

Ordinary Meeting Of Council



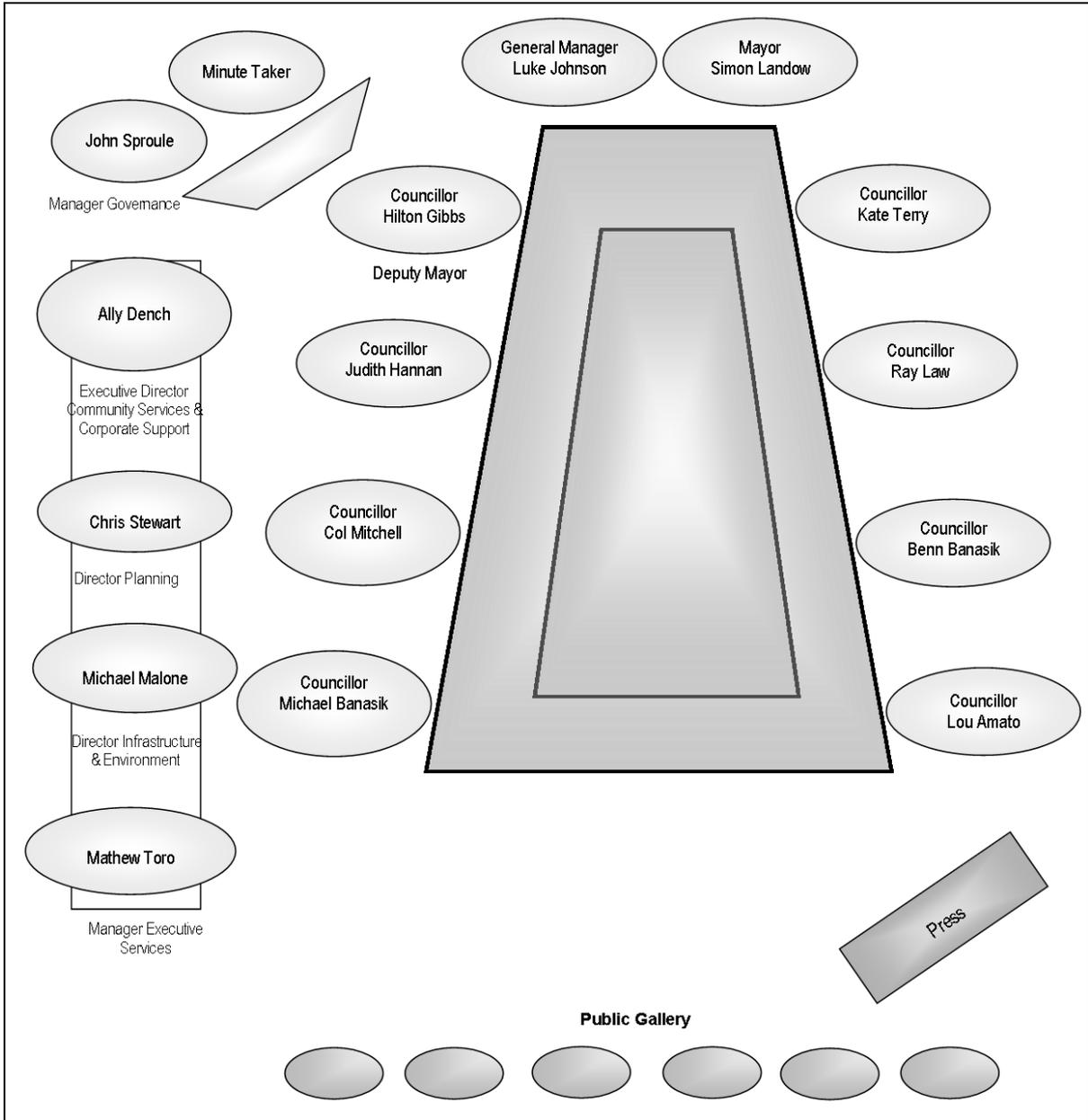
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 21 December 2015

You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 21 December 2015 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

Cr Benn Banasik	0434 832 636	Email: benn.banasik@wollondilly.nsw.gov.au
Cr Ray Law	0427 901 275	Email: ray.law@wollondilly.nsw.gov.au
Cr Kate Terry	0439 665 149	Email: kate.terry@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Lou Amato	0439 451 143	Email: lou.amato@wollondilly.nsw.gov.au
Cr Michael Banasik	0425 798 068	Email: michael.banasik@wollondilly.nsw.gov.au
Cr Colin Mitchell	0418 265 006	Email: col.mitchell@wollondilly.nsw.gov.au

NORTH WARD

Cr Hilton Gibbs (Deputy Mayor)	0439 299 749	Email: hilton.gibbs@wollondilly.nsw.gov.au
Cr Judith Hannan	0414 557 799	Email: judith.hannan@wollondilly.nsw.gov.au
Cr Simon Landow (Mayor)	0415 406 719	Email: simon.landow@wollondilly.nsw.gov.au

Business Papers will be available from Council’s Foyer or alternatively on Council’s website on the Friday before the Ordinary Council meeting.

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OPENING

RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

NATIONAL ANTHEM

ACKNOWLEDGEMENT OF COUNTRY

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DECLARATION OF INTEREST

CONFIRMATION OF MINUTES

▪ Ordinary Meeting of Council held on 16 November 2015

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Wollondilly Community Strategic Plan 2033

Council's format for reporting to our Ordinary Council Meetings will follow the:

1. Wollondilly Strategic Plan 2033 themes:

Looking after the **Community** | Accountable and Transparent **Governance** | Caring for the **Environment** | Building a strong local **Economy** | Management and Provision of **Infrastructure**

Under each of these themes are **Outcomes** – expressions of what we want to achieve in the long term which will be reflected in our reports.

2. Sustainability Principles (*reference page 10 of the CSP 2033*)

Equity | Precaution | Regeneration | Engagement | Sharing | Access | Participation | Rights | Governance

"Council will build the above principles into all facets of our organisation and everything we do."

1.

Community

Outcomes

1. Access to a range of activities, services and facilities.
2. A connected and supported community.

Strategies

CO1 - Community Building, Well-being and Identity

Deliver a range of community programmes, services, facilities and events which strengthen the capacity, well-being and cultural identity of our community.

CO2 - Working with Others

Work with other agencies and service providers to deliver community programmes, services and facilities which complement and enhance Council's service provision.

CO3 - Social Planning

Undertake strategic social planning and research regarding community needs and issues.

CO4 - Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Governance

Outcomes

1. Government, community and business talking and working together.
2. A Council that demonstrates good business management and ethical conduct.

Wollondilly Community Strategic Plan 2033

Strategies

- GO1 - Quality Employer
Provide an attractive employment choice for talented people.
- GO2 - Best Practice Governance
Be a leader in best practice local government governance.
- GO3 - Customer Service
Deliver responsive and helpful services to all our customers.
- GO4 - Advocacy
Advocate strongly for the interests of Wollondilly and its community.
- GO5 - Financial Sustainability
Maintain Council in a strong and sustainable financial position.
- GO6 - Resource Efficiency
Be efficient and effective in the use of Council resources and provide value for money in the delivery of services.
- GO7 - Information Management
Ensure best practice approach as to the delivery of quality information and technology services.
- GO8 - Corporate Image
Promote a positive representation of Council's corporate image.

Environment

Outcomes

1. Our local environment that is valued and protected.
2. A community that interacts with and cares for their environment.

Strategies

- EN1 - Biodiversity Resilience
Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.
- EN2 - Growth Management
Apply best practice environmental principles to the management of future growth.
- EN3 - Development Assessment
Apply best practice environmental principles to the assessment of development and planning proposals.
- EN4 - Environmental Responsibility
Educate and promote legislative environmental responsibilities to the community.
- EN5 - Auditing, Monitoring and Enforcement
Undertake auditing, monitoring and regulatory enforcement to protect the environment and the health, safety and well-being of the community.
- EN6 - Waste Management
Improve waste minimisation and recycling practices in homes, workplaces, development sites and public places.
- EN7 - Sustainable Living
Educate, promote and support low consumption, sustainable lifestyles and lowering of the Shire's carbon footprint.

Economy

Outcomes

1. A strong local economy providing employment and other opportunities.

Strategies

EC1 - Economic Development

Enhance economic development in Wollondilly Shire through innovative engagement and ongoing promotion of our strengths.

EC2 - Planning for and Supporting Business

Strengthen and diversify Wollondilly's economic base by attracting and supporting the development of a diverse range of industries.

EC3 - Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

EC4 - Managing Development and Land Use

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

EC5 - Protect Natural Resources

Protect natural resources so as to contribute to the Shire's economic well-being.

Infrastructure

Outcomes

1. Safe, maintained and effective infrastructure.
2. Access to a range of transport options.

Strategies

IN1 - Maintain Road Network

Ensure that the road network is maintained to a standard that is achievable within the resources available.

IN2 - Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

IN3 - Provision of Facilities

Provide a range of recreation and community facilities to meet the needs of the community.

IN4 - Emergency Management

Plan for and assist in the community's response to emergencies such as bushfires and flooding.

IN5 - Advocacy and Lobbying

Represent our community with regard to external services including energy, communications, water, waste management and resource recovery.

2.

Environmental Principles

EQUITY

We uphold the principles of intragenerational and intergenerational equity and fairness in how resources are distributed within this generation and between this and future generations.

PRECAUTION

We adopt the precautionary principle which is that actions that have the potential to harm our environment should not be undertaken if the consequences are uncertain and the science inconclusive.

REGENERATION

We work to protect and restore the earth's ecological integrity, biological diversity and natural processes.

ENGAGEMENT

We recognise that sustainability will happen faster if local communities become champions of sustainability and are involved in the decisions affecting sustainability.

SHARING

We will work with others to share resources and knowledge and to promote sustainability.

Social Justice Principles

EQUITY

We will strive for the fair distribution of resources with a particular emphasis on protecting those people who are considered vulnerable.

ACCESS

We will provide all people with opportunities to use relevant services and facilities regardless of their circumstances.

PARTICIPATION

We will encourage and provide opportunities for people to take part in decision making processes that impact on their quality of life.

RIGHTS

People should not be discriminated against and everyone is entitled to honesty, information and involvement.

GOVERNANCE

People deserve responsible governance and fair and accountable decision making.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
COMMUNITY FORUM	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
AUDIT COMMITTEE	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
AUSTRALIA DAY COMMITTEE	Mayor Cr Hannan Cr Gibbs	Manager Community Outcomes	Meetings held at 6.00pm in the Council Boardroom as required.
COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
COMPANION ANIMALS REFERENCE COMMITTEE	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)	All Crs welcome to attend	Manager Community Outcomes	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Economic Development & Tourism	Meetings held at 3.30pm, 4th Wednesday of February, May, August and November in the Council Boardroom.
ENVIRONMENT AND HERITAGE COMMITTEE	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
LOCAL TRAFFIC COMMITTEE	Mayor Cr Gibbs Cr Mitchell	Manager Infrastructure Planning	Meetings held at 2.00pm on the third Wednesday monthly, except February, May and August meetings are held on the 4 th Wednesday at 10.00am in the Council Boardroom.
MINERALS AND ENERGY RESOURCES COMMITTEE (NEW)	All Crs welcome to attend	Manager Environmental Services	Quarterly.
PICTON FLOOD PLAIN RISK MANAGEMENT COMMITTEE	Cr Amato	Manager Infrastructure Planning	As required.
ROAD SAFETY GROUP	All Crs welcome to attend	Manager Infrastructure Planning	10.30am, 1st Thursday each month in the Council Chambers..
RURAL INDUSTRY LIAISON COMMITTEE	All Crs welcome to attend	Manager Planning	Meetings held as required in the Council Chambers.
TRANSPORT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Infrastructure Planning	As required.
YOUTH ADVISORY COMMITTEE	All Crs welcome to attend	Manager Community Outcomes	Meetings held quarterly at 6.30pm on the 3rd Tuesday of the months of February, May, August and November in the Council Chambers.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
AGL COMMUNITY CONSULTATIVE COMMITTEE	No Councillor member	Manager Environmental Services	As required.
ASSOCIATION OF MINING RELATED COUNCILS COMBINED COUNCILS SOUTHERN MINING LIAISON COMMITTEE	Cr Mitchell Cr M Banasik	Director Infrastructure & Environment	Meetings held February, May, August and November at various venues.
BORAL CEMENT – MALDON PLANT – COMMUNITY LIAISON COMMITTEE	Cr Law	Manager Infrastructure Planning	Meetings held quarterly at various locations.
CAMPBELLTOWN ARTS CENTRE CULTURAL PRECINCT ADVISORY GROUP	Cr M Banasik	Manager Community Outcomes	Meetings held quarterly at Campbelltown Arts Centre.
COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)	No Councillor Member	Manager Community Outcomes	Meetings held quarterly at rotating host Council locations.
GEORGES RIVER COMBINED COUNCIL COMMITTEE INC	Cr M Banasik	Manager Environmental Services	Meetings held at 7.00pm, 4th Thursday of every second month at various venues.
GREATER SYDNEY LOCAL LAND SERVICES LOCAL GOVERNMENT ADVISORY GROUP	Cr Terry	Manager Environmental Services	Quarterly
HAWKESBURY NEPEAN LOCAL GOVERNMENT ADVISORY GROUP	Cr Gibbs	Manager Environmental Services	Meetings held quarterly at various venues usually Penrith.
ILLAWARRA COAL COMMUNITY CONSULTATIVE COMMITTEE	Cr B Banasik	Manager Environmental Services	Meetings held 4.30pm, last Tuesday of every second month.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
JOINT REGIONAL PLANNING PANEL	Mayor General Manager	Manager Planning	As decided by the Panel Chair.
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan Cr M Banasik (Alternate)	Director Planning	Meetings held quarterly.
LOCAL EMERGENCY MANAGEMENT COMMITTEE	No Councillor member	Manager Works	Meetings held 6 times per year at various venues.
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor Cr Terry Cr M Banasik Cr Gibbs	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP	Cr Hannan	Director Planning	As required.
MG MY GATEWAY	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central.
QUEEN VICTORIA SUPPORT GROUP	Cr Mitchell	Manager Community Outcomes	As required.
SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY INC. (SEATS)	Cr Hannan	Manager Infrastructure Planning	Meetings held quarterly at various locations.
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Outcomes	Meetings held quarterly at Goulburn Council offices.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
SOUTH WEST REGIONAL WEEDS COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
SYDNEY PERI URBAN NETWORK	No Councillor Member	Executive Director Community Services and Corporate Support	Meetings held as required at various locations.
SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Mayor	Manager Works	Quarterly.
WOLLONDILLY/ WINGECARRIBEE - BUSH FIRE MANAGEMENT COMMITTEE	Mayor Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1st Wednesday quarterly, Venue Bridge Street, Picton.
YERRANDERIE MANAGEMENT COMMITTEE	No Councillor Member	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.



Planning & Economy

Matters for Consideration – General Under Section 79C(1) of the Environmental Planning & Assessment Act 1979 (EP&A)

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

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

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

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY

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.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

PLANNING AND ECONOMY

PE1 Development Application No. 010.2015.00000526.001 – Subdivision of Land (including new roads) into 1 Torrens Title Lot, Twenty-Six Community Title Lots and One Neighbourhood Property

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DD010.2015.00000526.001P2

Planning & Economy



LOCATION MAP N

(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No:	010.2015.00000526.001
Property Address:	50 and 55 Macquariedale Road and 41,61 and 65 Appin Road Appin
Applicant:	Walker Corporation Pty Ltd
Owner:	Walker Corporation Pty Ltd
Proposal Details:	Subdivision of land into two development lots, twenty-six community title lots, one neighbourhood property lot and dedication of public road
Zone:	Part RU2 Rural Landscape and Part R3 Medium Density Residential

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

EXECUTIVE SUMMARY

- The purpose of this report is to provide an assessment of the application to inform Council with its determination.
- This report is prepared by Rokobauer Pty Ltd as an independent consultant. The report author is Grant Rokobauer.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- This report recommends that the application be approved subject to conditions.

REPORT

BACKGROUND

The land was rezoned to part R3 Medium Density as part of Wollondilly Local Environmental Plan 2011. Prior to this it had been partially zoned 2(a) Residential "A" Zone under Wollondilly Local Environmental Plan 1991. Changing the zone from 2(a) to R3 is arguably an up-zone in terms of residential density. That being said, the 2(a) zone permitted medium density residential subject to controls contained in the DCP that applied at the time.

The boundary between rural and residential zones on the land did not change in 2011 and has been in place since 1991, if not longer. The rural zone was changed from Rural "A1" to RU2 Rural Landscape. These zones are virtually directly equivalent.

The land is subject to the Macquariedale Road Planning Proposal. Council resolved at the November 2015 Ordinary meeting to invite the proponent to withdraw the proposal. This application was prepared on the basis of the current land zoning and does not need any rezoning to proceed.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

CONSULTATION

The application was referred to the following internal and external parties and their comments are summarised below:

	Party	Comment
Internal	Infrastructure Planning	Has recommended that conditions be imposed on any development consent. These conditions have been adopted in the recommendation of this report.
	Strategic Planning	Provided advice on the implications of the planning proposal on the site and recommended some conditions as a result of the work done on that proposal.
	Heritage Adviser	Has recommended that conditions be imposed on any development consent. These conditions have been adopted in the recommendation of this report.
	Environment	Has raised concerns which are intended to be addressed through conditions of consent. These conditions have been adopted in the recommendation of this report.
External	NSW Rural Fire Service	Have issued a Bushfire Safety Authority without any specific conditions.

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The site is located along the western extent of the Village of Appin. It bounds the Appin Valley development in the north, the Rixon Road precinct in the north east, Appin Road in the south east, rural land in the south and Ousedale Creek in the west. The land is severed by Macquariedale Road.

Much of the western part of the land is vegetated with native vegetation that is ecologically important. The land generally slopes down towards Ousedale Creek.

The site also contains a small stretch of road that is currently owned by the developer but utilised as a public road. It is proposed to correct this situation through this development application.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

1.2 DESCRIPTION OF DEVELOPMENT

This development application is for a subdivision development that will first consolidate 5 lots into 2. The boundary between the lots will follow a zone boundary on the site between the RU2 Rural Landscape and R3 Medium Density Zones.

The land within the R3 Medium Density Zone is then proposed to be subdivided in a community title scheme that would comprise 26 residential community title lots and one neighbourhood property. This stage would also involve the dedication of land to Council for a road which would be constructed by the developer.

1.3 SECTION 79C ASSESSMENT

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

- a) *The provisions of*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

Any Environmental Planning Instrument

State Environmental Planning Policy No. 55 – Remediation of Land

The site is subject to Clause 7(1), (2) and (4) of State Environmental Planning Policy No. 55 – Remediation of Land. This places a requirement on Council to consider the “findings of a preliminary investigation” under the SEPP 55 guidelines. The applicant provided a report that meets all technical requirements for a preliminary investigation under the SEPP and its guidelines. This report identified 5 areas of concern (called AEC 6, 12, 13, 14 and 15) that are relevant to this application. Of these areas AEC 12, 13 and 14 relate to unauthorised placement of fill and waste material on the site. The site is contaminated and in its current state it is unsuitable for the development.

However, having regard to the nature of the site and the causes of environment concern, it is expected that the site is reasonably capable of being remediated. Further the power to impose conditions prior to release of subdivision certificate provides a suitable means of ensuring that the remediation is completed prior to the subdivision being “occupied”. Accordingly, it is recommended that the development be approved subject to conditions.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	Subject to suitable stormwater treatment system, no regional impacts are anticipated on the Hawkesbury Nepean River System.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	Council engineers have recommended conditions to ensure this is achieved.
(2) Environmentally sensitive areas	The environmentally sensitive parts of the site are not proposed to be modified as part of this development.
(3) Water quality	Council engineers have recommended conditions to ensure this is achieved.
(4) Water quantity	Council engineers have recommended conditions to ensure this is achieved.
(6) Flora and fauna	The environmentally sensitive parts of the site are not proposed to be modified as part of this development.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

(10) Urban development	No adverse impacts anticipated, subject to conditions of consent.
(12) Metropolitan strategy	The proposal is not inconsistent with the current metropolitan strategy (A Plan for Growing Sydney) including the recent announcements on the Greater Macarthur Investigation Area. This proposal has already been zoned for this type of development since 1991.

Planning & Economy

Wollondilly Local Environmental Plan, 2011

Characterisation	Subdivision of Land
Wollondilly LEP Mapping Layers	<u>Zone</u> Part Zone R3 Medium Density Residential Part Zone RU2 Rural Landscape
	<u>Height of Buildings</u> The R3 part of the site has a building height limit of 9m.
	<u>Minimum Lot Size</u> The RU2 part of the site has a minimum lot size of 40ha. The R3 part of the site has a minimum lot size of 975sqm.
	However Clause 4.1(4) permits subdivision into lots smaller than 975m ² in a strata or community title scheme.
	<u>Natural Resources - Water</u> The frontage of the land to Ousedale Creek is subject to a 30m Sensitive Land buffer. There is an additional 10m sensitive land buffer in the northern part of the site that is not part of the proposed community title subdivision.

Objectives of the RU2 Rural Landscape Zone

Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposal will consolidate the RU2 part of the land into a single lot and is consistent with this provision.
To maintain the rural landscape character of the land.	The proposal will not result in any change to the character of the rurally zoned part of the site.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

To provide for a range of compatible land uses, including extensive agriculture.	The proposal will not prevent the agricultural use of the rurally zoned part of the site.
To provide areas where the density of development is limited in order to maintain a separation between urban areas.	The proposal will reduce the density of development in the rural zone by reducing the number of dwelling opportunities as the land will be consolidated into a single lot.

Objectives of the R3 Medium Density Residential Zone

Objective	Comment
To provide for the housing needs of the community within a medium density residential environment.	The proposal will result in a dwelling density of 30 dwelling per hectare. This is consistent with the medium density provisions in Council's DCP.
To provide a variety of housing types within a medium density residential environment.	The density of the proposed housing is different to the R2 zoned land within Appin. It is considered that this development will provide housing variety to meet the intention of this clause.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal is not inconsistent with this provision.
To encourage the provision of affordable housing.	The proposal will provide housing options on smaller blocks than the average allotment in Appin. It is open to social housing providers to purchase and develop the individual lots for more formalised affordable housing.

Relevant LEP Clauses

Clause	Comment
4.1 Minimum Subdivision Lot Size	The first stage of the development complies with this standard in that the lot within the R3 zone is 9584sqm (this is greater than 975sqm) and the lot within the RU2 zone is 59.1ha (this is greater than 40ha).

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

Clause	Comment
	The second stage of the proposal is not subject to this control. Community Title subdivisions are explicitly exempted by subclause (4) of this clause. As a matter of law, there is no inconsistency between the application and this clause.
4.1AA Minimum subdivision lot size for community title schemes	This clause is not adopted in the current Wollondilly LEP 2011. It is noteworthy that Council has resolved to prepare a planning proposal to adopt this clause. If this clause were adopted, then the application would be inconsistent with the clause. However, this application was lodged prior to the public exhibition of the planning proposal and so that proposal is not a relevant planning consideration under this part of Section 79C of the Act.
4.2 Rural Subdivision	The application is not reliant on these provisions in that the proposal rural lot complies with the relevant minimum lot size.
4.3 Height of Buildings	No buildings are proposed and the residential subdivision will be able to be suitably developed without any need rely on buildings have a height greater than 9m.
5.9 Preservation of Trees or Vegetation 5.9AA Trees or vegetation not prescribed by development control plan	The tree removal proposal has been assessed and is considered satisfactory, subject to conditions of consent.
7.1 Essential Services	Adequate services are available to the development.
7.3 Water Protection	No works are proposed within the sensitive land corridors.
7.5 Earthworks	Conditions are recommended to ensure any earthworks are undertaken in accordance with these provisions.

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Any Draft Environmental Planning Instrument

Macquariedale Road Planning Proposal

This planning proposal has been exhibited and the application is required to be considered against its proposed provisions for the site.

The relevant changes proposed are tabulated and assessed below:

Change	Comment
Rezoning part of the site to R2 and corresponding reduction to the minimum lot size.	The application will consolidate all of this land into a single allotment. This is consistent with both agricultural uses of the land and with future development if it is rezoned in the future.
Rezoning part of the site to E2 and remove the minimum lot size from that part of the site.	
Change the minimum lot size for the R3 portion to 230sqm.	The proposal is consistent with this minimum lot size.

Any Voluntary Planning Agreement

Draft Voluntary Planning Agreement for land at Macquariedale and Appin Road

This planning agreement has been exhibited and contained special contributions for the development of this land. This agreement will need to be renegotiated if this development were to occur prior to the rezoning of the rest of the site. Council's Strategic Planning Team have advised that this agreement will need to be renegotiated in any case. The rezoning is also uncertain in that Council has recently resolved against proceeding at this stage. This draft agreement does not provide a substantial basis for refusal of the application nor does it provide a basis to discount or remove any developer contributions.

