larger multi storey schools on existing sites
- Facilitating out of hours use and shared uses of education facilities such as ovals and halls
- Delivery of education infrastructure when it is needed in response to enrolment demands and site capacity shortages
- Removing the planning policy barriers to existing school development
- Fairer developer contributions so that construction of schools or classrooms can be considered as a developer contribution
- Support the delivery of education infrastructure through land dedications when doing strategic land use planning and rezonings when a new school is required
- Efficient surplus land disposals to fund new and updated school infrastructure
- Streamlined planning approvals to build new education infrastructure.

Comment

The DET has not indicated that any new schools will be required as a result of this planning proposal. However the cumulative impact of this and other planning proposals in the Tahmoor area will continue to place pressure on the need for additional classrooms and resources at local schools. Many of the concerns of DET relate to State government policy and funding. As indicated they are seeking developer contributions to assist in provision of classrooms. If this approach is adopted by the NSW government such contributions would be included in any future State Infrastructure Levy imposed at development application stage. Discussions have been held with DET to achieve a co-ordinated approach to planning for school development within Wollondilly Shire and ongoing liaison is planned in this regard.

State Emergency Services (SES)

The SES has provided advice with regard to the consideration of flooding issues that may impact the sites based on the principles outlined in the NSW Government's Floodplain Development Manual, 2005. Matters of concern to the SES that should be addressed at the strategic level involve the safe evacuation of the community. The SES recommends that the building, land-use and subdivision guidelines developed as part of the Hawkesbury-Nepean Flood Management Strategy should be a reference point in relation to future development of the site.

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Comment

The SES advice is noted. None of the land within the precincts has been identified as being flood prone, however further detail in relation to stormwater management and safe evacuation of residents should any of the land potentially become flooded will be required as part of any future development application for subdivision.

Sydney Water Corporation

The following comments were provided in relation to each precinct:

South Tahmoor

- The existing water and wastewater reticulation network has capacity to service this development.

East Tahmoor

- The existing water reticulation system has capacity to service the proposed 600 dwellings plus an additional 100 dwellings and will require a number of trunk amplifications in the future.
- The wastewater network has capacity to service the proposed 600 dwellings.

Detailed requirements for water and wastewater servicing will be provided by Sydney Water at the Section 73 application phase.

Comment

Sydney Water's comments are noted. Council has ongoing liaison with Sydney Water with regard to their timing of infrastructure required for provision of reticulated water and wastewater services.

Office of Water

The Office of Water indicated that they have no comments.

NSW Rural Fire Service (RFS)

The RFS raises no objection subject to a requirement that the future subdivision of the land complies with the requirements in Planning for Bushfire Protection 2006 and in particular but not limited to the provision of asset protection zones, perimeter roads, suitably designed public roads, water/electricity/gas and Special Fire Protection Purpose developments.

Comment

Relatively small areas of the site are impacted by bushfire hazard on the East Tahmoor site but the whole of the South Tahmoor Precinct is impacted. The matters outlined by the RFS will be assessed as part of any future development application for subdivision.

Mine Subsidence Board

No objection.

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Greater Sydney Local Land Service (GS LLS)

The GS LLS was formerly the Hawkesbury Nepean Catchment Management Authority (HNCMA). The GS LLS has indicated that the revised precincts do not change or affect the original response sent to Wollondilly Council by HNCMA.

The HNCMA indicated that they support the rezoning of the land provided the provisions minimise impacts to native vegetation, conserve and manage existing ecological integrity particularly for Endangered Ecological Communities and threatened species and any clearing is to be offset or managed in terms of a Biobanking Agreement or a Conservation Property Vegetation Plan.

Conditions of development consent are recommended for any future works likely to impact on native vegetation.

HNCMA agrees with the recommendations of the report “PTT New Urban Lands LES – Terrestrial Flora and Fauna Survey and Constraints Assessment”.

Comment

The GS LLS comments are noted. Any future development application for subdivision will be required to address the provisions of WLEP 2011 Clause 7.2 Biodiversity protection in relation to environmentally sensitive land mapped on the Natural Resources Biodiversity map. Any environmentally sensitive land which is proposed to be cleared would need to be either offset or managed as detailed by GS LLS and this would be assessed as part of the development application process.

Office of Environment and Heritage (OEH)

The OEH Environment has advised that their detailed comments for the PTT New Urban Lands Planning Proposal provided on 11 December 2012 in regards to biodiversity and flood risk management remain relevant to the subject revised precincts planning proposal. In regard to Aboriginal cultural heritage, OEH noted that an amended Wollondilly Shire Council Local Environmental Study: Aboriginal and Historical Heritage Assessment report dated January 2013 was submitted to Council for the PTT New Urban Lands Planning Proposal, however this amended report was not previously referred to OEH for comment. As Council has determined that the report was adequate for the PTT New Urban Lands Planning Proposal and included the revised precincts, OEH will not be providing additional comments.

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Biodiversity

The comments provided by OEH during exhibition of the PTT New Urban Lands planning proposal OEH raised concerns that Zone R2 Low Density Residential overlapping with the Biodiversity Layer may result in impacts to the biodiversity and ecological integrity of the land identified as having biodiversity qualities. The OEH consider that the Wollondilly LEP clauses relating to the biodiversity layer do not mention offsetting. The OEH notes that as the land is in different ownerships it is difficult to protect areas but the up-zoning of these lands will result in significant economic benefits to the landholders and they consider that Council should work with the relevant stakeholders to ensure that the risk and benefits will be shared by all who benefit from the zoning changes.

Comment

The Flora and Fauna report for the South Tahmoor site indicated that there was an area of high quality Shale Sandstone Transition Forest (SSTF), along the railway line some of which will be incorporated into a vegetation corridor. SSTF is now classified as a Critically Endangered Ecological Community under Schedule 1A of the Threatened Species Conservation Act 1995. Cumberland Plain Woodland which includes SSTF is scattered in patches across the East Tahmoor site and most of this vegetation is in low-moderate condition and because of both these factors it would not necessitate the application of a conservation zone as outlined in Council's Environmental Protection Zones Policy. The added complication in East Tahmoor is that there are a high number of landowners on relatively small (2ha) lots which may have only a small area of environmentally sensitive vegetation making it difficult to attain a useful conservation area and connectivity.

On both sites environmentally sensitive land has been mapped on the Natural Resources Biodiversity layer. The aim of using the Biodiversity Layer is to ensure that any future development is compatible with the objectives for biodiversity as detailed in clause 7.2 to WLEP 2011 through ensuring that vegetation is retained in-situ on larger lots or offset elsewhere on-site or through biobanking. Further investigations into biodiversity will be required with specific development applications which address the requirements of clause 7.2 Biodiversity protection in WLEP 2011.

Flooding

The OEH submission in relation to the PTT Planning Proposal indicated that additional flood studies and evacuation assessment would be required in relation to potential flooding along creeks.

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Comments

The precincts are not located on a floodplain and no areas have been identified as flood prone. East Tahmoor contains a minor watercourse which is proposed to have a riparian buffer area of 10m which would assist in mitigating localised flooding. This watercourse flows to the Bargo River which is located along a gorge and therefore it is unlikely that residential development would create flooding problems in the vicinity. Council's Design Engineer has determined that the recommendations of the specialist reports are adequate to determine that no additional special provisions are required to be included in Wollondilly LEP or DCP with respect to flooding. Detailed stormwater management plans to mitigate potential flooding issues will be submitted with future development applications for assessment.

Aboriginal and Historical Heritage

A submission received from the Office of Environment and Heritage during exhibition of the PTT Planning Proposal identified a number of issues in relation to the Aboriginal Heritage Assessment (Specialist Study). As a result changes were made to the Aboriginal Heritage Assessment including:

- additional mapping of sensitivity areas
- more explanation of justification for classifications of highly sensitive areas – why some areas are classified and some are not
- the criteria for significance assessment was amended and re-assessed
- further clarification on areas of low sensitivity, mapped areas of significant disturbance and added areas of moderate sensitivity
- a clearer outline of the recommendations and what specifically needs to be undertaken for each of the level of archaeological sensitivity and recorded sites. Areas with moderate sensitivity (that were not mapped previously), will now require further detailed archaeological assessment at development application stage. Areas mapped as high sensitivity and Aboriginal sites stay the same (require testing and applying for AHIP if impacts to registered sites cannot be avoided).

As indicated in their recent comments, the OEH are not seeking any further archaeological heritage assessment.

Comments

No aboriginal archaeological items or sites were found within either precinct. However the archaeological study identified a high sensitivity area around the creekline on the East Tahmoor precinct and along a narrow depression in the South Tahmoor precinct. These areas are indicated on the precinct structure plans and future development applications for subdivision will require further detailed investigation in accordance with the provisions of the National Parks and Wildlife Act, 1974 and Wollondilly Development Control Plan 2011 (WDCP 2011).

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Additional provisions in relation to these investigations have been included in WDCP 2011 to address the concerns of OEH. Aboriginal cultural heritage has been investigated to the extent necessary for the proposed changes to the LEP provisions. More detailed studies will be conducted with future development applications in accordance with the provisions of WDCP 2011 noting that the provisions of WDCP 2011 have been amended to address the concerns of the OEH.

No submissions were received from the following agencies at the end of the exhibition period:

- NSW Environment Protection Authority
- Fire and Rescue NSW
- NSW Police Force

Submissions also were not received from the following agencies for this current planning proposal but were received during the public exhibition held in November-December 2012 for PTT New Urban Lands Planning Proposal. These submissions are still considered relevant in the context of this planning proposal.

- NSW Health
- NSW Trade and Investment - Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

Area Health Services - South Western Sydney Local Health District

Some additional programs and outreach services would be required to meet the demands from additional resident population. Tahmoor Community Centre has some capacity for growth. Access to acute health services for new residents would continue to be provided by Campbelltown and Camden hospitals. Liverpool hospital provides tertiary health services.

Comment

It is unlikely that the proposed rezoning will alter the above comments significantly.

Department of Trade and Investment (Resources and Energy)

The two precincts are within the Bargo Mine Subsidence District (MSD).

Tahmoor Coal Pty Limited are currently mining beneath the precincts and this will largely have been completed in 7 to 8 years.

No objection to the LEP amendments subject to approval from the Mine Subsidence Board.

Comment

A similar response is expected from Resources and Energy for this planning proposal.

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The Department of Trade and Investment indicated that they would be putting in a late submission. Further efforts have been undertaken to contact the other agencies for a response. However it is considered unlikely that their responses would impact unfavourably on the progress of this planning proposal to finalisation.

2.3 COMMUNITY CONSULTATION

The Gateway Determination specified a **28 day** period of community consultation and public exhibition. During this time the Planning Proposal, specialist studies and other documents as required by the Gateway Determination were made available for public viewing on Council’s website and at Council’s Administration Building and at Picton Library. A public notice was placed in the local newspaper. Letters were sent to precinct landowners, adjoining landowners and those who made a previous submission.

The issues raised in submissions that are relevant to the assessment of the Planning Proposal are summarised in the following table along with assessment comments.

Issue Raised	Assessment Comment
What is the expected width of the road including the curb in this case?	Road widths are determined in relation to the overall plan of the site and it would be difficult to say exactly what size road would be applicable. Council’s Engineering and Design Specifications are available on our website.
When the actual planning starts does the landowner have a say as to where a road is placed for example in the middle of the block.	The landowner/developer would determine the road layout but would need to consider this in relation to the Structure Plan under Wollondilly DCP 2011.
Is there any compensation to landowner for the land lost? eg. in the form of less contribution etc.?	There is no compensation applicable in relation to roads required to service a subdivision.
Under Section 7.2, the objective of Biodiversity Protection is to protect native fauna and flora AND water quality. Where can I find out exactly which one our land is subject to, either or both? Is there any documents I can read to get more understanding?	The “sensitive land” land is proposed to be included on the Natural Resources Biodiversity Map and conservation of this land will assist in maintaining biodiversity but water quality is also important. The Flora and Fauna report outlines the

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

Issue Raised	Assessment Comment
	rationale for the protection of this land – p33 & pp56-57 and Fig 6f shows the area to be included.
Are there other more detailed maps with measurements of the area affected by the biodiversity mapping.	Our property section has the GIS co-ordinates and you can make a mapping request to obtain these details. The mapping application request form is available on our web site.

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In summary, the matters raised in submissions will be addressed in the statutory provisions for the Draft LEP and the current controls in Wollondilly DCP.

2.3 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 55 to the EP&A Act, 1979 and the guidelines published by the DP&E.

Council’s options are:

1. Resolve to support the Planning Proposal in the form as described in Section 2.14 to this report.
2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the DP&I that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council’ refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

2.4 A PLAN FOR GROWING SYDNEY 2014

This plan replaces the Draft Metropolitan Strategy and Metropolitan Plan for Sydney and emphasises the need for growth of housing around established centres and these precincts are well located in this regard.

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2.5 SOUTH WESTERN SYDNEY REGIONAL ACTION PLAN (2012)

This plan outlines actions broadly across the region aimed at protecting the environment and providing more affordable housing options and it is considered that this planning proposal is in accordance with these actions.

2.6 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031

New sub regional action delivery plans are proposed.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

It is considered that this planning proposal is consistent with all relevant ministerial directions.

2.8 STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal has considered all relevant State Environmental Planning Policies and is in accordance with them.

Mining, Petroleum Production and Extractive Industries Act 2007

The precincts are located within the 2km buffer area around a residential zone and therefore they fall within the coal seam gas exclusion zone.

2.9 ENVIRONMENTAL PROTECTION POLICY

This policy applies to environmentally sensitive land and details under what circumstances the Natural Resources Biodiversity mapping layer is applied. The layer is applied when the environmentally sensitive land does not meet the criteria for being zoned within an environmental protection zone. The environmentally sensitive land within the South Tahmoor and East Tahmoor Revised Precincts does not meet the criteria for being zoned within an Environmental Protection Zone and therefore the Natural Resources Biodiversity mapping layer has been applied.

2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal, as noted throughout this table, satisfies this Key Policy Direction.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)	The proposal is generally consistent with the concept and vision of 'Rural Living' as it provides for increased density of development adjoining the established urban area and ensures land in rural locations is retained for rural purposes.

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Key Policy Direction	Comment
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	The planning proposal was placed on public exhibition for a period of 28 days and at the end of that period one (1) submission was received which was neutral in relation to the proposal.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	<p>The proposal represents a logical rezoning of the subject sites for low density purposes in keeping with land in the adjoining precinct. The site is also directly between two (2) low density residential planning proposals to its north and south.</p> <p>Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing.</p> <p>Conservation and enhancement of remnant vegetation and riparian areas is intended.</p> <p>Existing infrastructure is to be utilised and embellished.</p>
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	<p>The proposal will contribute towards housing growth in the Tahmoor Area.</p> <p>The Structure Plan for Tahmoor & Thirlmere identifies the subject land as a 'potential residential growth area'.</p>
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	<p>The proposal aims to provide for R2 Low Density Residential land with a minimum lot size of 450m². A range of housing types including affordable housing would potentially be available when the site is developed.</p> <p>There may be a need for some larger lots to conserve environmentally sensitive land and for riparian buffer provisions.</p>

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

Key Policy Direction	Comment
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	The proposed density will be similar to that adjoining the site to the east.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The land is located immediately to the east of the existing urbanised area of Tahmoor.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area	Not applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	Although there is no employment lands proposed, there will be short-term employment opportunities through the construction jobs associated with the civil and building works. The proposal will also provide stimulus to the local economy by boosting population.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities may exist for home business and tradesman residency.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be	The site is able to be serviced with the extension or augmentation of existing infrastructure. The addition of residential allotments in the locality shall not adversely burden Council as infrastructure

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

Key Policy Direction	Comment
clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	requirements should be readily able to be financed by the developers or through Council's development contributions scheme.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The proposal site is located around 1.1km from Tahmoor town centre and is near Tahmoor Sportsground to its west enabling future residents to access existing facilities and services.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth; it proposes urban growth directly to the west of the Tahmoor urban area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	This is an area identified as a being a potential residential growth area on the Tahmoor Structure Plan in the GMS. The proposal contributes toward Council's dwelling target for Tahmoor identified in the GMS.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	Existing sewerage systems should have the capacity to cater for the additional growth from this relatively small proposed future development. Applying the principles of Water Sensitive Urban Design to future development will ensure sustainability and water quality objectives are met. Environmentally sensitive land and riparian land is protected under the biodiversity and water protection provisions of WLEP 2011 and WDCP 2011.

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

Key Policy Direction	Comment
<p>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</p>	<p>Key Policy Direction P22 is not applicable to the proposal.</p>

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2.11 FINAL FORM OF PLANNING PROPOSAL

2.11.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on the specialist studies and consultation and engagement there are no changes to the Planning Proposal as exhibited.

The Planning Proposal seeks amendments to WLEP 2011 as described below:

- Amending the Land Zoning Map (LZN Map) from RU4 Primary Production Small Lots to R2 Low Density Residential (R2) and;
- Amending the Lot Size Map (LSZ Map) from 2ha to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338 and;
- Amending the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 land and;
- Amending the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses and;
- Amending the Natural Resources Biodiversity Map (NRB Map) to include sensitive land and;
- Amending the Urban Land Release Map (URA Map) to include this land.
- Amending Part 7 Additional Local Provisions to include a clause with the heading Restrictions on Development and which states: 1. a) the objective of this clause is to restrict development on land shown on the Odour Restricted Area Map (ORA Map). b) Development consent shall not be granted for the subdivision and development of this land, other than the replacement of existing development, until the current duck farming operations cease on Lots 1, 2, 3, 4, 5 & 6 DP 1128745, Lot C DP 376421 and Lot 255 DP 10669.

Maps detailing the proposed amendments are attached.

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2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Amendments to WDCP 2011 with regard to the South Tahmoor and East Tahmoor precincts were included in relation to the PTT Planning Proposal. As the land is proposed to be included on the Urban Release Area Map the provisions of WDCP 2011 Volume 11. apply No further amendments are proposed to WDCP 2011.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council’s adopted Fees and Charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS:

1. Proposed Land Zone Map
2. Proposed Lot Size Map
3. Proposed Height of Building Map
4. Proposed Natural Resources Water Map
5. Proposed Natural Resources Biodiversity Map
6. Proposed Urban Release Area Map
7. Proposed Odour Restricted Area Map

RECOMMENDATION

1. That Council support the Planning Proposal for land being:

South Tahmoor Planning Precinct	
Lot/DP Description	Address
9/16911	10 Bronzewing Street, Tahmoor
1/1032620	18 Bronzewing Street, Tahmoor
Part 2/1032620	35 Byron Road, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
Part 4/262132	38 Tahmoor Road, Tahmoor
Part 223/10669	50 Tahmoor Road, Tahmoor
224/10669	80 Tahmoor Road, Tahmoor
225/10669	90 Tahmoor Road, Tahmoor
Part 211/10669	65 Tahmoor Road, Tahmoor
210/10669	69 Tahmoor Road, Tahmoor
Part A/365411	30 Progress Street, Tahmoor
1/623127	36 Progress Street, Tahmoor

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Part 12/826338	44 Progress Street, Tahmoor
Part 13/826338	50 Progress Street, Tahmoor
7/263172	30 Greenacre Drive, Tahmoor
6/263172	36 Greenacre Drive, Tahmoor
5/263172	42 Greenacre Drive, Tahmoor
4/263172	60 Greenacre Drive, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
3/263172	66 Greenacre Drive, Tahmoor
10/263172	15 Greenacre Drive, Tahmoor
11/825465	45-65 Greenacre Drive, Tahmoor
Part 2/263172	71 Greenacre Drive, Tahmoor
Part 190/10669	76 Myrtle Creek Avenue, Tahmoor
102/597260	90 Myrtle Creek Avenue, Tahmoor
101/597260	100 Myrtle Creek Avenue, Tahmoor
100/597260	110 Myrtle Creek Avenue, Tahmoor
Part 258/10669	85 Myrtle Creek Avenue, Tahmoor
Part 59/555941	95 Myrtle Creek Avenue, Tahmoor
60/555941	105 Myrtle Creek Avenue, Tahmoor
Part 26/740263	80 River Road, Tahmoor

To amend Wollondilly Local Environmental Plan, 2011 as follows:

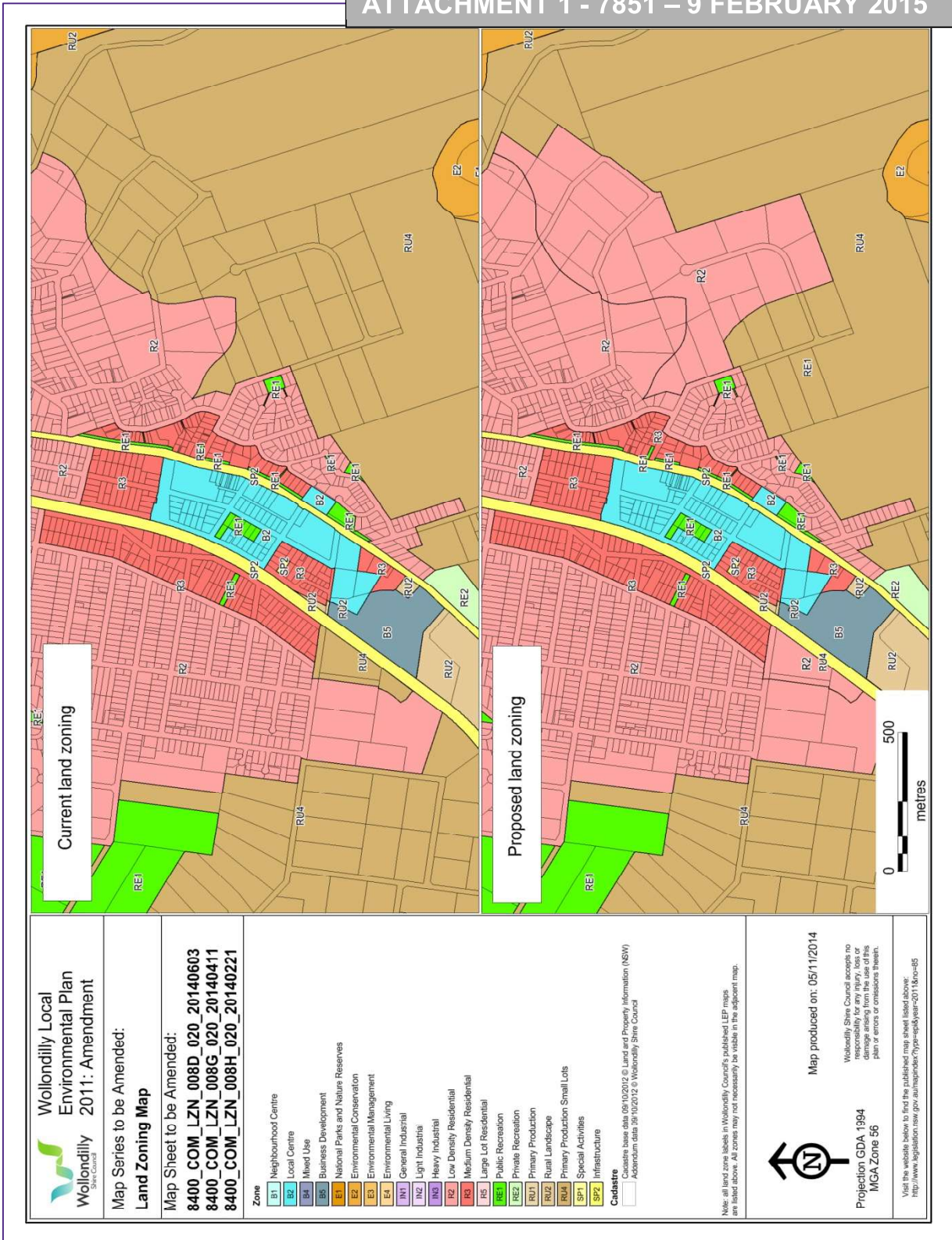
- Amend the Land Zoning Map (LZN Map) to R2 Low Density Residential and;
- Amend the Lot Size Map (LSZ Map) to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338 and;
- Amend the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 Low Density Residential land
- Amend the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses
- Amend the Natural Resources Biodiversity Map (NRB Map) to include sensitive land
- Amend the Urban Land Release Map (URA Map) to include this land
- Amend Part 7 Additional Local Provisions to include a clause with the heading Restrictions on Development and which states: 1. a) the objective of this clause is to restrict development on land shown on the Odour Restricted Area Map (ORA Map). b) Development consent shall not be granted for the subdivision and development of this land, other than the replacement of existing development, until the current duck farming operations cease on Lots 1, 2, 3, 4, 5 & 6 DP 1128745, Lot C DP 376421 and Lot 255 DP 10669.