Any Development Control Plan

Wollondilly Development Control Plan 2011, Volume 1 – General

Relevant Provision	Comment
2.1 Advertising and Notification of Development Proposals	The application was advertised in accordance with these provisions.
2.3 Tree and Vegetation Provisions	The required tree removal has been assessed and conditions are recommended in this regard.
2.4 Landscaping	The proposed landscaping has been assessed and conditions are recommended in this regard.

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Relevant Provision	Comment
2.6 Water	The sensitive land and its surrounds are not being disturbed as part of this development.
2.8 Bushfire Prone Land	The proposal is considered to be satisfactory in this regard because the NSW Rural Fire Service has issued a Bushfire Safety Authority with no specific conditions.
2.9 Contaminated Land and Land Filling	Conditions are recommended following the review of the phase 1 contaminated site assessment provided with the application.
2.12 Waste Minimisation and Management	Conditions are recommended to ensure that the proposed lots can be serviced by a garbage truck and to ensure construction waste is suitably managed.
2.13 Salinity	Conditions are recommended in this regard.

Planning & Economy

Wollondilly Development Control Plan 2011, Volume 10 – Subdivision of Land

Relevant Provision	Comment
1.3 Interpretation	The application is a medium subdivision under this plan.
Part 2 - General Considerations for all development	<p><u>Public Safety</u> The proposal is satisfactory in relation to these matters.</p> <p><u>Road Network</u> Council engineers have indicated satisfaction with the proposal, subject to conditions.</p> <p><u>Emergency Service Vehicles</u> The road network for the community title development is designed to be able to accommodate the full range of emergency vehicles.</p>

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Relevant Provision	Comment
	<p><u>Mine Subsidence</u> Concurrence received with the application.</p> <p><u>Waste, hazardous and offensive materials</u> No adverse impacts are anticipated subject to conditions of consent.</p>
3.1 Traffic and Transport	The proposal is satisfactory in this regard subject to conditions as recommended by Council engineers.
3.2 Wastewater	Sewerage is available to all created lots except for the rural lot which has ample land for wastewater disposal.
3.3 Stormwater	The applicant has provided satisfactory evidence to demonstrate compliance with these provisions for a medium subdivision. Conditions are recommended to ensure a satisfactory system is provided.
3.4 Lot Shape	All proposed residential lots have a width greater than 10m and depth greater than 20m. All corner lots have width greater than 12m. The application complies with these controls. The rural lot also complies with these provisions.
3.5 Landscape and Character	The proposal complies with these provisions and conditions are recommended to ensure that satisfactory street tree planting is undertaken.
3.7 Corner Allotments	The plans include building envelopes for all lots as required.
3.8 Building Envelopes	The plans include building envelopes for all lots as required.
3.9 Environmental Protection	The urban development is separated from the ecologically significant land and the application complies with these provisions.
3.10 Aboriginal Heritage	An Aboriginal heritage assessment was submitted for the rural zoned part of the site. While it did not explicitly consider the R3 zoned land the distribution of sites were clearly clustered in the environmentally significant land to the west and it is considered that the risk of the R3 development impacting on any sites or artefacts is minimal.
3.11 Noise Amenity	The application is satisfactory subject to conditions.

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The Regulations

No relevant assessment provisions.

The likely impacts of that development

Subject to conditions of consent, no adverse impacts are anticipated on the natural or built environment. The provision of higher density housing in the location of the R3 land is considered to be a satisfactory outcome socially and economically.

The suitability of the site for the development;

The site is not subject to any constraint that would make it unsuitable for this development.

Any submissions made in accordance with the Act or Regulations;

The application was advertised in accordance with the requirements of Wollondilly Development Control Plan 2011 and 32 submissions were received and all of these submissions were against the application. The content of the submissions is considered below:

Submitter Concern	Comment
The development includes land that has not been rezoned and is currently rural.	The rurally zoned land within the development is proposed to be consolidated into a single lot. This is a decrease in density and is consistent with the 40ha minimum lot size that applies to the land. This subdivision does not need to rely on any of the provisions of the Macquariedale Road Planning Proposal.
The plans refer to a road in a previous stage as being approved as a fact when none of it has been approved yet.	It is common practice to refer to works in an earlier stage of a development in a completed tense. It does not imply or require any subversion of proper planning processes to achieve this.
The information provided about cycle ways in Appin is misleading.	The application includes provision of cycle ways in accordance with Council's plans for Appin. It is acknowledged that Council has not yet completed provisioning of this infrastructure across the village. These works will be scheduled in Council's works plans as funds become available.

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Submitter Concern	Comment
Appin has already provided affordable housing through Appin Valley and through shop top housing.	Affordable housing, in this context, is either housing provided through a social housing provider or housing that is provided at a higher density which reduces per dwelling prices. This development delivers on the second of these. Appin Valley did not provide affordable housing in this regard.
Impact of the development on rural character.	The character of Wollondilly is urban villages surrounded by rural and environmental land. The R3 land on this site is closer to Appin's town centre than most of the village and is ideally suited to provide residential development without compromising the rural character of the village. Council has previously identified this land for medium density development by zoning it R3 because it is so ideally situated for this type of development.
The development consent will be able to be modified by Council once it is approved without any community involvement.	Any development consent can be modified. Council has an adopted position on when these modifications will be public notified or exhibited as detailed in Wollondilly Development Control Plan 2011. Council is also considering the Wollondilly Development Control Plan 2015 at this meeting and may change the notification or advertising requirements as a part of the making of that plan. This issue is, however, not a matter relating specifically to this application.
Visual impacts and efficiency of bin storage. Garbage truck entering the site will create safety issue for pedestrians.	It is unclear what particular hazard is associated with garbage trucks servicing the development. It is considered that the road network will be able to safely accommodate garbage trucks servicing the development and Council engineers have not raised any concerns in this regard. The bin storage arrangements will be a matter for each dwelling application.
Traffic, particularly impacts on Appin Road.	At a strategic level Council has already determined that the land is suitable for medium density development in that it has zoned the land R3 Medium Density. The particular design and road arrangements for this development are satisfactory.

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Submitter Concern	Comment
Pedestrian safety, particularly for crossing Appin Road and during the peak that occurs at the beginning and end of the school day.	The management of pedestrian safety on this stretch of Appin Road is an ongoing matter that is the responsibility of Council and the RMS. There is a set of traffic signals in the precinct as part of the pedestrian management in this location.
Lack of Public Transport	The provision of additional housing in the village centre is part of the process of attracting more public transport to the villages in the long term. The public transport arrangements for Appin are satisfactory for this development to proceed.
Pedestrian links from the development to the commercial centre.	The developer proposes to provide pedestrian linkages as required by Council's DCP and these linkages are considered satisfactory.
The traffic study does not account for development in the vicinity including Appin Valley, the new IGA and medical centre.	Council engineers have reviewed the traffic report and conducted their own assessment. They have indicated satisfaction with the proposal subject to conditions.
RMS do not want the intersection with Appin Road as detailed in their submission on the Macquariedale Road Planning Proposal.	There is a submission from RMS on the Macquariedale Road Planning Proposal indicating that they would not support the intersection that is proposed as part of this development. That being said, it is not applicable to this development application. The Macquariedale Road Planning Proposal includes many more houses than this subdivision. The traffic load considered by RMS in making its submission is not what this application is seeking consent for. If the rest of Macquariedale Road proceeds at some future date then it may be necessary to close the access to Appin Road. In the meantime, the intersection is capable of serving this smaller development subject to widening of West King Street.
Land west of Lot 34 DP 1198686 and road access across the land the subject of this development application.	This matter has been discussed earlier in this report and it is proposed to place a condition on the consent that this land be dedicated to Council as public road.
RMS have no money to build the Appin bypass.	This application is not reliant on the Appin Bypass.

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Submitter Concern	Comment
Business in Appin have had their trading hours restricted because of parking issues.	This claim has been investigated and no evidence has been found to substantiate it.
Overcrowded “ghetto” looking development.	The look of the development will come down to the individual dwelling applications. It is noteworthy that there are many highly attractive areas in NSW where dwellings have been developed at this density.
People move to Appin for larger sized blocks.	Council’s LEP and DCP encourage diversity in housing. It is appropriate that each village have some higher density residential at its centre. The subject land is already zoned for medium density development.
Heritage impacts, particularly on Appin Inn.	Conditions are recommended to ensure that curtilage of the Appin Inn is developed in sympathy to that item.
The applicant has made donations to community groups and this has not been disclosed on their Political Donations and Gifts section of the development application form.	The submissions do not provide any details of a donation that would be required to be disclosed. The applicant has confirmed that they are confident that they have not made any reportable donation in the last 2 years.
The proposal will increase urban sprawl around Appin.	The urban development is proposed at the very heart of the village and could not be reasonably described as urban sprawl.
Dwelling in a community title development have no restriction on sizes and can have smaller dual occupancies that normal residential areas. The development will achieve apartment complex densities.	Council’s LEP and development control plan as well as State Environmental Planning Policy (Exempt and Complying Development Codes) will apply to development of the R3 lots proposed under this application. The proposed density is 30 dwellings per hectare. The density for apartment complexes is typically around 60 dwellings per hectare, almost twice that proposed in this application. Based on the design of the development it appears unlikely that any dual occupancies will be developed on the site. Council may impose a condition imposing a restriction through the community scheme that no dual occupancies be constructed on the land to give additional assurance in this regard.

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Submitter Concern	Comment
There needs to be controls on the home designs in the development, particularly for heritage reasons.	This is agreed and conditions are recommended in this regard.
Air quality	There is no evidence to suggest that this development will have any particular adverse impacts on air quality.
Water quality	The applicant has provided details of suitable stormwater management arrangements for the urban part of the development.
Privacy issues like those from Appin Valley onto Rixon Road.	The development is separate from existing residential development by a road and no privacy issues are expected to arise from the development.
Contaminated Land	This has been considered in detail and conditions are recommended in this regard.
Impacts on local fauna (including Koalas and Cumberland Plain Land Snail)	The land being “developed” is not located within any area of environmental significance.
The blocks are smaller than most houses.	There are housing products that are available for lots of the size proposed both as project homes and as custom builds.
Inadequate sewer capacity for the development.	Sydney Water has designed the Appin scheme to accommodate development of the existing urban area, including this site.
Council should “fix” our infrastructure before approving this development. Inadequate infrastructure in Appin.	Council continues to maintain infrastructure in Appin in accordance with its works plan and special rate variation. There are no infrastructure issues associated with this development that mean it cannot proceed now.

Planning & Economy

The Public Interest

The proposal is satisfactory with regard to the public interest.

FINANCIAL IMPLICATIONS

The developer contributions payable are \$286763.00 (subject to indexation) being the levy for 22 lots in Appin. This figure is based on the 27 lots to be created minus the 5 existing lots.

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ATTACHMENTS

1. Subdivision Plans
2. Bushfire Safety Authority from NSW Rural Fire Service
3. Concurrence of the Mine Subsidence Board

RECOMMENDATION

That Council determine Development Application No. 010.2015.00000526.001 for the staged 28 lot subdivision of Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin by the granting of development consent subject to the following conditions:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for a staged subdivision at Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin as outlined below:

Stage 1: Two (2) lot Torrens Title Subdivision

Stage 2: Community Title Subdivision comprising twenty-six (26) residential lots and one neighbourhood property.

- (2) Development shall take place in accordance with the endorsed plans 26705/41641 Revision D sheets 1 and 2 and 26705/41174 Revision F Sheet 1, prepared by LTS Lockley and submitted in respect of Development Application No. 010.2015.00000526.001 dated 14 July 2015 except where varied by the following conditions:

- (3) Development shall take place in accordance with the recommendations of the following reports:

- *Stormwater Management Strategy Document No S14053-RPT-C-0001 REV C Dated 30 June 2015 prepared by BG&E Engineering*
- *Endeavour Appin Subdivision Stage 1A Transport Impact Assessment Reference Number 14S1076100 Dated 4 May 2015 prepared by GTA Consultants*
- *Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services*
- *Preliminary Site Investigation report number 76589.00 dated December 2013 and prepared by Douglas Partners.*

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- (4) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

- (5) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works that propose to demolish (or partially demolish) any building, structure or installation that:
- Is over 15 metres in height
 - Is a chemical installation
 - Involves a tower crane on site
 - Involves a mobile crane with a rated capacity of more than 100 tonnes
 - Has structural components that are pre-tensioned or post-tensioned
 - Involved floor popping
 - Involves explosives
 - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
 - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors.

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shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “*Demolition work code of practice July 2014*” including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality

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- Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
 - (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
 - (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
 - (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
 - (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

3. REMEDIATION OF LAND

To ensure the development complies with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.

- (1) Prior to the release of any subdivision certificate for stage 2 the certifier shall be provided with a category “A” site audit statement under the Contaminated Land Management Act, 2008, specifying that the site is suitable for “Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry”. This condition applies only to the part of the site that is located within Zone R3 Medium Density Residential.
- (2) For the avoidance of doubt, this consent does authorise any remediation work that may require development consent to comply with condition (1) above.

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4. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

- (1) A salinity assessment is to be carried out for the site prior to the issue of the Subdivision Certificate. The assessment shall be completed in accordance with "Site Investigations for Urban Salinity" published by the Department of Land and Water Conservation 2002. Electrical conductivity levels of the soil are to be calculated using the EC (1:2) method. Recommendations from the assessment are to be incorporated into the development and identified in the engineering plans or Environmental Management Plan as appropriate.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications.
- (2) Engineering design plans and stormwater drainage calculations, for all roads and drainage construction, shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or the nominated Accredited Certifier for the development.
- (4) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans.

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- (5) A “Traffic Management Plan” that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the Roads and Traffic Authority’s “Traffic Control at Work sites” manual. The plan is to be prepared and endorsed by a person with current RMS certification and submitted to RMS with the 138 Consent application.

- (6) Where Council’s Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (7) A certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, including CCTV recording for all road stormwater lines, before the final inspection for the Certificate of Practical Completion. The “Works as Executed” details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

6. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) The applicant shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council’s Design Specification and Construction Specifications and include bitumen sealed temporary turning heads as shown on the submitted proposed plans.
- (2) The person having benefit of this consent shall dedicate the 20m wide strip of land along the western boundary of Lot 34 DP 246207 (No 4 Sportsground Parade, APPIN) to Council as public road. This land dedication shall take place as part of stage 1 of the development and shall be detailed on the subdivision certificate for that stage.

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- (3) The proposed road layout shall be amended with the following variations:
- King Street shall be widened to provide an 11.0 metre carriageway and 2.5 metre verge each side
 - The kerb return on the northern side of the intersection of King Street and Appin Road shall be located to allow for the footpath connection to Appin Road. It may be necessary to acquire a splay corner from the adjoining property
 - A 1.5 metre wide concrete path shall be constructed, on the northern side, for the full length of King Street
 - The intersection of King Street and Appin Road shall be designed and constructed for truck turning movements as shown on BG & E plan No. SK-C-0180 Rev. A for compliance with Urban BAL (Basic Left turn treatment) in accordance with Austroads Guide to Road Design, Part 4A
 - Proposed garden landscaping within the public road verge shall be deleted unless included within the Community Association Management Plan for the ongoing maintenance.
- (4) The applicant having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of public road and the proposed future lots in order to ensure intersection sight lines can be maintained.
- (5) All Street Lighting shall be provided using **LED LIGHTING** within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (6) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Roads and Maritime Services prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (7) All services including water mains shall not be located beneath the concrete paths unless required to cross from one side of a road to another.
- (8) The asphaltic concrete depth for roads shall be a minimum 40 mm and 50 mm in cul-de-sacs.
- (9) The applicant shall provide test report on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.

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- (10) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicants expense.
- (11) All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.
- (12) For all pathways the surface finish and grades shall comply with AS1428-1-2001 for accessibility and shall be constructed for the full road frontage of all lots for a width of 1.5 meters.
- (13) To overcome damage of footpaths during dwelling building works the concrete paths shall to constructed to a residential driveway standard. Details to be included on the engineering plans.
- (14) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

7. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.

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- (4) Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (5) Drainage for stormwater discharge and water quality treatment shall be designed generally in accordance with the submitted Stormwater Management Report by BG & E dated 30 June 2015 Rev/C and approved by Council, as the Road Infrastructure Authority, prior to the issue of a Construction Certificate. The maximum achievable catchment area shall be drained to the western side of the site.
- (6) The person having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of downstream drainage.

8. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) All disturbed areas are to be stabilized by turfing, mulching, paving or otherwise suitably stabilized within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

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9. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (2) Only fill characterized as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill imported from offsite (i.e. from outside of the Bingara Gorge development site) used onsite shall be retained and presented to Council on request.
- (3) There is to be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There is to be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (5) Prior to use of the fill material, Condition 1 from Weed Management must be complied with.

(Reason: to ensure that adequate weed control so that weeds and their seed bank are not distributed during construction works).
- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (7) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (8) No land filling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity Approval has been issued by NSW Office of Water.
- (9) Where Council can not be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

10. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

(1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- When drainage lines have been laid, jointed and bedded, prior to backfilling
- Prior to pouring of the drainage pits, when the formwork and steel is in place
- Prior to pouring of the road drainage culverts, when the formwork and steel is in place
- When roadworks have been excavated to subgrade, prior to placing of pavement
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
- When part of the pavement depth (as indicated by Council) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At completion of pavement shaping, prior to priming
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify The Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections.

(2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

- (4) All power and services provided to the development within the site shall be underground.
- (5) The community management statement shall include an indemnity against damage to the private infrastructure including, but not limited, to road surfaces, kerb and gutter, caused by solid waste collection vehicles.

12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application, plan submitted in response to the conditions of this consent.

13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (1) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- (2) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

14. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

- (3) Development consent is not granted for the removal of the trees identified as Trees 5 and 6 in the Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services.
- (4) The species of trees detailed on the approved landscape plan are not approved as part of this consent. An amended species list is to be provided and shall comply with Council's Development Control Plan and Street Tree Risk Management Plan. No Construction Certificate shall be issued under this consent until an amended species list is approved by Wollondilly Shire Council. In this condition the reference to Wollondilly Shire Council is a reference to the council in its capacity as the future owner of the roads and not a reference to the council in its capacity as a certifier under the Environmental Planning and Assessment Act, 1979.

15. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
 - a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high).
 - b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - iv) The timing of treatments.
 - c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site.
 - d) Details of any methods of disposal of weed material.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate for Stage 1.

16. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

- (1) Payment of a Contribution for twenty-two (22) lots for which contributions will be levied in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate for Stage 2.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 6,182.00
(ii) Open Space, Sport & Recreation (Precinct)	\$146,454.00
(iii) Library & Community Facilities (Shire)	\$ 29,150.00
(iv) Library & Community Facilities (Precinct)	\$ 38,456.00
(v) Transport & Traffic (Roads & Intersections)	\$ 43,934.00
(vi) Transport & Traffic (Cycleways)	\$ 8,184.00
(vii) Bushfire Protection	\$ 748.00
(viii) Plan Administration	\$ 13,655.00
TOTAL	\$286,763.00

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

17. SUBDIVISION PLANS

These conditions have been imposed to ensure:

- (a) **To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
- (b) **To outline Council’s requirements on work standards for the construction of land subdivision:**

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The plan of subdivision for Stage 2 shall incorporate appropriate instruments under the Conveyancing Act or the Community Land Development Act to create the following restrictions on the lots and responsibilities on future owners:
 - Building envelopes shall be nominated and indicated on the Linen Plan for each residential lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as active recreation space; and
 - All lots that are within 150m of Appin Road shall be constructed to adequately attenuate road noise in accordance with the guidelines of the NSW Government; and
 - Any dwelling constructed on Proposed Lots 2 and 17 shall be limited to single storey in height and appearance and shall be designed with similar architectural form to the Appin Inn Heritage Item located on Lot 2 DP 529457.

The instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

- (4) The community scheme for stage 2 of the development shall include detailed design guidelines to ensure all dwelling have a high quality and consistent external finish. The scheme is to be prepared to the satisfaction of Wollondilly Shire Council prior to the release of any subdivision certificate for stage 2 of the development.
- (5) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of the Subdivision Certificate for that stage.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

18. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) ERECTION OF SIGNS

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

ADVICES

- (1) A Bushfire Safety Authority has been issued for this development under Section 100B of the Rural Fires Act, 1997. This authority was issued without any conditions and is attached to this consent.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (6) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.

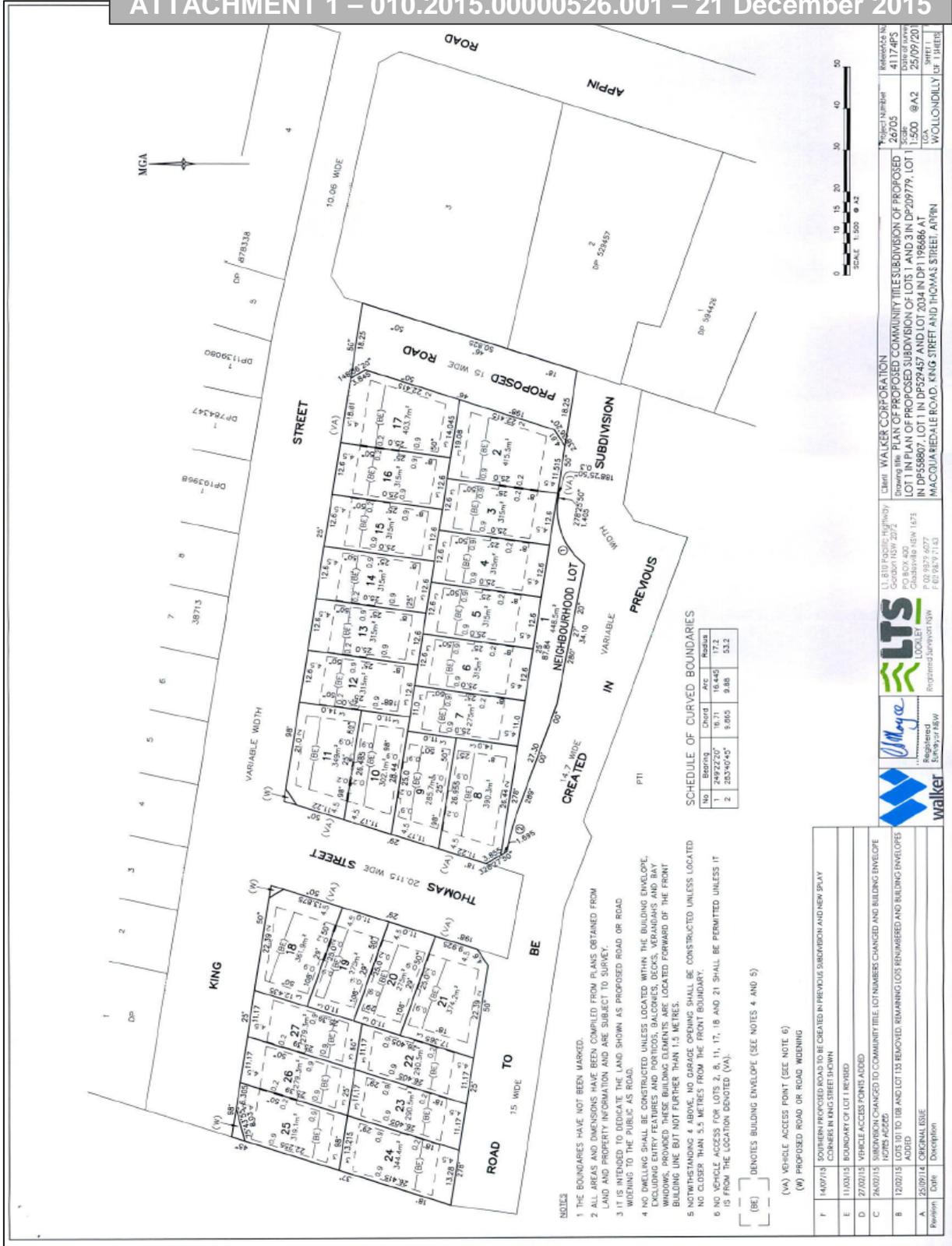
PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

- (8) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.**

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

ATTACHMENT 1 – 010.2015.00000526.001 – 21 December 2015



Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

ATTACHMENT 2 – 010.2015.00000526.001 – 21 December 2015

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

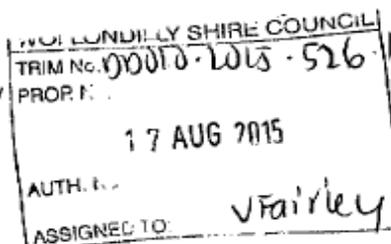
Facsimile: 8741 5433



The General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Your Ref: 010.2015.00000526.00
Our Ref: D15/2204
DA15073197933 DD

ATTENTION: V L Fairley



12 August 2015

Dear Sir / Madam

Integrated Development for 1 & 3//209779, 2034//1198686, 1//558807 & 1//529457 - 50 & 55 Macquariedale Road & 41, 61 & 65 Apping Road, Appin NSW

I refer to your letter dated 28 July 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions.

For any queries regarding this correspondence please contact Deborah Dawson on 1300 NSW RFS.

Yours sincerely

Amanda Moylan
Team Leader Development Assessment & Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

ATTACHMENT 3 – 010.2015.00000526.001 – 21 December 2015

In reply please send to: **Picton**
 Our reference: **FN88-00056P0 JR:LE**
 Your reference: **PROJ NO 26705 REF NO 41641PS**
 Contact: **John Rawes (02) 4677 1967**

WALKER CORPORATION PTY LTD
ATTENTION: MR GERRY BEASLEY - EXECUTIVE PLANNER
G P O BOX 4073
SYDNEY NSW 2001

4 March 2015

Dear Sir

SUBDIVISION APPLICATION NO. TSUB15-01033P2
LOT 1 DP209779, LOT 1 DP558807, LOT 1 DP529457 & LOT 2034 DP1198686
MACQUARIEDALE RD, KING ST & THOMAS ST APPIN
CREATING: PROPOSED LOTS (1/2) CONSOLIDATION

The Mine Subsidence Board has granted its approval for this subdivision, subject to:

- (a) the number, size and boundaries of lots being substantially as shown on the approved plan, and
- (b) notification being made to the Board of any changes to lot numbering and of the registered DP number.

As a guide to persons intending to erect improvements on this property, the Board has adopted the following surface development guidelines subject to these improvements being erected on reinforced concrete footings and/or slabs to comply with AS 2870. The following improvements are limited to a maximum length of 30 metres.

1. Single or two storey timber or steel framed improvements clad with weatherboards or other similar materials.
2. Single or two storey brick veneer improvements.
3. Full masonry and other types of improvements will be considered for this property under the Board's 'Graduated Guidelines for Residential Construction'. The improvements will be subject to length restriction and may require engineering design. Details of the requirements may be obtained from the Board's technical staff.

Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/control joints in brickwork to comply with the requirements of the Building Code of Australia and best building practices.

S 8 (Auto) Nov 2001

PUTTING SERVICE AND THE NEEDS OF PEOPLE FIRST



ABN: 87 445 348 918

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 Ground Floor
 NSW Government Offices
 117 Bull Street
 Newcastle West 2302
 PO Box 488G Newcastle 2300
Telephone: (02) 4908 4300
 Facsimile: (02) 4929 1032
 DX 4322 Newcastle West

PICTON
 100 Argyle Street
 Picton 2571
 PO Box 40 Picton 2573
Telephone: (02) 4677 1967
 Facsimile: (02) 4677 2040
 DX 26055 Picton

SINGLETON
 The Central Business Centre
 Unit 6, 1 Pitt Street
 Singleton 2330
 PO Box 524 Singleton 2330
Telephone: (02) 6572 4344
 Facsimile: (02) 6572 4504

WYONG
 Suite 3 Feldwin Court
 30 Hely Street
 Wyong 2259
 PO Box 157 Wyong 2259
Telephone: (02) 4352 1646
 Facsimile: (02) 4352 1757
 DX 7317 Wyong

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 PO Box 488G
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Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE1 – Development Application for 28 Lots at Appin and Macquariedale Roads, Appin

ATTACHMENT 3 – 010.2015.00000526.001 – 21 December 2015

2

File No: 88-00056P0

This approval is valid for two (2) years from the date of this letter.

During planning and design of proposed improvements, applicants should consult with our staff.

Yours faithfully


John Rawes
Acting District Manager

S 8 (Auto) Nov 2001

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE2 - Star Street Former Road Reserves Planning Proposal

PE2

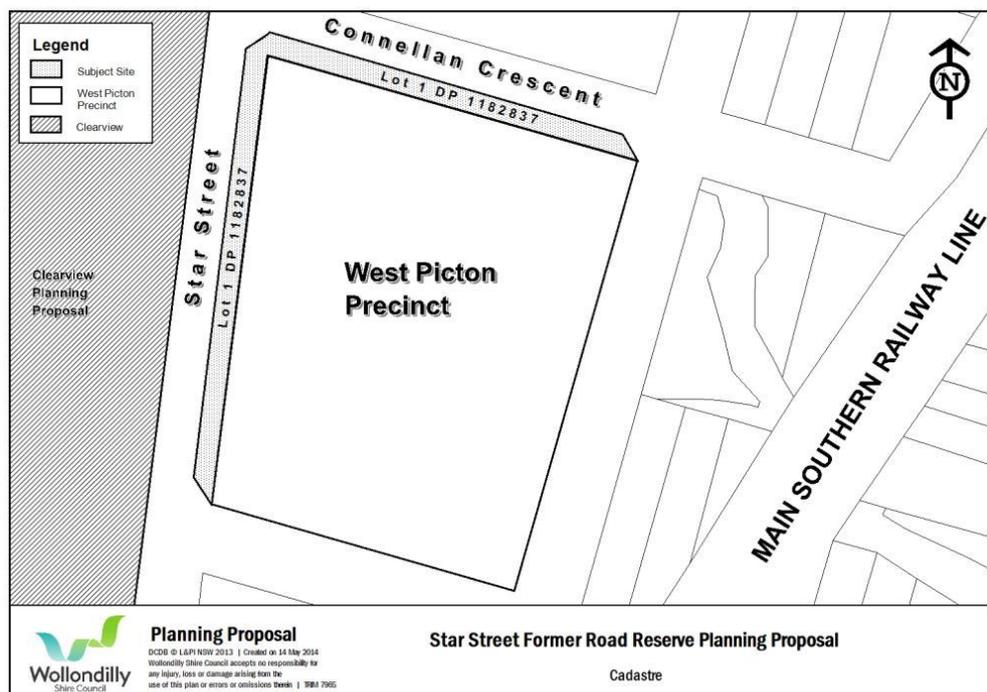
Star Street Former Road Reserves Planning Proposal

41

TRIM 7965

Applicant: Planning Ingenuity
Owner: K Morris Management Pty Ltd

Planning & Economy



Stage	Completed
Preliminary notification	2 May 2014
Gateway Determination	7 August 2014
Consultation with Public Agencies	11 September 2014
Specialist Studies	22 January 2015
Public exhibition/community consultation	7 October - 23 October 2015
Referred to Minister for Publication	Not yet completed

PE2 - Star Street Former Road Reserves Planning Proposal

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 Lot 1 DP 1182837, Star Street and Connellan Crescent, Picton to:
 - Change the zoning of the land to R2 Low Density Residential
 - Change the minimum lot size to 450m²
 - Change the height of buildings to a maximum of 9 metres
 - Include the land on the urban release area map
- The Planning Proposal includes amendments to the Wollondilly Development Control Plan, 2011 for remediation of contaminated land and maintaining access to adjoining properties.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy
- No submissions were received in response to Community Consultation.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- This report recommends that:
 - Council support the Planning Proposal
 - The Planning Proposal now be finalised and forwarded to the Minister for Planning and Environment for publishing
 - The applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

The Planning Proposal applies to Lot 1 DP 1182837 which has been formed from parts of the former Crown Road reserves that adjoin Lot 1 DP 995172 being 21-31 Rumker Street Picton. Lot 1 DP 995172 also known as West Picton Precinct was rezoned to allow residential development through an amendment to Wollondilly Local Environmental Plan 2011 which was published (gazetted) on 31 January 2014. This land was formerly part of the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal.

PE2 - Star Street Former Road Reserves Planning Proposal

1.1 SITE DESCRIPTION

The subject site comprises 3,713m² of land as a continuous relatively flat 10m wide strip adjacent to the northern and western boundaries of the West Picton Precinct from the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal rezoned for residential purposes on 31 January, 2014. This land was previously part of the unformed Crown road reserves of Connellan and Star Streets before being acquired by the current landowner. The site is surrounded by rural land to the north and south. Land to the west is within the Clearview Planning Proposal which is now with the Department of Planning and Environment to determine whether the site will be rezoned for residential purposes. To the east of the site are residential properties and the main southern railway. Access from Picton town centre to the West Picton precinct and this land is via Thirlmere Way under the rail tunnel.

The land within the unformed crown road reserve contains several small sheds and is largely cleared, fenced and used for grazing in conjunction with the adjoining property. There is an unsealed vehicle track within the land on the Connellan Street former road reserve which is used to access properties to the north. A Section 88B instrument applies to this land and provides a right of carriageway of variable width to benefit lots to the north. The existing 1m wide easement to drain water from the adjoining property to the west has been extended through Star Street onto this site.

1.2 DESCRIPTION OF PROPOSAL

The purpose of this planning proposal is to establish the appropriate land use zone on the site to enable its future redevelopment in conjunction with the West Picton Precinct for low density residential lots with a minimum lot size of 450m². It is estimated that the rezoning would allow for the development of approximately 5 lots at a residential density of between 12-15 lots/ha. This represents a minor increase in the number of lots (to 45) anticipated to be developed on the West Picton precinct site.

1.3 GATEWAY DETERMINATION

A Gateway Determination was issued by the Department of Planning & Environment (DP&E) on 7 August 2014. The Determination permitted the proposal to proceed.

The Gateway Determination granted that the inconsistencies with Section 117 Ministerial Directions 1.2 *Rural Zones* and 1.3 *Mining, Petroleum Production and Extractive Industries* are of minor significance.

The 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.

PE2 - Star Street Former Road Reserves Planning Proposal

Gateway Condition	Addressed by:
1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) for a period of 14 days	Completed.
2. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.	The timeframe has since been extended until 14 May 2016.
3. Delegation is to be given to exercise the Minister's plan making powers	Noted.
5. Consultation with NSW Trade & Investment is required under section 56(2)(d) of the EP&A Act 1979 in relation to section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries	Completed.
6. Council is to undertake a Phase 1 Contaminated Site Investigation	Completed - the site will require a Phase 2 Contaminated Site Investigation and remediation prior to any future residential development. A provision has been included in Wollondilly Development Control Plan in this regard.
7. Prior to undertaking community consultation Council is to amend the proposal to: - Indicate that the site will be identified as an Urban Release Area - Clarify that the site has been acquired by the proponent, and - Ensure that there are no inconsistent references such as the proposed use of the site for rural residential development.	Completed - The site will be identified as an Urban Release Area on the URA Map as detailed in Section 4 Mapping - The site Lot 1 DP 1182837 was acquired from the Crown with Certificate of Title dated 13/2/14 - The site is proposed to be developed in conjunction with the adjoining land within the West Picton precinct for low density residential purposes and not for rural residential development.

PE2 - Star Street Former Road Reserves Planning Proposal

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

There were no issues raised with the planning proposal from Council staff.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with NSW Trade & Investment.

Consultation was also undertaken with the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 *Planning for Bushfire Protection* as although the site is not bushfire prone, it is in proximity to land mapped as bushfire prone land. Bushfire prone land is located approximately 60 metres to the north of the site.

The following summary of consultation with public agencies is provided along with Council's assessment comments:

NSW Trade and Investment (NSW T&I)

NSW T&I has indicated that they have no concerns with the proposal given its small relative size and as the adjoining land is zoned R2 Low Density Residential.

Comment

Noted.

NSW Rural Fire Service (NSW RFS)

NSW RFS have indicated they have no issues or concerns in relation to this planning proposal.

Comment

Noted.

PE2 - Star Street Former Road Reserves Planning Proposal

2.3 COMMUNITY CONSULTATION

The Gateway Determination specified a 14 day period of community consultation/public exhibition because the planning proposal is considered to be a 'low' impact proposal.

A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal Local Environmental Plan
- does not reclassify public land.

The public exhibition was held from 7 October 2015 until 23 October 2015.

During this period the Planning Proposal, specialist studies and other documents as required by the Gateway Determination were made available to the public and could be accessed online through Council's website and in person at Council's Administration Building and the Wollondilly Visitor Information Centre. The consultation was publicised by a notice in the local newspaper and letters were sent to adjoining landowners.

As submissions have not been received as part of any previous consultation there was no need to contact previous submitters.

No submissions were received during the community consultation period.

2.4 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.

PE2 - Star Street Former Road Reserves Planning Proposal

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&E 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.

2.5 A PLAN FOR GROWING SYDNEY

The planning proposal supports the need for incremental growth around existing urban centres recommended by this plan.

2.6 DRAFT SOUTH WEST SUBREGIONAL STRATEGY

This planning proposal is in accordance with this strategy as it will result in additional housing in a convenient location.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

The Gateway Determination granted that the minor inconsistencies with Section 117 Directions 1.2 Rural Zones and 1.3 Mining, Petroleum Production and Extractive Industries are of minor significance. The planning proposal is consistent with Direction 4.4 Planning for Bushfire Protection and is considered to be consistent with all other relevant directions.

2.8 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No. 55 – Remediation of Land

Part of the site along Star Street has been used for agriculture, a purpose which is classed as a potential contaminating activity under SEPP No. 55. Accordingly a Phase 1 Contaminated Site Investigation has been undertaken and found a number of potentially contaminating activities which are able to be remediated to enable the site to be used for residential purposes. A Phase 2 environmental site assessment will be required and potentially also remediation prior to any approval for subdivision.

The site is considered to be consistent with all other SEPPs.

2.9 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013

The subject site falls within the 2km buffer area around a residential zone and therefore is within the coal seam gas exclusion zone.

PE2 - Star Street Former Road Reserves Planning Proposal

2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The Growth Management Strategy was adopted by Council in February 2011 and outlines future directions for housing and employment growth for the Shire. A set of key policy directions provides a basis for considering whether planning proposals are in accordance with Council’s future plans for growth.

<i>Key Policy Direction</i>	<i>Comment</i>
<i>P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).</i>	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 which ensures land in rural locations is retained for rural purposes.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	There have been two consultation periods as part of the strategic planning process for this proposal. A preliminary consultation was held in May 2014 and no submissions were received. A statutory consultation (public exhibition) was held in October 2015 in accordance with the requirements of the Gateway Determination and no submissions were received.
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.
<i>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.).</i>	The proposal is considered appropriate as it will facilitate the orderly development of housing in conjunction with the West Picton precinct. Existing infrastructure is to be utilised and where necessary embellished.

PE2 - Star Street Former Road Reserves Planning Proposal

<i>Key Policy Direction</i>	<i>Comment</i>
Housing Policies	
<i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	The proposal will provide a minor contribution towards housing growth in the Picton Area.
<i>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.</i>	The proposal aims to provide low density residential land with a smaller than average lot size to assist in meeting affordable housing needs within the community.
<i>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").</i>	The dwelling density will be in accordance with that proposed on the adjoining West Picton Precinct site.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The land is located adjoining land in the West Picton Precinct which was recently rezoned for low density housing.
Macarthur South Policies	
<i>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.</i>	Not applicable.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</i>	Although there are 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.
<i>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.</i>	The site is not proposed to be zoned to facilitate further employment opportunities. Opportunities may exist for home business and tradesman residency.

PE2 - Star Street Former Road Reserves Planning Proposal

<i>Key Policy Direction</i>	<i>Comment</i>
Integrating Growth and Infrastructure	
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be 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.</i>	<p>It is anticipated that the site is capable of being serviced by an extension to or augmentation of existing infrastructure.</p> <p>There will be a need at the subdivision stage to ensure that the unformed section of Connellan Crescent adjoining the land is constructed prior to the extinguishment of the Right Of Way.</p>
<i>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.</i>	This site will allow for sustainable development of land surplus to road requirements to enable a more efficient use of land for housing in association with the West Picton precinct.
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The proposal does not contribute toward dispersed population growth as it proposes urban growth in close proximity to the existing and newly developing residential area.
<i>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.</i>	<p>This area is included within the Picton Structure Plan as a place suitable for residential development.</p> <p>The proposal contributes toward Council's dwelling target for Picton identified in the GMS.</p>
Rural and Resource Lands	
<i>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.</i>	This planning proposal has been informed by detailed analysis of site constraints conducted for the West Picton precinct of the PTT New Urban Lands Planning Proposal. There are no identifiable constraints, other than potential contamination, to development of this land in association with the West Picton precinct.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE2 - Star Street Former Road Reserves Planning Proposal

<i>Key Policy Direction</i>	<i>Comment</i>
<i>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.</i>	The proposal will not result in rural land fragmentation but will consolidate land with adjoining residentially zoned land.

Planning & Economy

2.11 FINAL FORM OF PLANNING PROPOSAL

2.11.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on consideration of the specialist studies and the outcome of the public exhibition there are no changes considered necessary to the Planning Proposal as exhibited.

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

- Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R2 Low Density Residential as shown in Attachment 1
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to 450m² as shown in Attachment 2
- Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum to a Maximum Building Height Category of 9 metres as shown in Attachment 3
- Amend the Urban Release Area Map to include this planning proposal site as shown in Attachment 4.

2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDPC 2011)

Amendments are proposed to the Wollondilly Development Control plan. These are controls specific to the Picton West site to guide the future development of the site. These amendments are outlined below:

Objective	Proposed Control
1. To ensure that contaminated land is suitably assessed and remediated prior to residential development.	1. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land, Lot 1 DP 1182837 is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.

PE2 - Star Street Former Road Reserves Planning Proposal

<p>2. To ensure that satisfactory road access is provided for land owners using the right of carriageway across the site to access their properties.</p>	<p>2. Satisfactory road access shall be provided to properties benefiting from the right of carriageway applying to Lot 1 DP 1182837 prior to construction of any future subdivision of the site.</p> <p>3. The unformed road reserve named Connellan Crescent shall be constructed prior to the release of the Subdivision Certificate for the site.</p>
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These proposed amendments to the DCP were placed on public exhibition at the same time and in conjunction with public exhibition for the Planning Proposal in October 2015. The proposed amendments are attached.

No submissions were received to the proposed amendments to WDCP 2011. The proposed new Development Control Plan subject to a separate report to Council incorporates these amendments.

FINANCIAL IMPLICATIONS

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

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 Lot Size Map
2. Proposed Land Zone Map
3. Proposed Height of Building Map
4. Proposed Urban Release Area Map
5. Draft Proposed Amendments to Wollondilly DCP 2011

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE2 - Star Street Former Road Reserves Planning Proposal

RECOMMENDATION

1. That Council as the responsible planning authority adopt the draft Local Environmental Plan amendment to Wollondilly LEP for land being Lot 1 DP 1182837 Star Street and Connellan Crescent, Picton to make the following amendments:
 - Amend the Land Zoning Map to R2 Low Density Residential
 - Amend the Lot Size Map to allow a 450m² minimum lot size
 - Amend the Height of Buildings Map to include a 9m height limit
 - Amend the Urban Release Area Map to include this land.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Department of Planning and Environment 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.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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PE2 - Star Street Former Road Reserves Planning Proposal

ATTACHMENT 1 – 7965 – 21 December 2015

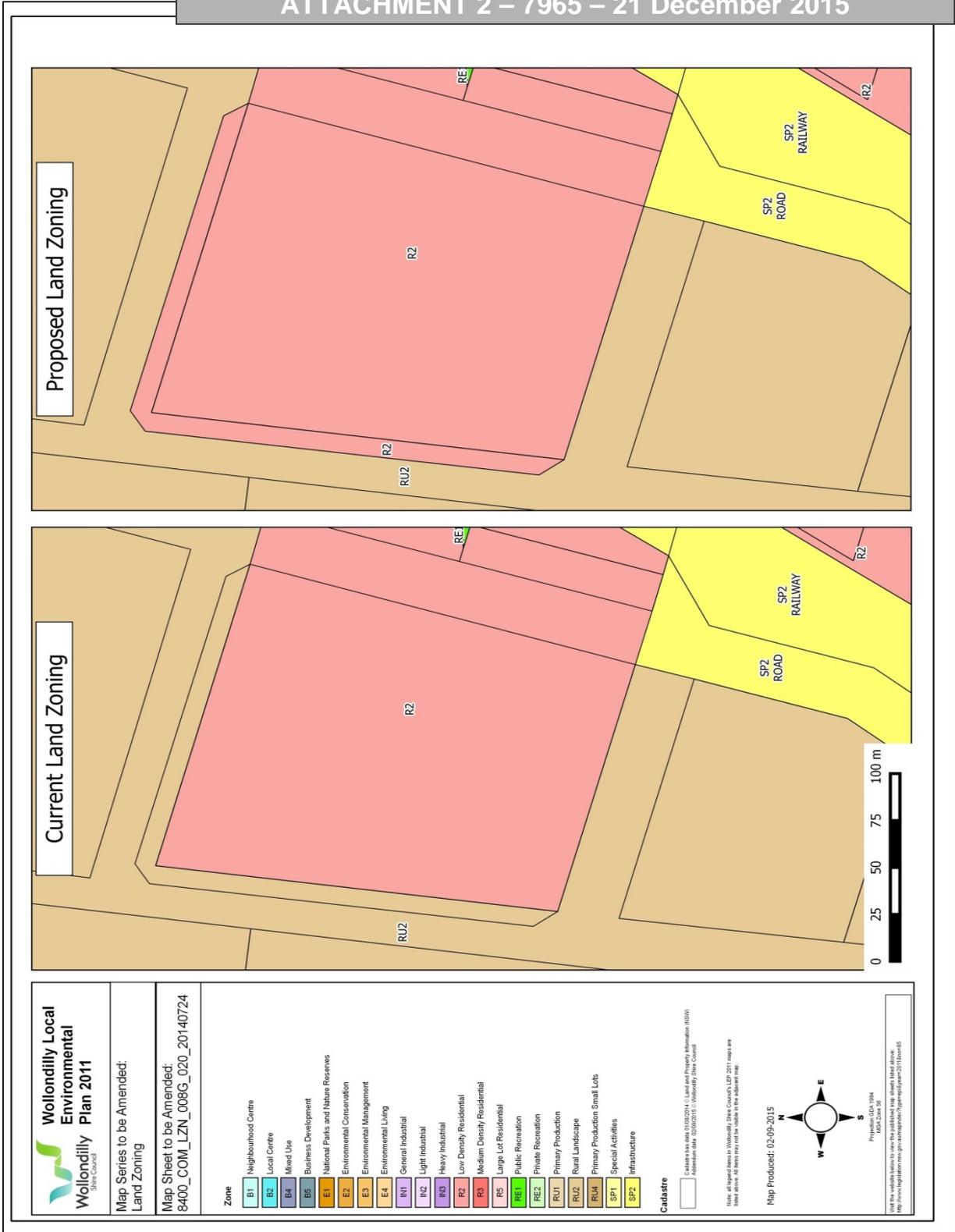


Planning & Economy

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PE2 - Star Street Former Road Reserves Planning Proposal

ATTACHMENT 2 – 7965 – 21 December 2015



Planning & Economy

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PE2 - Star Street Former Road Reserves Planning Proposal

ATTACHMENT 4 –7965 – 21 December 2015



Planning & Economy

PE2 - Star Street Former Road Reserves Planning Proposal

ATTACHMENT 5 – 7965 – 21 December 2015

DRAFT PROPOSED AMENDMENTS TO WOLLONDILLY DCP 2011

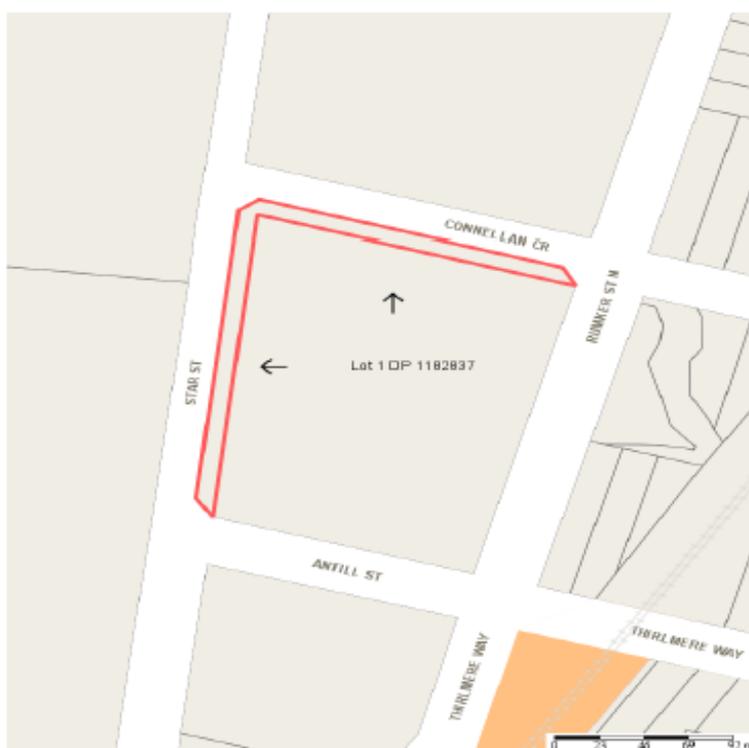
Volume 10 – Subdivision of Land

Part 4 Controls for Specific Locations

4.9 Star Street Former Road Reserves West Picton

Application

1. This section applies to the land identified on the map below:



Objectives

1. To ensure that contaminated land is suitably assessed and remediated prior to residential development.
2. To ensure that satisfactory road access is provided for land owners using the right of carriageway across the site to access their properties.

Controls

1. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land, Lot 1 DP 1182837 is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.

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PE2 - Star Street Former Road Reserves Planning Proposal

ATTACHMENT 5 – 7965 – 21 December 2015

2. Satisfactory road access shall be provided to properties benefiting from the right of carriageway applying to Lot 1 DP 1182837 prior to construction of any future subdivision of the site.
3. The unformed road reserve named Connellan Crescent shall be constructed prior to the release of the Subdivision Certificate for the site.