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded under delegation to the Director-General and Parliamentary Counsel with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal subject to no late submissions from government agencies objecting to the Planning Proposal.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

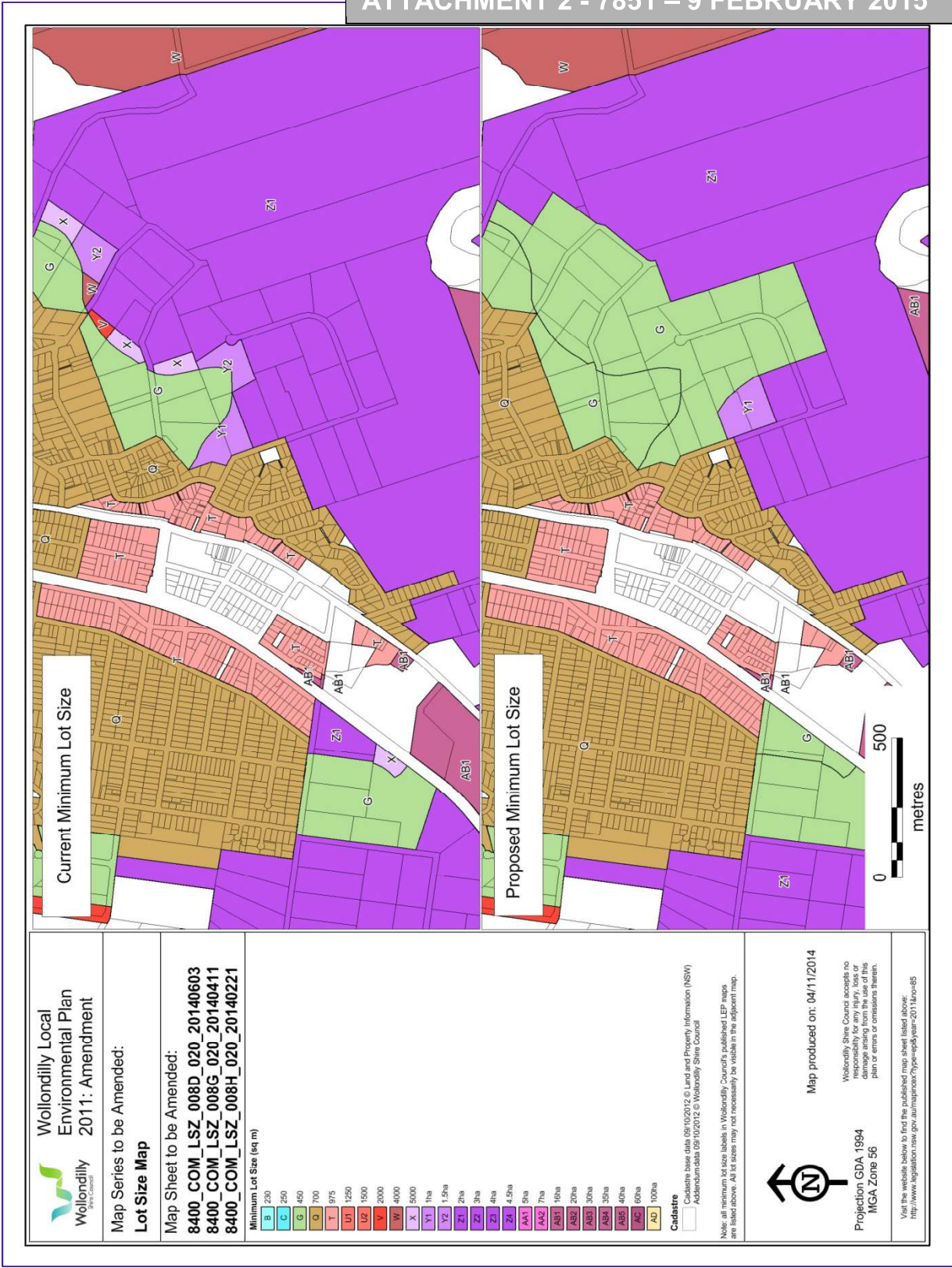
ATTACHMENT 1 - 7851 – 9 FEBRUARY 2015



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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

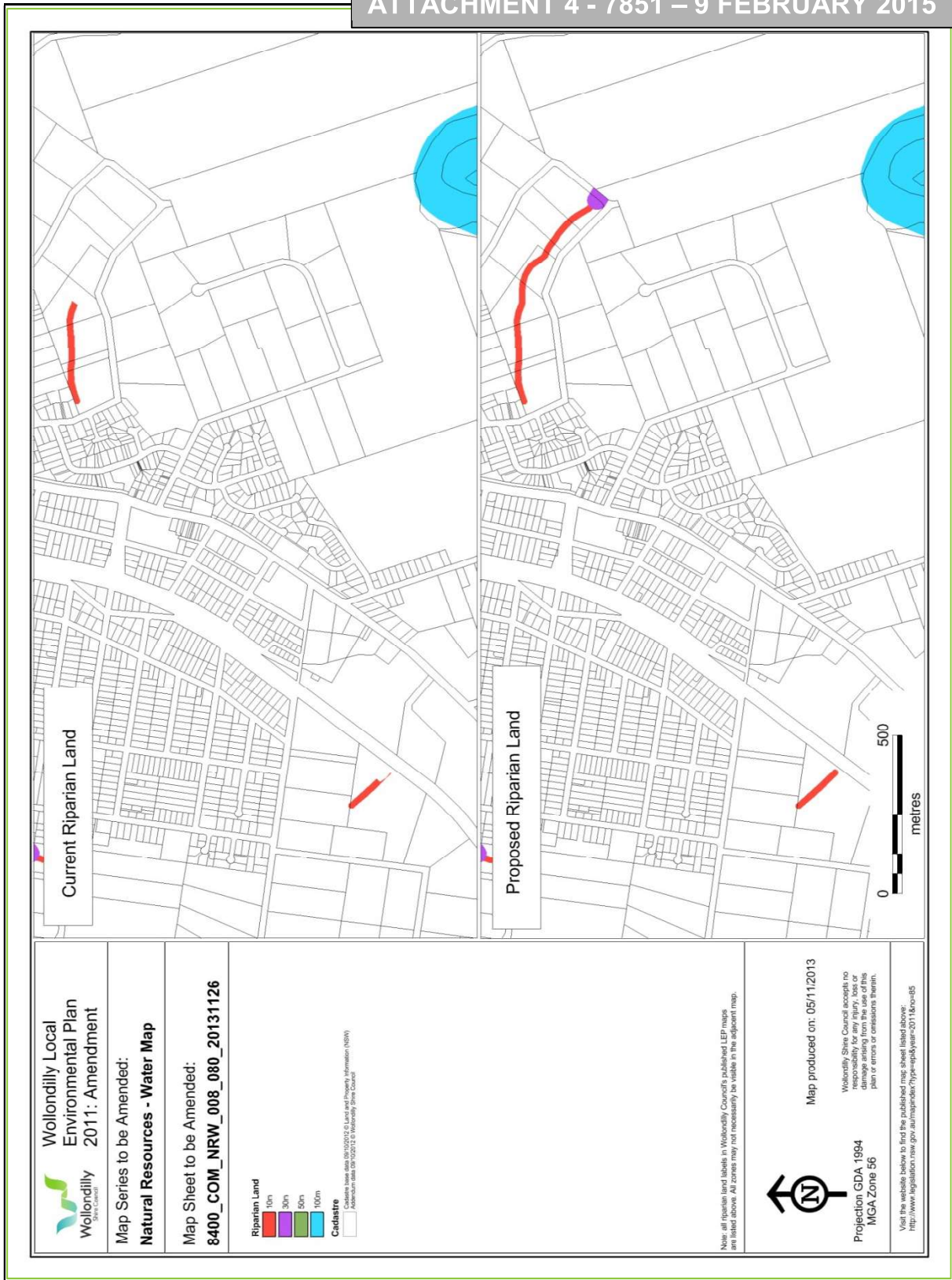
ATTACHMENT 2 - 7851 – 9 FEBRUARY 2015



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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

ATTACHMENT 4 - 7851 – 9 FEBRUARY 2015



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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

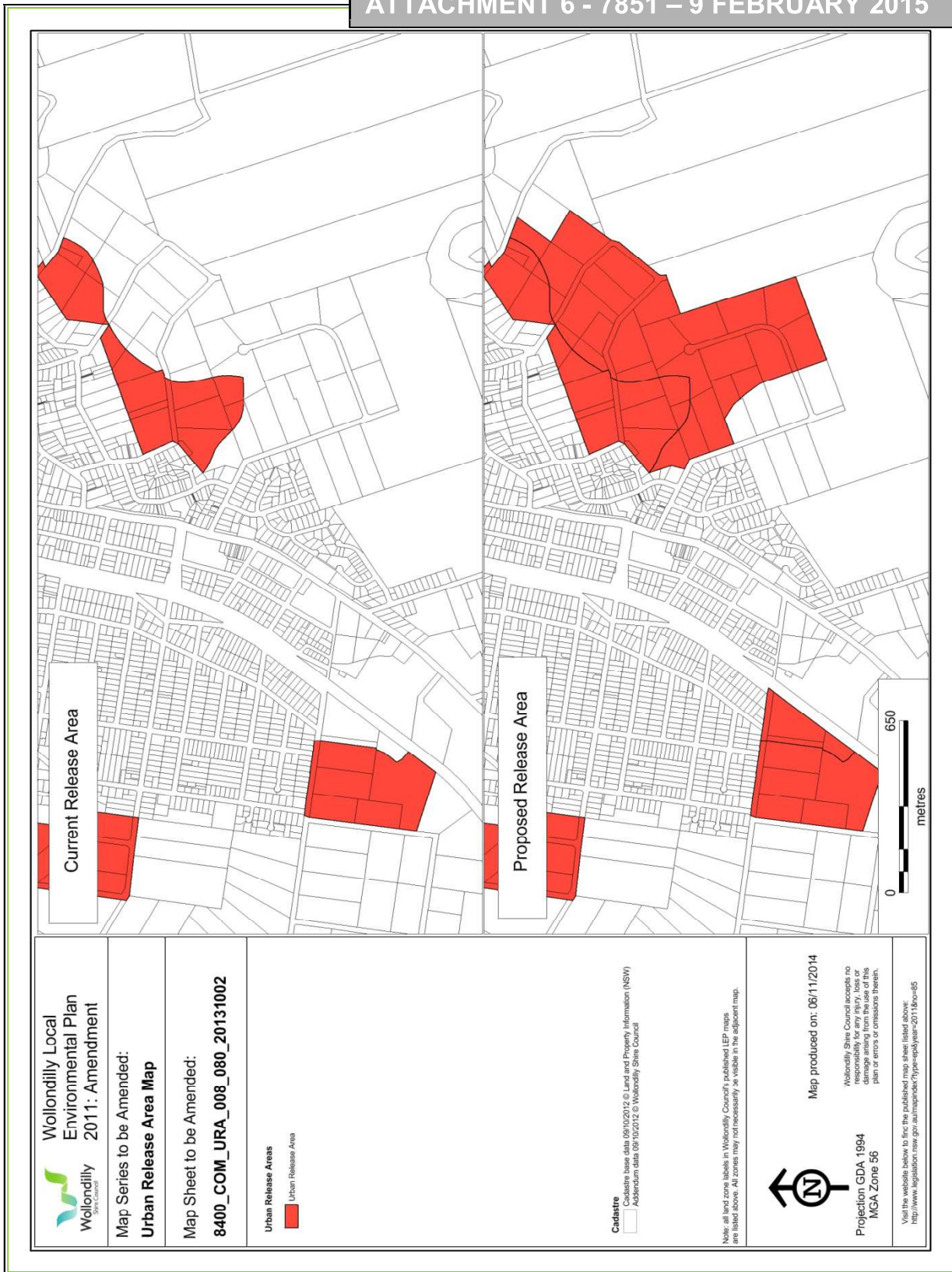
ATTACHMENT 5 - 7851 – 9 FEBRUARY 2015



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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

ATTACHMENT 6 - 7851 – 9 FEBRUARY 2015

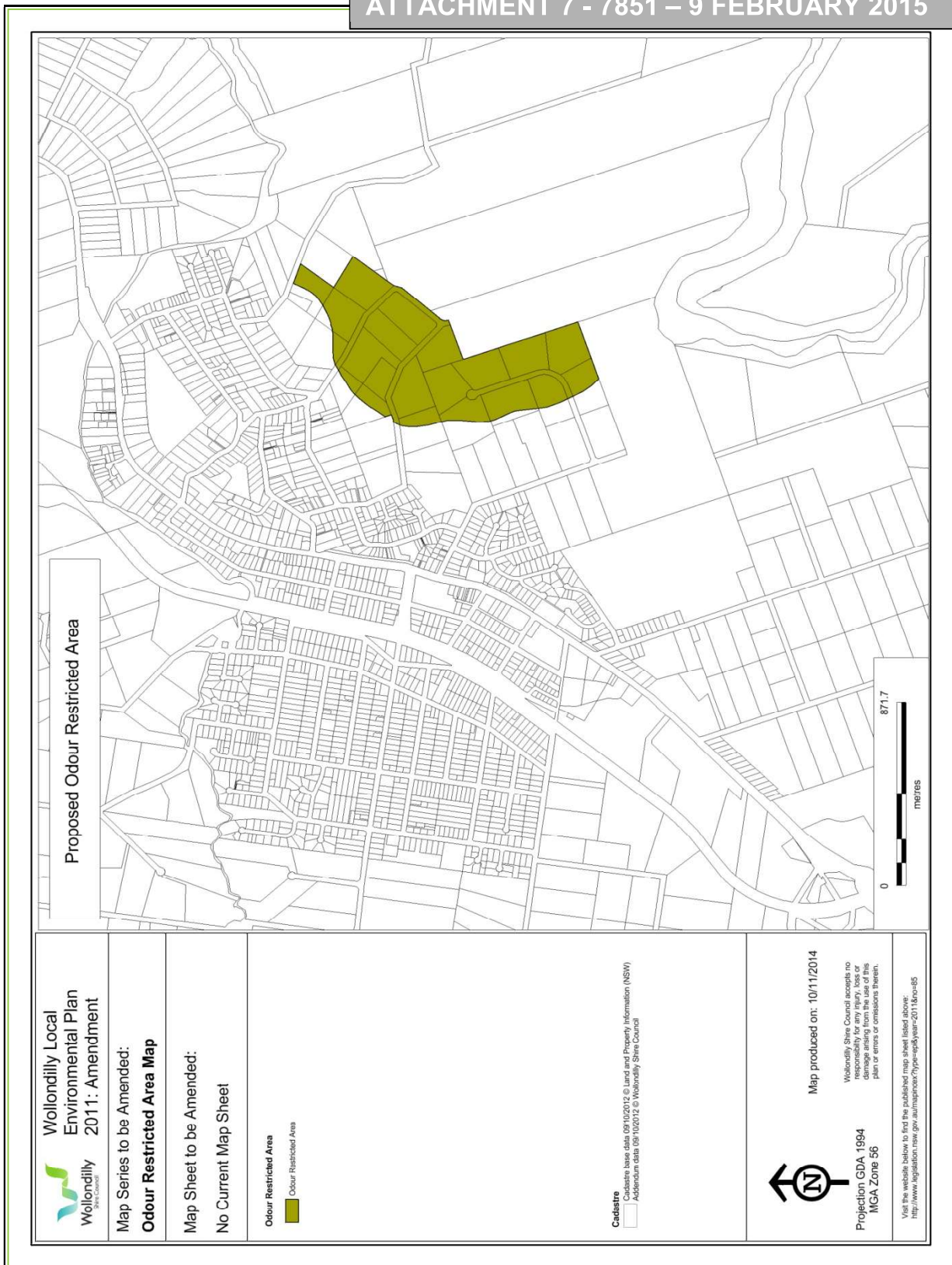


<p>Wollondilly Local Environmental Plan 2011: Amendment</p> <p>Wollondilly Shire Council</p>	<p>Map Series to be Amended: Urban Release Area Map</p>	<p>Map Sheet to be Amended: 8400_COM_URA_008_080_20131002</p>	<p>Urban Release Areas</p> <p>Urban Release Area</p>	<p>Cadastre</p> <p>Cadastre base data 09/10/2012 © Land and Property Information (NSW)</p> <p>Additional data 09/10/2012 © Wollondilly Shire Council</p>	<p>Note: all land zone labels in Wollondilly Council's published LEP maps are listed above. All zones may not necessarily be visible in the adjacent map.</p> <p>Map produced on: 06/11/2014</p> <p>Wollondilly Shire Council accepts no liability for any damage arising from the use of this plan or errors or omissions therein.</p> <p>Projection GDA 1994 MGA Zone 56</p> <p>Visit the website below to find the published map sheet listed above: http://www.legislation.nsw.gov.au/main.nsf?type=ep&year=2011&no=85</p>
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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

ATTACHMENT 7 - 7851 – 9 FEBRUARY 2015



Planning & Economy

PE5 – Review of Permissible Uses in Rural Zones

PE5

Review of Permissible Uses in Rural Zones

259421

TRIM 8390

EXECUTIVE SUMMARY

- At the Ordinary Meeting of council held on 11 December 2014 a Notice of Motion (NOM7) was tabled relating to land uses permissible within rural land use zones in Wollondilly.
- It is recommended that:
 1. That a review be undertaken of the WLEP 2011 Land Use Table for rural land use zones.
 2. That the outcome of this review be reported back to a future Meeting of the Council once complete.

REPORT

1.1 INTRODUCTION

At the Ordinary Meeting of council held on 11 December 2014 a Notice of Motion (NOM7) was tabled relating to land uses permissible within rural land use zones in Wollondilly.

NOM7 requested.

"That a report urgently come to Council detailing the uses that are permissible in the Rural Zones with a view to ensuring they are appropriate for a rural environment with priority given to agricultural uses in the Primary Production RU1 zone."

1.2 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011 AND HOW IT RELATES TO DEVELOPMENT IN RURAL ZONES

The Wollondilly Local Environmental Plan 2011 (WLEP) is the principal document which guides planning decisions in Wollondilly. It includes land use zones to determine the character of areas and specify what kind of development is allowed on land.

The WLEP 2011 contains 3 rural land use zones, these are:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots.

PE5 – Review of Permissible Uses in Rural Zones

The WLEP 2011 includes a Land Use Table (located at the end of Part 2 Permitted or prohibited development) that sets out for each land use zone:

- the objectives for development
- development that may be carried out without development consent
- development that may be carried out only with development consent
- development that is prohibited.

The relevant information from the Land Use Table which applies to rural land use zones is provided at Attachment 1.

1.3 REVIEWING RURAL LAND USE ZONES

In 2006, as part of reforms to the planning system in NSW, the NSW Government introduced the Standard Instrument Local Environmental Plan. This reform involved establishing a standardised common format and content to Local Environmental Plans (LEPs) across the state.

All Council's in NSW were required to prepare a new LEP for their respective local government area in accordance with a standard format which has been made by the NSW Government, the *Standard Instrument (Local Environmental Plans) Order 2006*.

The WLEP 2011 was the outcome of converting the previous plan, i.e. the Wollondilly Local Environmental Plan 1991, into a standard instrument based LEP.

In drafting the WLEP 2011, the focus was on converting the WLEP 2011 into the new standard format and while it provided an opportunity to incorporate changes it did not involve a comprehensive review of land use policies across the shire. In particular, there was no review undertaken in relation to rural land use zones or land uses to inform more comprehensive changes.

There has been no comprehensive shire wide review of land uses in rural land use zones in at least 10 years.

Any review should also involve consultation, at minimum, with the Rural Industry Liaison Committee and the Economic Development Advisory Group.

If a review as undertaken and changes identified to the existing Land Use Table within the WLEP 2011 a Planning Proposal would need to be prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment.

It is considered that the objective of the review should be to encourage primary production and minimise land use conflict.

PE5 – Review of Permissible Uses in Rural Zones

FINANCIAL IMPLICATIONS

Resourcing this review is within the capabilities of the ongoing operational budget for Strategic planning and no additional funding sources are required.

ATTACHMENTS:

1. WLEP 2011 Land Use Table for Rural land use zones.

RECOMMENDATION

1. That a review be undertaken of the WLEP 2011 Land Use Table for rural land use zones with the goal of encouraging primary production and reducing land use conflict.
2. That the review include a workshop with Councillors.
3. That the outcome of this review be reported back to a future Ordinary Meeting of the Council once complete.

PE5 – Review of Permissible Uses in Rural Zones

ATTACHMENT 1 - 8390 - 9 FEBRUARY 2015

Extract from Wollondilly Local Environmental Plan 2011;
Land Use Table

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of land uses (including tourism-related uses) that support the agriculture industry.
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

PE5 – Review of Permissible Uses in Rural Zones

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Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

PE5 – Review of Permissible Uses in Rural Zones

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Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Governance

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - GOVERNANCE

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

GO1 - Investment of Funds as at 30 November and 31 December 2014

Monetary policy remains accommodative. Interest rates are very low and have continued to edge lower over the past year or so as competition to lend has increased. Investors continue to look for higher returns in response to low rates on safe instruments. Credit growth is moderate overall, but with a further pick-up in recent months in lending to investors in housing assets. Dwelling prices have continued to rise.

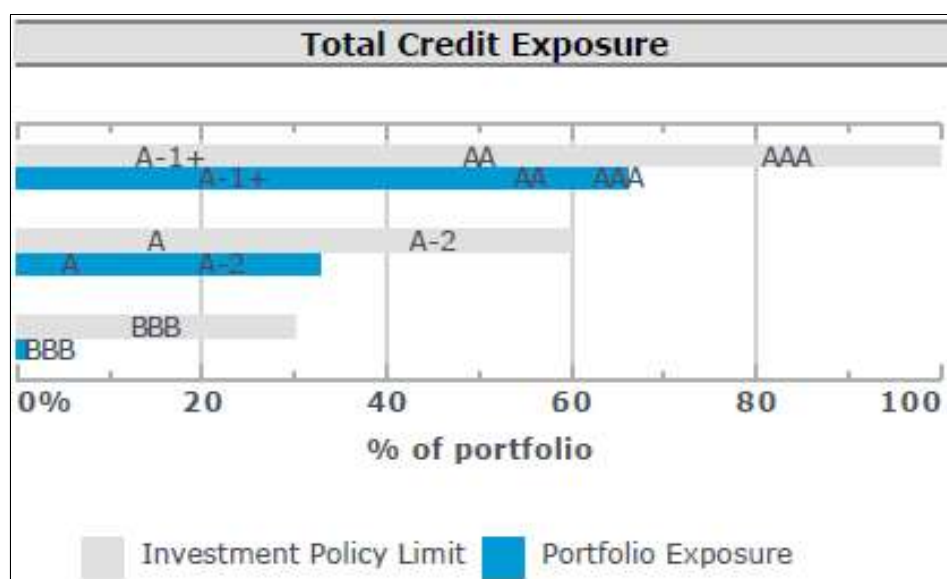
The exchange rate has traded at lower levels recently, in large part reflecting the strengthening US dollar. But the Australian dollar remains above most estimates of its fundamental value, particularly given the significant declines in key commodity prices in recent months. A lower exchange rate is likely to be needed to achieve balanced growth in the economy.

Looking ahead, continued accommodative monetary policy should provide support to demand and help growth to strengthen over time. Inflation is expected to be consistent with the 2–3 per cent target over the next two years.

In the Board's judgement, monetary policy is appropriately configured to foster sustainable growth in demand and inflation outcomes consistent with the target. On present indications, the most prudent course is likely to be a period of stability in interest rates."

Council will continue to monitor and review the portfolio while liaising with our investment advisors, to ensure that returns are maximised and risk exposure is minimised.

As shown in the following chart, the credit rating on Council's portfolio for both November 2014 and December 2014 are within Council's investment policy limits.

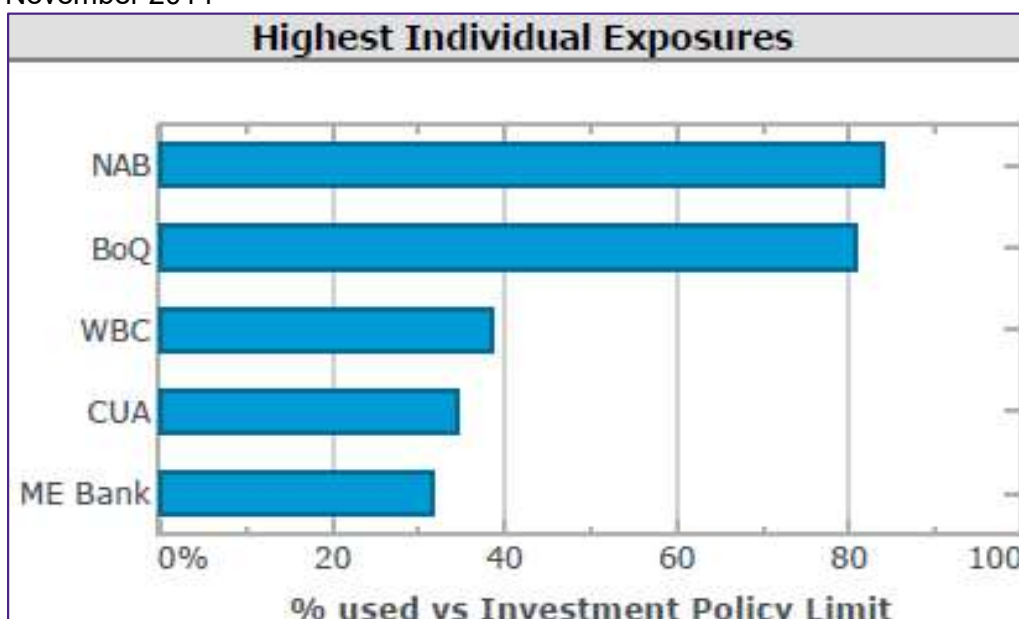


Governance

GO1 - Investment of Funds as at 30 November and 31 December 2014

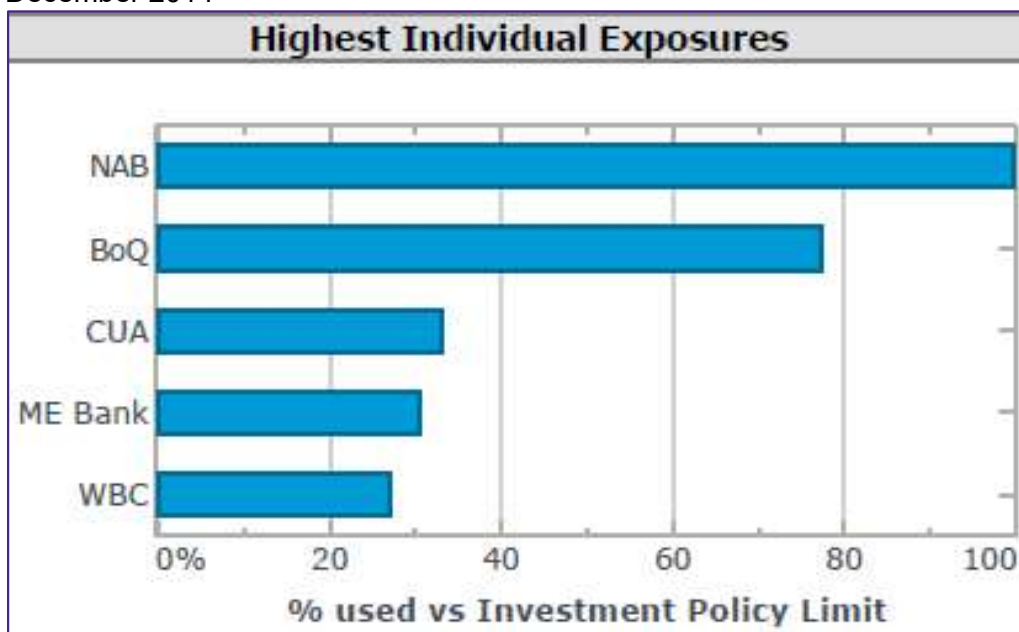
The vast majority of Council's investment portfolio (96%) is invested in deposits / securities with Australian Authorised Deposit taking Institutions (ADI's). Council has been taking advantage of term deposit "specials" from various institutions without overexposing the portfolio to any one institution.

November 2014



Governance

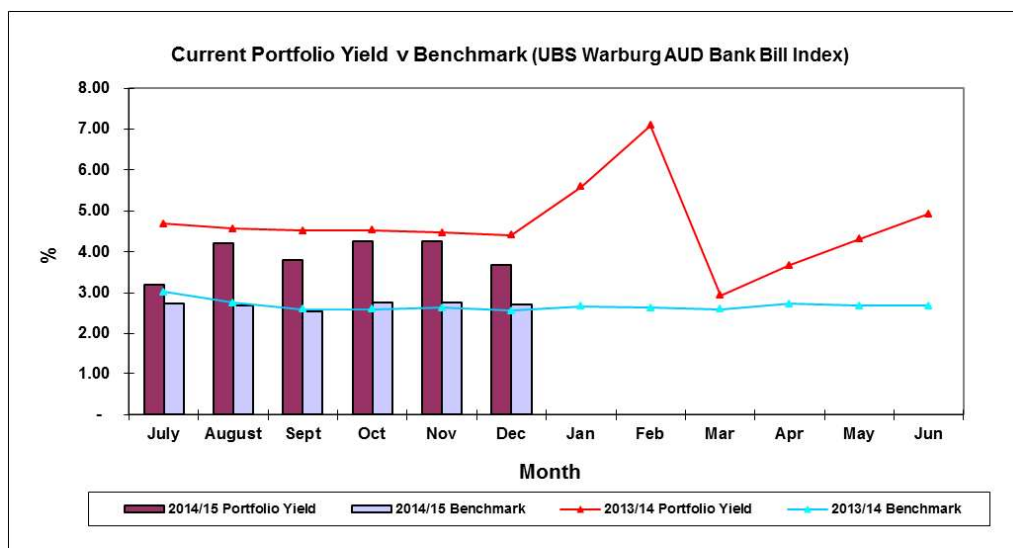
December 2014



GO1 - Investment of Funds as at 30 November and 31 December 2014

The marked to market valuations on some of the direct investment products in Council’s portfolio remain at less than the face value of the investment. The marked to market value of these investments is expected to be equal to or greater than the face value by the time they reach their maturity date. Early exit from these products would realise losses.

The following charts compare Council’s portfolio yield with the benchmark UBS Warburg AUD Bank Bills Index rate in each month for 2013/14 and 2014/15.



As shown in the chart above, Council’s portfolio yield has continually exceeded the benchmark UBS Warburg 3 month Bank Bill Index due to the prudent investment of Council’s portfolio. For November 2014, Council’s portfolio returned 4.25% pa for the month, compared to the benchmark’s 2.77% pa return. For December 2014, Council’s portfolio returned 4.71%pa for the month, compared to the benchmark’s 2.71%% pa return.

Under Reg 212 of the Local Government (General) Regulation 2005, Council’s Responsible Accounting Officer must provide Council each month with a written report setting out details of all money that Council has invested under section 625 of the Act.

Details of Council’s investment portfolio as at 30 November 2014 and 31 December 2014 are provided in attachment 1.

CONSULTATION

Independent advice regarding the investment of Council funds was provided by Prudential Investment Services Corp.

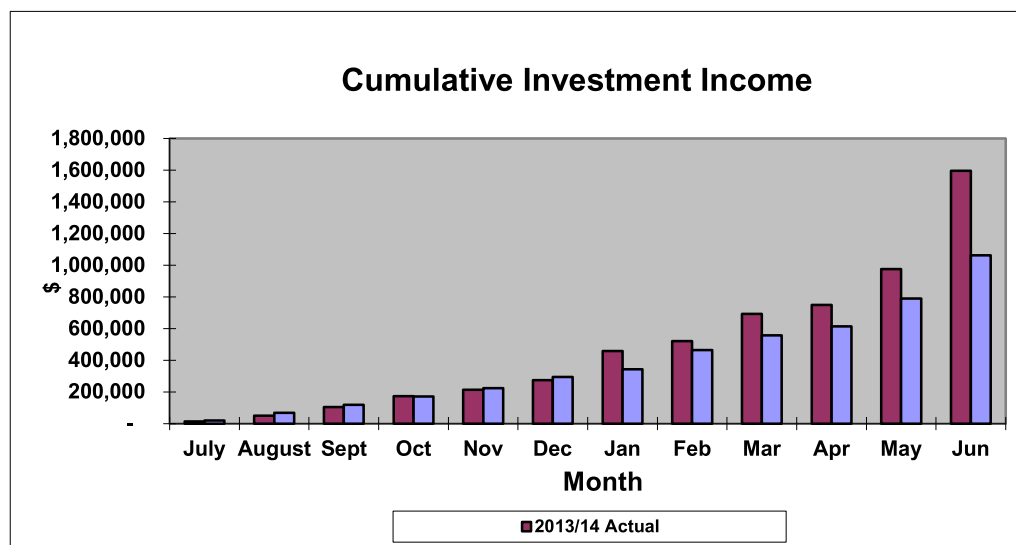
Governance

GO1 - Investment of Funds as at 30 November and 31 December 2014

FINANCIAL IMPLICATIONS

Interest earned is allocated to restricted cash and income in accordance with Council’s adopted budget, policy and legislative requirements.

The following chart compares the 2014/15 actual and predicted interest for the year with the prior year’s actual interest income.



Governance

Council’s investment income for 2014/15 is expected to be less than the income received for 2013/14. Interest rates on investments remain low and Council’s investment base is expected to decrease as restricted cash carried forward from previous years is used to improve Council’s infrastructure network.

The prudent investment of funds is necessary to ensure Council’s long term financial sustainability.

CERTIFICATION

I hereby certify that Council’s investments have been made in accordance with Sec 625 of the Local Government Act 1993, clause 212 of the Local Government (General Regulations) 2005 and Council’s Investment Policy.

Ashley Christie
 Manager Financial Services
 WOLLONDILLY SHIRE COUNCIL

ATTACHMENTS:

1. Investments as at 30 November 2014 including reconciliation of invested funds and summary of invested funds by institution.

GO1 - Investment of Funds as at 30 November and 31 December 2014

2. Investments as at 31 December 2014 including reconciliation of invested funds and summary of invested funds by institution.

RECOMMENDATION

1. That the information in relation to the investment of Council funds as at 30 November 2014 be noted.
2. That the information in relation to the investment of Council funds as at 31 December 2014 be noted.
3. That the certification by the Manager Financial Services be noted and the report be adopted.

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held Monday 9 February 2015

GO1 - Investment of Funds as at 30 November and 31 December 2014

ATTACHMENT 1 – 1022-2 – 9 FEBRUARY 2015

Reporting Period: 1-Nov-14 to 30-Nov-14

Investment Institution	Rating	Face Value 30-Nov-14	Value at 30-Nov-14	Percentage Holding	Interest/ Capital Growth		Maturity	
					%p.a.	received		
CASH & CASH PLUS FUNDS					(1)			
National Australia Bank								
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>		494,078.96						
11AM At call								
NAB	AA	2,105,000	2,105,000	4.83%	3.00	3,685	At Call	
						6,594		
Term Deposits								
National Australia Bank (Matured)	A-1+					413	05-Nov-14	
Westpac Banking Corporation- Local Govt (Matured)	A-1+					2,022	19-Nov-14	
Westpac Banking Corporation- Local Govt	A-1+	1,000,000	1,039,335	2.38%	4.00	3,288	09-Dec-14	
Westpac Banking Corporation- Local Govt	A-1+	1,000,000	1,038,244	2.38%	3.95	3,247	17-Dec-14	
National Australia Bank	A-1+	1,000,000	1,011,549	2.32%	3.50	2,877	13-Jan-15	
Credit Union Australia	A-2	1,000,000	1,034,073	2.37%	3.85	3,164	22-Jan-15	
National Australia Bank	A-1+	2,000,000	2,065,198	4.74%	3.77	6,197	04-Feb-15	
National Australia Bank	A-1+	500,000	515,380	1.18%	3.75	1,541	26-Feb-15	
Westpac Banking Corporation- Local Govt	A-1+	1,000,000	1,030,562	2.36%	3.77	3,099	03-Mar-15	
Credit Union Australia (CUA)	BBB+	2,000,000	2,060,878	4.73%	3.85	6,329	09-Mar-15	
National Australia Bank	A-1+	750,000	760,434	1.74%	3.61	2,225	14-Apr-14	
National Australia Bank	A-1+	1,000,000	1,013,266	2.32%	3.61	2,967	21-Apr-14	
Bank of Queensland	A-2	1,000,000	1,023,434	2.35%	3.72	3,058	14-May-15	
Westpac Banking Corporation- Local Govt	AA-	2,000,000	2,059,098	4.72%	4.35	7,151	25-May-15	
Bank of Queensland	A-2	1,000,000	1,021,909	2.34%	3.75	3,082	04-Jun-15	
Bank of Queensland	A-2	1,000,000	1,011,221	2.32%	3.55	2,918	04-Jun-15	
Bank of Queensland	A-2	1,000,000	1,021,229	2.34%	3.75	3,082	11-Jun-15	
National Australia Bank	A-1+	1,000,000	1,011,775	2.32%	3.56	2,926	18-Jun-15	
National Australia Bank	A-1+	1,000,000	1,012,090	2.32%	3.57	2,934	09-Jul-15	
National Australia Bank	A-1+	1,000,000	1,015,514	2.33%	3.65	3,000	18-Aug-15	
National Australia Bank	A-1+	1,000,000	1,014,745	2.33%	3.65	3,000	27-Aug-15	
National Australia Bank	A-1+	2,000,000	2,028,244	4.65%	3.65	6,000	01-Sep-15	
ME Bank	A-2	1,000,000	1,009,664	2.32%	3.55	2,918	17-Sep-15	
National Australia Bank	A-1+	1,000,000	1,006,004	2.31%	3.55	1,617	19-Sep-15	
ME Bank	A-2	1,250,000	1,256,057	2.88%	3.60	3,699	07-Oct-15	
National Australia Bank	A-1+	1,000,000	1,008,974	2.31%	3.55	2,918	21-Oct-15	
Term Investment								
Bank of Queensland	A-2	3,000,000	3,124,109	7.17%	4.05	9,986	03-Feb-16	
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,044,512	2.40%	4.55	3,740	16-May-16	
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,044,174	2.40%	4.55	3,740	17-May-16	
TOTAL CASH PLUS INVESTMENTS		34,605,000	35,386,672	81.17%		113,416		
Investment Institution	Rating	Face Value 30-Nov-14	Value at 30-Nov-14	Percentage Holding	Interest		Maturity	
					%p.a.	received / accrued		
OTHER INVESTMENTS					(1)			
Corporate Bond								
National Australia Bank	AA-	1,000,000	1,079,740	2.48%	6.00	4,865	15-Feb-17	
Zero Coupon Bond								
Commonwealth Bank of Australia	AA-	2,000,000	1,758,433	4.03%	7.17	0	22-Jan-18	
Floating Rate Notes								
Members Equity Bank Pty Ltd	BBB+	500,000	504,522	1.16%	4.00	1,599	28-Nov-16	
Westpac Banking Corporation	AA-	500,000	514,112	1.18%	4.40	1,772	20-Feb-17	
Macquarie Bank	A	1,000,000	1,012,553	2.32%	5.53	4,541	09-Mar-17	
Bendigo Bank Senior FRN	A-	1,000,000	1,007,283	2.31%	3.57	2,933	17-Sep-19	
ANZ Snr FRN	AA-	1,000,000	1,002,025	2.30%	3.62	1,984	11-Nov-19	
Mortgage Backed Securities								
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	694,173	1.59%	3.27	2,688	21-Jul-27	
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	767,108	637,753	1.46%	3.19	2,022	22-Aug-22	
Total-Other Investments		8,767,108	8,210,593	18.83%	-	22,403		
TOTAL INVESTMENTS		\$43,372,108	\$43,597,265	100%	4.78	\$135,818		
Benchmark (90 day UBSA Bank Bill Index)						2.77		

Maximum Permitted Institution Holding = 45%
(1) Current market Value

Governance

GO1 - Investment of Funds as at 30 November and 31 December 2014

ATTACHMENT 1 – 1022-2 – 9 FEBRUARY 2015

Summary of Investment Holdings by Investment Type as at 30 Nov 2014

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,838,172.81	6.7795
Cash	2,105,000.00	2,105,000.00	3.0000
Floating Rate Note	4,000,000.00	4,040,494.63	4.2271
Mortgage Backed Securities	1,767,108.14	1,331,925.84	3.2331
Term Deposit	32,500,000.00	33,285,878.12	3.8185
	43,372,108.14	43,601,471.41	3.9974

% Investment by Institution as at 30 November 2014

Parent Group	% used vs Investment Policy Limit
National Australia Bank	84% ✓
Bank Of Queensland	81% ✓
Westpac Group	38% ✓
Credit Union Australia	35% ✓
Members Equity Bank	32% ✓
Commonwealth Bank of Australia	13% ✓
Bendigo and Adelaide Bank	12% ✓
Macquarie Group	12% ✓
ANZ Group	7% ✓
Emerald Reverse Mortgage (B Tranche)	7% ✓
Emerald Reverse Mortgage (A Tranche)	4% ✓

Governance

Report of Governance to the Ordinary Meeting of Council held Monday 9 February 2015