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PE3 – Assisting Agriculturalists

PE3

Assisting Agriculturalists

19

TRIM 1150

EXECUTIVE SUMMARY

- The purpose of this report is to provide feedback and advice regarding Council's desire to assist agriculturalist.
- This issue has been discussed at the Rural Industry Liaison Committee in an informal sense over many years and more recently at the Committee meeting held 15 September 2015.
- A workshop on this issue was held with Councillors on 26 October 2015.
- The Economic Development Advisory Group was also consulted at their meeting held 25 November 2015.
- This report recommends that Council undertake actions to support agriculturalists including:
 - That grant funding from the Department of Planning & Environment be sought to undertake a Rural Lands Study to inform Council with future strategic planning decisions.
 - That review of the Wollondilly Local Environmental Plan 2011; include consideration of permissible land uses in rural zones, additional exempt development provisions and amendments to the rural boundary adjustment provisions.
 - That Council implement the process efficiencies identified in this report including a review of current pre-lodgement services, the manner in which requests for additional information are communicated to the proponent and notification of draft conditions of development consent.
 - That Council continue to review options to secure additional resources for the Strategic Planning, Development Assessment and Building Assessment Teams.

REPORT

At its meeting held 15 June 2015, Council resolved:

1. *That a workshop be held with Councillors with a view of a report to come to Council investigating ways we can assist landowners with development applications for agricultural uses, exploring fee reductions and process efficiencies, as part of Council's broad desire to promote and expedite peri-urban agriculture.*
2. *That the Rural Industry Liaison Committee and Economic Development Advisory Group are consulted with before the report comes to Council.*

PE3 – Assisting Agriculturalists

Discussion with the Rural Industry Liaison Committee (“RILC”) generated several ideas which were in turn discussed with at a Councillor Workshop. The views of Councillors were reported back to the RILC and the outcome of all of these discussions was then discussed with Economic Development Advisory Group.

Several ideas were discussed at the various forums. The following summary of those discussions and recommended actions are provided for Council’s consideration:

Development Assessment Fee Incentive

The Council resolution referred to above, sought specific consideration on fee reductions.

Development Application fees are regulated under the *Environmental Planning & Assessment Regulation 2000* in terms of what Council can charge for the service. The Fees and Charges adopted by Council assist to offset resourcing costs. It should be noted that Council also collects some fees on behalf of State Agencies (e.g. integrated approval fee and NSW Planning Levy).

Given the competitive nature of building certification work in NSW, Council are obligated to charge a market rate for these services. Discounting these fees would be anti-competitive.

Whilst a fee reduction initiative would be a good news story showing support for agricultural activities in Wollondilly Shire, there is no evidence to suggest that a reduction in fees would result in an increase in the number of agricultural establishments. It is also noted that for larger agricultural proposals there are substantial costs in preparing plans and environmental studies. In which case, the Development Application fees often represent a small proportion of the overall approval cost.

There are several other categories of applicant that may also have equally compelling reasons for fee reductions, for example businesses that create employment, pensioners and charities (charities currently sometimes get grant support to cover DA fees but do not get fee reductions).

On balance, it is not recommended that there be a reduction in Development Assessment fees for agricultural applications.

PE3 – Assisting Agriculturalists

Boundary Adjustments

Since the commencement of the *Wollondilly Local Environmental Plan, 2011* (“LEP”) there has been some restrictions placed upon boundary adjustments between rural lots where both lots are below the minimum lot size for subdivision. This is the case even where it is proposed to make one lot larger and more suitable for agricultural purposes. This issue has been raised with the Department of Planning. Recently a change was made to the Wellington Local Environmental Plan to address this issue.

Strategic work on the 5 year review of Council’s LEP will commence in 2016. The possible inclusion of a clause similar to the Wellington LEP to enable such boundary adjustments can be considered as a part of the review process.

Permissible land uses in rural zones

In 1995, Council’s strategic planning team undertook a detailed Rural Lands Study. The findings of the Study informed Council when formulating the 2011 LEP including land use zonings, minimum lot size controls and protection of high quality agricultural land.

At its meeting on 9 February 2015 Council resolved:

That a review be undertaken of the Wollondilly LEP 2011 Land Use Table for Rural Land Use Zones with the goal of encouraging primary production and reducing land use conflict.

This review can occur in association with the 5 year review of Council’s LEP once a further Rural Lands Study has been undertaken. The further study would:

- Review and update the work undertaken in 1995
- Consider the recent food shed mapping work arranged by the Peri-Urban Network and undertaken by the Institute of Sustainable Futures
- Consider the outcomes of the plan for growing Sydney and the preliminary strategy for Greater Macarthur.

Process efficiencies

The *Environmental Planning and Assessment Act, 1979* and *Environmental Planning and Assessment Regulation 2000* provide little flexibility with regard to the development assessment process. The procedures adopted at Wollondilly Council comply with legislation. There is no ability to forego the minimum requirements for the submission of a development application or the assessment process for such applications.

PE3 – Assisting Agriculturalists

However the following initiatives have been identified to provide better customer service and promote business confidence:

- The pre-lodgement service provided by Council, including the fee structure, is currently under review. The findings of the review and recommendations to improve the service will be provided to Council for further discussion.
- Any request for additional information will be prefaced by a phone call or meeting to ensure the applicant understands the nature of the information sought and the reason for the request.
- To reduce processing delays associated with the reporting cycle for Council reports, applications for agricultural pursuit will be assessed under delegation unless “called in” by Councillors.
- Draft consent conditions will be provided to the applicant for comment prior to issue of the determination. Currently this service is provided upon request only.

Consent Conditions

There has been considerable discussion with the RILC around what are perceived as inconsistent conditions placed on agricultural establishments.

Every application for intensive agricultural land uses is different. That is there is a different site, varying setbacks to neighbours, varying quality of roads to and from the site, varying landforms and topographic features and constraints, etc. Therefore, while they are prepared for a base of standard conditions, there is variation in the final form of development consent conditions so that they relate directly to the particular site, proposal and circumstances.

A good example of the discussion relates to the concerns of proponents and objectors when it comes to the time limit placed on development consents for the pick-up of poultry. In each case the proximity of neighbours to the poultry farm and to the roads leading to the poultry farm varies and as a result the potential impact on neighbouring dwellings varies. The end result is that each case must be reviewed and considered on its merits.

Reduce Setbacks for Igloos

The RILC was interested in reviewing the minimum setback requirements for igloos. Council’s Development Control Plan requires a minimum setback of 30 metres. This setback has consistently been imposed to manage land use conflict issues and provide a setback for landscaping and stormwater drainage.

It should be noted that there are procedures in place which permit the applicant to seek approval despite not complying with the required 30m setback. These requests require suitable justification for consideration by Council’s Variation Panel.

PE3 – Assisting Agriculturalists

Make intensive horticulture exempt

It is the view of the RILC that some types of intensive horticulture should be permitted without the need for development consent.

It is considered that there is some scope to expand the exempt development provisions and it is recommended that this be further investigated as part of the scheduled review of the LEP.

Rate Subsidy

The possibility of a rate subsidy being provided to landholders that lease their rural-residential property to a primary producer has also been raised by the RILC.

Council already has a process in place for charging a different rate to primary producers and this is based on land use, rather than ownership/leasing arrangements.

Planning Process Timeframes

The Economic Development Advisory Group focussed their attention on assessment times for planning proposals and development applications. They recognised the need for all applicants to be treated equally but were of the view that resources in strategic planning, development assessment and the assessment of Construction Certificate applications needed to increase in response to growth pressures and to maintain or if possible reduce assessment times. The Committee also discussed the impact of assessment times on the broader business community and difficulties in recruiting suitable experienced staff to these roles.

CONSULTATION

This report was prepared following discussion with the Rural Industry Liaison Committee at their meeting on 15 September 2015 and discussion with Councillors at a workshop on 26 October 2015. Further discussion was then undertaken with the Rural Industry Liaison Committee at their meeting on 10 November 2015. The item was discussed with the Economic Development Advisory Group at their meeting on 25 November 2015.

FINANCIAL IMPLICATIONS

The review of Council's LEP can be implemented over time within the adopted budgets.

In terms of the Rural Lands Study, no funding has been allocated for this project/item in the current adopted budget. It is proposed to seek grant funding to undertake this work. If unsuccessful, it may be possible for staff to complete the study having regard to other strategic planning work. Should Council wish to hasten the completion of this task then additional funding is required.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE3 – Assisting Agriculturalists

ATTACHMENTS

Nil

RECOMMENDATION

1. That grant funding from the Department of Planning & Environment be sought to undertake a Rural Lands Study to inform Council with future strategic planning decisions.
2. That review of the Wollondilly Local Environmental Plan 2011, include consideration of permissible land uses in rural zones, additional exempt development provisions and amendments to the rural boundary adjustment provisions.
3. That Council implement the process efficiencies identified in this report including a review of current pre-lodgement services, the manner in which requests for additional information are communicated to the proponent and notification of draft conditions of development consent.
4. That Council continue to review options to secure additional resources for the Strategic Planning, Development Assessment and Building Assessment Teams.

PE4 – Wollondilly Development Control Plan 2016

PE4

Wollondilly Development Control Plan 2016

1010

TRIM 3615-6

EXECUTIVE SUMMARY

- The purpose of this report is to seek endorsement from Council to adopt Wollondilly Development Control Plan 2015 and repeal the Wollondilly Development Control Plan 2011.
- Fifty five (55) submissions were received during the consultation period, consisting of thirty two (32) written submissions and twenty three (23) online responses.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this report.
- While the plan was exhibited as Draft Wollondilly Development Control Plan 2015 as it will not formally commence until January, 2016 it is appropriate to adopt it as Wollondilly Development Control Plan 2016.
- This report recommends that Council adopt Wollondilly Development Control Plan 2016 and repeal Wollondilly Development Control Plan 2011 and that those who made a submission on the matter be notified of Council's decision.

REPORT

BACKGROUND

The Development Control Plan is a document which provides prescriptive controls and guidance to development that requires development consent. The Development Control Plan currently in place for Wollondilly is the *Wollondilly Development Control Plan 2011* (Wollondilly DCP 2011).

Since it was first adopted in 2011 the Wollondilly DCP 2011 has undergone a number of amendments. These amendments have typically occurred in three ways:

- *To complement amendments made to Wollondilly Local Environmental Plan 2011*; this has included the addition of site specific development controls when land is rezoned (for example the addition of controls for the PTT precincts).
- *As part of a regular review of the DCP*; the volume by volume review of the plan. The residential volume (volume 3) and commercial volume (volume 4) have been reviewed and amended since its adoption.
- *The inclusion of new volumes to cover additional development types*; an additional three volumes have been added for tourism (volume 9), subdivision (volume 10) and urban release areas (volume 11).

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PE4 – Wollondilly Development Control Plan 2016

Wollondilly DCP 2011 currently consists of eleven (11) volumes which are identified in the following table:

Volume Number	Corresponding Name
1	General
2	Primary Agricultural and Rural Uses
3	Residential
4	Commercial and Community uses
5	Industrial and Infrastructure uses
6	Site Specific Controls – Bridgewater estate
7	Site Specific Controls – Bingara Gorge Estate
8	The Oaks South – Special Provisions
9	Tourism and Events
10	Subdivision of Land
11	Urban Release Areas

The latest review to this plan is the result of a comprehensive review to bring the overall DCP into a consistent format. Given the nature of the proposed changes (in particular the removal of the site specific volumes) it is considered appropriate to repeal the Wollondilly DCP 2011 rather than amend it with a subsequent DCP.

The initial draft Wollondilly DCP 2015 and an accompanying consultation strategy was prepared and reported at the Ordinary Meeting of March 2015 where the Council resolved:

That Draft Wollondilly Development Control Plan 2015 be exhibited in accordance with the Environmental Planning and Assessment Regulations and community engagement be undertaken in accordance with the consultation strategy.

The key changes that were incorporated into the exhibited draft plan are as follows:

- Simplify and review *Volume 1 - General*
- Remove the site specific volumes - *Volume 6 - Bridgewater, Volume 7 - Wilton Park (Bingara Gorge Estate) and Volume 8 - The Oaks*
- Make housekeeping changes to the residential volume.

DRAFT WOLLONDILLY DEVELOPMENT CONTROL PLAN 2015

Wollondilly DCP 2016 is proposed to consist of eight (8) volumes. These volumes have been renumbered as part of the amendments as follows:

PE4 – Wollondilly Development Control Plan 2016

Volume Number	Corresponding Name
1	General
2	Urban Release Areas
3	Subdivision
4	Residential
5	Commercial and Community Uses
6	Tourism and Events
7	Industrial and Infrastructure Uses
8	Primary Agricultural and Rural uses

In response to feedback from consultation the Draft Wollondilly DCP 2016 has been amended following the public exhibition of the document. The key changes are detailed in attachment 1 to this report. The changes have been made in response to:

- Submissions received during the public exhibition
- Consultation with internal Council staff
- A review of Council's variations Register
- Minor housekeeping corrections throughout the DCP
- Changes to provide clarity in the explanation of controls.

While the plan was exhibited as Draft Wollondilly Development Control Plan 2015 as it will not formally commence until January, 2016 it is appropriate to adopt it as Wollondilly Development Control Plan 2016.

OUTCOMES OF THE REVIEW OF COUNCIL'S VARIATIONS REGISTER

The final form of the Wollondilly DCP 2016 reflects a review of Council's Variations Register. The Variations Register is a record of the outcome of all requests made, as part of development applications, to vary controls within the DCP.

The review looked at the outcome of all variation requests to *Volume 3 – Residential Development* and *Volume 10 – Subdivision of Land* in the Wollondilly DCP 2011 this year up to August 2015. This was to establish whether similar variations were being supported to any single control on a regular basis and consequently whether the control in question was relevant or appropriate to meet its intended objective.

PE4 – Wollondilly Development Control Plan 2016

Two controls were identified from Wollondilly DCP 2011, *Volume 3 – Residential Development* for consideration:

- *Ancillary Buildings (Residential Large Lots)* – Building Design; Control 4.8(9) which sets a floor area limit of 100 square metres for ancillary buildings on residential large lots. Four (4) variations to this control had been requested during the period specified, all of which were supported.
- *Ancillary Buildings (Rural Lifestyle Lots and Rural Lots)* – Building Design; Control 4.9(6) which sets a floor area limit of 100 square metres for ancillary buildings on rural lifestyle lots and rural lots. Seventeen (17) variations to this control had been requested during the period specified, all of which were supported.
- *Ancillary Buildings (Rural Lifestyle Lots and Rural Lots)* – Setbacks; Control 4.9(7) states that ancillary buildings shall be located no less than 5.0m behind the front of the dwelling. Nine (9) variation to this control had been requested during the period specified, all of which were supported.

The variations associated with controls related to proposed sheds with a floor area of more than 100 square metres (controls 4.8(9) and 4.9(6)). On review it is considered appropriate to increase the maximum floor area permitted for ancillary buildings to 180 square metres for Residential Large Lots and 240 square metres for Rural Lifestyle Lots and Rural Lots. This is based on the fact that a number of the variations allowed floor areas of slightly over 200 square metres.

Despite the large number of variations to the setback control 4.9(7), it is considered that this control which requires ancillary buildings to be located at least 5 metres behind the front building line of the dwelling should be retained, due to the significant increase in maximum permissible floor area for sheds on rural lots.

INTERNAL CONSULTATION

Consultation was carried out with the following sections within Council:

- Development Assessment
- Building Assessment
- Council's consultant Heritage Advisor
- Environmental Services
- Development Engineering & Stormwater/Flood Management
- Councillor Workshop held 2 March 2015.

PE4 – Wollondilly Development Control Plan 2016

The consultation with these sections has been used to form many of the amendments outlined in attachment 1 of this report.

It is worth noting that Council's Heritage Advisor prepared a revised heritage section to better coordinate the current heritage provisions within the DCP. However, it is considered that the changes are too significant and could not be incorporated into the Wollondilly DCP 2015 without requiring consultation and re-exhibition of the draft DCP. Similarly the Environment Section has had vegetation mapping prepared that while important, should not hold up this version of the DCP. It is considered that the revised heritage section and vegetation mapping should be included as part of the next review of the DCP.

PUBLIC EXHIBITION – COMMUNITY CONSULTATION

To seek the views of the community, public agencies, development industry and other stakeholders on the Draft Wollondilly DCP 2015 a public exhibition was held from 13 May 2015 until 17 July 2015. This included an extension of time from 24th June in response to a system outage experienced at the end of June to ensure all submissions were received.

The formal exhibition period was held in accordance with the requirements of the relevant legislation being the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*.

Submissions could be made in writing, by email or submitted online.

Letters were sent to parties who may be affected by the changes to the DCP who included the following:

- Any applicant that has submitted more than 5 development applications to Council in the last three years
- Major developers that Council knows will be seeking to undertake residential development in Wollondilly in the next 5 years
- The community of each precinct that is proposed to no longer have a site specific DCP volume (Bingara Gorge, Bridgewater and The Oaks South)
- Anyone who has registered for notification of the Growth Management Strategy
- Chambers of Commerce
- Members of Council's Committees and Advisory Groups
- The proponents for any current or recently made Planning Proposal
- Landowners within PTT and PTTAG
- Anyone who made a submission on any current or recently made Planning Proposal.

Consultation was also carried out with Internal Council Staff and key Government Agencies who may be affected by the changes.

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A total of fifty five (55) submissions were received during the consultation period, thirty two (32) written submissions and twenty three (23) responses submitted online. It is noted that several online submissions were not completed fully by the submitter and did not include any comments on the Draft Wollondilly DCP 2015.

A summary of the submissions received and Council's response from:

- The community and the development industry are provided at Attachment 1
- Public agencies are provided at Attachment 2.

A number of amendments have been made to the Draft Wollondilly DCP 2015 in response to submissions. The tables at Attachment 1 and 2 indicate where this has happened.

RELEVANT CONSIDERATIONS

Environmental Planning and Assessment Act, 1979

The Environmental Planning and Assessment Act, 1979 provides the following requirements for Council in the making of the Development Control Plan:

Section 74BA Purpose and status of Development Control Plans

- 1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
 - (a) *Giving effect to the aims of any environmental planning instrument that applies to the development,*
 - (b) *Facilitating development that is permissible under any such instrument,*
 - (c) *Achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

Comment: The development control plan is intended to provide guidelines and considerations that support Wollondilly Local Environmental Plan 2011 and to ensure that development that is permissible under that plan is carried out in an appropriate way.

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Section 74C Preparation of development control plans

- (2) *Only one development control plan made by the same relevant planning authority may apply in respect of the same land. This subsection does not apply to:*
- (a) *A plan prepared for the purposes of subsection (1) (d) or for any other purpose prescribed by the regulations, or*
 - (b) *A plan prepared for the purpose of amending an existing plan. If this subsection is not complied with, all the development control plans concerned have no effect.*

Comment: The final document will consist of one DCP made up of 8 volumes in accordance with this clause. The current DCP will be repealed upon adoption of the 2016 DCP and therefore only one plan will be in operation. This means that any development applications determined after commencement of the new plan will need to be assessed having regard to the controls in the new DCP instead of those in the current Development Control Plan. In most cases this will have a neutral impact on an application, and in some cases this will have a positive impact on the assessment of an application. It is possible that there will be an unforeseen negative impact on an application however this risk is considered low.

- (4) *A development control plan may amend, substitute or revoke another development control plan.*

Comment: DCP 2016 is intended to substitute DCP 2011.

- (5) *A provision of a development control plan (whenever made) has no effect to the extent that:*
- (a) *It is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*
 - (b) *It is inconsistent or incompatible with a provision of any such instrument.*

Comment: The plan is considered not to be substantially the same as any environmental planning instrument applying to the same land nor be inconsistent with any environmental planning instrument.

Environmental Planning and Assessment Regulations, 2000

The Environmental Planning and Assessment Regulations 2000, provide the following requirements for Council in making a Development Control Plan:

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Clause 16 - In what form must a Development Control Plan be made?

- (1) *A development control plan must be in the form of a written statement, and may include supporting maps, plans, diagrams, illustrations and other materials.*
- (2) *A development control plan must describe the land to which it applies, and must identify any local environmental plan or deemed environmental planning instrument applying to that land.*

Comment: The DCP is meets the requirements of this clause.

Clause 18 - Draft Development Control Plan must be publicly exhibited

- (1) *Following the preparation of a draft development control plan, the council:*
 - (a) *Must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan,*
 - (b) *Must publicly exhibit at the places, on the dates and during the times set out in the notice:*
 - (i) *A copy of the draft plan, and*
 - (ii) *A copy of any relevant local environmental plan or deemed environmental planning instrument, and*
 - (c) *Must specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).*
- (2) *A draft development control plan must be publicly exhibited for at least 28 days.*

Comment: The DCP was exhibited for a period of forty two (42) days in accordance with the above clause. A total of fifty five (55) submissions were received during the consultation period, thirty two (32) written submissions and twenty three (23) responses submitted online. These have been discussed earlier in the report.

Clause 21 Approval of Development Control Plans

- (1) *After considering any submissions about the draft development control plan that have been duly made, the council:*
 - (a) *May approve the plan in the form in which it was publicly exhibited, or*
 - (b) *May approve the plan with such alterations as the council thinks fit, or*
 - (c) *May decide not to proceed with the plan.*

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- (2) *The council must give public notice of its decision in a local newspaper within 28 days after the decision is made.*
- (3) *Notice of a decision not to proceed with a development control plan must include the council's reasons for the decision.*
- (4) *A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.*

Comment: The Wollondilly DCP 2016 has been altered in after consideration of feedback from public exhibition of the plan. The changes do not cause the need for the plan to be re-exhibited. Council can now make the plan under Clause 21(1)(b). Once the plan is made, advertising will be arranged to ensure its prompt commencement.

Clause 22 - How may a Development Control Plan be amended or repealed

- (1) *A council may amend a development control plan by a subsequent development control plan.*
- (2) *A council may repeal a development control plan:*
 - (a) *By a subsequent development control plan, or*
 - (b) *By public notice in a local newspaper of its decision to repeal the plan.*

Comment: Wollondilly DCP 2016 will replace Wollondilly. Wollondilly DCP 2011 will be repealed in accordance with the requirements listed above.

Clause 23 - Procedure for repealing a Development Control Plan by notice

- (1) *Before repealing a development control plan by public notice in a local newspaper, the council must give public notice in a local newspaper:*
 - (a) *Of its intention to repeal the development control plan, and*
 - (b) *Of its reasons for doing so.*
- (2) *Publication of the notice of intention must take place at least 14 days before publication of the notice of repeal.*
- (3) *The repeal of a development control plan by public notice in a local newspaper takes effect on the date of publication of the notice.*

Comment: DCP 2011 will be repealed by carrying out the procedures above.

FINANCIAL IMPLICATIONS

No funding has been allocated for this project. The work has been completed using the salary budget allocation in the 2015/2016 operational Plan.

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ATTACHMENTS

1. Table summarising matters raised by community and the development industry during the public exhibition
2. Table summarising matters raised by public agencies during the public exhibition
3. Table summarising key amendments to the Draft Wollondilly DCP 2016
4. Final Draft Wollondilly DCP 2016 – Version showing changes (available upon request)
5. Final Draft Wollondilly DCP 2016 – for adoption (available upon request)

RECOMMENDATION

1. That Council adopt Wollondilly Development Control Plan 2016 in the form attached to this report and repeal Wollondilly Development Control Plan 2011.
2. That Council not request any applicant for a Development Application submitted but not determined prior to the commencement of Wollondilly Development Control Plan, 2015 to submit an amended Statement of Environmental Effects to address the new Development Control Plan, except where the original Statement was inadequate or where the proposal changes.
3. That Council advertise this decision as soon as practicable to ensure that the new provisions commence promptly.
4. That Council write to all submitters advising them of this outcome.