GO1 - Investment of Funds as at 30 November and 31 December 2014

ATTACHMENT 1 – 1022-2 – 9 FEBRUARY 2015

Application of Invested Funds- 30 November 2014

Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	7,190,207
	Domestic Waste Management	8,483,255
	Unexpended Grants held in Restricted Cash	918,588
	Unexpended Loan Funds	5,558,838
Internally Restricted Funds	Sinking Fund	200,000
	Funds held in Restricted Cash for future projects and operations	13,122,030
	Funds allocated to meet current budgeted expenditure	7,899,190
		43,372,108

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held Monday 9 February 2015

GO1 - Investment of Funds as at 30 November and 31 December 2014

ATTACHMENT 2 – 1022-2 – 9 FEBRUARY 2015

Reporting Period: 1-Dec-14 to 31-Dec-14

Investment Institution	Rating	Face Value 31-Dec-14	Value at 31-Dec-14	Percentage Holding	Interest/ Capital Growth		Maturity
					%p.a.	received	
CASH ASSETS							
			(1)				
National Australia Bank							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>		514,686.84					
11AM At call							
NAB	AA	4,075,000	4,075,000	8.93%	3.00	3,685	At Call
Term Deposits							
Westpac Banking Corporation- Local Govt (Matured)	A-1+			0.00%		877	09-Dec-14
Westpac Banking Corporation- Local Govt (Matured)	A-1+			0.00%	3.95	1,732	17-Dec-14
National Australia Bank	A-1+	1,000,000	1,013,827	2.22%	3.50	2,973	13-Jan-15
Credit Union Australia	A-2	1,000,000	1,036,622	2.27%	3.85	3,260	22-Jan-15
National Australia Bank	A-1+	2,000,000	2,069,991	4.54%	3.77	6,404	04-Feb-15
National Australia Bank	A-1+	500,000	516,599	1.13%	3.75	1,592	26-Feb-15
Westpac Banking Corporation- Local Govt	A-1+	1,000,000	1,033,000	2.26%	3.77	3,202	03-Mar-15
Credit Union Australia (CUA)	BBB+	2,000,000	2,065,808	4.53%	3.85	6,540	09-Mar-15
National Australia Bank	A-1+	750,000	762,202	1.67%	3.61	2,300	14-Apr-14
National Australia Bank	A-1+	1,000,000	1,015,628	2.23%	3.61	3,066	21-Apr-14
Bank of Queensland	A-2	1,000,000	1,025,774	2.25%	3.72	3,159	14-May-15
Westpac Banking Corporation- Local Govt	AA-	2,000,000	2,063,994	4.52%	4.35	7,389	25-May-15
Bank of Queensland	A-2	1,000,000	1,024,280	2.24%	3.75	3,185	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,013,567	2.22%	3.55	3,015	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,023,682	2.24%	3.75	3,185	11-Jun-15
National Australia Bank	A-1+	1,000,000	1,014,276	2.22%	3.56	3,024	18-Jun-15
National Australia Bank	A-1+	1,000,000	1,014,748	2.22%	3.57	3,032	09-Jul-15
National Australia Bank	A-1+	1,000,000	1,018,632	2.23%	3.65	3,100	18-Aug-15
National Australia Bank	A-1+	1,000,000	1,017,962	2.23%	3.65	3,100	27-Aug-15
National Australia Bank	A-1+	2,000,000	2,034,787	4.46%	3.65	6,200	01-Sep-15
ME Bank	A-2	1,000,000	1,012,952	2.22%	3.55	3,015	17-Sep-15
National Australia Bank	A-1+	1,000,000	1,009,452	2.21%	3.55	2,565	19-Sep-15
ME Bank	A-2	1,250,000	1,264,569	2.77%	3.60	3,822	07-Oct-15
National Australia Bank	A-1+	1,000,000	1,012,794	2.22%	3.55	3,015	21-Oct-15
National Australia Bank	A-1+	1,000,000	1,009,245	2.21%	3.55	2,237	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,008,651	2.21%	3.55	1,459	17-Dec-15
Term Investment							
Bank of Queensland	A-2	3,000,000	3,137,009	6.87%	4.05	10,319	03-Feb-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,051,280	2.30%	4.55	3,864	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,050,951	2.30%	4.55	3,864	17-May-16
TOTAL CASH ASSETS		36,575,000	37,397,283	81.94%		108,179	

Investment Institution	Rating	Face Value 31-Dec-14	Value at 31-Dec-14	Percentage Holding	Interest		Maturity
					%p.a.	received / accrued	
OTHER INVESTMENTS							
			(1)				
Corporate Bond							
National Australia Bank	AA-	1,000,000	1,086,607	2.38%	6.00	5,027	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,776,907	3.89%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	506,123	1.11%	4.00	1,697	28-Nov-16
Westpac Banking Corporation	AA-	500,000	515,512	1.13%	4.40	1,866	20-Feb-17
Macquarie Bank	A	1,000,000	1,003,429	2.20%	5.53	4,752	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	1,001,453	2.19%	3.57	3,077	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,005,047	2.20%	3.62	3,075	11-Nov-19
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	697,250	1.53%	3.27	2,777	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	767,108	647,729	1.42%	3.19	2,075	22-Aug-22
Total-Other Investments		8,767,108	8,240,058	18.06%		19,319	
TOTAL INVESTMENTS		\$45,342,108	\$45,637,341	100.00%		\$127,498	
Benchmark (90 day UBSA Bank Bill Index)							
Maximum Permitted Institution Holding = 45%							

(1) Current market Value

Governance

GO1 - Investment of Funds as at 30 November and 31 December 2014

ATTACHMENT 2 – 1022-2 – 9 FEBRUARY 2015

Summary of Investment Holdings by Investment Type as at 31 Dec 2014

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,863,513.74	6.7795
Cash	4,075,000.00	4,075,000.00	3.0000
Floating Rate Note	4,000,000.00	4,031,564.59	4.2788
Mortgage Backed Securities	1,767,108.14	1,344,979.39	3.2331
Term Deposit	32,500,000.00	33,322,283.11	3.7924
	45,342,108.14	45,637,340.83	3.9399

% Investment by Institution as at 31 December 2014

Parent Group	% used vs Investment Policy Limit
National Australia Bank	100% ✓
Bank Of Queensland	77% ✓
Credit Union Australia	33% ✓
Members Equity Bank	30% ✓
Westpac Group	27% ✓
Commonwealth Bank of Australia	13% ✓
Bendigo and Adelaide Bank	11% ✓
Macquarie Group	11% ✓
ANZ Group	6% ✓
Emerald Reverse Mortgage (B Tranche)	6% ✓
Emerald Reverse Mortgage (A Tranche)	4% ✓

GO1 - Investment of Funds as at 30 November and 31 December 2014

ATTACHMENT 2 – 1022-2 – 9 FEBRUARY 2015

Application of Invested Funds- 30 Dcember 2014

Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	9,809,509
	Domestic Waste Management	7,214,525
	Unexpended Grants held in Restricted Cash	918,588
	Unexpended Loan Funds	2,491,464
Internally Restricted Funds	Sinking Fund	200,000
	Funds held in Restricted Cash for future projects and operations	13,131,285
	Funds allocated to meet current budgeted expenditure	11,576,737
		45,342,108

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

GO2 Proposed Special Rate Variation - Application to Independent Pricing and Regulatory Tribunal (IPART)

32281

TRIM 1862-3

EXECUTIVE SUMMARY

- As part of Council's Long Term Financial Sustainability Strategy and Strategic Business Planning and to meet Fit for the Future criteria this report proposes to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a Special Rate Variation (SRV) of 10.8% per annum increase over 4 years under Section 508A of the Local Government Act.
- The focus of the Special Rate Variation (SRV) application is to continue to allocate sufficient funds towards infrastructure.
- In order to become Fit for the Future the following is recommended:
 1. That Council note the outcomes of the community engagement strategy to raise awareness of the need for, and extent of, a special rate variation for 2015/16 to 2018/19.
 2. That Council proceed with an application to the Independent Pricing & Regulatory Tribunal (IPART) under Section 508A of the Local Government Act for a Special Rate Variation (SRV) of 10.8% per annum for four years from 2015/16 to 2018/19 to fund the continued maintenance and renewal of Council's infrastructure. This will enable Council to perform well against the Fit for the Future ratios.
 3. That Council continues to pursue organisational efficiencies through the continued implementation of its Success Management Program and regular service reviews.

REPORT

The Wollondilly Delivery Program 2013/14 – 2016/17 and Operational Plan 2014/15 were adopted by Council in June 2014. The adoption of these Integrated Planning & Reporting (IP&R) documents included approval for Council to start a "conversation" with our community for a proposed Special Rate Variation. (The Delivery Program & Operational Plan 2014/15 under the heading "Addressing your Future Needs", advised the community of the need for engagement around 3 rate options to address the projected financial shortfall over the next ten years).

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Council has also completed the development of its Asset Management Strategy which includes the development of detailed Asset Management plans. These Asset plans have assisted in the development of the Revised Delivery Program 2013/14 – 2016/17 and Operational Plan 2014/15 and informed the development of Council's Long Term Financial Plan.

At its September 2014 meeting Council considered a report which advised that a formal Community Engagement process had commenced regarding three Special Rate Variation options. At that meeting Council resolved the following:

1. That Council supports the continued conversation with the community for the need for a special rate variation.
2. That a further report come to the 13 October 2014 Council meeting on the progress to date.
3. That a further report come to the 17 November 2014 Council meeting outlining community feedback through the revised Integrated Planning and Reporting documents.
4. That Council note the NSW Government's "Fit for the Future" reform package and the need to submit a proposal on how Council intends to become "Fit for the Future" by 30 June 2015.

At its October 2014 meeting Council considered a progress report on the Community Engagement regarding the Special Rate Variation options. At that meeting Council resolved the following:

1. That Council supports the continued engagement with the community regarding the need for a Special Rate Variation.
2. That the outcomes of community engagement regarding Special Rate Variation options will be reported to the November 2014 Council meeting.

Special Rate Variation Application

Special rate variation applications must be submitted to the Independent Pricing & Regulatory Tribunal (IPART) by 16 February 2015. In October 2014 the Office of Local Government published guidelines for the preparation of applications including the criteria for the assessment of those applications. A summary of the criteria that will be addressed in Council's application for the special rate variation follows:

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

1. Need for the proposed rate increase:

The need for and purpose of a different revenue path (as requested through the special variation) has been clearly identified in Council's integrated planning documentation.

Evidence from the community consultation – that the maintenance and management of Infrastructure and Roads is a high priority - will be included in the application; along with information from the Asset management Plans regarding the condition of roads and infrastructure in the local government area.

Council's inability to fund from current revenue will also be highlighted, along with the financial sustainability assessment from NSW Treasury Corporation (TCorp).

2. Community awareness of the need for and extent of a rate rise

Council has consulted and engaged the community about the Special Rate Variation using a variety of engagement methods to ensure broad awareness of the need for and extent of the requested rate increases. The engagement methods provided opportunities for input and the gathering of feedback from the community about the proposal.

Council's IP&R documents clearly set out the extent of the requested rate increases by presenting three (3) Options.

3. Reasonable impact on ratepayers

Council's IP&R documents and engagement processes clearly demonstrated the impact of rate rises upon the community. Council considered the capacity and willingness of the community to pay rates and established that the proposed rate increases are reasonable having regard to the Community's capacity to pay.

4. Consultation with the Community on Councils Strategic Business Planning Documents

Council's Integrated Planning and Reporting (IP&R) documentation clearly demonstrates the requirement for a Special Rate Variation and the IP&R documentation will be referenced in the IPART application.

5. Productivity Improvements and Cost containment strategies

Council's application will include an analysis of past improvements and plans for the Organisational efficiency initiatives as part of the Success Management Program.

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Special Rate Variation (SRV) Options

Against the context of an estimated \$80 million shortfall over the next 10 years, Council's community engagement has discussed three SRV options.

Option 1 – “Deteriorate” No SRV Proposed

Under this option rates would increase only by the annual rate peg amount. The rate peg percentage for 2013/14 was 3.4% and for 2014/15 it is 2.3%. The rate peg percentage for 2015/16 is expected to be announced at the end of the first quarter of 2015.

This option would leave us with an \$80 million shortfall over 10 years, so it would have the following impacts:

- Our infrastructure would deteriorate further as we would continue to underfund maintenance expenditure. This means we will see worsening roads and continuing deterioration of facilities such as playgrounds and community buildings.
- Council would have virtually no capacity for new capital works (apart from developer contributions and grants). This means Council will have difficulty funding new infrastructure such as kerb and gutter, footpaths, cycleways, open space improvements and new community facilities.
- Council would need to consider a significant reduction in a wide range of Council services in order to address the funding shortfall issues. The nature and number of services delivered by Council, or the levels of service, would need to be reduced.

Option 2 – “Stabilise” – SRV 8.5% Per Annum Over 4 Years

Under this option rates would increase by a total of 8.5% per annum (this includes the annual rate peg percentage) over a fixed four year period (2015/16 to 2018/19).

At the end of the four year period the Special Rate Variation (SRV) increase will be built into the rate base (in other words rates would be maintained at this new level with just the annual rate peg increases).

This option would generate an additional \$54.5m over the ten year period, so it would have the following impacts / enable the following:

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

- Council would be able to stabilise the current deteriorating condition of our infrastructure as we would be able to fund our maintenance expenditure. This means the current condition of our roads, facilities and other infrastructure will be gradually improved through essential maintenance.
- Council will have some additional funds (in addition to developer contributions and grants) available to build new infrastructure such as kerb and gutter, footpaths, cycleways, open space improvements and new community facilities.

Council could maintain its current range of services.

Option 3 – “Improve” – SRV 10.8% Per Annum Over 4 Years

Under this option rates would increase by a total of 10.8% per annum (this includes the annual rate peg percentage) over a fixed four year period (2015/16 to 2018/19).

At the end of the four year period the Special Rate Variation (SRV) increase will be built into the rate base (in other words rates would be maintained at this new level with just the annual rate peg increases).

This option would generate the required \$80m over the ten year period, so it would enable the following:

- Council would be able to deliver better roads, facilities and other infrastructure sooner as we would increase and bring forward much needed maintenance expenditure. We would also fully implement a preventative maintenance regime to reduce future costs to the community.
- Council will have more funds available to build new infrastructure such as kerb and gutter, footpaths, cycleways, open space improvements and new community facilities as we would have increased capacity to undertake new capital works.
- Council would be able to deliver a wide range of services.

Fit For The Future

On 10 September 2014, the NSW Government formally announced their response to the Independent Local Government Review Panel and Local Government Acts Taskforce recommendations.

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

The NSW Government wants councils to be “Fit for the Future” and they have put a comprehensive package of support and financial incentives to assist councils achieve this, requiring them to:

- a) enhance their own financial sustainability.
- b) be effective in the delivery of infrastructure and services.
- c) be more efficient.
- d) be of sufficient scale to engage across community, industry and government.

Councils will need to submit a proposal on how they intend to become “Fit for the Future” by 30 June 2015.

This review will be assessed independently and councils who are Fit for the Future will be eligible for incentives and support - cheaper finance options, simplified reporting requirements, priority access to State funding and grants and options for additional planning powers.

The aim is for NSW councils to be financially sound, operating efficiently and in a strong position to guide community growth and deliver quality services. Some councils have been identified as needing to merge to become Fit for the Future. This is not proposed for Wollondilly Council, with the focus of this approach being more on metropolitan councils and very small rural councils. (Note that Camden, Campbelltown and Wingecarribee are also NOT proposed for merger).

For councils to meet the infrastructure and service needs of their communities they need to be “financially sustainable”. This is defined as a council which, over the long term, is able to generate sufficient funds to provide the level and scope of infrastructure and services agreed with its community through the Integrated Planning & Reporting Process.

The criteria and benchmarks to determine whether a council is financially sustainable and able to be effective in the delivery of infrastructure and services relate to matters such as:

- Operating performance ratio – whether we run at a deficit or have a balanced budget
- Own source revenue ratio – how much we rely on grants and external revenue sources
- Infrastructure and asset backlog, maintenance and renewal ratios – all about the condition of our assets and infrastructure and what needs to be spent to bring them up to standard

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

- Debt service ratio – how much debt we have to service with loan Repayments.

For Council to perform well against these criteria, a Special Rate Variation (SRV) is critical. If Council does not have a Special Rate Variation (SRV) we will be incapable of becoming Fit for the Future. As part of the “Fit for the Future” June 2015 submission each council will be asked to look at its current situation and consider the future needs of its community and the recommendations of the Independent Panel. This issue has been included in Council’s conversations with the community during the Special Rate Variation (SRV) engagement process.

CONSULTATION

Council ensured there was a high level of community awareness with the Special Rate Variation options and it therefore utilised a wide range of engagement methods to maximise the ‘reach’.

The community engagement strategy was based on the International Association for Public Participation (IAP2) Public Participation Spectrum principles. The principles utilised in the strategy included:

- Inform: to provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions
- Consult: to obtain public feedback on analysis, alternatives and/or decisions
- Involve: to work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered

Council also utilised our Assets to Opportunities Maps 2010/11 to inform the development of the community engagement strategy.

Based on this information, Council also identified key stakeholders to engage with throughout the process, as well as key messages and engagement methods best suited to each village/town about the need for a Special Rate Variation.

Council's overarching aim was to provide a wide variety of engagement opportunities to encourage community feedback.

The engagement methods employed throughout the community consultation period and the outcomes are detailed below:

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Engagement Method	Numbers	Details
Councillor Workshops	Councillor workshops held	These workshops were held to consult Wollondilly Shire Council Councillors on the engagement strategy and report the outcomes of the community consultation
Council Reports	6 Council reports were submitted	Council reports were submitted in order to inform Councillors further about the Special Rate Variation proposal and to allow community members to continue to be aware and informed about the Special Rate Variation proposal and submit questions to Council's community forums
Static Displays	4 static displays	Displays at: <ul style="list-style-type: none"> • Picton Library • Wollondilly Tourist Information Centre • Children Services • Wollondilly Shire Council Administration Building
Train Station Engagements	Approximately 144 people received information about the Special Rate Variation	Held from 5:30-8am at the following train stations: <ul style="list-style-type: none"> • Picton • Tahmoor • Bargo Special Rate Variation newsletters, FAQs and community engagement opportunity flyers were distributed. Special Rate Variation Project Team members were also available to answer community questions.
Information Stalls with the Dilly Wanderer	26 people were engaged about the Special Rate Variation and received information	Wollondilly Shire is geographically large and as a result a number of community service initiatives are mobile in order to reach the wider community. This includes the Dilly Wanderer – a mobile community engagement and

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GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Engagement Method	Numbers	Details
		<p>information service. Special Rate Variation Project Team members held information stalls with the Dilly Wanderer during September and October 2014. Information stalls were held at:</p> <ul style="list-style-type: none"> • Yanderra • The Oaks • Tahmoor • Oakdale • Bingara Gorge • Buxton • Appin • Bargo • Silverdale • Douglas Park • Thirlmere • Warragamba • Picton
Community Events	35 people received information about the Special Rate Variation	<p>A number of community events were held on weekends during the consultation period. As a result, Wollondilly Shire Council ensured that information regarding the Special Rate Variation was available at the following events:</p> <p>Tahmoor Uniting Church Community Garden Family Day Bargo Public School Fete DamFest</p>
Community Meeting	27 people attended in total	<p>Three community meetings were held in the evenings at:</p> <p>Warragamba Town Hall Tahmoor CWA Hall Appin Community Hall</p>
Information & Drop-In Session	1 person attended the information and drop-in session	<p>An additional evening information and drop-in session was organised for Warragamba. This was in response to community requests at the first Warragamba Community Meeting identifying that this would allow more community</p>

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GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Engagement Method	Numbers	Details
		members the opportunity to participate in the Special Rate Variation conversation. The session was held at Warragamba Town Hall.
Drop-In Q&A Sessions	20 people attended the drop-in Q&A sessions to discuss the Special Rate Variation options	Four sessions were held at Picton Shire Hall, where community members could drop in and ask questions about the Special Rate Variation proposal. At the drop in sessions there were also displays with information regarding how Council's previous Special Rate Variation funds were spent.
Information Kits		Information kits were distributed to: <ul style="list-style-type: none"> • Wollondilly Shire Council Councillors • Members of Parliament • Wollondilly Shire Council staff including: <ul style="list-style-type: none"> • Library staff • Customer request staff • Customer service staff • Children services staff • Social Media team
Correspondence		A number of key stakeholders received correspondence from Wollondilly Shire Council regarding the Special Rate Variation proposal, in order to increase awareness within the community. These stakeholders included: <ul style="list-style-type: none"> • All Wollondilly Shire Council staff • 93 Council Committee Members • 146 Community Directory contacts • 383 Business Directory contacts • 8 community members who

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GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Engagement Method	Numbers	Details
		attended the Warragamba Community Meeting
Special Rate Variation Newsletter	16,936 ratepayers received a newsletter	Hard copy newsletters were mailed to all ratepayers in the Shire about the Special Rate Variation proposal at the beginning of the engagement period. Additionally, hard copy newsletters were distributed at all community engagement activities.
Phone Enquiries	17 phone enquiries were received regarding the Special Rate Variation	
Radio	2 x radio interviews	24th September 2014: Macarthur Community Radio interview 30th September 2014: ABC Illawarra Radio interview
Media Releases	9 x media releases	Regular media releases were sent to a number of media outlets throughout the engagement period. Including: <ul style="list-style-type: none"> • Southern Highlands Radio • ABC Western Sydney • MP Angus Taylor's Office • Macarthur Chronicle • C91.3 • Warragamba Website • Penrith Press • Illawarra Mercury • 2UE • MP Jai Rowell's Office • Wollondilly Advertiser • Network Ten • Prime TV • Informer • Seven News • Sydney Morning Herald • The District Reporter • The Land • What's Happening in Warragamba and

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GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Engagement Method	Numbers	Details
		<p>Surrounds</p> <ul style="list-style-type: none"> • Win News • ABC Wollongong
Bush Telegraph	<p>2 x Bush Telegraph Articles about the Special Rate Variation proposal</p> <p>5 x Bush Telegraph Articles about the public exhibition of the Draft Revised Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15</p> <p>3 x Articles in the mayors column about the Special Rate Variation proposal</p> <p>1 x Bush Telegraph Advertisement about the Special Rate Variation</p>	<p>Wollondilly Shire Council has a full page bush telegraph each week in the paper. From September to October the Bush Telegraph was printed in the Advertiser, Chronicle & District Reporter. From November onwards the bush telegraph was printed in the Advertiser and District Reporter.</p>
Newspaper Advertising	1 x Quarter Page Advertisement	Printed in the Advertiser, Chronicle & District Reporter
Flyer Distribution	<p>111 Businesses</p> <p>1 Neighbourhood Centre</p> <p>1 Preschool</p>	Special Rate Variation flyers were distributed at Tahmoor, Warragamba, Silverdale, Appin, Douglas Park, Thirlmere and Picton
Shopping Centre Information Stall	<p>30 people received information about the Special Rate Variation at Tahmoor Shopping Centre</p> <p>49 people received information about the Special Rate Variation at Picton Mall</p>	Special Rate Variation information was distributed at two of the major shopping centres in Wollondilly. Special Rate Variation Project Team members were also available to answer any community questions about the Special Rate Variation proposal.
Promotional Material		A number of resources were developed to increase community awareness and inform the community about the Special Rate Variation proposal. The resources

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GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Engagement Method	Numbers	Details
		<p>included:</p> <ul style="list-style-type: none"> • Special Rate Variation Newsletter • Special Rate Variation Bookmarks • Flyers • FAQs • Flyers to explain how rates will be affected <p>These were available at:</p> <ul style="list-style-type: none"> • Picton library • Mobile libraries • Customer services • Tourist information centre • Children services
Special Rate Variation Business Cards		<p>200 Special Rate Variation business cards were provided to outdoor staff to distribute to community members if they received any questions about the Special Rate Variation. These cards directed community members to the Special Rate Variation webpage or to call Council.</p>
Social Media	46 x Social Media Posts regarding the Special Rate Variation, public exhibition of the Draft Revised Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15 and community consultation opportunities	<p>In total the 46 Social Media posts resulted in:</p> <ul style="list-style-type: none"> • 14,079 People Reached • 1303 Post Clicks • 42 Likes • 71 Shares • 75 Comments <p>Of the 46 posts on social media on average each post reached 306 people, generated 28 Post Clicks, 0.9 Likes, 1.5 Shares and 1.6 Comments.</p>
Addressing Your Future Needs Webpage	819 visits between 15th September & 30th October 2014	

Governance

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Telephone Survey

Council contracted an external research company to conduct a telephone survey of the Wollondilly community.

A total of 407 community members were interviewed and provided a maximum sampling error of plus or minus 4.9% at 95% confidence. As a result, the research findings can be interpreted as not just the opinions of 407 residents, but as an accurate and robust measure of the entire community's attitudes.

The research findings highlighted that when respondents were asked 'how important is it for Council to provide better infrastructure and facilities?' 99% of the respondents identified that it was at least somewhat important for Council to provide better infrastructure and facilities.

Adding to this when asked which Option was their preferred Option, 70% of respondents selected Option 2 or 3 as their preferred option. This indicates that the community is largely supportive of introducing a Special Rate Variation to rates in Wollondilly.

Overall, 54% of respondents chose Option 3 as their first and second preference.

Additionally, 49% of residents indicated that prior to the telephone call they had awareness that Council was exploring community sentiment towards a Special Rate Variation. Of that 49%, 72% identified that they were made aware of Council's intentions through the Special Rate Variation newsletter mail out.

Overall, the telephone survey results highlighted that the community is generally aware and supportive of Council making an application to IPART for a Special Rate Variation. Applying for a SRV was preferred over Option 1 which involves no SRV, and would result in further deterioration of Council's infrastructure.

Formal Submissions

Furthermore, Council received 162 formal submissions regarding the Special Rate Variation proposal and zero submissions for the public exhibition of the Draft Revised Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15.

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

Submissions were taken via email, mail, phone, in person and web. They are summarised below:

- 51 Email Submissions
- 23 Mail Submissions
- 13 Phone and In Person Submissions
- 75 Web Submissions

Of the 162 submissions received 39 submissions indicated support for a Special Rate Variation; 104 submissions indicated that they were not supportive of a Special Rate Variation and 19 submissions did not specify being supportive or not supportive of a Special Rate Variation.

Out of the 162 submissions received during the engagement period the following submissions stated a preferred Special Rate Variation option:

- Option 1 preferred: 36 submissions
- Option 2 preferred: 14 submissions
- Option 2 or 3 preferred: 6 submissions
- Option 3 preferred: 13 submissions
- Preferred option not specified: 93 submissions

Council acknowledged receipt of all formal submissions made by letter or email where contact details were available.

FINANCIAL IMPLICATIONS

It has been well documented that most Councils across NSW (including Wollondilly Shire Council) have not been able to afford to maintain their infrastructure to a satisfactory standard, resulting in an increasing infrastructure maintenance gap year after year.

The draft Asset Management Plans (AMP's) for Transport, Buildings and Open Space assets confirm the need for a Special Rate Variation. The AMP's confirm that at current expenditure we are under funding these assets by, an average over the next ten years, \$9,368,000 per annum. SRV Option 2 will generate approximately \$6 Million per annum after the first 4 years, Option 3 will produce approximately \$9 Million per annum.

In order to close this gap and become Fit for the Future it is necessary to have a Special Rate Variation (SRV) of 10.8% per annum (Option 3) as this is the only option which will allocate sufficient funds towards infrastructure maintenance to close the identified gap and ensure that Council is able to perform well against the Fit for the Future performance ratios:

- Operating performance ratio - Under Option 3 Council will generate sufficient funds to provide the agreed level and scope of services to the Community as identified through the Integrated Planning & Reporting process. Options 1 and 2 will not meet requirements.

GO2 – Proposed Special Rate Variation – Application to Independent Pricing and Regulatory Tribunal (IPART)

- Own source revenue ratio - under all three options Council will continue to generate more than the preferred 60% of funding internally.
- Infrastructure renewal ratio - whilst Option 2 will see stabilisation in the condition of Council's buildings and infrastructure, the general condition and quality of Council's infrastructure will only begin to improve once the ratio is consistently above 100% - and this will only be achieved through Option 3.
- Infrastructure backlog ratio - Option 3 is the only scenario where Council's identified infrastructure backlog will be reduced. Option 2 will see it stabilize, whereas under Option 1, the backlog will dramatically increase over time.
- Asset maintenance ratio - there will be insufficient maintenance carried out under Option 1, therefore under this scenario the backlog will increase. Under Option 2, there will be sufficient maintenance undertaken to stop the backlog from growing, however the backlog will not get any smaller. Under Option 3 there will be additional maintenance done which will see the backlog steadily decrease over time.
- Debt service ratio - all three options will see Council's debt service ratio remain below 10% per annum in order to keep the burden of debt at a manageable level with capacity to undertake further borrowing should the need arise.

ATTACHMENTS:

1. Special Rate Variation Community Submissions are available as a separate attachment to this Agenda.
2. Addressing Your Future Needs Community Engagement Strategy and Outcomes will be available on 2 February 2015 as a separate document. The Strategy and Outcomes will include the results of the Telephone Survey.

RECOMMENDATION

1. That an application to the Independent Pricing and Regulatory Tribunal for consideration of a Special Rate Variation be lodged.
2. That the application to the Independent Pricing and Regulatory Tribunal (IPART) be for 10.8% per annum for a period of four years from 2015/16 to 2018/19.

GO3- Draft "Revised" Integrated Planning & Reporting (IP&R) Document for the Proposed Special Rate Variation

GO3 Draft "Revised" Integrated Planning & Reporting (IP&R) Document for the Proposed Special Rate Variation

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TRIM 1862-3

EXECUTIVE SUMMARY

Also refer to previous report GO2 - Proposed Special Rate Variation - Application to Independent Pricing and Regulatory Tribunal.

- The purpose of this report is to advise Council that the draft 'revised' Delivery Program 2013/14 - 2016/17 & Operational Plan 2014/15 public exhibition period has concluded.
- As its November 2014 meeting Council endorsed the draft 'revised' Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15 (IP&R Document) to be placed on exhibition for the period from 18 November 2014 – 19 December 2014.
- The Local Government Act 1993 requires draft IP&R documents to be exhibited for public comment for a minimum of 28 days and public submissions considered before any final program is adopted.
- The need for and purpose of a different revenue path; as requested through the special variation, needs to be clearly articulated and identified through the council's Integrated Planning and Reporting (IP&R) documents, including its Delivery Program.
- It is recommended the draft 'revised' Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15 (IP&R document) be adopted.

REPORT

The Wollondilly Delivery Program 2013/14 – 2016/17 and Operational Plan 2014/15 were adopted by Council in June 2014. The adoption of these Integrated Planning & Reporting (IP&R) documents included the approval for Council to start a "conversation" with our community for a proposed Special Rate Variation under the heading "Addressing your Future Needs", advising the community of the need for engagement around 3 rate options to address the projected financial shortfall over the next ten years.

GO3- Draft "Revised" Integrated Planning & Reporting (IP&R) Document for the Proposed Special Rate Variation

Special Rate Variation (SRV) Options

The Special Rate Variation options considered in report GO2 are of fundamental significance to Council's Delivery Program 2013/14 – 2016/17 and Operational Plan 2014/15. As indicated in the previous report (GO2) extensive engagement took place with the community regarding the following three options:

Option 1 - "Deteriorate" - No SRV Proposed

Option 2 - "Stabilise" - SRV 8.5% Per Annum Over 4 Years

Option 3 - "Improve" - SRV 10.8% Per Annum Over 4 Years

Option 3 is recommended as the preferred option for Council to become Fit For The Future.

Fit For The Future

On 10 September 2014, The NSW Government formally announced their response to the Independent Local Government Review Panel and Local Government Acts Taskforce recommendations.

The NSW Government wants councils to be "Fit for the Future" and they have put a comprehensive package of support and financial incentives to assist councils achieve this, requiring them to:

- a) enhance their own financial sustainability.
- b) be effective in the delivery of infrastructure and services.
- c) be more efficient.
- d) be of sufficient scale to engage across community, industry and government.

Councils will need to submit a proposal on how they intend to become "Fit for the Future" by 30 June 2015.

This review will be assessed independently and councils who are Fit for the Future will be eligible for incentives and support - cheaper finance options, simplified reporting requirements, priority access to State funding and grants and options for additional planning powers.

The aim is for NSW councils to be financially sound, operating efficiently and in a strong position to guide community growth and deliver quality services.

Some Councils have been identified as needing to merge to become Fit for the Future. This is not proposed for Wollondilly Council, with the focus of this approach being more on metropolitan Councils and very small rural Councils.

GO3- Draft "Revised" Integrated Planning & Reporting (IP&R) Document for the Proposed Special Rate Variation

(Note that Camden, Campbelltown and Wingecarribee are also NOT proposed for merger).

For councils to meet the infrastructure and service needs of their communities they need to be "financially sustainable". This is defined as a council which, over the long term, is able to generate sufficient funds to provide the level and scope of infrastructure and services, agreed with its community through the Integrated Planning & Reporting Process.

The criteria and benchmarks for determine whether a Council is financially sustainable and able to be effective in the delivery of infrastructure and services relate to matters such as:

- Operating performance ratio – whether we run at a deficit or have a balanced budget
- Own source revenue ratio – how much we rely on grants and external revenue sources
- Infrastructure and asset backlog, maintenance and renewal ratios – all about the condition of our assets and infrastructure and what needs to be spent to bring them up to standard
- Debt service ratio – how much debt we have to service with loan repayments.

For Council to perform well against these criteria, an SRV is critical. If council does not have an SRV we will be incapable of becoming Fit for the Future.

As part of the "Fit for the future" June 2015 submission each council will be asked to look at its current situation and consider the future needs of its community and the recommendations of the Independent Panel. This issue will be included in Council's conversations with the community during the SRV engagement process.

CONSULTATION

The draft 'revised' Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15 has been placed on public exhibition for a minimum of 28 days.

No Public submissions were received in relation to the revised Delivery Program & Operational Plan. (However, as indicated in the previous report (GO2) 162 submissions were received in relation to the Special Rate Variation proposals).

The process for engaging with our community regarding the need for an Special Rate Variation, and the matters being considered by Council are in accordance with guidelines published by Independent Pricing and Regulatory Tribunal.

The draft 'revised' Wollondilly Delivery Program/Operational Plan:

GO3- Draft "Revised" Integrated Planning & Reporting (IP&R) Document for the Proposed Special Rate Variation

- Integrated Planning and Reporting Guidelines
- Integrated Planning and Reporting Manual
- Local Government (General) Regulation 2005.

FINANCIAL IMPLICATIONS

It has been well documented that most Councils across NSW (including Wollondilly Shire Council) have not been able to afford to maintain their infrastructure to a satisfactory standard, resulting in an increasing infrastructure maintenance gap year after year.

In order to close this gap and become Fit for the Future it is necessary to allocate more funds towards infrastructure maintenance. As indicated earlier in this report, our long term projections indicate that if Council is to maintain its assets to a satisfactory standard and continue to provide the current range of services, it will need to identify additional funding sources to do so.

ATTACHMENTS:

1. Under separate cover - draft 'revised' Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15.
2. Under separate cover - Resourcing Strategy 2013/14 - 2022/23 revised.

RECOMMENDATION

1. That Council adopt the draft 'revised' Delivery Program 2013/14 – 2016/17 & Operational Plan 2014/15 (IP&R Document).

GO4 – Second Quarterly Review of 2014/15 Operational Plan

GO4

Second Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2014

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TRIM 222-26 & 4960-7

EXECUTIVE SUMMARY

- The purpose of this report is to provide information on the Second Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ending 31 December 2014.
- The document reports on the six monthly progress and outcomes of actions, activities and projects set out in the Operational Plan 2014/15 with respect to the principle activities detailed in the Delivery Program as at 31 December 2014 and provides an examination of the financial and operational performance of the Council for the second quarter of the 2014/15 financial year.
- It is recommended that the information provided in this report be received.
- That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 December 2014 and proposed adjustments to the 2014/15 budget estimates, be adopted.

REPORT

In 2010, the Division of Local Government (now known as the Office of Local Government) introduced a new planning and reporting framework for NSW Councils, known as Integrated Planning and Reporting (IP&R). The IP&R framework requires Councils to undertake appropriate community consultation to agree to a strategic approach to allow us to manage our assets more effectively and work towards a more financially sustainable future.

The quarterly review reports on progress in respect to the principle activities detailed in the Delivery Program and actions in the Operational Plan. Council reports on “at risk” actions on a quarterly basis with a complete six monthly progress report on all actions in December and June of each year.

The quarterly review document includes Council’s quarterly budget review statement which measures Council’s financial health as we progress through the year. It needs to adequately disclose Council’s overall financial position and provide sufficient information to enable Councillors to make informed and transparent decisions. It is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in the Delivery Program and Operational Plan.

GO4 – Second Quarterly Review of 2014/15 Operational Plan

The Office of Local Government has prescribed that the Quarterly Budget Review Statement includes (as a minimum) the following components:

- Statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the review documents.
- Income & Expenses Statement, showing the original and revised budgets, along with any changes proposed in the current quarterly review. Actual income & expenditure to date is also required to be shown.
- Explanation for material variations between the revised budget and projected year end result and likely impacts of the variation.
- Capital Budget, also showing the original and revised budgets, along with any changes proposed in the current quarterly review. Actual income & expenditure to date is also required to be shown.
- Explanation for variations between the revised capital budget and projected year end result and likely impacts of the variation.
- Cash and Investments position.
- Key Performance Indicators.
- Contracts entered into during the quarter (>\$50,000).
- Expenditure to date for Consultancies and External Legal Fees.

Collectively, these documents form the Quarterly Budget Review Statement (QBRS).

Section 404(5) of the Local Government Act 1993 requires Council to report on progress with respect to the principle activities in the Delivery Program at least every six months. Council's six monthly cycle dates are December and June each year.

Clause 203 (1) of the Local Government (General) Regulation 2005 requires a quarterly budget review statement to be submitted to Council within two months after the end of each quarter (except the June quarter).

This is the second quarterly review of Council's 2014/15 Operational Plan, which in turn contributes to the delivery of Council's four year Delivery Program and the 20 year Community Strategic Plan. In accordance with the Local Government Act 1993, the document, including the Quarterly Budget Review Statement (QBRS) for the period ending 31 December 2014 is presented for Council's consideration.

The Quarterly Review document (including the QBRS) provides a comprehensive report on all of Council's services. It provides transparency and accountability to Council and the Community on the delivery of Council's annual program of operational activities and capital projects.

GO4 – Second Quarterly Review of 2014/15 Operational Plan

CONSULTATION

All members of the Executive and Senior Management have had input into the production of this review. The quarterly review including the Quarterly Budget Review Statement is an internally produced document that reports the progress of the 2014/15 Operational Plan. Therefore, in the preparation of this document there was no need for public consultation.

FINANCIAL IMPLICATIONS

The QBRS provides Council and the Community with information in relation to Council's projected financial position. Having regard to the projected budget estimates and the original budget, Council's financial position is considered to be satisfactory.

For the 2014/15 financial year, Council originally adopted a balanced working funds position (ie: no expected increase or decrease in the level of available funds). Budgetary adjustments identified during the first two quarters have enabled Council to maintain its available working funds at a balanced position.

Details of the proposed budget variations for the first quarter of the 2014/15 financial year are provided in the Quarterly Budget Review Statement for the period ending 31 December 2014 (provided under separate cover).

The Quarterly Budget Review Statement for the period ending 31 December 2014 indicates that Council is progressing well in meeting the objectives contained within the 2014/15 Operational Plan.

A copy of the quarterly review document (including the QBRS) will be placed on Council's website.

ATTACHMENTS:

1. There are no attachments to this report. The Quarterly Review including the Quarterly Budget Review Statement for the period ending 31 December 2014 is provided under separate cover.

RECOMMENDATION

1. That the information provided in this report be received.
2. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 December 2014 and proposed adjustments to the 2014/15 budget estimates, be adopted.

Environment

Relevance to the Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - ENVIRONMENT

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in **your** Community Strategic Plan 2033.

EN1 - Adoption of Wollondilly Cemeteries Policy

ENVIRONMENT

EN1 Adoption of Wollondilly Cemeteries Policy

165

TRIM 8308

EXECUTIVE SUMMARY

- The purpose of this report is to return the exhibited Draft Cemeteries policy to Council for consideration.
- It is recommended that the Cemeteries Policy be adopted as exhibited.

REPORT

The Cemeteries policy has been developed to assist in the administration, management and maintenance of Council controlled cemeteries within the Wollondilly Local Government area and provides guidelines that ensure that the objective functions of the cemeteries is provided in a safe, consistent and socially acceptable standards and practices to assist workers, administrators, clients and the general public.

At Council's meeting 13 October 2014, it was resolved:

(206/2014) That the Draft Wollondilly Cemeteries Policy be placed on public exhibition for 28 days and that following that time it be returned to Council for consideration.

CONSULTATION

The draft policy was prepared in consultation with other Councils, industry representatives and references made to the National Trust Guidelines for Cemetery Conservation and placed on public exhibition. The public exhibition occurred from 28 October 2014 - 25 November 2014. No submissions were received.

FINANCIAL IMPLICATIONS

The financial implications of this Policy will be implemented within Council's adopted annual budget allocation.

ATTACHMENTS:

1. Draft Cemeteries policy.

RECOMMENDATION

That the Wollondilly Cemeteries Policy be adopted as exhibited.

EN1 - Adoption of Wollondilly Cemeteries Policy

ATTACHMENT 1 – 8308 – 9 FEBRUARY 2015



**Environmental Services
Cemeteries – Policy #**

1. POLICY OBJECTIVES

- 1.1 The policy will assist in the administration, management and maintenance of Council controlled cemeteries within the Wollondilly Local Government area.
- 1.2 The policy has been formulated to provide guidelines that will assist in ensuring the objective functions of the cemeteries is provided in a safe, consistent and socially acceptable standards and practices to assist workers, administrators, clients and the general public.

2. BACKGROUND

- 2.1 Under the Local Government Act 1993, the Public Health (Disposal of Bodies) Regulation 2002 and the Local Government Control of Cemeteries Amendment Act 1966 the owner/operator of a cemetery is required to establish policies and procedures in regards to the control of the management and operation of its cemeteries.
- 2.2 The Wollondilly Cemetery policy outlines the overall principles that underpin how the cemetery is to be managed in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorialisation service to the community. This policy applies to:
 - Bargo Cemetery
 - Picton Cemetery
 - Thirlmere Cemetery
 - Yerranderie Cemetery

3. ELIGIBILITY

- 3.1 This policy applies to all Council employees, and/or Funeral Service providers, Grave Diggers, Stonemasons and Community Members operating in Council Cemeteries.
- 3.2 This Policy applies to all cemeteries that are; controlled, managed, administered, operated and maintained by Wollondilly Shire Council.

4. GUIDELINES

4.1 Principles

- 4.1.1 To provide places for quiet and safe remembrance of the dead.
- 4.1.2 To provide sites within cemeteries for the lawful disposal of human remains.
- 4.1.3 To consider the diverse religious ethnic and cultural backgrounds of those using, working in or visiting cemeteries when making decisions relating to cemeteries including planning for the future use of cemeteries.
- 4.1.4 To provide equitable access to burial sites to all members of the community.
- 4.1.5 To provide conditions in cemeteries which have regard to minimising any risk to health or safety of persons working in or entering cemeteries.
- 4.1.6 To consider conservation and heritage issues when making decisions relating to cemeteries including planning for the future use of cemeteries.