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TABLE SUMMARISING MATTERS RAISED BY COMMUNITY & DEVELOPMENT INDUSTRY DURING THE PUBLIC EXHIBITION FOR WOLLONDILLY DCP 2015

RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 1 - General	Part 3 – Variations to this Plan	Variations should be clarified to acknowledge allowances under 79C of the EP&A Act, 1979.	This section has been amended to provide greater clarity on the information requirements for Council to consider a variation and are considered to be consistent with section 79C of the Act.	Yes
Volume 1 - General	Part 4 – Community Engagement	All Places of Public Worship should be advertised not just those with a capacity over 100 people.	It is considered that Places of Public Worship that have capacity for less than 100 people would be unlikely in most cases to have an impact that would warrant advertising. The DCP still allows Council to advertise any application at its discretion should the impacts warrant that form of notification.	No
Volume 1 - General	Part 5 – Colonial Heritage (General)	There are a lot of controls for maintaining heritage buildings in the Shire. Are there any checks done on these buildings?	The DCP is intended to apply controls to future development, including future works to heritage items. The requirements of the DCP could be imposed by way of conditions of consent on any development application which landowners would be obligated to comply with.	No
Volume 1 - General	Part 5 – Colonial Heritage (General)	The heritage provisions are supported. The area needs to be protected from over development to ensure that heritage character is preserved.	Noted	None Required
Volume 1 - General	Part 5 – Colonial Heritage (General)	Heritage controls for the Menangle Street Precinct should mention Old Post Office, Coach House IMB Building, Diggers Shop and St Andrews Church.	These items are located within the Commercial Centre Precinct and not the Menangle Street Precinct. The character description for the Commercial Centre Precinct already mentions these buildings.	No
Volume 1 - General	Part 6 – Heritage (Specific Locations)	The small vernacular cottages along Menangle Street deserve more detail.	The existing heritage controls for colonial heritage and the area specific controls for the Menangle Street Precinct are considered sufficient.	No
Volume 1 - General	Part 6 – Heritage (Specific Locations)	In relation to the Thirimere Heritage Conservation Area: - No mention is made of the built evidence of the Estonian history of Thirimere - QVB needs clarification.	These controls relate to the overall heritage conservation area in Thirimere. Estonian heritage items (including the Estonian church which is located outside the heritage conservation area) and the Queen Victoria Memorial Building are all listed as local heritage items in Council's LEP and are therefore subject to appropriate heritage controls.	No
Volume 1 - General	Part 5 – Colonial Heritage (General) & Part 6 – Heritage (Specific Locations)	Further heritage controls for The Oaks, to control development along Werrim Creek Catchment.	Areas along much of Werrim Creek are protected, because they are identified as 'sensitive land' on the WLEP 2011 Natural Resources - Water Map. Development on 'sensitive land' is subject to Clause 7.3 Water Protection of the Wollondilly LEP 2011 and also Part 9 - Environmental Protection within the Wollondilly DCP.	No

¹ The references to volumes, sections and parts throughout this table relate to the version of the Draft Wollondilly Development Control Plan 2015 which was publicly exhibited and not the current adopted DCP or final draft version proposed for adoption.

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RELEVANT VOLUME'	RELEVANT SECTION'	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 1 - General	Part 5 – Colonial Heritage (General) & Part 6 – Heritage (Specific Locations)	The Heritage and St Matthews Church should receive significant heritage protection as built evidence of the first white settlement in The Oaks.	It is considered that further heritage controls are not required at this stage.	No
Volume 1 - General	Part 5 – Colonial Heritage (General) & Part 6 – Heritage (Specific Locations)	Heritage controls should ensure that no demolition occurs unless the building is unsafe and that any alterations to heritage items are sympathetic with existing architectural style of the building.	The Wollondilly DCP already includes controls to address these matters. Section 5.2 requires the development of heritage items to be consistent with the NSW Guidelines for Development in Conservation Areas 'Design in Context'.	No
Volume 1 - General	Part 5 – Colonial Heritage (General) & Part 6 – Heritage (Specific Locations)	Sites such as the Stonequary creek railway viaduct, Menangle Street Precinct and railway sites are valuable and should be protected.	Section 5.2(3) prevents demolition of heritage items unless there are exceptional circumstances.	No
Volume 1 - General	Part 9 – Environmental Protection	A focus on Bobbanking or similar conservation arrangements may lead to Blanket tree removal in areas.	These items are listed as Heritage Items and fall within the Protection Conservation Area under the Wollondilly LEP Plan 2011 and therefore have statutory protection under this and other Acts. The Wollondilly DCP provides additional controls to guide development to heritage items and development within conservation area. Subsequently, it is considered that no further changes are required in this regard.	Yes
Volume 1 - General	Part 9 – Environmental Protection	The environmental controls will only be adhered to if the owner sees fit to do so.	This issue has been recognised and the environmental protection section of Volume 1 has been amended. The amendments focus on ensuring that any development on land that is subject to the Natural Resources Biodiversity Layer takes appropriate measures to avoid, minimise and mitigate any impact on mapped vegetation, and ensures that Bobbanking is only considered as a last resort so that retention and management of the vegetation on affected sites is made a priority. It is considered that the amendments to this section address the concerns raised in the submission.	No
Volume 1 - General	Part 9 – Environmental Protection	The term 'similar environmental conservation arrangement' needs some sort of definition.	The approval of any development application is subject to the controls in this volume. The controls are able to be reflected through conditions of consent on any development application which any current or future owner is legally obligated to comply with.	No
Volume 1 - General	Part 9 – Environmental Protection	The definition of environmental asset needs to better explain the terms "contiguous" and "Land", i.e. if land means	It is considered that this term doesn't need to be defined. It is already defined in a sense that it needs to be a similar arrangement to bobbanking. It would be preferred to not define this term to allow flexibility. It is considered that this control would be difficult for both applicants and Council to interpret and has been replaced with	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 1 - General	Part 9 – Environmental Protection	vegetated land or just that composed of the 5 dot points in the policy.	simpler environmental controls.	
Volume 1 - General	Part 9 – Environmental Protection	The wording in control 9.2(4) should be changed to "The vegetation within watercourses and riparian areas mapped on the Natural Resources map" to provide greater clarity.	This change has been implemented accordingly.	Yes
Volume 1 - General	Part 9 – Environmental Protection	The words "and the position of the watercourse centre lines shown is only approximate" should be added to control 9.2(5) for greater clarity.	This change has been implemented accordingly.	Yes
Volume 1 - General	Part 9 – Environmental Protection	The word "must" in control 9.2(6) should be replaced with "should ideally" as it is not always possible to treat stormwater upstream of a mapped watercourse.	This issue is acknowledged and the control has been amended to state that water treatment should occur outside areas mapped under the Natural Resources Water Layer, which was the initial intent of the control.	Yes
Volume 1 - General	Part 9 – Environmental Protection	Strongly opposed to the biodiversity provisions contained in Part 9 of the draft plan and their potential impact on PTT land. Vegetation issues were taken into account during the rezoning of the site. Council has decided to rezone the site R2 with a 450 square metre minimum across the sites and if the land had threatened ecological communities or high diversity values across the sites then they should have been zoned something else. The studies carried out as part of the Planning Proposal are clear in their conclusions that the area of land on the western side of Thirlmere Way in the South Thirlmere Area are classified as upper Georges River Sandstone Woodlands and as such do not contain any threatened and endangered biodiversity.	Land within the PTT which contain significant vegetation has been identified as 'sensitive land' on the Natural Resources - Biodiversity Map of the Wollondilly LEP 2011. 'Sensitive Land' within the PTT area was identified at the rezoning stage based on information provided within specialist studies and consultation with the NSW Government Office of Environment and Heritage. The land was identified in order to avoid, minimise or mitigate any impact on the vegetation. Although the land has been rezoned to R2 Low Density Residential some parts of each of the PTT Precincts contain areas that are required to undergo further assessment at the development stage due to their constraints. The controls proposed in the Environmental Protection section of the Wollondilly DCP aim to guide development on sensitive land.	No
Volume 1 - General	Part 9 – Environmental Protection	The controls relating to watercourses are inconsistent with the requirements and allowances under the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land.	This issue is acknowledged and the control has been amended from the exhibited draft version which stated that vegetation within the Natural Resources - Water Layer shall not be cleared, to state that any development in these areas should avoid, minimise or mitigate any impact. This ensures that the control is consistent with the Wollondilly LEP 2011 and relevant NSW Office of Water guidelines.	Yes
Volume 1 - General	Part 9 – Environmental Protection Part 10 – Tree Removal	Any mature trees (>100 years) should be retained and it should be ensured that all clearing and stormwater generated by development be controlled by government standards.	Removal of mature trees will need to be in accordance with the tree removal provisions contained in volume 1 of the plan. The environmental protection part in volume 1 of the plan provides relevant stormwater controls requiring stormwater from development to be treated to appropriate standards.	

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 1 – General	Part 10 – Tree Removal	Only large trees that are dead or dangerous should be removed, especially those that provide habitat.	The amended tree removal provisions provide that a dead, dying or dangerous tree may be removed without the need for any approval. It is unreasonable to provide that only dead trees may be removed. The tree removal section within volume 1 provides exemptions for tree removal in accordance with relevant legislation and other provisions for tree removal that requires a permit or development consent.	No
Volume 1 – General	Part 12 - Signage	Will Council do anything to ensure that real estate signs are only located on the property for sale.	This is a matter which is controlled under the State Environmental Planning Policy (Exempt and Complying Development) and is not considered a matter for this section of the DCP to deal with.	No
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas Section 2.1 Wilton Park, Wilton (Bingara Gorge)	Control 2.1(8) is considered to be highly objective and exposed to differing interpretation.	It is acknowledged that there is an element of subjectivity in this control, however it does identify key issues that need to be taken into consideration during the preparation and assessment of any development application on the subject land and should be retained. The control relates to views, visual impact and amenity which are nearly always subjective at some level in any case.	No
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas Section 2.1 Wilton Park, Wilton (Bingara Gorge)	Control 9 (proximity to gas pipeline) is considered to be an issue for the relevant gas authority rather than a DCP provision.	The control states that if development for the purpose of any sensitive use such as a school, child care centre etc. is proposed within 750m of the gas line the consent authority must be satisfied no human health impacts would occur. This is considered to be a planning matter as well as a matter for the gas company and the control should be retained.	No
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas Section 2.1 Wilton Park, Wilton (Bingara Gorge)	The provisions throughout this part where reference is made to a maximum 1165 lots should be amended to 1,800.	The 1165 lots would be consistent with the original deed of agreement for the site which is still in force. The control should remain unchanged.	No
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas Section 2.1 Wilton Park, Wilton (Bingara Gorge)	Additional flexibility should be allowed in terms of the minimum and maximum number of lots per precinct referred to in the table in map 2 in this part.	The yields that are provided in each precinct are considered appropriate and would ensure that the development is in accordance with the 1165 lots described above. The control should remain unchanged.	No
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas Section 2.1 Wilton Park, Wilton (Bingara Gorge)	A strong objection is raised to the increase of 1800 lots in Bingara Gorge.	The DCP controls in this volume restrict the total number of lots in the precinct to 1165 and there is no intention in the DCP to increase this	No
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas; Section 2.2 Marsh Road, Silverdale (former Lion Safari Park)	A submission was received which provided the following: An alternative location of the proposed parkland identified in the structure plan was put forward which locates the park more centrally and adjoins the E2 Lands.	An additional control has been included in the DCP which states that Council may consider an alternate location of the proposed park land provided that stormwater leaving this area is appropriately treated.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
		<p>The existing road network provisions in the structure plan prevent access onto Marsh Road due to a portion of the road being privately owned which restricts public access along this frontage.</p> <p>The DCP requires fencing along the western boundary of the site; however, no covenants could be placed on private lots adjoining this boundary due to the required perimeter road.</p> <p>The DCP requires fencing to be delivered to front Marsh Road and Farnsworth Avenue as early as possible in the development. Farnsworth Avenue does not have frontage to the subject site.</p> <p>Noise impacts from the helpoad should be based on noise impacts anticipated.</p>	<p>The control in the exhibited draft plan states that there is to be no access from the perimeter road directly on to Production Avenue. Council realises that this control is restrictive and the control has been amended to state that access onto Production Avenue may be considered if appropriate landowners consent is provided.</p> <p>Control has been amended to enable fencing to be subject to an appropriate maintenance agreement between the developer and WaterNSW (the adjoining landowner).</p> <p>The references to Farnsworth Avenue in this control have been deleted.</p> <p>This control should be retained for now due to the location of existing helpoad.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>
Volume 2 – Urban Release Areas	Part 2.2 – Urban Release Areas, Section 2.3 Pictou, Tahmoor, Thirlmere, New Urban Lands (PTL)	This section refers to Pictou, Tahmoor, Thirlmere new Urban Lands but there is no map.	The maps for each precinct is provided in Volume 3, Part 3 - Controls for Specific Locations.	No
Volume 2 – Urban Release Areas	n/a	A new section for Wilton Junction should be added to this DCP.	There is no certainty at this stage that Wilton Junction will proceed as the proposed amendment to Growth Centres SEPP have not been finalised. Wilton Junction controls therefore should not be included in the DCP.	No
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.2 Wastewater	Should be amended to allow a pump-out system as an interim measure for wastewater disposal.	Council does not encourage pump out systems and this control should be retained.	No
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.4 Lot Shape	The requirements in section 2.4 (Lot Shape) are difficult to understand.	This control has been re-worded to enable easier reading.	Yes
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.4 Lot Shape	Given the nature of the proposed future large lot residential subdivision at Cross Street, section 2.4 (lot shape) of the DCP must allow for the irregularity of certain corner lots.	Control 2.4(5) has been provided to allow some irregularly shaped lots due to their position in the road or constraints of the site subject to meeting certain criteria.	No
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.4 Lot Shape	Control 2.4(6) appears to have words missing.	Additional wording has been added to address this matter.	Yes
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development	Conflicts with the Planning Proposal process which legitimately establishes the minimum lot size requirements.	Council has noted that this control may cause complications and has been deleted.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
	Section 2.6 Delivery of Housing Variety in Residential Zones	A lot yield mix may be at the expense of how topography or other site constraints may inform the lot layout. Council could encourage a mix of lot sizes without providing a prescriptive standard.	Housing diversity is considered to be important as it increases housing choice and improves housing affordability. Further consideration should be given to encouraging housing diversity in a future review of the Wollondilly DCP.	
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.6 Delivery of Housing Variety in Residential Zones	The density requirements in and correlation with lot sizes are difficult to understand. Further, the inclusions/exclusions (such as road, drainage) will all have an impact on what constitutes a hectare of R2 zoned land for density.	As stated above, Council notes the potential issues with the application of this control and has subsequently been deleted.	Yes
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.7 Corner Allotments	The controls requiring the identification of primary and secondary setbacks and driveway locations at the subdivision stage would be better applied at the building stage.	It is considered necessary to consider the primary and secondary road frontages as well as driveway entry point at the subdivision stage so that these can be considered with regard to intersection safety, sight distance and suitable construction of roads during the subdivision stage.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations	The growth areas identified around Pictou, Tahmoor, and Thirimere, identified in the plan will greatly increase traffic and consideration needs to be given to: - Increasing parking at Pictou Railway Station - Victoria Bridge congestion	Both of these matters are considered to be outside the scope of the DCP. This will be considered as part of other investigations into the area.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.2 Thirimere East	An objection is raised to the proposed road between Brundah Road and Rita Street identified on the East Thirimere precinct structure plan based on the following: - Existing Development applications for Marion Street do not conform to this road - Landowners would incur an unfair cost for the road construction. - Land adjoining the precinct would have homes fronting backyard fences (visual impact) Safety issues with through road (i.e. exceeding speed limits, burnouts etc).	Any safety issues with having a direct road link from the southern end to the northern end of the site could be addressed at the development application stage through traffic calming devices. Council would be able to consider minor variations to this structure plan if it prevented an issue such as fences along lots adjoining the future roads and the controls have been amended to reflect this. The developers of the site would ultimately have to incur the cost of road construction through this precinct and the ultimate payment of this road would need to be negotiated between the developers of the site. Some level of road connection to the existing traffic network needs to be identified on the structure plan to satisfy the requirements of clause 6.3 of WLEP 2011. It is considered that the road network identified is satisfactory and be retained.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.4 Tahmoor West	The development of the unmade road identified in the West Tahmoor Precinct structure plan will involve the removal of old growth trees which provide habitat	The impact of any potential removal of trees in association with the road construction would have been considered during the Planning Proposal for the land. Any impacts could be appropriately offset or mitigated should Council consider	No

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.4 Tahmoor West	The 50m protection zone to Myrtle Creek identified on the West Tahmoor precinct structure plan is supported.	Noted.	None Required
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.4 Tahmoor West	The land identified as a riparian corridor on the structure plan for the West Tahmoor PTT precinct should be removed as it is not a stream but a trench that was made to direct stormwater away from Thidmere Way.	The riparian corridor has been included to ensure consistency with the area marked as sensitive land identified on the relevant WLEP 2011 <i>Natural Resources - Water Map</i> . It is not possible to amend the WLEP 2011 as part of this process. Subsequently, the riparian buffer indicated on the structure plan needs to remain.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	The concept plan for the East Tahmoor PTT Precinct shows a vegetation buffer along the rear boundary of several lots. The Cross Street Planning Proposal has indicated that a reserve will be placed on the other side of the common boundary which should negate the need for a vegetation buffer.	Until the Cross Street Planning Proposal has been finalised it would be premature to remove the odour buffer shown on the structure plan for this area. Notwithstanding this, if this site is rezoned, there is no certainty as to when the site would be developed or when the existing poultry farms would be demolished as part of any future development on the site.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	It is recommended that the road shown on the East Tahmoor PTT Structure Plan be moved to run along the back boundary to service Inghams Land.	The road is unable to be moved to this location as it would displace the vegetation buffer required for odour control. The vegetation buffer should be retained as discussed above. It is considered that the indicative road layout shown in the structure plan would enable suitable connection into the Cross Street site should that Planning Proposal proceed.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	Due to the obvious increase in population and vehicle movement, Council may be able to consider an access road from Greenacre Drive to Remembrance Dr and the town. Progress Street is the only access road to and from East Tahmoor at present.	A more expansive road which provides a direct link from Greenacre Drive to Remembrance Drive may be considered as part of any future subdivision application, however, it is considered that the structure plan provides additional internal traffic links to Tahmoor Road which may reduce traffic road off Progress Street.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	The Structure Plan for the East Tahmoor PTT Precinct shows a proposed road extending Greenacre Drive which turns right across the rear of three properties in Progress Street, coming out in Courtland Avenue. This will bottleneck at Progress Street and Remembrance Driveaway. It is suggested that Council consider another road exit for the safe movement of traffic by turning left at the end of the proposed extension of Greenacre Drive. This could join Ralfe Street then exit at Rockford Road to traffic lights on Remembrance Driveaway thus keeping vehicles away from shops that want to bypass the town and travel south.	Several lots in the south eastern corner of the precinct have been removed from the East Tahmoor Planning Proposal site due to odour concerns. The structure plan has been updated to reflect this and this has also resulted in the removal of the proposed extension of Greenacre Drive into Courtland Avenue. Therefore, there is no need for an alternate road location in this part of the site to be considered.	Yes

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RELEVANT VOLUME!	RELEVANT SECTION!	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	A vegetation buffer is shown along the boundary of the East Tahmoor site with part of the Inghams land in the structure plan. Inghams have now lodged a Planning proposal for the Cross Street site which intends to remove all of the duck sheds associated with the property. It would then be appropriate for the vegetation buffer zone to be removed.	Until the Cross Street Planning Proposal has been finalised, it would be premature to remove the odour buffer shown on the structure plan for this area. Notwithstanding this, if this site is rezoned, there is no certainty as to when the site would be developed or when the existing poultry farms would be demolished as part of any future development on the site.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	An objection is raised to the proposed extension of Greenacre Drive to join Cross Street as indicated on the structure plan for East Tahmoor. This road should be indicated either on the Inghams property in full or shared between the landowners affected.	As the structure plan only relates to East Tahmoor, there is no ability to indicate any part of the potential road on the Cross Street site. It is considered that the extension to Greenacre Drive to Cross Street would provide an appropriate road link to Tahmoor Road, Myrtle Creek Avenue and Cross Street and provide an appropriate level of connectivity throughout the site. Also, there is no certainty at this stage that the Cross Street site will be rezoned and developed.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	Inghams are proposing to make their adjoining land a reserve which removes the need for the vegetation buffer which is identified on the structure plan for East Tahmoor.	The proposal to make this land a reserve is part of the Cross Street Planning Proposal. As there is no certainty over when this site will be developed (and subsequently when the duck sheds will be removed) the vegetation buffer proposed in the East Tahmoor site should be retained to mitigate odour impact.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.6 Tahmoor East	The structure plan for East Tahmoor should be amended to ensure that roads align with future local road connections that would occur in the Cross Street site.	The Cross Street Planning Proposal has not progressed to a stage where any certainty over future road layouts within the site could be relied upon. However, the proposed road layout for the East Tahmoor precinct identified in the structure plan includes the identification of a road along the property boundary with the Cross Street Planning Proposal site which would be capable of providing future road links into the Cross Street site.	No
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations Section 3.7 Avon Dam and Hawthorne Roads, Bargo	The controls for Avon Dam Road, Bargo 7 refers to the land being potentially contaminated. Is there any proof of this? Are there any legal issues that Council faces with the statement that the land is potentially contaminated?	The statement that the land is potentially contaminated is a result of the Phase 1 Contamination Assessment that was carried out with the rezoning which identified that the lot has supported a greenhouse (which is a potentially contaminating use) and therefore the land may be potentially contaminated. The intent of the DCP control is to make readers aware that a more detailed Phase 2 assessment needs to be provided with any future DA on the site which demonstrates that either the land is not contaminated, or if it is contaminated, is able to be remediated to be made suitable for a residential use. The wording has been amended to remove the reference to the site being 'potentially contaminated'.	Yes
Volume 3 – Subdivision of Land	Part 4 – Controls for Specific Locations	The meaning of PTTAG should be defined.	This heading has been amended to read Land Between Pigeon	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 4 – Residential Development	Locations Section 3.8 PTTAG All	There are no controls in the document for maximum building heights of dwellings.	<u>Lakmoor and Ullimera</u> (commonly known as PTTAG) The maximum building height in most residential areas is controlled by the Wollondilly LEP 2011 Height of Buildings Map. The Wollondilly DCP includes a control which limits the height of all dwellings to two storeys. There have not been any issues with this approach in the DCP thus far.	No
Volume 4 – Residential Development	General Comment	A request was made that Council consider introducing controls for parking areas near dwellings to reduce the onset of Low Speed Roll Over (LSRO) accidents, particularly to small children Principally as more harm and deaths arise from LSRO's than backyard swimming pool deaths and injury in Australia each year.	Controls have been incorporated into Part 2 – General Requirements for All Development with the insertion of a new Section 2.11 Special Requirements for Parking areas near dwellings. Further investigation will also be undertaken to establish whether these controls, where relevant, can be incorporated into Council's standard conditions of consent for development consent.	Yes
Volume 4 – Residential Development	Part 1 - Preliminary Section 1.3 Parts of this DCP	This Part refers to Part 5 containing controls for Avon Dam Road and PTT. In fact it should be Part 4 and state that it contains controls relating to Avon Dam Road and Bliggara Gorge.	Changes to correct these errors have been made.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.1 Single Dwelling Centre Residential Lots	A front setback of 4.5m is imposed. It is suggested that the front setback for lots less than 300 square metres include a front setback of 3.0m.	This change has been implemented to be consistent with the NSW Exempt and Complying provisions which allow a front setback of 3.0m for lots less than 300 square metres.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.1 Single Dwelling Centre Residential Lots	Objection is raised to the maximum site coverage of 60% provided under control 3.1(1).	This site coverage control is in accordance with that allowed under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The control is considered reasonable and should be retained.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.1 Single Dwelling Centre Residential Lots	The front setback controls for lots less than 300m ² should be reduced from 4.5m to 3.0m.	This control has been amended as suggested. This control is consistent with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which allows a front setback of 3m on lots less than 300m ² .	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.1 Single Dwelling Centre Residential Lots	The minimum side setback of 0.9m is supported.	Noted.	None Required

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RELEVANT VOLUME	RELEVANT SECTION	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.1 Single Dwelling Houses (Town Centre Residential Lots)	Objection is raised to the requirement for no part of any garage to be within 5.5m of a frontage of the site to any public road. The existing Bingara Gorge DCP controls should apply in this regard.	It is acknowledged that this control was unclear and would have been onerous when applied to secondary frontages on corner lots. The control has been amended as follows: <i>Any garage attached to a dwelling shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.</i> It is considered that this addresses the issues with the original control and the concerns raised in the submission.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.2 Single Dwelling Houses (Residential Small Lots)	The controls should allow a third garage for lots with frontages over 20m.	This section guides the development of residential dwellings on lots with an area greater than 451m ² and less than 700m ² . It is considered that the likely lot width and building footprint on lots of this size are unlikely to accommodate a triple garage. Subsequently it is considered that a limit of two (2) garage doors being visible to the street is appropriate.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.2 Single Dwelling Houses (Residential Small Lots)	The requirement for a rear setback of 8m for a two storey dwelling on a 450-700 square metre lot is excessive. A setback of 4m or 6m would be more appropriate.	An 8m setback is considered to be appropriate for these lot sizes and is in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The 8m setback would also allow for private open space and overshadowing requirements to be duly considered.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.2 Single Dwelling Houses (Residential Small Lots)	No objection is raised to the minimum side setback of 0.9m.	Noted.	None Required
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.2 Single Dwelling Houses (Residential Small Lots)	Objection is raised to the minimum rear setback of 3m for a single storey dwelling and 8m for a two storey dwelling. A 4m setback to the rear boundary for the single storey dwelling is a better outcome.	The rear setback control for single dwellings is considered to be consistent with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is a reasonable control for single dwellings on lots of this size. The control should therefore be retained.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.2 Single Dwelling Houses (Residential Small Lots)	Objection is raised to the requirement for no part of any garage to be within 5.5m of a frontage of the site to any public road. The existing Bingara Gorge DCP controls should apply in this regard.	It is acknowledged that this control was unclear and would have been onerous when applied to secondary frontages on corner lots. The control has been amended as follows: <i>Any garage attached to a dwelling shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.</i> It is considered that this addresses the issues with the original control and the concerns raised in the submission.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.3 Single Dwelling Houses (Standard Residential	References in the heading of the lot sizes does not include the term (inclusive) making it unclear.	The reference to lot sizes throughout the document have been amended to make the document more user friendly. A table has also been inserted at the front of the document to assist users in identifying which controls apply to a particular lot size.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.3 Single Dwelling Houses (Standard Residential Lots)	Objection is raised to the requirement for no part of any garage to be within 5.5m of a frontage of the site to any public road. The existing Bingara Gorge DCP controls should apply in this regard.	It is acknowledged that this control was unclear and would have been onerous when applied to secondary frontages on corner lots. The control has been amended as follows: <i>Any garage attached to a dwelling shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.</i> It is considered that this addresses the issues with the original control and the concerns raised in the submission.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.4 Single Dwelling Houses (Residential Large Lots)	Objection is raised to the 10m setback for each adjoining lot to a primary road. Preference is 7m.	A site specific control under section 4.2 allows a setback of 7m in Bingara Gorge.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.4 Single Dwelling Houses (Residential Large Lots)	Objection is raised to the control which requires the setback from any secondary road to be 5m. The existing Bingara DCP controls should apply in this regard.	This control is consistent with the State Environmental Planning Policy (Exempt and Compiling Development Codes) 2008 and the control should therefore be retained.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.4 Single Dwelling Houses (Residential Large Lots)	Objection is raised to the requirement for no part of any garage to be within 5.5m of a frontage of the site to any public road. The existing Bingara Gorge DCP controls should apply in this regard.	It is acknowledged that this control was unclear and would have been onerous when applied to secondary frontages on corner lots. The control has been amended as follows: <i>Any garage attached to a dwelling shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.</i> It is considered that this addresses the issues with the original control and the concerns raised in the submission.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.5 Single Dwelling Houses (Rural Lifestyle Lots)	No site coverage control exists. Maximum site coverage of 40% is recommended.	A site coverage control on a rural lifestyle lot which would be between 4000 square metres and 2 hectares is considered unnecessary.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.7 Ancillary Buildings (Town Centre Residential Lots and Residential Small Lots and Standard Residential Lots)	Will there be any size requirements for ancillary buildings? It is perplexing that a maximum floor area of 100 square metres applies to larger blocks but smaller residential lots have no floor area control.	This issue is noted and a maximum floor area of 120 square metres has been included for Town Centre, Residential Small Lots and Standard Residential Lots. The maximum floor area for outbuildings for residential large lots, Rural Lifestyle Lots and Rural Lots has also been increased so that the maximum floor area of the structures is in accordance with the size of a lot.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.7 – Section 3.10 (Ancillary Buildings on Residential Lots)	The definition of Ancillary Buildings should be more clearly defined as to what it permits and prohibits.	The definition of Ancillary Buildings has been amended to provide a clearer understanding of what is considered to be within the scope of an ancillary building. The amendments to the definition also prescribe that a detached garage is considered to be an ancillary building, however an attached garage is not considered to be an ancillary building (as it would simply form part of the house).	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.10 Housing and Ancillary Development on Residential Battle-Axe Allotments	Control 3.10(7) requires side setbacks for battle axe blocks to be 1.5m. Control 3.10(8) then states that eaves and other features that do not form a wall of a room may be located within the building setbacks but shall not extend more than 1.5m into that setback. That could mean that eaves and other features extend to the side fence.	The error has been noted and the control has been amended accordingly.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.11 Swimming Pools	No objection is raised to these controls	Noted.	None Required
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.12 Car Ports	Provisions for site coverage appear to be missing.	The site coverage controls have been added accordingly.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.12 Car Ports	Existing Bingara Gorge DCP Controls should apply.	It is considered that the prescribed controls for car ports are appropriate for the whole of Shire.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.13 Retaining Walls	No objection is raised to these controls	Noted.	None Required
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.14 Secondary Dwellings	Existing Bingara Gorge DCP Controls for Secondary Dwellings should apply	The Draft Wollondilly DCP has been amended to include a new section with planning controls to guide the development of 'Secondary Dwellings'. Secondary dwellings were previously considered as Ancillary Buildings under the Wollondilly DCP. These controls apply to secondary dwellings across the shire and are not limited to Bingara Gorge.	Yes
Volume 4 – Residential Development	Part 3 – Specific Land Use Section 3.15 Dual Occupancy in	Control 3.5(1) which states that dual occupancy cannot be carried out on town centre residential, residential small lots, or residential large lots should be removed.	Subsequently there is no need for the previous Bingara Gorge controls for Secondary Dwellings to apply. Council considers that a control is required to ensure that any dual occupancy development is carried out an appropriately sized lot.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
	Zones other than R3 Medium Density Residential			
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.15 Dual Occupancy in Zones other than R3 Medium Density Residential	Maximum site coverage controls for dual occupancies should be amended to reflect those of detached dwellings. Current 50% standard is excessive.	However, it should be noted that this control has been amended to read Dual Occupancy development shall only be carried out on lots between 800m ² and 1400m ² for attached dual occupancies and 975m ² and 1400m ² for detached dual occupancies. This enables the lot size requirements for dual occupancies in residential zones to be more consistent with the LEP provisions.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.15 Dual Occupancy in Zones other than R3 Medium Density Residential	The maximum number of garage doors visible to the street for dual occupancies in residential zones should be four (4) rather than three (3) which is provided under control 3.15(10).	It should be noted that many dual occupancy developments would likely be carried out on corner lots or in a battle-axe type arrangement where it would be possible for both dwellings to have a double car garage without breaching this control.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.15 Dual Occupancy in Zones other than R3 Medium Density Residential	The Draft DCP would not permit dual occupancy development on Town Centre, Residential Lots or Residential Large Lots. However under the current Bungara Gorge DCP a far broader allowance exists.	It is considered that the controls that have been formulated should apply across the Shire to ensure consistency.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.16 Dual Occupancy within the R3 Medium Density Residential Zone and Medium Density Development other than Residential Flat Buildings	The front setback should be reduced from 4.5m to 3m for medium density development on lots <300m ² , and A minimum private open space area of 24m ² is large for some forms of medium density development. 16m ² would be more appropriate.	A medium density development would not be possible on a lot which is less than 300m ² under the density provisions of this section and therefore there is no need to amend the setback control. A minimum private open space requirement of 24m ² for medium density developments is considered appropriate and should be retained.	No
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.16 Dual Occupancy within the R3 Medium Density Residential Zone and Medium Density Development other than Residential Flat Buildings	Control 3.16(15) requires one in every 5 unit to be adaptable. This clause is very subjective. A better alternative would be to require that at least 50% of all dwellings in a multi-unit development achieve a minimum "silver level" Design/Provisional certificate in accordance with Australia's Liveable Housing Guidelines issued by Liveable Housing Australia.	It is noted that there are some areas of this control that are unclear. The suggestion provided in this submission to provide units in accordance with the Liveable Housing Guidelines is not disagreed with; however, it is considered that the ambiguity in the control could be addressed by adding the wording at the end of the control "an adaptable dwelling in accordance with AS 4299 Adaptable Housing". The definition of Adaptable Housing in volume has also been amended to make reference to the Australian Standard. This standard sets the overall standards for adaptable housing and it is considered that making reference to this standard will clarify the requirements of the condition within the DCP.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls Section 3.19 Shop top housing	No objection.	Noted	None Required
Volume 4 – Residential Development	Part 3 – Specific Land Use Controls	If planning to build a car port or ancillary structure under the residential volume will a Development Application still be required?	State Environmental Planning Policy (Exempt and Complying Development) sets out whether these land uses can be undertaken without development consent. The controls within the Wollondilly DCP only come into play if the development requires development consent. The requirements for car ports and ancillary structures have changed slightly since the draft plan was exhibited to reflect the outcomes of community consultation and other research.	No
Volume 4 – Residential Development	Part 4 – Controls for Specific Locations Section 4.2 Bingara	Control 4.2(f) states that for land in Bingara Gorge, control 13 (now 17) in section 4.4 shall be taken to read 'where there is a dwelling on one adjoining lot the front setback for the dwelling shall be plus or minus 10% of the setback of the adjoining dwelling. Such as setback shall be no less than 7m. It was requested that the reference to 'no less than 7m shall be deleted'.	It is acknowledged that most of these lots within the 1500-4000 square metre lot areas in Bingara Gorge would be 7m as they would have been constructed under the previous Bingara Gorge DCP which may enable some new dwellings to have a setback of less than 7m if the suggested change is adopted (provided that the dwelling is within +/-10% of the adjoining dwelling front setback). However, it is considered that keeping the control in the draft exhibited plan to ensure a setback of no less than 7m would ensure that an appropriate streetscape is maintained in these areas and that the existing setback pattern is maintained.	No
Volume 4 – Residential Development	All	References to cut and fill throughout the volume should apply to existing ground level rather than natural ground level.	It is considered that the term natural ground level should be retained as it emphasises that the level (for building height measurements etc.) should be taken from ground level before any filling or engineering of the land has occurred.	No
Volume 4 – Residential Development & Volume 5 – Commercial and Community Uses	All	Requested the addition of controls requiring passive solar design in new buildings which would contribute to more sustainable energy use.	Controls are provided in the DCP requiring larger commercial buildings to adopt appropriate energy efficiency requirements. Solar energy requirements for dwellings are typically covered by BASIX requirements.	No
Volume 4 – Residential Development & Volume 5 – Commercial and Community Uses	All	The DCP makes good sense and would assist the community with future development in a smooth and orderly fashion. The medium density provisions are appropriate and are supported.	Noted.	None Required
Volume 5 – Commercial and Community Uses	Part 2 – General Requirements for All Commercial and Community Uses Section 2.2 Setbacks	Control 2.2(2) should be deleted. It states that laneways are not permitted for all development. To not allow laneways will promote deliveries and stationary deliveries in busy streets.	The word laneway has been removed from this control as suggested.	Yes

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 5 – Commercial and Community Uses	Part 4 – Controls for Specific Locations	Maps in Part 4 are incorrectly numbered 5.1.1 to 5.1.8 throughout. They should in fact be 4.1.1 to 4.1.8 throughout.	Errors have been corrected accordingly.	Yes
Volume 7 – Industry and Infrastructure	Part 2 – General Requirements for All Development Section 2.11 Noise	Additional text should be added to this control which states that noise attenuation measures may need to be specified by an independent acoustic consultant.	This change has been adopted and the control amended accordingly.	Yes
Non Specific	General Comment	This process was a waste of Council resources and funds.	The exhibition process was intended to inform and involve those residents who would be affected by the changes to the DCP. It is not considered to be a waste of resources.	None Required
Non specific	General Comment	Concerns were raised regarding the impact that overdevelopment would have on World Heritage Area and Drinking Water Catchment Areas.	Suitable controls exist in volume 1 - General of the DCP and also in other legislation to control development in World Heritage Areas. State Environmental Planning Policy (Sydney Drinking Water Catchment) controls development in water catchment areas.	No
Non specific	General Comment	Please keep existing controls for feral animals and plants e.g. privet etc.	The issues raised are also taken into consideration and are controlled through strategic planning for the area through policies such as the Wollondilly Growth Management Strategy.	No
Non specific	General Comment	A new volume should be added regarding biodiversity, buffer zones and wildlife corridors.	Suitable controls have been included in volume 1 for weed control. The control of feral animals is dealt with through separate legislation.	No
Non specific	General Comment	A volume of Ecologically Sustainable Development should be added to the DCP.	It is considered that a new volume on biodiversity isn't required at this point in time and the controls in volume 1 are sufficient.	No
Non specific	General Comment	Council should establish publicly owned buffers along the cliff tops/top of banks of the Bargo/Nepean/Georges and Cataract Rivers: - At least 150 metres wide in the area mapped by national trust and elsewhere along the Bargo and Nepean Rivers, between Bargo and the Nepean River where it flows out of Water Catchment land upstream from the freeway, and - At least 100 metres wide elsewhere along the above mentioned rivers.	It is considered that the controls contained within Volume 1 are adequate at this time.	No
Non specific	General Comment	Where houses already exist within the buffers above or very close to cliff tops. Council should consult with landowners to see what if anything can be done, by those landowners, to co-exist as harmoniously as possible with the natural environment.	Some sections along cliff tops and gorges associated with the Bargo/Nepean and Cataract rivers are currently identified on the Wollondilly Local Environmental Plan LEP Natural Resources – Water Map. These buffers along with the controls in volume 1 of this plan are considered appropriate for protecting water quality in significant areas.	No

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Non specific	General Comment	Appin Valley was classified as Complying Development so privacy provisions don't apply. DCP should take into account all aspects of pre-existing homes and privacy.	Appin Valley was not re-zoned or developed with the intention of enabling Complying Development to be carried out on the lots. Some additional privacy controls have been added to the residential volume to address the concerns raised in the submission however, Complying Development is made possible by the state State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and if Complying Development is able to be carried out on a certain land parcel then the DCP considerations aren't relevant.	Yes
Non specific	General Comment	There was no mention of the Clearyview Estate in the DCP.	DCP controls for the Clearyview site have been added into the Urban Release Area and Subdivision volumes	Yes
Non specific	General Comment	The DCP standards should be applied uniformly for land uses that are permissible in a range of zones. The same standards of building amenity and design, access, pavements, landscaping, stormwater, noise etc. should apply regardless of zoning.	The DCP is accordance with these suggestions. Each volume lists specific land use types and applies a set of controls against these uses regardless of the zone. A control may provide for a very minor difference in the application of a control in different zones but this is rare.	No
Non specific	General Comment	There needs to be a Picton Bypass established to accommodate the Planning Proposals in Picton, and Tahmoor. Victoria Bridge is unable to support the volume of traffic that it is now subjected to, the bridge should be closed and part of it made a scenic walk and another crossing over Stonequarry Creek needs to be created.	This matter cannot be dealt with as part of the DCP review. Traffic in Picton has been identified as an issue and Council has resolved to carry out an investigation into traffic in Picton and how this could be managed given the growth expected.	No
Non specific	General Comment	Development in the Appin area is long overdue. Development in Appin will help to provide benefits toward funding requirements for long term infrastructure needs of the area.	Noted, however, the identification of growth areas is not considered to be a matter for the DCP. This is a matter that is more appropriately considered within Council's Wollondilly Growth Management Strategy and related strategies.	No
Non specific	General Comment	An opportunity has been missed in recent decades to develop land in Bargo due to proximity to Motorway, direct access to Wollongong etc) (30). Future growth should occur along the M5.	Noted and is a matter for Council's future Growth Management Strategy and related documents.	No
Non specific	General Comment	The further development of areas (particularly larger estates) will create an unfair burden on the existing population.	Noted and is a matter for Council's future Wollondilly Growth Management Strategy and related documents.	No
Non specific	General Comment	Council should have pursued the need for more exit ramps at Menangle and Douglas Park and also investigate a link between Appin and the M5.	Noted and is a matter for Council's future Growth Management Strategy and related documents.	No

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RELEVANT VOLUME ¹	RELEVANT SECTION ¹	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Non specific	General Comment	Future development should be allowed where there are existing dams, road and railways.	Noted and is a matter for Council's future Growth Management Strategy and related documents.	No
Non specific	General Comment	The current Planning Proposal in Appin behind Gordon Lewis Reserve should be rejected on vegetation grounds.	This is outside the scope of the Wollondilly DCP. Planning Proposals are considered through the Gateway Process which is a standalone strategic statutory process.	No
Non specific	General Comment	Development in Appin should be encouraged. Development in Appin will help to provide benefits toward funding requirements for long term infrastructure needs of the area.	This is a strategic matter. The shire's growth is planned for through the Wollondilly Growth Management Strategy and not the Wollondilly DCP.	No
Non specific	General Comment - Bridgewater	Will future development in the Bridgewater Estate be subject to the stringent controls that most current lots have been subjected to?	Residential development in Bridgewater is still subject to appropriate controls. The controls have simply been amended to be consistent with the remainder of the Shire and the State Government's Exempt and Complying Development Code.	No

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TABLE SUMMARISING MATTERS RAISED BY PUBLIC AGENCIES DURING THE PUBLIC EXHIBITION FOR WOLLONDILLY DCP 2015			
RELEVANT VOLUME	RELEVANT SECTION	ISSUE RAISED	ASSESSMENT RESPONSE
			Were Changes Made?
SYDNEY WATER			
All	All	The Draft DCP largely does not affect Sydney Water's property interests; however, Sydney Water have taken note of the proposed changes. No objections were raised.	Noted. None Required
WATER NSW			
All	All	Requested that references throughout the document to Neutral or Beneficial Impact on water quality be amended to Neutral or Beneficial Effect.	Changes implemented as suggested. Yes
All	All	Requested that references throughout the document to Sydney Catchment Authority be amended to Water NSW.	Changes implemented as suggested. Yes
All	All	Requested that Water NSW Model DCP Clause be inserted into the DCP.	The DCP clause provided by Water NSW provides advice rather than controls and would be better suited to a fact sheet style format. No
All	All	Requested that additional controls be added throughout the document to encourage Water Sensitive Urban Design to be incorporated into development proposals.	The DCP contains a number of controls throughout requiring appropriate stormwater quality control and also makes reference to Council's Engineering Design Code. It is considered that Water Sensitive Urban Design controls would be more appropriately dealt with through a separate policy. No
All	All	Requested that several sections of the document be amended to include controls requiring development in Drinking Water Catchment Areas to achieve a Neutral or Beneficial Effect on Water Quality.	It is considered that the DCP as amended contains sufficient controls to ensure that water quality is retained. Further requirements to achieve a NORBE on water quality are covered in the Drinking Water Catchment SEPP. No
Volume 1 – General	Part 9 – Environmental Protection	Supported controls to protect riparian corridors.	Noted. None Required
Volume 1 - General	Part 10 – Tree Removal Section 10.3 Trees that can be removed without consent and without a permit	Requested that this section include some exemptions for the management of infrastructure and public recreation areas under the control of Water NSW including land zoned SP2 Infrastructure.	This suggestion has been incorporated into the tree removal provisions in volume 1 accordingly. Yes
Volume 2 – Urban Release Areas	Part 2 – Urban Release Areas	Site Specific controls are supported	Noted. None Required
Volume 3 – Subdivision of Land for All Development Section 2.2 Wastewater & Section 2.3 Stormwater	Part 2 – General Requirements for All Development Section 2.2 Wastewater & Section 2.3 Stormwater	Requested that the stormwater and wastewater control sections of the subdivision volume include controls to ensure that development within Sydney Drinking Water Catchment achieves a Neutral or Beneficial Effect on	It is considered that the subdivision volumes contain appropriate controls to achieve a Neutral or Beneficial Effects on Water Quality in the Sydney Drinking Water Catchment Areas. No

The references to volumes, sections and parts throughout this table relate to the version of the Draft Wollondilly Development Control Plan 2016 which was publicly exhibited and not the current adopted DCP or final draft version proposed for adoption.

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RELEVANT VOLUME	RELEVANT SECTION	ISSUE RAISED	ASSESSMENT RESPONSE	Were Changes Made?
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.4 Lot Shape	Water Quality. Control 2.4(5) should be amended to include a requirement that subdivisions that create irregularly shaped lots should demonstrate that they are capable of providing all associated services outside constrained areas including any on-site sewage management and irrigation in addition to the required building area.	The control has been amended to incorporate the suggestion.	Yes
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.8 Building Envelopes	The controls should state that an unsewered lot created by subdivision must demonstrate that a suitable on-site effluent management system can be accommodated.	A control has been added to this volume which requires that all subdivision carried out on unsewered land must comply with Council's on-site sewage management and grey water re-use policy which accounts for setbacks etc.	Yes
DEPARTMENT OF PRIMARY INDUSTRIES				
Volume 3 – Subdivision of Land	Part 2 – General Requirements for All Development Section 2.4 Lot Shape Section 2.11 – Agricultural Subdivision	The minimum lot widths and depths for rural zones provided in Part 2 Section 2.4 (Lot Shape) should be determined with agricultural practicability. Section 2.11 could apply to all subdivision.	This control provides a minimum frontage only and the actual frontage requirement that is required may be larger depending on the use or location of the site. Council would be able to impose a larger setback in this regard.	No
Volume 6 – Tourism and Events	Part 3 – Controls for Specific Land Uses Section 3.2 Bed and Breakfast Accommodation and Farm Stay Accommodation	The provisions within the Farm Stay Accommodation section which ensure that the agriculture business is the dominant income producer are supported.	Noted.	None Required
Volume 8 – Primary Agricultural and Rural uses	Part 3 – Specific Land Use Controls Section 3.3 Intensive livestock agriculture	A number of minor suggestions were made regarding the controls for Intensive Livestock agriculture.	A number of these changes were implemented accordingly.	Yes

The references to volumes, sections and parts throughout this table relate to the version of the Draft Wollondilly Development Control Plan 2016 which was publicly exhibited and not the current adopted DCP or final draft version proposed for adoption.

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Attachment: Summary of key changes to the DCP

Please note that the following table does not identify minor changes such as the correction of errors or re-wording of controls to provide greater clarity.

DCP Clause	Amendment	Reasoning
Volume 1		
Part 1 Interpretation (Section 1.3)	Definitions added for the following: <ul style="list-style-type: none"> ▪ Building Line ▪ Finished Floor Levels ▪ Primary Front Façade ▪ Public realm ▪ Secondary front façade ▪ Site coverage 	These terms were not previously defined and are referenced regularly throughout the document. The definitions are added to prevent confusion.
Part 1 Interpretation (section 1.3)	The definition of adaptable housing was amended by adding the text in accordance with AS 4299 Adaptable Housing.	This Australian Standard applies the standards for adaptable housing and it is relevant for the definition to include reference to this standard to provide a clearer meaning of the term adaptable housing.
Part 3 – Variations to this plan	This section has been replaced with text which provides a clearer outline of: <ul style="list-style-type: none"> ▪ The matters that an applicant needs to satisfactorily address when applying for a variation to the DCP; ▪ The matters that Council needs to be satisfied of in order for a variation to be granted under this plan. 	The exhibited draft version did not specifically state the requirements that needed to be satisfied when applying for a variation to this plan, it simply advised to make reference to the variations clause in the LEP, court judgements and SEPP 1 (which has been repealed). The new controls provide a more direct description of matters to be addressed when requesting a variation to this plan.
Part 4 Community Engagement (Section 4.1)	This section identifies the types of uses that do not require notification. This section has been amended to be substantially the same as that contained in DCP 2011 Volume 1.	The Draft Plan that was placed on exhibition would have required an unreasonable level of assessment by both applicants and Council to determine whether notification of a development application was required. The draft plan would have required a full assessment of both DCP and LEP to establish whether notification was

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DCP Clause	Amendment	Reasoning
		required. For example, a development application requiring a variation to this DCP would have required notification, but would have required a full assessment to determine this. It is considered more reasonable to revert to the provisions that were in place under 2011 DCP where a simpler and quicker process to determining notification requirements applies.
Part 4 Community Engagement (Section 4.3)	In relation to uses requiring advertising, any premises requiring a liquor license under the liquor Act was amended to any bottle shop, licensed club or hotel requiring a license under the Liquor Act, 2008.	The previous wording under the draft plan would have required any premises requiring a license, including restaurants, small shop fit outs etc to be advertised which was not the intention of this clause.
Part 4 Community Engagement (Section 4.3)	The text was amended to exclude solar panels used for domestic purposes from requiring advertising.	It would be excessive to require solar panels for domestic purposes to require advertising.
Part 4 Community Engagement (Section 4.5)	Text was added to give greater clarity on what Council considers to be minor changes when considering an application to modify a consent which would not require re-notification.	To provide greater certainty as to what changes to a development application prior to determination are considered to be minor and do not require re-advertising.
Part 4 (Community Engagement) Section 4.6	Text was added to provide greater clarity on the notification requirements for differing types of applications to modify consent and an application for a review under section 82A.	This text provides clearer guidance for Council on the notification requirements for an application to modify a development consent and review of determination.
Part 8 Flooding	The section has been amended to provide permissible uses for different categories of flood hazard and appropriate controls for these uses.	The amended controls provide a more prescriptive outline of permitted uses in flood areas.
Part 9(Environmental Protection (Control 1)	The Draft Plan required any removal of trees in areas identified on the natural resources biodiversity layer to undergo biobanking or a similar	The amended controls provides a more appropriate link to clause 7.2 of Wollondilly Local Environmental Plan 2011

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DCP Clause	Amendment	Reasoning
	<p>conservation arrangement. This has been replaced with the following controls:</p> <ol style="list-style-type: none"> 1. <i>Development carried out on areas mapped as 'sensitive land' on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.</i> 2. <i>If a development is not able to avoid, minimise or mitigate an adverse impact on sensitive land mapped on the Natural Resources Biodiversity Map, the vegetation shall not be cleared or otherwise disturbed unless the impacts are offset through biobanking or a similar conservation arrangement.</i> <p>A control has been retained stating that biobanking may be considered if the development is not able to avoid, minimise or mitigate any adverse impact on the mapped vegetation.</p>	<p>which requires development to avoid, minimise or mitigate and impact on vegetation in the Natural Resources Biodiversity Layer and will also promote retention of native vegetation. This also addresses concerns raised in submissions that bio banking will lead to blanket tree removal.</p>
<p>Part 9 Environmental Protection (Control 3)</p>	<p>The following control has been deleted:</p> <p><i>In determining an application to clear land within an environmental landscape the consent authority must be satisfied that the total development will not have a net adverse impact on the visual character of that landscape.</i></p>	<p>This control would have been difficult to apply due to the uncertainty over what is a "net adverse impact". Visual impact needs to be taken into account under other relevant planning legislation in any case. A control has been added in the subdivision volume which requires building envelopes to be located away from ridgelines and visually prominent areas.</p>

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DCP Clause	Amendment	Reasoning
Part 9 Environmental Protection (Control 4)	The following control has been deleted: <i>Watercourses mapped in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011, shall not be cleared or otherwise disturbed but will be retained in the long term for environmental purposes.</i>	This control is contrary to clause 7.2 in the Local Environmental Plan which states that development on land mapped under the Natural Resources Water Map must avoid, minimise or mitigate any adverse impact.
Part 9 Environmental Protection (Control 6)	This control has been amended to require stormwater treatment to be provided outside areas mapped under the Natural Resources Water Map rather than “upstream” which was required by the exhibited Draft Plan.	It is not always possible to provide stormwater treatment upstream as the exhibited version required. This also addressed issues raised in submissions. The amended wording achieves the intent of the control.
Part 9 (added control)	A control has been added to provide greater clarification around the clearing of native vegetation that is not mapped on the Natural Resources Maps or form an environmental asset as defined under this DCP.	This control has been added in consultation with Council’s Environmental Services Section to protect native vegetation that is not subject to the Natural Resources Biodiversity Layer.
Part 10 – Tree Removal	This section has been expanded from the version that was included in the Draft to provide clearer controls for: <ul style="list-style-type: none"> ▪ Tree removal that can be carried out as exempt development. ▪ Tree removal that can be carried out with a permit. ▪ Tree removal that requires development consent. 	The tree removal controls in the exhibited draft version were unclear and have been amended to be made more user friendly and has also been amended in accordance with advice from Council’s Environmental Services Section.
Volume 2		
2.1 Wilton Park, Wilton (Bingara Gorge)		
Part 2.1 Map 4	Map 4 Road Hierarchy deleted. Corresponding tables at control 6 deleted and replaced with table which contains similar measures to those contained in the existing table in DCP Volume 7 Wilton Parklands.	The tables in controls six and seven have been deleted and this map is therefore no longer required.