EN1 - Adoption of Wollondilly Cemeteries Policy

ATTACHMENT 1 – 8308 – 9 FEBRUARY 2015



**Environmental Services
Cemeteries – Policy #**

4.1 Management, Planning, Conduct and Maintenance of Cemeteries

Council may make such provisions as it considers necessary for the following;

- 4.2.1 The setting aside of sections for different types and classes of burials and ashes placements.
- 4.2.2 The size, multiple use and location of burial sites.
- 4.2.3 The carrying out of work by funeral directors, monumental masons, grave diggers and other contractors in the cemeteries.
- 4.2.4 The establishment of standards of construction and design for monuments and structures.
- 4.2.5 The qualifications required by, and the application fees to be lodged by, monumental masons and other contractors.
- 4.2.6 The improvement and maintenance of operational cemeteries under Council control.
- 4.2.7 The placing of vases, statuettes, jars, bottles or other items of embellishment on or near burial sites, monuments or wall or garden niches and removal of the same.
- 4.2.8 The conduct of religious or other ceremonies of burial, disposition or commemoration.

4.3 Records

Council is required to maintain certain records under the Public Health (Disposal of Bodies) Regulation 2002, clause 35A of the Public Health Regulation 1991, State Records Act 1998, and Local Government Act, 1993. Council shall maintain a register of all burials, exhumation and burial rights in respect of each cemetery in order to comply with legislation and to provide information for historical research references for the public.

A Register of reserved burial licences must be kept in respect of all burial sites in all cemeteries under Council's care and control but no details of the holder of a burial licence shall be made public unless required to be made available under any relevant legislation.

The Council may amend its register from time to time so as to remove any inaccuracies contained in it and to record any changes to burial licences as a result of transfer, revocation or death of the holder of the burial licence.

4.1 Significance of Burial Sites and Monuments

Burial sites and monuments are of cultural and historical significance to the community and may confer rights to individuals. Council in its activities relating to cemeteries will aim to observe the significance of burial sites and monuments (along with any rights associated with such burial sites and monuments) within those cemeteries in which they are located.

Where a grave site is over 50 years old, it is subject to the Heritage Act 1977. Council will not issue a monument permit in respect of a burial site, which is over 50 years unless the proposed works conform to the requirements of the National Trust or have been assessed by Council.

4.5 Burial Sites, Rights and Licences.

- 4.5.1 Council may grant a burial licence in respect of a burial site in a cemetery.
- 4.5.2 A burial licence may be granted to one or two or more persons as joint holders.
- 4.5.3 A burial licence entitles the person or persons to whom it is granted an exclusive entitlement to inter or immure the remains of a deceased person in the burial site/plot in respect of which it is granted.

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**Environmental Services
Cemeteries – Policy #**

- 4.5.4 Council will issue to the owner of the burial licence a “Right of Burial Certificate” in relation to the burial site concerned.
- 4.5.5 Items and human remains may only be interred at any burial site with the written permission of Council who will issue a burial right.
- 4.5.6 The burial right is for a period of twenty-five (25) years. If the burial right is not used within 25 years then the burial right is considered to have lapsed. Where possible the original holder of the burial right will be contacted regarding the renewal of rights.
- 4.5.7 Within the 25 year term, burial rights may be transferred, to another person or back to council. Transfers will not be recognised without the written notification and payment of any associated application fees to council from the original grantee.
- 4.5.8 Where the original licence holder is deceased, the application may only be made by the Executor of the estate of the deceased holder or their authorised Legal Representative.
- 4.5.9 Council may enter into arrangements with the holder of a burial licence for the sale of the licence back to Council. In most instances council will refund the original purchase amount.
- 4.5.10 A holder of a burial licence may bequeath the licence as if it were part of the holder’s personal estate. A person to whom the licence devolves as a result of the bequest does not become the holder of the licence until the cemetery register is amended to indicate the fact. An application under this clause must be in the form approved by Council. A new 25 year term commences from the time the amendment of the register.
- 4.5.11 Council will not grant a burial licence to a person if the granting of the licence will result in the person holding (including jointly holding) burial licences for more than four (4) burial sites/plots in the cemeteries administered by Council.
- 4.5.12 Council cemeteries allow for interments into allotments in three types of areas. These are:
 - a) **Monumental Burial plots:** Allows for the erection of a full monument over the entire allotment by a monumental mason or suitably qualified person upon written application to Council.
 - b) **Lawn Beam Burial plots:** Allows for the erection of a headstone or pedestal and plaque only by a monumental mason or suitable qualified person upon written application to Council. All monument work must be fully contained on the concrete beam and within the width of the allotment. It is prohibited to plant any tree, shrub or other plant, or place any other type of memorial or souvenir on any grave in a lawn section of the cemetery unless approved by Council.
 - c) **Memorial Trees and Columbarium Walls:** Allows for the interment of single ashes container only. Interment of ashes and erection of plaques will be carried out by Council. Family members may be present. Plaques must be purchased through Council and will be of a design and size approved by Council. No other plaques or variations to design are allowable.
- 4.5.13 The size of a burial plot in all operational cemeteries under care and control of Council shall be surveyed as being 1200mm wide X 2400mm long.
- 4.5.14 All burial plots for the first interment shall be excavated to a depth of 1.8 metres/1800mm (double depth) with the exception of Bargo Cemetery where the acceptable depth is 1.5 metres/1500mm.
- 4.5.15 Grave allotments will accommodate a maximum of two coffins or caskets and up to six ashes containers. A separate fee shall apply for each interment or ashes placement.

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**Environmental Services
Cemeteries – Policy #**

4.6 Memorials and Monuments

- 4.6.1 No unauthorised work is to be carried out in Council cemeteries under its care and control.
- 4.6.2 All memorial work must be carried out by a monumental mason or a suitably qualified person registered with Council to operate at the cemeteries. Minor maintenance work on the memorial or headstone, that does not involve structural work i.e. Cleaning, painting etc. may be carried out conditional on the approval of the grantee.
- 4.6.3 No structures or other articles are to be placed or erected over graves on a lawn beam section. Memorials on lawn beam sections are limited to Council approved headstones erected on the concrete beam by a monumental mason or suitably qualified person registered with Council and payment of Council's standard fee. Construction work must not damage or encroach upon adjacent graves.
- 4.6.4 Council is not responsible for any ongoing upkeep, maintenance or repair of any monument, structure or landscaping on burial sites but reserves the right to remove any dilapidated monuments to ensure public and employees safety.
- 4.6.5 It is prohibited to plant any tree, shrub or other plant or place any other type of memorial or souvenir on any grave in a lawn section of the cemetery.
- 4.6.6 Council reserves the right to remove and dispose of any unauthorised memorial work without reference to any person. This includes any tree, shrub or other vegetation, furniture, fencing, kerbing, glass, alcohol, offensive material or any such item that does not meet the standards determined by Council.
- 4.6.7 No vases, glass jars or objects are to be placed at the base of Columbarium walls or memorial gardens. Items are not to be glued to the plaques or columbarium walls.
- 4.6.8 Floral arrangements that have deteriorated may be removed by Council's maintenance staff.
- 4.6.9 Council will provide acceptable flower receptacles at each Cemetery.

4.8 Exhumation

An exhumation may only take place when an order by a Coroner or a Court permitting is issued or an applicant has obtained, prior to commencing exhumation:

- Approval for exhumation by NSW Department of Health in accordance with the provision of Public Health (Disposal of Bodies) Regulation, 2002

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Manager Environmental Services

6. RELATED POLICIES

- 6.1 Nil

7. RELATED PROCEDURES

- 7.1 Nil

EN1 - Adoption of Wollondilly Cemeteries Policy

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**Environmental Services
Cemeteries – Policy #**

8. RELATED LEGISLATION

- 8.1 Local Government Act, 1993
- 8.2 Local Government Control of Cemeteries Amendment Act, 1966.
- 8.3 Public Health Act, 2010.
- 8.4 Work Health and Safety Act, 2011.
- 8.5 Privacy and Personal Information Act, 1998.
- 8.6 State Records Act, 1998.
- 8.7 Heritage Act, 1977.
- 8.8 Conversion of Cemeteries Act, 1974.
- 8.9 Births, Deaths and Marriages Registration Act, 1995.
- 8.10 Human Tissues Act, 1993.
- 8.11 Crown Lands Act, 1989.
- 8.12 GIPA Act, 2009.
- 8.13 Cemeteries and Crematoria Act 2013.

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 National Trust Guidelines for Cemetery Conservation
- 10.2 Department of Local Government
- 10.3 NSW Local Government areas Policies and Procedures.

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - 11.1.1 That the Policy be made available on Council's website.
 - 11.1.2 Hard copies are available through Council's Customer Service Centre.
 - 11.1.3 Notification be given to Funeral Directors, Contractors and Customers to adhere to the Policy.

12. POLICY HISTORY

- 12.1 Date First Adopted ## / ## / ##
- 12.2 Most Recent Adoption ## / ## / ##
- 12.3 Next Review Date ## / ## / ##
- 12.4 Responsible Officer Manager Environmental Services

Wollondilly Shire Council
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Environment



EN2 – Draft Plan of Management for Thirlmere Lakes National Park

EN2

Submission to the Office of Environmental Heritage's Draft Plan of Management for Thirlmere Lakes National Park

31172

TRIM 4823

EXECUTIVE SUMMARY

- The purpose of this report is to outline the key features of a draft submission on the draft Plan of Management for Thirlmere Lakes National Park.
- It is recommended that Council endorse the submission on the draft Plan of Management attached to this Report.

REPORT

Background Information

The Thirlmere Lakes National Park (the Park) is located entirely within the Wollondilly Local Government Area (LGA) and is situated adjacent to the villages of Thirlmere, Buxton and Couridjah. The site was initially dedicated as a National Park 1974 and now forms part of the Greater Blue Mountains World Heritage Area.

The Park is an important asset to the Wollondilly community for heritage, economic and lifestyle reasons. It contains five wetlands listed in the Directory of Important Wetlands in Australia as well as three identified Endangered Ecological Communities and 12 threatened species. The Park also contains a number of recorded sites of Aboriginal significance as well as potentially other unrecorded sites.

Council has previously carried out a wide range of activities to represent expressed community concerns over issues associated with the Park. A key expressed concern shared by Council in this regard was the significant reduction in water levels of lakes within the Park that occurred during 2010. The adopted position and resolutions of Council regarding this matter as well as other key issues are presented in Attachment 1.

Council was invited to provide comment on the draft Plan of Management for the Park by the Office of Environmental Heritage. The draft Plan will supersede the initial Plan which was prepared in 1997 following its adoption. The Office of Environmental Heritage website advises that "*the Plan has been substantially updated to take account of new information and plans guiding the Greater Blue Mountains World Heritage Area, fire management, a conservation management plan, and new information that has been gathered over the last two years on the water levels of the Thirlmere Lakes*".

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

The draft Plan

The draft Plan is assumed to be largely consistent with the Template utilised by the Office of Environmental Heritage for Plans of Management. A copy of the draft Plan can be viewed at:

<http://www.environment.nsw.gov.au/parkmanagement/ThirlmereLakesNPDraft.htm>. A copy of the Implementation Schedule of the draft Plan detailing all proposed management actions and priority for their implementation is presented in Attachment 2.

A review by Officers identified that the draft Plan had discussed and contained management actions on all major current issues associated with the Park. It is therefore considered appropriate that Council welcome the preparation of an updated Plan of Management for Thirlmere Lakes National Park and provide broad in-principle support to the exhibited document.

However the review also identified inconsistencies of aspects of the draft Plan with the adopted position of Council as well as associated concerns of the local community. A draft submission has therefore been prepared which is presented in Attachment 3 for consideration and endorsement by Council.

Overview of the draft submission

(i) Part A: Background information

This section of the draft submission provides an overview of Council's position and associated concerns of the local community on key issues associated with the Park. These key issues are comprised of potential impacts of aquifer interference activities (including long wall mining) on the condition of the lakes, and protection and management of biodiversity and Aboriginal Heritage.

(ii) Part B: Addressing of individual management issues by the draft Plan

This section of the draft submission provides comments within the context of Council's position and associated concerns of the local community. Key comments in the draft submission regarding the discussion of these issues by the draft Plan are:

- A request that any review of existing recreation facilities within the Park be required to ensure that any replacement or additional facilities closely complement the natural, landscape and cultural values of the Park.
- The provision of in-principle support to the statement in the draft Plan that the railway heritage value provides a valuable resource for educational and visitor experiences in the Park.

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

- Expression of in-principle support to actions of the draft Plan of relevant to Council's responsibilities including traffic management, weed control, bushfire hazard reduction and compliance activities.

This section also provides a range of suggested amendments actions of the draft Plan to enhance their consistency with Council's adopted position and associated concerns of the local community. The recommended Council response to those actions of the draft Plan relevant to the concerns of Council and the local community presented as an attachment to the draft submission includes:

- The draft Plan be amended to recognise potential impacts associated with aquifer interference activities on the condition of all lakes within the Park as a key management issue within the Park.
- The draft Plan be amended to include objectives and management actions that are consistent with findings and recommendations of studies carried out in regard to the causes of variations in water levels of the lakes within the Park as well Council's adopted position and resolutions regarding this matter.
- The draft Plan be amended to include a description of the significance of the connectivity of the Park with bushland to the east in particular as well as an appropriate action to manage and protect this connectivity.
- The draft Plan be amended to include the preparation of an Aboriginal Cultural Heritage Management Plan (or equivalent) that would provide an overall framework for the protection and management of Aboriginal Heritage within the Park.
- The draft Plan be amended to include a discussion on potential impacts associated with unauthorised vehicle access within the Park as well as appropriate management action(s) to address these potential impacts.

The draft submission also seeks a meeting with representatives of the Office of Environment and Heritage to discuss aspects of the draft Plan as well as Council's position regarding the Park in general. Further information regarding this matter will be provided to Councillors when available.

CONSULTATION

Consultation occurred with the following Council Sections in regard to aspects of the draft Plan of relevance to the respective Section responsibilities.

- Community Services and Communication Section in regard to Aboriginal Heritage related issues and visitor use of the Park.
- Works Section: Operational in regard to aspects associated with the management of the Park.
- Infrastructure Planning Section in regard to traffic management related issues.

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- Property Section in regard to the land tenure of adjoining land to the Park and Council care and control management responsibilities in this area.
- Development Assessment and Strategic Planning Section in regard to: European Heritage related issues.
- Compliance, Administration and Building Section in regard to unauthorised activities such as trail bike riding on adjoining land to the Park.

In addition, a copy of the draft submission (as approved by Council's Executive) was distributed to members of Council's Environment and Heritage and Minerals and Energy Group for information and comment.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

CONCLUSION

It is considered appropriate that Council welcome the preparation of an updated Plan of Management for Thirlmere Lakes National Park and provide broad support to the exhibited document. However, a review identified inconsistencies of aspects of the draft Plan with the adopted position of Council and associated concerns of the local community in regard to the Park. A draft submission has therefore been prepared for consideration and endorsement by Council.

A key feature of the draft submission is an overview of the concerns of Council and the local community regarding the management and protection of key values of the Park. The draft submission also provides a range of suggested amendments to the draft Plan designed to enhance its consistency with the Council's adopted position as well as the concerns of the local community. A key amendment in this regard is the recognition of potential impacts associated with aquifer interference activities on the condition of all lakes within the Park as a key management issue by the draft Plan.

ATTACHMENTS

1. Key Council resolutions and adopted position related to water levels within Thirlmere Lakes.
2. Copy of the Implementation Schedule of the draft Plan.
3. Draft submission on the Thirlmere Lakes National Park draft Plan of Management.

Report of Environment to the Ordinary Meeting of Council held 9 February 2015

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

RECOMMENDATION

That Council endorse the Council submission to the Office of Environmental Heritage on the draft Plan of Management for Thirlmere Lakes National Park.

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

ATTACHMENT 1 – 4823 – 9 FEBRUARY 2015

ATTACHMENT 1

Council resolutions of relevance to water levels in Thirlmere Lakes

Council passed 5 resolutions, as a result of Notices of Motion, relating to Thirlmere Lakes, all of which were passed unanimously comprised of:

1. That Wollondilly Council convene a public forum in regards to the loss of water at Thirlmere lakes with environmental experts, national parks elected representatives and the community invited to the forum.
2. That Wollondilly Shire Council write to the respective Ministers for the NSW Department of Climate Change, NSW Department of Mineral Resources, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and the Greater Blue Mountains World Heritage Area Advisory Committee calling for an inquiry into why Thirlmere Lakes, which is part of the Blue Mountains World Heritage Area, has such historically low water levels, despite recent heavy rains.
3. That Council write to the Minister for Water requesting preliminary information followed by a meeting with the Local Member for Wollondilly and Minister for Water, The Honourable Phillip Costa and appropriate representatives of the Office of Water regarding the Terms of Reference and the investigation into the relationships between local aquifers and Thirlmere Lakes.
4. That the Wollondilly Healthy Catchments Committee expresses its concerns regarding the recent loss of water from Thirlmere Lakes and requests that Council develop a strategy to raise the issue with the community and the responsible Government Departments.
5. That Council:
 - Write to the State Member for Wollondilly and the NSW Minister for Environment regarding the communities concerns relating to the loss of water in Thirlmere Lakes and to ask for commitment from the new government to undertake an Interdepartmental Inquiry into the water loss and to fulfil the election promise made by the member for Wollondilly to hold a public forum on the issue immediately, and
 - That Wollondilly Shire Council write to the respective Ministers for the NSW Department of Climate Change, NSW Department of Mineral Resources, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and the Greater Blue Mountains World Heritage Area Advisory Committee calling for an inquiry into why Thirlmere Lakes, which is part of the Blue Mountains World Heritage Area, has such historically low water levels, despite recent heavy rains.

Council also resolved at its meeting on 20 August 2012:

1. That Council note the points in Councils response to the Draft Report of the Inquiry into Recent Water Losses at Thirlmere Lakes.

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

ATTACHMENT 1 – 4823 – 9 FEBRUARY 2015

2. That Council continue to advocate on behalf of the Community for research to be undertaken to understand the water losses at Thirlmere Lakes and the impacts of that on the community and natural environment of the area.
3. That Council write to the Local Member, Jai Rowell calling for the formation of a Local Advisory Management Committee for Thirlmere Lakes.

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

ATTACHMENT 2 – 4823 – 9 FEBRUARY 2015

6. Implementation

This plan of management establishes a scheme of operations for Thirlmere Lakes National Park. Implementation of this plan will be undertaken within the annual program of the NPWS Metro South West Region.

Identified activities for implementation are listed in Table 4. Relative priorities are allocated against each activity as follows:

- **High priority** activities are imperative to achieve the objectives and desired outcomes. They must be undertaken in the near future to avoid significant deterioration in natural, cultural or management resources.
- **Medium priority** activities are necessary to achieve the objectives and desired outcomes but are not urgent.
- **Low priority** activities are desirable to achieve the objectives and desired outcomes but can wait until resources become available.
- **Ongoing** activities are undertaken on an annual basis or in response to an issue that arises.

This plan of management does not have a specific term and will stay in force until amended or replaced in accordance with the NPW Act.

Table 4: List of management responses

No.	Management response	Priority
3.1 World Heritage values		
3.1.1	Facilitate the ongoing development and implementation of research and monitoring programs to detect any changes in the World Heritage values of the park.	Medium
3.2 Wetlands		
3.2.1	Undertake an ecological character description for the Thirlmere Lakes.	Medium
3.2.2	Subject to completion of an ecological character description and expert advice, work with the Australian Government in seeking to nominate the Thirlmere Lakes for listing as a Ramsar site.	Medium
3.3 Geology, landscape and hydrology		
3.3.1	OEH will establish and lead a committee of government scientists to develop a research program to investigate causes of the changes in lake levels, based on scientific data and recommendations of the Inquiry Report.	High
3.3.2	Encourage research that improves understanding of the hydrology of the Thirlmere Lakes.	High
3.3.3	Where human-induced impacts on the hydrology of the Thirlmere Lakes are identified through research and monitoring, explore and evaluate any remedial action that may be applicable within the park.	High
3.3.4	Work with consent and determining authorities to mitigate any impacts of developments with the potential to impact park values.	Ongoing
3.3.5	Monitor all areas of soil disturbance, for accelerated erosion and impacts on natural or cultural values.	Ongoing
3.3.6	Regularly maintain management and walking trails to maintain access and minimise	Ongoing

EN2 – Draft Plan of Management for Thirlmere Lakes National Park

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No.	Management response	Priority
	erosion.	
3.3.7	Support Local Land Services and other relevant bodies to assess and monitor the health of the Thirlmere Lakes and Blue Gum Creek catchments within the park.	Ongoing
3.4 Native plants		
3.4.1	Implement relevant actions and strategies in the Priorities Action Statement, Saving our Species program and relevant recovery plans for threatened species, populations and ecological communities present in the park.	High
3.4.2	Undertake targeted surveys and monitoring of rare and threatened species – in particular, surveys to determine the presence of Mittagong geebung and monitoring of threatened plant species such as dwarf kerrawang in response to changing water levels.	Medium
3.4.3	Encourage natural regeneration of areas subject to past disturbance.	Low
3.4.4	Monitor the impact of changes in water levels in the Thirlmere Lakes on rare and threatened plants and <i>Lepironia</i> Freshwater Wetlands.	Medium
3.5 Native animals		
3.5.1	Implement relevant strategies in the Priorities Action Statement, Saving our Species program and relevant recovery plans for threatened species, populations and ecological communities present in the park.	High
3.5.2	Undertake systematic fauna surveys across the park, including targeted surveys for threatened species, and species that are likely to be affected by changes in water levels.	Medium
3.5.3	Protect areas of bushrock, hollow-bearing trees and dead wood during park management operations to protect species reliant on these habitats.	High
3.5.4	Improve habitat values of the park through appropriate pest and fire management (refer sections 4.1 and 4.2).	Ongoing
3.5.5	Monitor the impact of changes in water levels in the Thirlmere Lakes on native animals.	Low
3.6 Aboriginal connections to Country		
3.6.1	Continue to consult and involve the Tharawal Local Aboriginal Land Council, the Dharawal and Gundungurra people, other relevant Aboriginal community organisations and custodial families in the management of their Country, including the management of Aboriginal sites and cultural and natural values.	High
3.6.2	Record and conserve Aboriginal sites and values in consultation with the Tharawal Local Aboriginal Land Council, the Dharawal and Gundungurra people, other relevant Aboriginal community organisations and custodial families.	Ongoing
3.6.3	Undertake an archaeological survey and cultural assessment before starting all works with the potential to impact on Aboriginal sites or values.	Ongoing
3.6.4	Encourage further research into the Aboriginal cultural heritage values of the park jointly with Tharawal Local Aboriginal Land Council, the Dharawal and Gundungurra people, other relevant Aboriginal community organisations and custodial families.	Medium
3.6.5	Pursue opportunities for better involvement of Aboriginal people in the management of the park, consistent with the GBMWA Strategic Plan, including opportunities for consultation, employment and capacity building.	Medium