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DCP Clause	Amendment	Reasoning
Part 2.1 Controls 6 and 7	The tables in control 6 and 7 which prescribe road construction standards have been deleted and replaced with a new table which is predominantly the same as the table in the existing Wilton Parklands DCP.	The control in table 7 is unclear and the specifications did not identify any road type to which they applied. The table has been deleted and replaced.
Control added.	A control has been added to protect the environmentally sensitive land in precinct 1.	A control is necessary to protect this land due to the integrity of the land and a control is recommended based on advice from Council's Development Services Section.
2.2 Marsh Road		
Part 2.2(a) Control 2	The reference to Farnsworth Avenue in the staging control has been deleted.	The site does not have any frontage to Farnsworth Avenue and this part of the control should be deleted.
Part 2.2(b) Control 2	The following control has been deleted: <i>There is to be no access from the perimeter road directly on to Production Avenue.</i> And replaced with the following: <i>Transport and pedestrian access shall only be provided in accordance with the structure plan in figure 1 of this volume on privately owned land where an easement or other form of landowners consent has been provided.</i>	If landowners consent over this private land is able to be obtained then the perimeter road could reasonably be extended to meet Production Avenue which may result in a better planning outcome.
Part 2.2(d) Control 1	The following control has been added: <i>2. Council may consider an alternate location for the park running east-west across the central portion of the site provided that it can be demonstrated that any stormwater flows through this park would achieve a neutral or beneficial effect on water quality before leaving the site.</i>	This control provides more flexibility and better enables water sensitive urban design features to be incorporated throughout the site and provide a link for the reserve to the E2 zoned land on site. This matter was raised in a submission to Council and the changes address the concerns raised.
Part 2.2(l)	The following section of the fencing control has been deleted:	Given the required location of the perimeter road, no lots will back onto

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DCP Clause	Amendment	Reasoning
	<p><i>The maintenance and retention of this fencing shall be secured on future residential lots through appropriate covenants on the lots.</i></p> <p>And replaced with the following:</p> <p><i>This fencing shall be provided outside the perimeter road indicated on the plan in figure 1 of this volume. The maintenance and retention of this fencing shall be subject to an appropriate maintenance agreement between Water NSW and the developer of the site which shall be completed prior to the issue of any development consent for the subdivision site.</i></p>	<p>the western boundary and the restriction on the title of future lots could therefore not be imposed.</p>
Part 2.4 (added)	The addition of relevant controls for the PTTAG lands.	This Planning Proposal for PTTAG was finalised in June, 2015 and requires the addition of controls in the Urban Release Area volume. It is appropriate to add those controls as part of this review.
Part 2.5 (added)	The addition of relevant controls for the Clearview Planning Proposal site.	The urban release area controls for Clearview have been adopted by Council and it is appropriate to include these controls as part of this DCP review.
Volume 3		
Part 2.1 Traffic and Transport (Control 2)	The requirement for an access handle servicing 2 or more allotments in the R3 to be constructed to a public road standard has been removed and replaced with a requirement that the access handle shall have a minimum width of 6 metres (with a pavement width of 4m).	The existing control requiring a public road for access handles in the R3 zone servicing 2 or more lots was considered unreasonable and has been amended in accordance with advice from Council's Development Engineers and Development Assessment Team.
Part 2.1 Traffic and Transport (Control 2)	An addition to the table in this control has been made to state that an access handle servicing more than three allotments in a residential zone is not permitted.	This change has been made in accordance with advice from Council's Development Engineers.

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DCP Clause	Amendment	Reasoning
Part 2.1 Traffic and Transport (Control 2)	The minimum access handle width servicing lots in the R5 zone has been amended from 15 metres to 10-15 metres.	This has been amended in accordance with advice from Council's Development Engineers. On many R5 lots that are unconstrained a width of less than 15m would be appropriate.
Part 2.1 Traffic and Transport (Control 5)	The table in this control which specified the road and drainage works required for medium and large subdivisions has been updated.	Several of the requirements prescribed by the table required amendments as requested by Council's Development Engineers.
Part 2.1 Traffic and Transport (Control 8)	The requirement to provide a streetlight within 10m of the point where an access handle meets a public road has been amended to require the street lighting within a reasonable distance as determined by the consent authority.	As advised by Council's Development Engineers, the requirements for street lighting may vary on a case by case basis depending on the location of existing street lighting in the locality and this control provides more flexibility.
Part 2.2 Wastewater (added)	A control has been added requiring any subdivision on unsewered land to meet the requirements of Council's "On-site Sewage Management System and Grey Water re-use Policy".	This control provides a clearer direction as to appropriate wastewater disposal options on unsewered land.
Part 2.3 Stormwater (Control 2)	Control 2 has been amended to state that the water quality assessment report required by this control must also include a short and long term maintenance management plan.	Concerns were raised by Council's Development Services section regarding the lack of meaning of "low maintenance". Suitable measures now need to be provided as part of the maintenance management plan required by control 2.
Part 2.3 Stormwater (Control 3)	Control 3 which states that all stormwater systems must be low maintenance has been deleted.	
Part 2.4 Lot Size and Shape (Control 2)	Minimum lot width for lots less than 450 square metres increased from 10 metres for 12 metres.	As an outcome to the September, 2015 Council meeting it was requested that the minimum frontage requirement for lots less than 450m ² be considered as part of the DCP review. This control has been reviewed and it is considered that 12m is a more appropriate frontage requirement.
Part 2.4 Lot Size and	Additional text was added to this	The ability of an irregular

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DCP Clause	Amendment	Reasoning
Shape (Control 5)	control to require irregular lots created as part of any subdivision to demonstrate: <ul style="list-style-type: none"> ▪ Any required asset protection zone wholly within the proposed lot boundaries ▪ If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required; 	shaped lot to comply with the asset protection zones in a bushfire prone area may be restricted if some sections of a lot are quite narrow. The addition of the text relating to wastewater disposal addresses concerns raised by Water NSW during exhibition in relation to this control.
Part 2.4 Lot Size and Shape (added)	A control was added which excludes a battle axe handle from the lot area calculations for a battle axe allotment.	This control would ensure that a satisfactory area is provided on battle axe lots to construct a dwelling. It also addresses concerns raised by Council's Development Assessment Team that no such control was included in the draft plan.
Part 2.4 Lot Size and Shape (added)	A control has been added which prescribes a minimum chord width of 10 metres for lots within a cul-de-sac.	This control was added in accordance with advice from Council's Development Assessment Team and Development Engineers to ensure that cul-de-sac lots achieve an appropriate frontage width.
Part 2.5 Landscape and Character (control 3)	This control has been amended to exclude battle axe handles in R5 Large Lot Residential zones from having to provide landscaping between the driveway edge and the property boundary.	The requirement for lots to provide landscaping along battle axe driveways in R5 zoned lands is considered unreasonable due to the larger lot sizes and softer fencing requirements in these areas. It is considered reasonable to retain this control for battle axe handles servicing lots in R2 and R3 zones.
Part 2.6 Delivery of Housing Variety in Residential Zones (deleted)	This control has been deleted.	The control was unclear and prescribed the minimum number of lots per hectare not the maximum. The deletion of the control is in accordance with advice from Council's Development Assessment

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DCP Clause	Amendment	Reasoning
		Team.
Part 2.8 Building Envelopes (Control 2)	Text was added to this section which states that an easement created over an adjoining boundary in association with building envelopes created with a zero lot line must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land.	This is a minor addition to the existing control which provides the requirements for the timing in which the registration of the zero lot line easement must occur.
Part 2.9 Environmental Protection (Control 2)	This control which requires subdivision to account for impacts on watercourses and environmental assets has been replaced with a control which requires subdivision to account for a broader range of constraints.	The current control only has provision for land that meets the definition of an environmental asset and watercourses and does not account for broader constraints and general vegetation. The control has been amended accordingly.
Part 2.10 Noise Amenity	This section has been deleted.	This section is deleted based on advice from Council's Development Assessment Team that this section relates to buildings and applies at the development stage. It is not a matter for the subdivision stage. The condition is deleted in accordance with this advice.
Part 2.11 Agricultural Subdivision	A clearer and more thorough set of controls have been added to the requirements for agricultural subdivisions. A control has been added requiring any lots created under this clause to be subject to a restriction on the title prohibiting a dwelling from being erected.	The amended control provides more detail as to the requirements that need to be satisfied in order for an agricultural subdivision to be considered under Council's LEP. It was recommended that this control be reviewed by Council's Development Assessment Team.
Part 3.1 Picton West	Structure Plan has been added	The structure plan for this precinct was not included in the Draft Plan.
Part 3.2 Thirlmere East (Control 3)	The control has been amended to require the habitat tree and curtilage identified on the structure plan to be wholly within one lot and	The requirement to retain the tree and curtilage within one lot will avoid any future boundary

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DCP Clause	Amendment	Reasoning
	be subject to a restriction on title for retention.	straddling the curtilage and will prevent a restriction being placed on the use of a lot that doesn't contain the tree identified.
Part 3.2 Thirlmere East (Control 4)	The control has been amended to require the staged construction of a pathway along Rita Street and Turner street to existing bus shelter in Thirlmere Way.	The control in the draft plan required the pathway to be constructed prior to the release of any subdivision certificate for any allotment in the precinct with an area less than 2ha. This control was unclear as it was uncertain as to whether the lot less than 2ha referred to an existing or proposed lot and also didn't take into account the likely event that the subdivision of the site would be staged. The control has been amended in accordance with advice from Council's Development Engineers.
Part 3.4 Tahmoor West (Control 2)	The control has been amended from stating that <i>potential archaeological items</i> shall be assessed as having high potential for aboriginal artefacts under Clause 3.10 of WLEP 2011 to state that potential archaeological items shall be assessed in accordance with clause 5.10 Of WLEP 2011.	The control under the draft plan made reference to clause 3.10 which was incorrect. The amended control gives a broader description of the requirements that need to be satisfied in achieving the heritage requirements of Council's LEP and DCP.
Part 3.5 Tahmoor South (Control 2)	The control has been amended to require the habitat tree and curtilage identified on the structure plan to be wholly within one lot and be subject to a restriction on title for retention.	The requirement to retain the tree and curtilage within one lot will avoid any future boundary straddling the curtilage and will prevent a restriction being placed on the use of a lot that doesn't contain the tree identified.
Part 3.5 Tahmoor South (Control 6)	The clause has been amended from saying that potential archaeological items shall be assessed as having high potential for aboriginal artefacts under Clause 3.10 to state that any	The control under the draft plan made reference to clause 3.10 which was incorrect. The amended control gives a broader description of the

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DCP Clause	Amendment	Reasoning
	identified archaeological items on the site shall be assessed in accordance with the requirements of Volume 1 Part 7 of this DCP.	requirements that need to be satisfied in achieving the heritage requirements of Council's LEP and DCP.
Part 3.5 Tahmoor South (Control 7)	The control has been amended to require staged construction of a pathway from the north east corner of the site to Thirlmere Way along Pitt Street shall be undertaken as part of any subdivision application and staging of the pathway shall be proportional based on the number of lots generated.	The control in the draft plan required the pathway to be constructed prior to the release of any subdivision certificate for any allotment in the precinct with an area less than 2Ha. This control was unclear as it was uncertain as to whether the lot less than two hectares referred to an existing or proposed lot and also didn't take into account the likely event that the subdivision of the site would be staged. The control has been amended in accordance with advice from Council's Development Engineers.
Part 3.6 Tahmoor East	The structure plan has been updated and amended	To remove properties/areas of land that are no longer the subject of the Planning Proposal due to odour issues.
Part 3.6 Tahmoor East (Control 1)	The control has been amended to require the habitat tree and curtilage identified on the structure plan to be subject to a restriction on title for retention.	The requirement to retain the tree and curtilage within one lot will avoid any future boundary straddling the curtilage and will prevent a restriction being placed on the use of a lot that doesn't contain the tree identified.
	A control has been added and existing controls have been amended for each of the PTT precincts requiring roads and pathways to be provided generally in accordance with the structure plan and enable direct links to the road network and area within the site identified on the structure plan. A requirement for pathways within the sites to link with external roads generally in accordance with the	The text under the draft control plan required roads to be substantially in accordance with the structure plan. This has been amended to require roads to be generally in accordance with the plan to enable some more flexibility and to ensure that the objective of ensuring that internal

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DCP Clause	Amendment	Reasoning
	structure plan has been added.	roads link with existing internal roads is achieved. The draft plan made no reference to footpath connections and a need to make reference to these has been identified and included.
Part 3.7 Avon Dam and Hawthorne Road, Bargo (Control 1)	The control has been amended to state that any future subdivision of Lot 8 DP 877774 requires the submission of a Phase 2 Contaminated Site Assessment in order to satisfy the requirements of Clause 7(1) of State Environmental Planning Policy 55 – Remediation of Land.	Concerns were raised in a submission to Council regarding the clarity of this control and the control was amended accordingly.
Part 3.7 Avon Dam and Hawthorne Road, Bargo (Control 2)	The requirement for habitat trees identified on the structure plan shall be retained has been deleted.	The structure plan does not contain any habitat trees.
Volume 4		
Part 2 Section 2.2 (Residential Development in B4 Mixed use zone)	The following control has been deleted: <i>1. Residential development within the B4 Mixed Use Zone shall not exceed the density of development permitted in the nearest residential zone unless the site is located in a particularly desirable location for higher density development because:</i> <i>a. It has superior access to a commercial centre; and</i> <i>b. It has superior access to public transport; and</i> <i>c. The site has physical characteristics that make it highly suited to higher density development.</i>	This control has been deleted as it may unnecessarily restrict development in the B4 zone. Concerns were also raised by Council's Development Services Team that there is too much ambiguity over what is considered "superior access" and the control has therefore been deleted. Other suitable controls exist for residential development in the B4 zone.
Part 2.6 Tree Removal	This section has been deleted.	The controls contained the words " <i>the consent authority shall assume that all trees will be cleared within</i> " which could be construed as an allowance for tree removal.

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DCP Clause	Amendment	Reasoning
		Additional controls have been added within the environmental protection section in volume 1 to ensure that Council's assessment considers the removal of any vegetation required for the proposed structure, asset protection zones, wastewater disposal areas and access driveways which achieves the intent of this control.
Part 2.7 Wet Bars	Maximum area for a wet bar has been increased from 1 square metre to 3 square metres.	1m ² is considered unreasonable. A maximum wet bar area of 3m ² is considered more appropriate. This is consistent with comment provided from Council's Development Services Team.
Part 2.8 Driveways	<ol style="list-style-type: none"> 1. The requirements for driveways servicing all residential development in R1, R2 and R3 zoned land to be sealed has been amended to concrete. 2. The requirement for driveways servicing dual occupancy developments in environmental and rural zoned land to be sealed has been amended to bitumen sealed. 3. The requirement for driveways servicing all development in the R5 zoned land to be sealed has been amended to concrete or bitumen sealed. 	The changes have been made in accordance with consultation with Council's Development Engineer.
Section added	A section has been added for special requirements for parking areas near dwellings to prevent low speed roll-over accidents.	This section was added after consideration of a submission from Young Shire Council. This submission detailed that they have incorporated measures into their DCP to prevent Low Speed Roll Over accidents in response to roll over incidents that have occurred in their Shire and are encouraging other

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DCP Clause	Amendment	Reasoning
		Council's to adopt a similar approach. The measures suggested are considered reasonable and will improve safety in future dwelling construction. No concerns with the addition of these controls were raised by Council's Building Team.
Part 3.1-3.6 Single Dwelling Houses	<p>The following Controls have been added:</p> <ol style="list-style-type: none"> 1. <i>The overall bulk, scale, height and proportion of the dwelling shall be consistent with the existing streetscape character of the area.</i> 2. <i>The roof form of dwellings shall be modulated or articulated to provide visual interest and shall not use bright reflective materials.</i> 	No controls for these matters exist and they are considered relevant to ensure that design of future dwellings are appropriate to the area in which they are being constructed.
Part 3.1-3.6 Single Dwelling Houses	<p>These parts contain the following control:</p> <p><i>Each frontage of the lot to a public road must be addressed by the dwelling. A dwelling is taken to address a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume and has the appearance of dwelling front facade.</i></p> <p>This has been replaced with a more suitable control which requires the provision of suitable building design treatments to the front façade of dwellings, in addition to the current requirements of providing articulation and an access door.</p> <p>Controls have also been added requiring that these features be replicated on the secondary front facades on corner lots.</p> <p>A control has also been added requiring that any fencing on</p>	<p>The current controls state that the front façade must provide a door, articulation and must not be a blank wall. There is no reference made to any design controls. This issue was also raised by Council's Building Team during consultation and has also presented issues during the assessment of previous development applications particularly on corner lots.</p> <p>A fencing control has been added to ensure that front fencing (or side fencing along a secondary frontage) does not block these treatment measures.</p>

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ATTACHMENT 3 – 3615-6 – 21 December 2015

DCP Clause	Amendment	Reasoning
	primary and secondary frontages must not screen any treatment measures.	
Part 3.1 Single Dwelling Houses Town Centre Lots (control 13)	The front setback requirement for lots less than 300 square metres has been amended from 4.5 metres in the exhibited draft development control plan to 3 metres.	This matter was also raised in a number of submissions received in public exhibition. A 3.0m front setback for lots less than 300m ² is consistent with the NSW Exempt and Complying SEPP and it is considered reasonable to amend the control accordingly.
Part 3.1 Single Dwelling Houses Town Centre Lots (control 17)	The minimum rear setback in the exhibited draft version was 3.0 metres for a two storey dwelling and 0.9 metres for a single storey dwelling. This has been amended to 8.0 metres for a two storey dwelling and 3.0 metres for a single storey dwelling.	A 0.9m setback for single storey dwellings on town centre residential lots is considered too small, particularly given that the requirements for side setbacks on these lots are also 0.9m. A 3.0m setback is consistent with the NSW Housing Code and is considered appropriate in this regard.
Part 3.1-3.6 Single Dwelling Houses	The control relating to the minimum setback requirements for attached garages has been amended to state that the setback must be a minimum of 5.5m or at least 1.0m behind the front building line of the dwelling whichever is greater.	This control is clearer and the current control does not require garages to be behind the building line of the dwelling, they are only required to be a minimum 5.5 metres from the front boundary.
All housing types on residential lots.	Solar access provisions have been added.	There is currently no regard for solar access provisions in the DCP. This is considered to be a vital planning control particularly on smaller lots. The addition of solar access controls for residential development was requested by Council's Development Assessment Team.
Single Dwelling Houses (Lots 700m ² and above)	The requirement for a minimum of one (1) parking space to be required behind the building line has been increased to two (2).	Dwellings with single car garages are often constructed up to the minimum side boundary setback and if the need arises for an additional covered parking space at

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DCP Clause	Amendment	Reasoning
		a later date, then a car port in front of the building line is the only real means to achieve this if only a single garage was originally constructed which would be contrary to the DCP controls for car ports.
Part 3.4 Single Dwellings Residential Large Lots	Private open space requirements added for dwellings on large lot residential allotments.	A control is considered necessary for lots between 1500m ² and 3999m ² to achieve this requirement.
Part 3.6 Single Dwellings Rural Lots	A control has been added requiring any dwelling not to be located on a part of the site that is on a ridgeline or within a visually prominent area that would be detrimental to the landscape character of the locality.	A control is necessary to protect the visual character of rural areas and ensure that the construction of dwellings does not impact on rural landscape character.
Part 3.7-3.9 Ancillary Structures	The maximum permissible floor areas for lots have been amended so that it is stepped in accordance with the area of the lot.	The current maximum permissible floor area (100m ²) for lots above 1500 square metres has been varied consistently since its adoption and concerns with this control have also been raised by Council's Planning and Building Teams.
Part 3.9 Ancillary Structures (Rural Lots)	The following control has been added: <i>Ancillary buildings shall be located no less than 1.0m behind the front building line of the secondary street frontage on corner lots.</i>	No controls currently exist for building setbacks for secondary street frontages on corner lots in rural zones.
Part 3.11 Swimming Pools (Control 4)	Addition of site coverage controls.	The single dwelling controls and ancillary structure controls prescribe a maximum site coverage for "all buildings" on certain lot types. The addition of these site coverage controls to swimming pools would ensure that they are consistent with the existing DCP provisions.
Part 3.12 Car Ports (Control 1)	Addition of site coverage controls.	The single dwelling controls and ancillary structure controls prescribe a maximum site

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DCP Clause	Amendment	Reasoning
		coverage control for "all buildings" on certain lot types. The addition of these site coverage controls car ports would ensure that they are consistent with the existing DCP provisions.
Part 3.12 Car Ports (Control 5)	The control relating to the minimum setback requirements for car ports has been amended to state that the setback must be a minimum of 5.5m or at least 1.0m behind the front building line of the dwelling whichever is greater.	This control is clearer and the current control does not require car ports to be behind the building line of the dwelling, they are only required to be a minimum 5.5 metres from the front boundary.
Part 3.14 Secondary Dwellings	Addition of a separate, individual list of controls for secondary dwellings, relating to areas such as site coverage, setbacks, private open space, building design, parking and access, solar efficiency etc.	<p>The current controls for Secondary Dwellings predominantly require assessment against the controls for ancillary structures which is not user friendly.</p> <p>It is also contrary to the definition of outbuilding in the DCP which states that an ancillary structure is not a dwelling.</p> <p>The implementation of a separate and individual list of controls for Secondary Dwellings is in accordance with the advice received from Council's Development Services Section.</p> <p>It is considered that a Secondary Dwelling should be assessed in a similar manner to a dwelling and the additional Secondary Dwelling controls have been based on the existing controls in this plan for single dwellings.</p>
	An individual section has been created for dual occupancy development in R2 and R3 zones (requirements for dual occupancy	The requirements for dual occupancy development in the R2 and R3 zones are largely the same and it is