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No.	Management response	Priority
3.7 Historic heritage		
3.7.1	Record and assess the significance of historic heritage items. Manage heritage items in accordance with their assessed significance.	Low
3.7.2	Undertake an archaeological survey and cultural assessment before starting all works with the potential to impact on historic sites and places.	Ongoing
3.7.3	Record and remove buildings and other items that are assessed as not having heritage significance.	Low
3.7.4	Implement the Conservation Management Plan for the Couridjah Pumphouse.	Ongoing
3.7.5	Investigate listing of the Couridjah Pumphouse on the State Heritage Register.	Low
3.8 Visitor use		
3.8.1	Provide and promote opportunities for low-impact uses in the park.	Ongoing
3.8.2	Provide interpretive information and information about safety and minimal impact use at Couridjah and Werri Berri picnic areas.	Ongoing
3.8.3	Provide for organised group visits, subject to limits on numbers and other conditions if necessary to minimise impacts.	Ongoing
3.8.4	Prohibit camping in the park.	Ongoing
3.8.5	Liaise with Wollondilly Shire Council regarding the maintenance of public roads to ensure continued access.	Medium
Day Use		
3.8.6	Provide low-key facilities including gas barbecues, toilets and picnic facilities at Werri Berri and Couridjah picnic areas.	Ongoing
3.8.7	In the event that facilities at Couridjah and Werri Berri picnic areas are replaced, any landscaping works should take into consideration prevention of erosion and water pollution.	Medium
3.8.8	Require visitors in the park to use gas barbecues rather than wood fires.	Ongoing
3.8.9	Promote the two picnic areas as a destination for day visitors coming to other attractions in the area.	Ongoing
3.8.10	Review the visitor facilities in relation to visitation patterns and upgrade facilities as required.	Low
Bushwalking		
3.8.11	Upgrade the Lakes Walking Track to Class 3 standard under the Australian Standards to improve visitor safety and amenity and protect fragile environments.	Medium
3.8.12	Formalise and upgrade the Pumphouse Walk to Class 3 standard under the Australian Standards.	Medium
3.8.13	Undertake an assessment and either formalise or close other informal walking tracks within the park. Any walking tracks that are formalised should be upgraded to meet the relevant classification under the under Australian Standards.	Low
Horse riding		
3.8.14	Horse riding in the park is permitted on public roads: Slades Road, Pumphouse Road and W.E. Middleton Memorial Drive.	Ongoing
3.8.15	Horse riding is also permitted on Dry Lakes Road Management Trail for the purpose of accessing Dry Lakes Road.	Ongoing

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No.	Management response	Priority
3.8.16	Install and maintain appropriate signage indicating that horse riding is permitted on Dry Lakes Road Management Trail.	High
3.8.17	Horse riding that is part of a competition or organised activity (including non-commercial) requires written consent from NPWS. All commercial activities require a licence.	Ongoing
3.8.18	Monitor the social and environmental impacts of horse riding including erosion or weed impact.	Low
<u>Water-based activities</u>		
3.8.19	Only human or wind-powered watercraft will be permitted within the Thirlmere Lakes.	Ongoing
3.9 Information and education		
3.9.1	Encourage the development of educational opportunities in the park, particularly those which contribute to improved understanding of the park's natural and cultural heritage.	Low
3.9.2	Provide opportunities for the local Aboriginal community to be engaged in the development of material and programs for interpretation of Aboriginal culture and heritage.	Ongoing
3.9.3	Maintain signage at the Lake Couridjah and Lake Werri Berri picnic areas to provide visitors with information about the natural and cultural values of the area and appropriate use of the park.	Ongoing
3.9.4	Communicate with park neighbours and the local community regarding park values and the conservation of these values. Include a particular focus on the park's status as a World Heritage Area.	Ongoing
3.9.5	Foster and assist appropriate research which contributes to improved understanding of the park's natural and cultural heritage.	Low
3.9.6	Provide opportunities for increased community involvement in the management of the park such as through the formation of volunteer groups.	Low
4.1 Pests		
4.1.1	Manage pest species in accordance with the regional pest management strategy and other strategies as relevant. Conduct annual reviews of the prioritised pest programs, update the strategy if required and develop and implement an annual pest control program for the park. Current priorities are the control of wild dogs, eradication of boneseed, and control of weed species in areas previously subject to clearing.	High
4.1.2	Seek the cooperation of neighbours in implementing weed and pest control programs. Undertake control in cooperation with Local Land Services and Wollondilly Shire Council.	Ongoing
4.1.3	Undertake ongoing control programs for wild dogs.	High
4.1.4	Monitor noxious and significant environmental weeds and their impacts. Treat any new outbreaks where possible.	Ongoing
4.1.5	If suitable techniques become available, or opportunities occur such as the drying of the lakes, use these to remove exotic fish.	Low
4.1.6	Work with Local Land Services and other stakeholders in the management of dingo and wild dog issues including inclusion of the park in strategic planning, where appropriate.	High

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No.	Management response	Priority
4.2 Fire		
4.2.1	Implement <i>Thirlmere Lakes National Park and the Nattai Reserves System Fire Management Strategy</i> – the fire management strategy for the park.	High
4.2.2	Continue to be involved in the Wollondilly–Wingecarribee Bush Fire Management Committee and maintain cooperative arrangements with local Rural Fire Service brigades and surrounding landowners in regard to fuel management and fire suppression.	Ongoing
4.2.3	Develop and implement an annual program of bushfire management and hazard reduction works consistent with the park's fire management strategy.	High
4.2.4	Suppress unplanned fires in the park in accordance with the park's fire management strategy.	High
4.2.5	Manage the reserve to protect biodiversity in accordance with the identified fire regimes in the fire management strategy.	Medium
4.2.6	Monitor the ability of flora to recover between fires and review regimes where relevant.	Low
4.2.7	Rehabilitate areas disturbed by fire suppression operations as soon as practical after the fire.	High
4.2.8	Encourage further research into the impact of fire on peat and aquatic ecosystems.	Low
4.2.9	Exclude fire from peat areas and aquatic ecosystems where practical	Ongoing
4.3 Climate change		
4.3.1	Continue existing fire, pest and weed management programs to increase the park's ability to cope with future disturbances, including climate change.	Medium
4.3.2	Undertake monitoring programs to detect any impacts of climate change on park values.	Low
4.3.3	Pursue additions to the park to improve connectivity to other protected areas in the region, particularly lands to the east of the park which form part of the Bargo linkage.	Low
5.1 Management facilities and operations		
5.1.1	Maintain the management trails shown on Map 1.	Medium
5.1.2	Liaise with other agencies such as Transgrid and Wollondilly Shire Council regarding maintenance of roads and management trails where appropriate.	Ongoing
5.1.3	Maintain the public and park road system to allow visitor access to a two-wheel drive standard.	Medium
5.1.4	No new trails will be constructed. Temporary trails constructed for operational reasons such as fire will be rehabilitated.	Ongoing
5.1.5	Investigate the closure and gazettal of unconstructed sections of Crown road reserve.	Low
5.1.6	Seek adjustment of the park boundary and the public road reserves to better align with the existing envelope of constructed roads in cooperation with relevant state and local government agencies	Low
5.2 Non-NPWS uses and operations		
5.2.1	Continue to liaise with TransGrid regarding access and maintenance needs in accordance with the agreement.	Ongoing

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No.	Management response	Priority
5.2.2	Allow access to the inholding, consistent with NPWS policy and in accordance with the licence issued for this purpose.	Ongoing
5.2.3	Permit NSW Office of Water and other agencies or organisations to install infrastructure that contributes to research and monitoring of the Thirlmere Lakes system under an appropriate licence and subject to environmental and cultural assessments.	Medium

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DRAFT PLAN OF MANAGEMENT FOR THIRLMERE LAKES NATIONAL PARK

Submission by Wollondilly Shire Council

12 January 2015

Executive Summary

The Thirlmere Lakes National Park is an important asset to the Wollondilly community for heritage, economic and lifestyle reasons. Council has previously carried out a wide range of activities to represent expressed community concerns over issues associated with the Park. A key expressed community concern shared by Council was the significant reduction in water levels of lakes within the Park that occurred during 2010. Council adopted a number of position statements in response to these concerns that include **the lakes are regarded by the community as their personal space and a local treasure.**

This submission acknowledges that the draft Plan has been identified to have discussed all major current issues associated with the Park and provides the broad support of Council. However, the submission also provides comments on aspects of the draft Plan of Management (draft Plan) for Thirlmere Lakes National Park (the Park) based on the adopted position of Council and associated concerns of the local community. It also provides comments in regard to individual recommendations of the draft Plan that are of direct relevance to Council's responsibilities.

Key suggested amendments to the draft Plan outlined in this submission for consideration by the NSW Office of Environment and Heritage (OEH) during its finalisation are:

- The draft Plan recognise potential impacts associated with aquifer interference activities on the condition of all lakes within the Park as a specific key management issue.
- The draft Plan include objectives and management responses that are consistent with findings and recommendations of studies carried out on potential causes of variations in water levels of the lakes within the Park as well Council's adopted position and resolutions regarding this matter.
- The draft Plan includes a description of the significance of the habitat connectivity of the Park with bushland to the east in particular as well as an appropriate action to manage and protect this connectivity.
- The draft Plan includes a management response in regard to the preparation of an Aboriginal Cultural Heritage Management Plan (or equivalent) that would provide an overall framework for the protection and management of Aboriginal Heritage within the Park.
- The management responses of the 'Information and Education' Section of the draft Plan include specific reference to Council given its core responsibilities in regard to community engagement and representation of community concerns.

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The management of the Park and implementation of the Plan of Management is recognised as being a core responsibility of the NSW Office of Environment and Heritage. However, Council would request that issues raised and suggested amendments outlined in this submission be incorporated into the finalised Plan of Management. Council would appreciate a response to the submission as well as on-going cooperation with the OEH in the management of the Park.

PART A: BACKGROUND

1) Significance of the Park to Council

Council views the Park as being an important asset to the Wollondilly community for heritage, economic and lifestyle reasons. The Park is consequently also recognised by Council as having highly significant natural, scenic, and recreational values on a local and broader context. The Park is also understood to be traditional lands of the D'harawal and Gundangarra Aboriginal peoples and hold heritage and spiritual significance to those peoples. The importance that Council places reflected in the protection of the values of the Park is reflected in its active membership of the Greater Blue Mountains World Heritage Area Advisory Committee, Tahmoor Coal Community Consultation Committee and the Sydney Catchment Authority Local Government Reference Panel.

2) Relevance of the draft Plan to Council's responsibilities

Council has a direct interest and involvement in aspects of the management of the Park and adjoining land. Comments and suggested amendments to the draft Plan outlined in this submission are consequently provided in regard to the following responsibilities of Council:

- Maintenance of public roads within the Park as well as maintenance and general traffic management on adjoining public roads.
- The protection and management of the Couridjah Pumphouse in response to its current local heritage listing under Council's Local Environmental Plan.
- Weed control activities on Council owned land and enforcement of removal of noxious weeds under the *Noxious Weeds Act 1993*.
- Conservation and enhancement of biodiversity under the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995* and *Native Vegetation Act 2003*.

Council is also invested with the responsibility to serve its local community on matters that the community deem as relevant but within the Council's scope of influence under various legislation and delegation. Council is therefore obligated to manage environmental health and long-term sustainability on behalf of its local community and manage the lands under its control sustainability. In this regard, Council has responded on a number of occasions to the concerns and expectations of the local community to issues of relevance to the Park such as potential implications of aquifer interference activities to the condition of the lakes.

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In addition, Council has established a Minerals and Energy and Environment and Heritage Community Committees which provides a forum for the discussion of environmental issues by community members. The Park and contentious issues associated with its management such as the potential impacts of aquifer interference activities are long-standing key items of concern for both Committees. It should be noted that this submission has been circulated to members of these Committees and incorporates received comments.

3) Position of Council in regard to key issues associated with the Park

The following summarises the adopted position of Council in regard to key concerns of the community associated with the Park. The proposed 'desired outcomes' and associated 'management responses within the draft Plan are discussed in Part B of this submission.

(i) Potential impacts associated with aquifer interference on the condition of the lakes

The water level of the five lakes within the Park is acknowledged by Council to fluctuate for a range of reasons. However, Council shared the concerns expressed by the local community during 2010 over the significant drop in water levels within a number of lakes in excess of reductions expected as a consequence of natural factors. The action taken and position adopted by Council is summarised below.

(a) Key actions of Council

Council provided a submission on the Thirlmere Lakes Inquiry Terms of Reference (the Riley Inquiry) held during 2012 that reflected its and the concerns of the broader community. The position of Council outlined in this submission and associated recommendations are presented in Attachment 1 for the information of the OEH. A key feature of the submission of particular relevance to the draft Plan was an advocacy for:

- More robust investigation and research into the reasons behind the loss of water, greater transparency of the data collection and information provided.
- Greater understanding of whether the impacts of Long Wall Mining have directly attributed to the loss of water and if this is the case, what future strategies will be adopted to protect the lakes from further demise.

Council also provided a subsequent submission in July 2012 on the Report produced by the Inquiry. This submission expressed the view that the Report had not adequately addressed recommendations of the original submission on the Terms of Reference. The submission also expressed the view that the Report should contain recommendations that invoke the Precautionary Principle in regard to potential impacts on the hydrology and associated groundwater environment of the lakes in response to the deficiencies in scientific knowledge identified by the Inquiry.

(b) Resolutions of Council

The list of Council's resolutions that define its position regarding potential impacts associated with aquifer interference activities on the condition of Thirlmere Lakes is also presented in Attachment 1. A key resolution of particular relevance to the draft Plan is a request made to the (then) NSW Minister for Water for an investigation into the relationships between local aquifers and Thirlmere Lakes.

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POSITION STATEMENT IN REGARD TO THE PLAN OF MANAGEMENT

The inclusion of a number of statements, outcomes and actions in the draft Plan regarding potential impacts of aquifer interference activities on the condition of the Thirlmere Lakes is welcomed. However, Council is of the view that the draft Plan does not specifically recognise this matter (based on Council's adopted position outlined above) as a key management issue of the Park. Section 2.3 of the draft Plan 'Specific Management Directions' is suggested as an appropriate Section of the document for the provision of this recognition.

(ii) Conservation and enhancement of biodiversity

The Thirlmere Lakes National Park and other associated World Heritage listed areas are recognised by Council to provide a significant contribution to biodiversity within the Wollondilly LGA. The biodiversity significance of the Park is also reflected in Council's Community Strategic Plan adopted in 2011 that contains as a broad strategy, *"the protection and conservation of biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems"*.

In addition, 'Loss of biodiversity' was one of a number of community concerns expressed in regard to the reduction in water levels of the lakes that occurred during 2010. Council resolved at its meeting on 17 April 2014 in response to these expressed concerns that:

"Council shall support National Parks and Wildlife in the investigation of threatened Species program trial areas within the Wollondilly Local Government Area, particularly those within the Greater Blue Mountains World Heritage Area and Dharawal National Park, as this will benefit both tourism and the environment in our shire".

Council is currently updating its Biodiversity Strategy for the Wollondilly LGA that was adopted in July 2004. A key Target of the current document of relevance to the draft Plan is the *"Maintenance and enhancement of connectivity and linkages between remnant vegetation and across landscape features so as to provide long-term viable habitat for flora and fauna"*.

POSITION STATEMENT IN REGARD TO THE PLAN OF MANAGEMENT

Section 1.2 of the draft Plan is considered to have adequately described the biodiversity significance of the Park. However, the draft Plan is not considered to include a direction item that accurately reflects a number principles for the management of National Parks outlined in Section 30E of the National Parks and Wildlife Act 1974 regarding this matter.

(iii) Protection and management of Aboriginal heritage

The protection and management of Aboriginal Heritage within the Park and adjoining areas is recognised as being the responsibility of the OEH. However Council has responsibilities in advocating the viewpoints of the local Aboriginal community on the protection and management of the heritage and spiritual significance of the Park. The importance that Council places in this responsibility is reflected by the strategy within its Community Strategic Plan that *"the Shire's wealth of aboriginal and non-aboriginal heritage is valued and protected because of its cultural significance and its contribution to our sense of place"*.

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Council employs an Aboriginal Engagement Officer that has as key responsibilities, the fostering of consultation with the local Aboriginal community and development of community programs that enhance awareness of Aboriginal Heritage. This Officer has advised the local Aboriginal community holds the general view that high water levels of lakes within the Park enhance the cultural significance of the Park.

POSITION STATEMENT IN REGARD TO THE PLAN OF MANAGEMENT

Council's Aboriginal Engagement Officer agrees with the perception portrayed by the draft Plan that the Park is generally recognised as having high significance but that this significance has not been studied in any detail. The approach taken by the draft Plan is consequently broadly viewed as being appropriate in obtaining a greater understanding of this significance.

PART B: THE SUBMISSION

1) Format of the draft Plan of Management

The draft Plan is assumed to be largely consistent with the Template utilised by the OEH for Plans of Management. However, it is considered the coherence of the draft document would be enhanced by the following adjustments to its structure:

- Amendment of Section 3 'Values' to be limited to a description of the key values of the Park suggested to be 'World Heritage', 'Wetlands', 'Biodiversity', 'Heritage (Aboriginal and European)' and 'Recreation/Tourism'.
- Amendment of the title of Section 4 'Threats' to 'Management Issues' (or equivalent) that would include a discussion and recommended response to all identified issues associated with the management of the Park. This suggested amendment would also allow for fire management to be treated as a management issue by the draft Plan instead of as a 'threat' by the exhibited document.
- Inclusion of appropriate measurable performance indicators to monitor the achievement of the 'desired outcomes'.

2) Discussion and addressing of specific issues by the draft Plan

The following discussion outlines suggested amendments to aspects of the draft Plan to enhance its consistency with Council's adopted position and associated concerns of the local community. A summary of suggested amendments to the 'desired outcomes' and 'management responses' is presented in Attachment 2 (Table 1).

(i) Preservation of the World Heritage values of the Park

The purpose of the Greater Blue Mountains World Heritage Area Strategic Plan (GBMWA Strategic Plan) is noted to provide an overarching planning framework for the overall World Heritage Area without providing detailed management prescriptions for individual reserves (such as Thirlmere Lakes). **It is consequently considered appropriate that the draft Plan be consistent with the overall framework provided by the Strategic Plan in accordance with this purpose.**

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The reference by the draft Plan to the finding of the Thirlmere Lakes Inquiry Report (the Riley Report) that “*scientific research and hypothesis are inadequate to detect changes in water levels of the lakes and any possible adverse effects on world heritage values*” is welcomed. **However, Council is of the view that the Precautionary Principle should be adopted by the draft Plan in assuming there is a risk to the condition of the lakes due to identified current deficiencies in scientific knowledge regarding this matter.**

Desired outcomes

The two proposed desired outcomes of the draft Plan in relation to the protection of the world heritage values of the Park are broadly supported. **However, it is suggested that the outcomes be amended to have direct linkage with the outcomes (or equivalent) of the GBMWA Strategic Plan.**

Management responses

The management action within the draft Plan is broadly supported in terms of protecting the world heritage values of the Park. **However, it is preferred the wording be more stronger than “facilitate” as proposed in regard to the development and implementation of research and monitoring programs.**

(ii) Recognition of the significance of the wetlands

The discussion, proposed formal listing of the wetlands as a RAMSAR site and proposed actions by the draft Plan are fully supported. **However, it is the preferred view of Council Officers that the management framework established for such listing encompasses all lakes within the Park as well as the supporting groundwater environment.**

(iii) Geology, landscape and hydrology

(a) Discussion of the issue by the draft Plan

Issues associated with the lakes

The detailed analysis of the hydrology of the lakes, groundwater and influences on this hydrology from aquifer interference activities (such as longwall mining) is recognised as being outside the scope and statutory requirements of the draft Plan. The inclusion of a broad overview and inclusion of actions that addresses potential impacts associated with aquifer interference activities on condition of the lakes in the draft Plan is however viewed as being consistent with statutory requirements.

The discussion of the issue by the draft Plan is noted to refer in broad terms to the Studies carried out by Pells and Pells 2011, Riley et al 2012 and Russel et al 2010). However, the ‘desired outcomes’ and management actions are considered to not specifically relate to the findings and recommendations of these Studies. These ‘desired outcomes’ and actions are also viewed as regard as not being consistent with Council’s position regarding this matter that was outlined at the commencement of this submission.

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Potential impacts on the lakes from diffuse pollution sources

The description of potential impacts associated with sediment loss on the condition of the lakes by the draft Plan is supported. However, it is suggested that the draft Plan also address potential impacts from other diffuse sources such as horse manure and pollutants associated with the use of motorised vehicles within the Park.

(b) Desired outcomes and management responses

In-principle support to each of the proposed desired outcomes and management responses contained in the draft Plan regarding this matter is provided. However, the following comments are provided for consideration by the OEH during the finalisation of the Plan:

- It is suggested the draft Plan be amended to include 'outcomes' and 'management responses' that are consistent with findings and recommendations of studies carried out as well as resolutions and issues raised by Council in its submission on the Recommendations of the Riley Report (presented in Attachment 1).
- Council shares the viewpoint of the NSW Office of Chief Scientist and Engineer (quoted by the draft Plan) that a *"better understanding of the Thirlmere Lakes hydrology and groundwater system is required before any remediation options can be considered"*. The relevant 'desired outcome' and management response (3.3.3) are not considered to adequately comply with this Finding, as they do not require prior 'better understanding'.
- It is suggested that Action 3.3.5 be amended (to the effect) *"Mitigate any impacts of developments with the potential to impact park values by complying with the requirements of consent and determining authorities"*. The OEH is requested to note the view of Council Officers that the preparation of a Review of Environmental Factors (at a minimum) should be prepared for any activity that satisfies criteria for classification as Exempt Development.

(iv) *Biodiversity*

The following provides comments in regard to both Sections 3.4 'Native Plants' and Section 3.5 'Native Animals' given the similarities in issues discussed and associated actions within both Sections. In relation to this matter, it has been noted that the recently released **Final Report of the Review into Biodiversity Related Legislation** has recommended significant amendments to the current framework. It is assumed that the draft Plan will be amended as required to comply with and/or reflect any announcements by the NSW Government that occur prior to its finalisation in response to the recommendations of the Report.

(a) Classification of Vegetation communities

The draft Plan would appear to have adequately described vegetation communities within the Reserve based on broad-scale mapping. However, there is noted to be an absence of description within the draft Plan of any ground-truthing of the broad-scale mapping within the Park that may have occurred. **It is consequently suggested that the draft Plan be amended to include a description of any such surveys as well as any identified consistencies and/or discrepancies with the broad-scale mapping.**

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Table 1 in the draft Plan is noted to state that Shale/Sandstone Transition Forest (SSTF) is listed as an Endangered Ecological Community under the *Threatened Species Conservation (TSC) Act 1995* and the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. The draft Plan is requested in this regard to be updated to reflect the recent uplisting of SSTF to a Critically Endangered Ecological Community under both Acts.

(b) Native flora (Vegetation communities and floristics)

It is acknowledged that the draft Plan is required by the current policy and legislative framework to have an emphasis on the protection and management of threatened species and ecological communities within the Park. However, other species and ecological communities listed in the draft Plan as occurring within the Park are also considered to have conservation values that require management and protection. **It is therefore considered appropriate that the draft Plan include a description of these values as well as intended management approach.**

Table 2 of the draft Plan is acknowledged to list threatened and significant plant species that have been recorded in the Park during previous surveys. It is considered however that there is potential for a number of other threatened species recorded in a 10 Kilometre radius such as the Hairy Geebung, Bargo Geebung and the Small-flower Grevillea to also occur within the Park. It is uncertain if targeted surveys for such species has occurred based on available information within the draft Plan. **Consequently, the amendment of the draft Plan to recognise the potential for additional threatened flora species to occur in the Park as well as require targeted surveys to verify their presence (if appropriate) is suggested.**

The structure and format of the draft Plan is assumed to be consistent with a Template utilised by the OEH. **However, it is suggested that the listing of key applicable actions of relevant Recovery Plans, Priority Action Statements and Save our Species programs in Appendices of the draft Plan would enhance its functionality.** It is further suggested that the public availability of such information would assist the OEH in responding to community concerns regarding the protection of the biodiversity values of the Park.

(c) Fauna (Native animals)

Fauna surveys

The list of fauna species identified as occurring in the Park within the draft Plan would appear to be restricted to the **NSW Atlas of NSW Wildlife**. The intention to carry out comprehensive surveys within the Park in response to a recommendation of the Review of Biodiversity Survey priorities across NSW Reserves in the Sydney Basin Bioregion is therefore welcomed. Council's Environmental Officers would be available to provide assistance in developing the scope and methodology of such surveys.

Habitat connectivity with adjoining land

The draft Plan is acknowledged as containing a detailed description of the presence and values of fauna habitat within the Park. Section 4.3.3 of the draft Plan is noted to state in relation to this matter that *"the Park is a part of the Bargo linkage and that this linkage is critical for the migration of a number of a number of sandstone species including the koala"*.

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However, the document is not considered to explicitly describe the habitat linkages of the Park with adjoining land to the east in particular that has been ranked by broad-scale Council mapping as having a high conservation value. **It is therefore considered appropriate that this section of the draft Plan be amended to describe the significance of the habitat connectivity of the Park and include an additional or amend existing actions that recognises and protects this connectivity.**

(d) Wetland flora and fauna species

Council's submission to the Riley Report stated it would support any studies that would improve the understanding of hydrology, geology and biodiversity of the lakes. It is acknowledged in this regard that the draft Plan includes a description of wetland species occurring in the Park and states that more research is needed to enhance the understanding of a number of these species such as the fresh water sponge *Radiospongilla szeptroides*. It is further noted and welcomed that the draft Plan refers to the findings of the Riley Report that *"there was insufficient available information to determine the impacts of variations in water levels of the lakes on a range of wetland flora and fauna species occurring within the Park"*.

However, it is considered the draft Plan does not provide a suitable and adequate framework for the adequate addressing of the concerns of Council and the community in regard to the enhancement of understanding of the ecology of the lakes and impacts on this ecology from variations in water levels. The invoking of the Precautionary Principle in assuming a level of impact on the ecology of the lakes from variations in water levels until there is greater scientific certainty regarding this matter is therefore considered warranted by Council.

(e) Desired outcomes and management responses

Desired outcomes

The desired outcomes are considered broadly adequate for the protection and management of native plants animals within the Park. **However, clarification is sought over whether the reference to 'significant' plants and animals incorporates threatened species. In addition, it is suggested the outcomes be linked to specific performance indicators such as numbers of threatened plants and ecological communities conserved.**

Management responses

The proposed management responses are considered to have broadly addressed all issues associated with the protection and management of biodiversity within the Park. However, suggested amendments to more adequately reflect the concerns of the local community and Council are provided in Table 2.

This Table also refers to Action 4.3.1 in the 'Climate Section' as this relates to the habitat connectivity of the Park associated with the Bargo Linkage. The OEH is requested to note that the land to the east of the Park within this Linkage includes Crown Land allotments that Council has care and control responsibilities.

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Table 2: Suggested amendments to proposed actions

Action No	Action of the draft Plan	Comments and suggested amendment to the draft Plan
3.4.1 3.5.1	Implement relevant strategies in the Priorities Action Statement, Saving our Species Program and relevant Recovery Plans	It is suggested that the action be amended to directly link with relevant actions and objectives of applicable Recovery Plans, Priority Action Statements as well as Save our Species programs.
Action No	Action of the draft Plan	Comments and suggested amendment to the draft Plan
3.4.2 3.5.2	Undertake targeted surveys of rare and threatened species- in particular, surveys to determine the presence of Mittagong geebung and monitoring of threatened plant species such as <i>dwark kerrawang</i> in response to changing water levels.	It is suggested the wording of the action be amended refer to all threatened species and that the priority for its implementation be changed to high pending availability of appropriate funding.
3.4.3	Encourage natural regeneration of areas subject to past disturbance.	It is preferred that the action be directly linked to an overall weed management program (or equivalent) within the Park such as that discussed in Section 4.1 of the draft Plan "Pests".
3.4.4 3.5.5	Monitor the impact of water levels in the Thirlmere Lakes on native animals as well as rare and threatened plants and Lepiroia Freshwater Wetlands.	It is suggested that this Action be amended to also include research of the impacts of water levels particularly given the recognition that such research is needed by the draft Plan. It is suggested that the Action be amended to also incorporate the monitoring of impacts of variations in water quality levels of the Thirlmere Lakes It is also further suggested that priority for implementation be changed to high due to the current deficiencies in scientific knowledge regarding this matter.
3.5.4	Improve habitat values of the park through appropriate pest and fire management.	The need for this action is questioned as it is considered addressed by "Desired Outcomes" and "Management Responses" contained in Sections 4.1 and 4.2 of the draft Plan.
4.3.3	Pursue additions to the Park to improve connectivity to other protected areas in the region, particularly lands to the east that form part of the Bargo linkage.	This action is supported in principle as a means of enhancing protection of this significant habitat corridor. However, Council requests discussions with the OEH to discuss matters associated with this action including implications to its Biodiversity Strategy and current care and control responsibilities for a number of Crown Land allotments located within the overall Bargo Linkage.

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(v) *Aboriginal Heritage*

The draft Plan would appear to have adequately described the Aboriginal heritage values of the Park based on available information. **It is suggested however, (subject to approval from local Aboriginal groups) that the inclusion of a description of the cultural landscape as well as previous usage of the Park would enhance the document.**

The proposed Management responses are acknowledged as being broadly consistent with those contained in the GBMWA Strategic Plan. However, the following comments regarding these responses based on consultation with Council's Aboriginal Engagement Officer are provided for consideration by the OEH during the finalisation of the Plan:

- It is suggested that Action 3.6.3 be amended to involve the preparation of an Aboriginal Cultural Heritage Management Plan (or equivalent) that would provide an overall framework for the protection and management of Aboriginal Heritage within the Park. It is contended that when complete, such a Plan would negate the need for detailed archaeological surveys and cultural assessments commencing works as proposed by the draft Plan.
- It is suggested that the Plan include an action that requires the undertaking of a Due Diligence Assessment in accordance with the requirements of the *National Parks and Wildlife Act 1974* as part of the assessment for any activity that has potential to impact on Aboriginal values. It is considered in this regard that suggested ACHMP will reduce the need and scope of such assessments.

(vi) *Historic heritage*

(a) Discussion of heritage issues

The statement in the draft Plan that a number of structures and items such as foundations and water tanks provide evidence of past usage of the Park and have importance to the families who previously lived on the property is acknowledged. However, it is considered the preparation of the updated draft Plan provides an opportunity to determine and implement an appropriate management response for these items from a heritage perspective.

The statement in the draft Plan that "*not all items of heritage value or potential heritage value have been recorded on appropriate databases*" is agreed with. It is suggested in this regard that the proposed investigation to uplist the Pump House Building to the State Heritage Register also provides an opportunity for the reassessment of the heritage values of these structures.

The statement in the draft Plan that the railway heritage theme (of the local district) provides a valuable resource for educational and visitor experiences in the Park is supported in principle subject to a range of factors including improvement of the access road from Couridjah. Further comment regarding the potential involvement of Council in any programs developed by the OEG regarding this matter is discussed below in relation to Section 3.9 of the draft Plan 'Information and Education.

(b) Desired outcomes and management responses

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The desired outcomes and management measures are viewed as adequate in responding to the European heritage value of the Park and are supported. The proposed investigated listing of the Couridjah Pumphouse (Pumphouse) on the State Heritage Register is not opposed however Council would appreciate being informed at appropriate stages of any investigation.

(vii) Visitor use of the Park

Council views the Park as having high recreation value in regard to those activities that complement the natural, cultural and landscape values of the Park. The following provides comments on visitor use of the Park and proposed management response by the draft Plan based on adopted position of Council and expressed community viewpoints.

(a) Broad use of the Reserve

The description of the broad use of the Park by the draft Plan and its relationship within the Recreation Opportunity Spectrum of the local region is viewed as being adequately comprehensive. It should be noted however that the population growth in the Wollondilly LGA by 2036 will be in excess of the 70,100 projected by the Department of Planning and Environment in 2010 quoted by the draft Plan. An accurate projected figure can be supplied following the adoption of Council's Growth Management Strategy that is currently under preparation.

(b) Description of individual activities.

Council's Community Strategic Plan 2011 contains a strategy to "*provide a range of recreation and community facilities to meet the needs of the community*". The range of recreation activities discussed by the draft Plan are viewed as being consistent with this strategy as well as complementing the values of the Park. However, comments and suggested amendments in regard to individual activities that are designed to restrict associated potential impacts and enhance consistency with community feedback received by Council are presented in Attachment 3 (Table 3). Key comments for the information of OEH are:

- It is suggested that any review of facilities be required to ensure that any replacement or additional facilities closely complement the natural, landscape and cultural values of the Park.
- The continuation of the current measures regarding the permission of horse riding is supported. However, any extension of areas where this activity is permitted or intensification of this activity would be opposed.

(c) Issues associated with visitor usage of the Park

The statement in the draft Plan that "*the visitor experience provided in the Park needs to expand to include activities that do not rely on the lakes water level, such as bushwalking, birdwatching and encouraging day visitors to other attractions in the area to use the Park*" is supported in principle. However, it is requested to be noted that Council and the local community view high water levels (subject to natural variations) as being a critical component of the recreational value of the Park.

It is recognised that camping activity has the potential to result in associated impacts such as littering and ignition of fires. However, the stated reasoning in the draft Plan for the prohibiting

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of bush camping due to incompatibility with park values is questioned based on the low level of impact of this activity. **It is therefore suggested that the establishment of a small number of bush camping sites with no facilities be considered as a means of diversifying available recreation opportunities within the Park.**

(viii) *Information and education*

(a) Discussion of issue

The recognition by the draft Plan that the Park provides an opportunity to educate the community about the conservation of natural and cultural heritage, in particular, water catchment protection and World Heritage values is welcomed. Council would be able to provide assistance in the promotion of such community awareness activities such as the display of material at its Information Centre.

Council has a close collaborative relationship with the Tharawal Local Aboriginal Land Council in the protection and management of items of local Aboriginal heritage. The intention to engage the local Aboriginal community in the development of material and programs for interpretation of Aboriginal heritage is therefore also welcomed. It would be appreciated if Council's Aboriginal Engagement Officer could be consulted during the preparation of such programs.

In relation to the issue of volunteer programs, the draft Plan is noted to state "*a desire has been expressed to establish a Friends of Thirlmere Lakes group*". It is requested that the draft Plan be update to reflect the establishment of such a group that occurred in late 2014.

(b) Desired outcomes and management responses

The proposed Management responses are viewed as being broadly adequate in promoting awareness of the values of the Park without resulting in adverse impacts on these values. However, the following comments regarding these responses are provided for consideration by the OEH:

- The intent of Action 3.9.3 "*to engage in communication with neighbours and the local community regarding the values of the Park and appropriate use of the Park*" is welcomed". It is recognised that the term 'neighbours' within this Action may incorporate Council. However, it is suggested that this be Action specifically refer to Council given its core responsibilities in regard to community engagement and representation of community concerns.
- It is suggested that the priority for implementation of Actions 3.9.1 "*Encouraging the development of educational opportunities in the Park*" and Action 3.9.2 "*Provide opportunities for the local Aboriginal community to be engaged in the development of materials and programs*" be amended from low to high.

(ix) *Operational matters associated with the management of the Park*

The following provides comments in regard to proposed management actions by the draft Plan that of direct relevance to Council's responsibilities both within and adjoining the Park.

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(a) Traffic management and road maintenance

The description of existing roads, associated road reserves and current road maintenance responsibilities of OEH and Council are supported. Council's Traffic Management Section has indicated satisfaction at the continuation of current road maintenance responsibility arrangement. It should be noted however that this Section indicated a desire for the progression of the Agreement regarding road maintenance between Council and the OEH.

It has been assumed the intent of Action 5.1.6 within the draft Plan is to address road reserves being effectively outside the boundary of the Park due to their ownership by Council. Council would not oppose such intent from a traffic management or environmental perspective. **However, clarification regarding this intent of this action as amendment of its current wording to avoid confusion by readers of the Plan is sought.**

The Traffic Section also advised that current traffic volumes into the Park do not warrant the implementation of traffic management measures at either of the two access points from West Parade. Notification of any future consideration to install such measures as a consequence of increased traffic volumes entering the Park will be provided to the OEH.

(b) Pest management

The description of the extent of weed infestation and feral animals within the draft Plan and intended management approach is broadly supported and consistent with the current version of Council's Noxious Weed Strategy. Council's Environmental Officer (Vegetation Management) has indicated an availability to cooperate with OEH and Local Land Services in the development and implementation of weed and pest control programs within the Park (Action 4.1.2 of the draft Plan).

The following comments are however provided for consideration by the OEH during the finalisation of the draft Plan based on the experiences of Officers in regard to pest management:

- The presence and extent of any infestation of African Olive (*Olea europaea*) within the Park is uncertain. However, it is suggested that the presence of this species be closely monitored due to the prevalence of this species on land in close proximity to the Park and its highly invasive nature.
- The draft Plan is noted to state *"the only known method for eradicating introduced fish (within the wetlands) is complete draining of the infested wetland"*. Council Officers have doubts over the effectiveness of the electrocution method recently trialled on the Nepean River and noted to have the support of the NSW Primary Industries. However, it is suggested that this method be recognised by the draft Plan as a possible future option pending detailed investigations.

(c) Bushfire management

The implementation of bushfire management measures within the Park is acknowledged as having limited relevance and implications to Council's bushfire hazard reduction activities. It is also acknowledged that the Wollondilly- Wingecarribee Bush Fire Management Committee provides a suitable forum for the discuss bushfire management related issues.

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However, the following comments are however provided for consideration by the OEH during the finalisation of the draft Plan:

- The development and implementation of an annual program of bushfire management and hazard reduction works (Action 4.2.3) is consistent with the approach adopted by Council and is supported. It is suggested however that this annual program specifically consider natural fire regimes of ecological communities as well as any arson activity.
- The intended encouragement of further research into the impact of fire on peat and aquatic ecosystems and exclude fire from these areas (Actions 4.2.8 and 4.2.9) is welcomed given the identified high conservation significance of these ecosystems. It is suggested however that the draft Plan describe intended fire management procedures to exclude fire from these areas.
- The need to carry out emergency earthworks as part of operations to suppress large wildfires is acknowledged. However, it is suggested that the draft Plan provide broad guiding principles or equivalent that are designed to limit adverse impacts on the natural and cultural environment of the Park associated with such activities.

(d) Addressing of unauthorised vehicle access

It is acknowledged that OEH staff routinely undertakes patrols in relation to a range of unauthorised vehicle access such as trail bike riding. Council Ranger Staff have advised that there is currently limited trail bike riding activity on land adjoining the Park although instances of this activity has been observed. There is considered however to be an absence of discussion of illegal vehicle activities as well as associated management responses in the draft Plan and associated impacts on the values of the Park.

The following suggested amendments to the draft Plan regarding this matter are consequently provided for consideration by the OEH during the finalisation of the draft Plan:

- The draft Plan include a discussion on the extent of illegal vehicle access, potential impacts of these activities on the natural, cultural and recreational value of the Park and effectiveness of current measures in addressing these potential impacts.
- The draft Plan be amended to include appropriate compliance (patrols), deterrence (construction of barriers) and education 'desired outcomes' and actions to address issues associated with unauthorised vehicle access within the Park.

PART C: CONCLUDING STATEMENT

Council welcomes the preparation of an updated Plan of Management for Thirlmere Lakes National Park and provides broad in-principle support to the exhibited document. Council also acknowledges the work of those involved in preparing the updated document.

However, inconsistencies of aspects of the draft Plan with the adopted position of Council as well as associated concerns of the local community regarding the National Park have been identified. This submission consequently provides a number of suggested amendments designed to address these identified inconsistencies for consideration by the NSW Office of Environment and Heritage during the finalisation of the Plan.

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Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held 9 February 2015

Relevance to the Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - INFRASTRUCTURE

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

IN1 - Draft Plan of Management - Sportsgrounds

INFRASTRUCTURE

IN1 Draft Plan of Management - Sportsgrounds
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TRIM 8382

EXECUTIVE SUMMARY

- A Draft Plan of Management has been prepared for all Sportsgrounds in the Shire.
- It is recommended this Draft Plan of Management be considered and approved for public exhibition in accordance with the Local Government Act 1993.

REPORT

The Draft Plan of Management - Sportsgrounds has been prepared in accordance with the Local Government Act 1993.

The properties have been classified by Council as Community Land. This Draft Plan includes only Sportsgrounds, many of which are both Council owned and Crown Land. Crown Lands are not required to be covered under a Plan of Management, however, they are included to enable the whole sites to be identified in the Plan.

Land should be categorised as a sportsground under section 36 (4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

In 2001, Council adopted Plans of Managements for five Sportsgrounds, with the remaining Sportsgrounds only prepared to a Draft stage (except Picton Sportsground which has only just been completed and therefore has not had a Plan of Management commenced for it prior). The Plans of Managements for the five Sportsgrounds previously completed are:

- Bargo Sportsground
- Hume Oval, Picton
- Tahmoor Sportsground
- Thirlmere Sportsground
- Victoria Park, Picton.

It is recommended that the Draft Plan of Management be placed on Public Exhibition for a period of 42 days in accordance with the Local Government Act 1993.

IN1 - Draft Plan of Management - Sportsgrounds

CONSULTATION

Consultation will be undertaken as part of the Public Exhibition of the document for a period of 42 days subject to the resolution of this Report.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

No funding has been allocated for the Action Items identified in the Plan of Management. Funding will be considered and allocated in accordance with this Plan of Management as well as Council's Section 94 Developer Contributions Plan, Asset Management Plan, Open Space, Recreation and Community Facilities Strategy, external grants and other potential funding sources.

ATTACHMENTS:

Draft Plan of Management - Sportsgrounds (to be distributed separately).

RECOMMENDATION

1. That the Draft Plan of Management - Sportsgrounds be placed on Public Exhibition.
2. That a further report comes back to Council following the Public Exhibition period seeking adoption of the Plan of Management.

NOTICE OF MOTION

NOTICE OF MOTION

TRIM 6416-4

NOM 1 **Notice of Motion No. 1 submitted by Cr Hannan on 4 January 2015 regarding Google directions to Warragamba Dam**

RECOMMENDATION

That Council contact Google and get the information about Warragamba Dam directions fixed.

TRIM 6416-4

NOM 2 **Notice of Motion No. 2 submitted by Cr Hannan on 21 January 2015 regarding consideration of a bike track around Dudley Chesham oval at The Oaks**

RECOMMENDATION

That Council consider a bike track around Dudley Chesham oval at The Oaks.

Closed Reports

Closed Report to the Ordinary Meeting of Council held on Monday 9 February 2015

Closed Report – EN3 Review of Suction Street Sweeping Services

CLOSED REPORT

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A (2) of the Act and should be dealt with in a part of the meeting closed to the media and public

EN3

Review of Suction Street Sweeping Services

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TRIM 2910

Set out below is Section 10A(2) (d1) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it.

The Report relates to a decision by Council regarding a commitment of Council funds to be expended on Suction Street Sweeping Services. The report considers commercial aspects of the existing Suction Street Sweeping Service Contract between the current contractor and Council. These aspects of the Contract are considered confidential in nature.

Pursuant to section 10A (4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed.

RECOMMENDATION

1. That Council move into Closed Session to consider business identified in the closed report EN3.
2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday
9 February 2015

QUESTIONS FOR NEXT MEETING