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DCP Clause	Amendment	Reasoning
	<p>development in R3 zone removed from residential flat building controls).</p> <p>A separate section has also been created for dual occupancy development in rural and environmental zones.</p>	<p>appropriate that they are within the same section.</p> <p>The requirements for dual occupancy in rural and environmental zones however, are quite different and it is considered that these should be detailed in a separate, individual section.</p>
Part 3.15 Dual Occupancy Development in zones other than R3 Medium Density	<p><i>The following control has been amended:</i></p> <p>1. <i>Dual Occupancy development shall not be undertaken on Town Centre Residential Lots, Residential Small Lots nor Residential Large Lots.</i></p> <p>The amendments allow dual occupancy development on lots between 800m² and 1400m² (for attached dual occupancy) and 975m² and 1400m² (for detached dual occupancy).</p> <p>Frontage controls and access handle controls have also been added for dual occupancies in residential zones.</p>	<p>The lot size requirements specified for dual occupancy development are now consistent with those prescribed within Council' LEP for subdivision of Dual Occupancies.</p> <p>The additional frontage and access handle controls also bring the dual occupancy section into line with the provisions in the subdivision volume of this Plan.</p> <p>The changes also differentiate the lot size and frontage requirements for attached and detached dual occupancy development.</p>
Part 3.15 Dual Occupancy Development in zones other than R3 Medium Density	<p>Front façade, solar access and garage setback requirements amended/added in accordance with the changes for single dwelling houses described above.</p>	<p>These provisions have been added/amended to enable consistency with the changes that have been carried out for the single dwellings section.</p>
	<p>Additional controls have been provided for dual occupancy in rural and environmental zones. These changes typically refer to the structural attachment requirements associated with dual occupancy development.</p>	<p>The changes have been made to ensure that consistency is achieved with Council's LEP provisions for dual occupancy development in environmental zones and that the structure appears as one dwelling. The changes reflect comments from Council's</p>

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DCP Clause	Amendment	Reasoning
		Development Services Section.
Part 3.16 Medium Density Development other than Residential Flat Buildings (added controls)	<p>The following controls have been added to this section:</p> <p><i>Dwellings which front the street shall adopt a traditional orientation where living rooms, front door entries, paths to entry, verandahs and the like address the street rather than neighbouring properties.</i></p> <p><i>The design of any medium density development shall ensure that the development contributes to the visual interest of the street and shall avoid long rows of attached dwellings, long straight driveways and uniform roof designs throughout the development.</i></p>	No frontage control exists for medium density development and a minimum frontage control is difficult to prescribe for these types of developments a design could vary in many ways. It is therefore seen as necessary to include controls which ensure that the dwellings closest to the public road address the street and that long rows of attached dwellings are avoided.
Part 3.16 Medium Density Development other than Residential Flat Buildings 3.17 Residential Flat Buildings and 3.19 Hostels	Building front façade, solar access and garage setbacks have been amended in accordance with the changes to single dwelling houses described above.	These controls have been updated to reflect the changes made to the single dwelling controls under this volume.
Part 3.16 Medium Density Development other than Residential Flat Buildings, 3.17 Residential Flat Buildings and 3.19 Hostels	<p>The following control has been added to these sections:</p> <p><i>Provision shall be made for footpaths/sharepaths/cycleways to be provided to the nearest available network connection to the village centre in accordance with Council's Design Specifications.</i></p>	These areas are typically located close to town centres and it is considered that a connection to the closest network connection is appropriate. This was a recommendation of Council's Development Engineer.
Added Section	A section has been added with suitable controls for temporary occupation.	There was a need identified during the review process to include a section on temporary occupation of a structure whilst the first house on the site is under construction.
General Stormwater controls in this volume.	The stormwater controls throughout the document for all building types prohibit the use of charged lines. This has been deleted and replaced with a brief list of general stormwater controls at the front of the document.	Concerns were raised by Council's Building team regarding the prohibition of the use of charged lines as this may be appropriate in some cases. In response to this, a suitable

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DCP Clause	Amendment	Reasoning
		and more comprehensive list of controls were formed following consultation with Council's Development Engineers which apply to all buildings constructed under this volume.
Volume 5 – Commercial and Community Uses		
Part 2.2 Setbacks (Control 2)	The prohibition of forming laneways has been deleted.	This issue was raised in a submission to Council during exhibition. It is agreed that laneways for larger developments may be purposeful and assist in reducing traffic that would otherwise accumulate on main roads. The control is amended accordingly.
Part 2.9 Access and Traffic Generation	The following control has been added: <i>Forward entry/exit onto the street from the loading/unloading space must be provided.</i>	This control is necessary to avoid any pedestrian safety issues.
Part 2.10 Parking and Manoeuvring (Control 10)	The following note has been added to the condition: <i>Note: In a mixed use development the total number of car parking spaces shall be sum of the number of parking spaces required for each component use.</i>	To provide clarification on how the car parking arrangements for a medium density development are calculated.
Part 4.7 The Oaks	The control requiring development within the John Street Key Site to be exempted from providing car parking under Part 3 (2) of this plan has been deleted and replaced with the following: <i>A reduced amount of car parking required under Part 2 of this volume may be considered for development within the John Street key site shown in map 4.1.6 based on the substantial amount of off street car parking provided on the opposite side of John Street. This reduction will be considered for customer car parking only excluding any</i>	The control has been amended as on-site parking in this precinct should be provided for employees and disabled.

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DCP Clause	Amendment	Reasoning
	<i>disabled car parking required for the development.</i>	
Volume 6 – Tourism and Events		
Control added	The following control was added under Part 2 General Requirements for All Development: <i>The development of land for the purposes of Tourist and Visitor Accommodation (being Hotel or Motel Accommodation, Bed and Breakfast Accommodation, Farm Stay Accommodation or Serviced Apartments) must comply with the requirements of Part 2 of Volume 4 of this plan.</i>	This control has been added as the general requirements for residential development should apply to tourism uses.
Control added	Controls for serviced apartments were amended to reflect the changes to building design, solar access and garages to reflect the changes made the Volume 4 Residential.	These controls are updated to reflect the changes made to the requirements for single dwellings within the residential volume as part of this DCP review.
Volume 7 Industrial and Infrastructure Uses		
Part 2.8 Waste Management (General Control 1)	The control requiring a waste management plan to be submitted with any development application has been deleted.	This was requested by Council's Development Assessment Team and is often satisfactory to be requested as a condition of consent.
Part 2.8 Waste Management (General Control 2)	This control requiring access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s) has been deleted.	This control is listed further in this list of controls under access so its deletion removed unnecessary duplication.
Part 2.8 Waste Management (Management Control 5)	The control that required the waste/recycling storage room/areas to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections has been deleted.	This control is already listed earlier in the volume under size controls and its deletion removes unnecessary duplication.
Part 2.8 Waste Management (Management Control 11)	The control which states that production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention has been deleted.	This control is considered unnecessary as these provisions are dealt with under SEPP 33 <i>Hazardous Materials</i> .
Part 2.11 Noise	Additional text has been provided	This suggestion was made

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DCP Clause	Amendment	Reasoning
(Control 2)	to this control to state that industrial development may need to incorporate measures identified by an independent acoustic consultant in complying with the Industrial Noise Policy.	in a submission to Council during public exhibition and the additional text is considered appropriate.
Part 3.7 Telecommunications Facilities (Control 6)	The control preventing the Cluttering of telecommunication facilities on a single building or structure has been deleted.	There is a separate section under part 3.7 which requires telecommunications facilities to co-locate to improve appearance and safety. This control is contrary to these provisions and as such has been deleted.
Volume 8 – Agricultural and Rural Uses		
Part 3.4 Intensive Plant Agriculture (Section 3.4.3 Control 1)	The following control has been deleted: <i>Where possible, site building and facilities are to be located out of the line of visual impact of neighbouring dwellings.</i> And replaced with the following: <i>Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.</i>	The amended control is clearer and considers the visual impact of structures when viewed from neighbouring properties and not just when viewed from dwellings.
Part 3.4 Intensive Plant Agriculture (Section 3.4.4 Control 7)	This control which requires water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use. Text has been added to the control to state that this shall occur where irrigation is proposed through the use of water extracted from an adjoining/nearby river.	The existing control was unclear as to when water quality tests had to be carried out.
Part 3.4 Intensive Plant Agriculture (Section 3.4.5 Control 2)	The reference to <i>NSW Pesticides Regulation 1995</i> has been removed and replaced with the wording "relevant legislation".	The Pesticides Regulation 1995 has been repealed.
Part 3.6 Earth Dams (Control 2)	Additional text has been provided to this control as follows: <i>the height from the water level to distance between the highest water level and the top of the dam</i>	The previous definition simply said "the top of dam wall" which is not accurate.

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DCP Clause	Amendment	Reasoning
Part 3.6 Earth Dams (Control 13)	<p><i>wall</i></p> <p>Additional text in this control has been provided to state that earth dams shall be designed and located to avoid any impact on remnant vegetation or threatened species.</p>	<p>The previous control simply stated that earth dams shall not be located near these areas and did not focus on the need for dams to be designed to achieve a low impact.</p>

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PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

PE5

Completion of 18 Hole Golf Course at Bingara Gorge

266876

DD010.2013.00000411.001

EXECUTIVE SUMMARY

- At the Ordinary Meeting held 16 November 2015, Council endorsed a Notice of Motion seeking a report regarding the works undertaken to complete the 18 hole golf course at Bingara Gorge.
- The Bingara Master Plan Consent included conditions to ensure the proposed golf course was delivered in a staged manner. Under the consent the course must be completed and suitable for use by registration of the 585th residential lot.
- Subdivision Certificates to permit registration of lots beyond the development cap have not been issued due to concerns about the suitability of the golf course for use.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- This report recommends that, subject to lodgement of an Application to Modify Development Consent, Council support an increase in the development cap from 585 to 612 lots to facilitate registration of serviced land at Bingara Gorge. Further Council introduce additional development caps at various stages of the remaining Bingara Gorge project to ensure the golf course footbridge and final stages of the Country Club precinct is completed and made available for use.

REPORT

On 15 May 2006, Council granted consent to the Bingara Master Plan (ID 993-05) and Stage 1 of the development. A central feature of the Master Plan is a golf course and Country Club. The consent included conditions to ensure the proposed golf course was delivered in a staged manner with completion to co-incide with registration of half of the planned residential allotments.

Condition 17.7 of the Master Plan Consent required construction of at least 9 holes suitable for public use prior to registration of more than 325 lots. On 25 October 2010, Council modified this condition and extended the development cap to 375 residential lots. These works were completed and the 9 holes are available for use by members of the Golf Course, residents of Bingara Gorge and their guests.

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

Condition 20.4 of the Master Plan Consent states:

‘Prior to release of the Subdivision Certificate for more than 585 residential lots all 18 holes of the Golf Course shall be completed and suitable for use by the public including the provision of car parking, club house and amenities for staff and visitors’.

This standard condition has been included in all subsequent consents for the various residential precincts.

On 15 September 2015, the proponent invited Council to inspect the golf course. Twelve holes for the golf course (referred to as Holes 7-18) have been completed for some time and nine holes are available for play.

The remaining six holes (referred to as Holes 1-6) which are separated from the twelve established holes by a steep gorge and significant vegetation, have recently been completed.

The following issues have been identified:

1. Restricted use of the golf course

The proponent has suggested that it does not intend to open the full 18 holes of the golf course for public use. In order to establish the fairways and greens, it is intended to restrict play to the 9 holes which have been in use for some time.

Council questions whether the golf course can be deemed "completed" if it is not open to the public. The proponent has since indicated that the full 18 holes will be open on a restricted basis (see attached correspondence).

2. Restricted access arrangements to the golf course

Council has granted development consent for construction of the golf course ("golf course consent"). A separate consent has been granted for construction of a footbridge connecting Holes 1-6 to Holes 7-18 ("footbridge consent"). Prior to any works being undertaken under the footbridge consent, the proponent intends to obtain Federal Approval under the *Environmental Protection and Biodiversity Conservation Act* (EPBC Act) for works within a critically endangered community. That approval has not been obtained. The proponent has suggested that the footbridge will cost approximately \$2.7 million to construct.

Council questions whether the golf course can be deemed "suitable for use by the public" if the proposed footbridge has not been provided. The temporary access track is not suitable for a golf cart or person with mobility limitations.

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

3. Temporary club house and amenities

Separate to the golf course consent and footbridge consent the proponent has approval for a staged construction of the Country Club precinct. Stage 1 of the precinct is being relied upon for the provision of car parking, temporary Pro Shop and amenities within the Administration / Gymnasium building. A separate building with designated Pro Shop, amenities and store room facilities will not be completed until a later stage of the Country Club precinct.

Due to concerns outlined above, a Subdivision Certificate recently issued by Council only permitted registration of 18 additional lots so not to exceed the development cap (e.g. 585 lots) referenced in Condition 20.4 of the Master Plan Consent. The release of only 18 lots instead of the 21 sought, has prompted meetings and correspondence with the proponent (see attached).

The correspondence from the proponent states that the condition only requires the golf course to be “suitable for use” not open for use. Their interpretation of the condition is supported by legal and planning advice.

Notwithstanding the above, the proponent is prepared to make the full 18 holes available for scheduled events. During such events, use of Holes 1-6 will be subject to local rules with specific access and playing arrangements.

Council sought clarification on aspects of the offer to open the golf course for scheduled events. The proponent response is summarised as follows:

▪ **Approval to construct the footbridge under the EPBC Act**

The proponent anticipates receipt of EPBC approval by March 2016.

▪ **Timeline for construction of the footbridge**

The proponent anticipates that the footbridge will be completed and available for use in early 2017.

▪ **Temporary access arrangements**

The proponent intends to rely upon existing local streets and pathways to access the full 18 holes of the golf course. A track adjacent to the gas pipeline will be used to cross Stringy Bark Creek that separates Holes 1-6 from the remainder of the course. The proponent contends that no other approvals are required for the temporary access arrangement given the pathway is located wholly on land within the Bingara Gorge project.

Council questions whether approval from NSW Water and NSW Fisheries are required for the temporary access arrangement.

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

▪ **Details of local rules**

Until such time as the fairways are established, “Tee-up through the green” rules will apply. Likewise, no motorised golf carts will be allowed on Holes 1-6.

▪ **Frequency of scheduled events**

The proponent suggests that Holes 1-18 will be available for play on weekends only.

▪ **Public liability cover**

The proponent has undertaken to forward Council a copy of the public liability cover that authorises use of the full 18 holes of the golf course. This information has not been received at this stage.

▪ **Details of any securities to ensure completion of the footbridge**

The proponent suggests that Council can either enforce completion of the footbridge under Section 121B of the *Environmental Planning & Assessment Act 1979* or require a bond equal to the cost of the approved works (i.e. approximately \$2.7M).

The proponent has entered into conditional contracts for the sale of the unregistered lots. Council’s decision to withhold release of 3 lots has caused angst for the purchaser. In addition to the 3 lots, the proponent has lodged a Subdivision Certificate Application for registration of a further 24 lots.

The timely resolution of this matter is desirable from a community perspective. In this regard the following options are provided for Councils consideration:

1. Release the Subdivision Certificate. The proponent’s legal interpretation of Condition 20.4 of the Master Plan Consent suggests the requirement has been satisfied. If Council accept the legal opinion provided by the proponent the registration of lots will occur without any further development cap (apart from the 1165 lot cap for the entire precinct).

In terms of completion of the footbridge and final stages of the Country Club precinct, the proponent maintains that they are committed to completion of the works. Council may want to consider the need for a security bond for these works.

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

2. Council encourage the proponent to seek a legal ruling that Condition 20.4 of the Master Plan Consent has been satisfied. The prospect of a legal challenge has been raised by the proponent. Given their argument is based upon a legal interpretation of the consent requirements it may be prudent for Council to defer to the Courts to rule on such a matter.
3. Council encourage the proponent to lodge an Application(s) to Modify Development Consent to amend the development cap in the Master Plan Consent. This option has been previously suggested to the proponent in Council's correspondence dated 4 November 2015. Under this arrangement the cap could be increased to 612 lots to permit registration of the 3 lots held over and the 24 lots associated with the most recent Subdivision Certificate Application. Further development caps could be introduced to ensure the footbridge and final stages of the Country Club precinct are completed and made available for use.

Option 3 is recommended.

CONSULTATION

The residents of Bingara Gorge have been notified of this Business Paper item.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Correspondence from Lend Lease Communities dated 4 November 2015
2. Council correspondence dated 29 October 2015
3. Correspondence from Lend Lease Communities dated 26 October 2015
4. Diagram of proposed temporary access arrangements.

RECOMMENDATION

That in relation to completion of the 18 hole golf course at Bingara Gorge:

1. Council encourage the proponent to lodge an Application to Modify Development Consent to amend the development cap created by Condition 20.4 in the Bingara Gorge Master Plan Consent (ID 993-05).
2. Subject to lodgement of an Application to Modify Development Consent, Council support an increase in the development cap from 585 to 612 lots to facilitate registration of the serviced land at Bingara Gorge.

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3. In addition to the above, any Modified Development Consent issued by Council introduce further development caps at various stages of the remaining Bingara Gorge project to ensure the golf course footbridge and Country Club are completed and made available for use.

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PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 1 – 010.2013.00000411.001 – 21 December 2015

Planning & Economy

4 November 2015

Mr Luke Johnson
The General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Dear Mr Johnson

BINGARA GORGE: RELEASE OF SUBDIVISION CERTIFICATES

I write in response to the letter from Chris Stewart of Council dated 29 October 2015, in response to the Lendlease letter dated 26 October 2015, regarding the above.

Once again, Lendlease note that Council maintains that the condition requiring the golf course to be "suitable for use" has not been satisfied and requests additional information on nine specific issues to allow further consideration of our request that the relevant 3 lot residential subdivision certificate be released.

It remains the considered opinion of Lendlease that the golf course is already "suitable for use" and this has been made known to Council on previous occasions in discussions and correspondence.

It appears to Lendlease that many of the nine questions raised by Council are totally unrelated to the issue at hand. Notwithstanding, and in order to seek a way forward on this very important matter, we provide the following responses:

Q1 Documentary evidence of lodgement of the application under EPBC Act for construction of the footbridge

Response: An EPBC Referral for Bingara Gorge was lodged with the Federal Department of the Environment (DoE) in December 2014. A receipt of referral is attached for reference.

Q2 Details of the expected time frame to obtain the necessary approvals under the EPBC Act.

Response: Following discussions with DoE, Lendlease anticipates receipt of an EPBC approval by March 2016.

Q3 Details of the expected timeframe for construction of the footbridge.

Response: It is anticipated that the approved golf buggy /pedestrian bridge will be completed and available for use in early 2017 after an 8 month construction period (following EPBC approval).

Q4 Details of the local rules for Holes 1-6 regarding access and play arrangements.

Response: Local rules of "Tee-Up Through the Green" will apply to holes 1 and 2 until such time as the establishment period for the fairways has been completed. In addition to these "local rules", no motorised golf carts will be permitted on holes 1-6 until further notice.

Lend Lease Communities (Wilton) Limited, ACN 110 022 976
31 Pembroke Parade, Wilton NSW 2571, Australia www.lendlease.com

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 1 – 010.2013.00000411.001 - 21 December 2015

Q5 Evidence that all necessary approvals have been obtained for any temporary access arrangements.

Response: No approvals are required for use of the temporary access arrangements. The existing pathways are located wholly on land within the Bingara Gorge project and can be made available for use by golfers.

Q6 Details of how the access arrangements, playing arrangements and scheduling of events will be made known to people who wish to play all 18 holes.

Response: All necessary details of access arrangements, playing arrangements and scheduled events will be provided to golfers (ie residents and their guests) who apply for them at the pro shop at "Bingara". This will take the form of an information leaflet and may also be reproduced in part on the scorecard.

Q7 The frequency of scheduled events for use of all 18 holes of the golf course.

Response: Holes 1-18 will be available for play on weekends for golfers wishing to play 18 holes. Holes 10-18 will remain available for use between Tuesday-Sunday for golfers wishing to play 9 holes.

Q8 Documentary evidence of the public liability cover for all 18 holes of the golf course.

Response: Evidence of public liability insurance will be forwarded to Council.

Q9 Details of any other security / assurances for delivery of the footbridge.

Response: The footbridge is approved for development and forms part of the approved master plan for the project. Council has the power under Section 121B(1)(a) of the EP&A Act to seek an Order requiring the completion of the approved bridge. Alternatively, Council can request a bond from Lendlease equal to the cost of the approved bridge works (estimated to be c\$2.7M).

On the basis of the above additional information, Lendlease request that Council issue the outstanding subdivision certificate for the 3 residential allotments ***immediately***.

I look forward to your immediate response by return.

Yours sincerely,



Arthur Ilias
General Manager, Lendlease Communities
Australia

cc Councillor Simon Landow, Mayor WSC
David Smith & Chris Stewart, WSC
Robert Bennett & Ian Doyle, Lendlease Communities

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

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Department of the Environment

2014/7400

Mr Robert Bennett
Planning Manager NSW/ACT
Lend Lease Communities (Australia)
Pty Ltd
PO Box 4
PARRAMATTA NSW 2124

Date: 29 January 2015
EPBC Ref: 2014/7400
EPBC contact: Ms Mahani Taylor
(02) 6274 1428
Mahani.Taylor@environment.gov.au

Dear Mr Bennett

Receipt of referral

Bingara Gorge residential development, Picton Road, Bingara, NSW

Thank you for referring your proposal to undertake a residential development of approximately 255.4ha at Bingara Gorge, approximately 80 kilometres south west of Sydney, New South Wales, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Information about this proposed action has been published on the Department's website for public consultation. The period of consultation will extend for 10 business days.

At the end of the consultation period, the information included in the referral, along with any comments received, will be used to help decide whether this proposed action:

- is a controlled action (one that is likely to have a significant impact on matters protected under the EPBC Act and therefore needs to be assessed and approved by the Minister for the Environment before it can proceed), or
- is not a controlled action and may be undertaken but only as described in the referral, or
- does not require approval under the EPBC Act.

Alternatively, it may be decided, on the basis of the information in the referral that the action is clearly unacceptable (the referred action would have unacceptable impacts on matters protected under the EPBC Act and cannot proceed).

Before making a decision, we may contact you to clarify any details or to ask you for further information. By 26 February 2015 you should receive advice about your referral.

An electronic version of your referral can be viewed on the Department's website at www.environment.gov.au/epbc. This website also includes a range of other information about the process of assessment and decision-making under the EPBC Act.

Your referral has been allocated a unique reference number, EPBC 2014/7400. Please use this number in any communications with the Department as it will help ensure timely and efficient service. You can also use this number to locate any information about your project on the Department's website.

We will make every effort to ensure that the assessment of your proposed action is handled in a professional and helpful manner. The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: www.environment.gov.au/epbc/publications/index.html.

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ATTACHMENT 1 – 010.2013.00000411.001 – 21 December 2015

A project manager for the next stage of the process has been appointed and will be happy to answer any questions you might have. You can contact Ms Mahani Taylor by telephone on (02) 6274 1428 or by email at Mahani.Taylor@environment.gov.au

Yours sincerely



h Mr Stuart Row
Director
Referrals Gateway
Data and Information Management Section

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 2 – 010.2013.00000411.001 – 21 December 2015



Frank McKay Building 62-64 Menangle Street Picton NSW 2571 DX: 26052 Picton
All Correspondence to PO Box 21 Picton NSW 2571
Telephone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au
ABN: 93 723 245 808

RURAL LIVING

Our Reference: 010.2013.00000411.001

Mr Arthur Ilius
General Manager NSW/ACT
Lendlease Communities Australia
31 Pembroke Parade
WILTON NSW 2571

29 October 2015

SUBJECT: Release of Lots 40 - 42 in Stage 1H(c) Bingara Gorge

Dear Arthur,

I refer to your correspondence received 26 October 2015 regarding the above matter.

You are advised that the content of the correspondence was discussed at the Councillor Workshop also held 26 October 2015.

An inspection of the golf course on 15 September 2015, revealed that Holes 1 to 6 are largely completed. During the inspection your staff indicated that Lendlease did not intend to open the course for use. Council questions whether the golf course can be deemed completed if not available for play.

It is noted in your latest correspondence that Lendlease now intends to make the golf course available for scheduled events for use by Bingara Gorge residents and their guests. It is further suggested that Holes 1 to 6 will be subject to "local rules" in terms of access and playing arrangements.

The consent condition further suggests that the golf course "shall be suitable for use by the public including the provision of car parking, club house and amenities for staff and visitors". During the site inspection on 15 September 2015, it was noted that completion of Stage 1 of the Country Club precinct is being relied upon for the provision of car parking, club house and amenities. Future stages of the Country Club precinct will result in additional car parking and facilities including a designated Pro Shop.

Given the absence of a footbridge connecting the 18 holes, Council questions whether the golf course can be deemed suitable for use. It is noted that the proposed footbridge, requires expenditure of significant funds to complete. It is also understood that the necessary Federal approvals under the *Environment Protection & Biodiversity Conservation Act 1999* ("EPBC Act"), for construction of the footbridge through critically endangered ecological community, has not been obtained.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

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To allow further consideration of your request, Council seeks the following additional information:

1. Documentary evidence of lodgement of the application under the EPBC Act for construction of the footbridge.
2. Details of the expected time frame to obtain the necessary approvals under the EPBC Act.
3. Details of the expected time frame for construction of the footbridge.
4. Details of the local rules for Holes 1 to 6 regarding access and play arrangements.
5. Evidence that all necessary approvals have been obtained for any temporary access arrangements.
6. Details of how the access arrangements, playing arrangements and scheduling of events will be made known to people who wish to play all 18 holes.
7. The frequency of scheduled events for use of all 18 holes of the golf course.
8. Documentary evidence of the public liability cover for all 18 holes of the golf course.
9. Details of any other securities / assurances for delivery of the footbridge.

Further to the above, Council has received advice that an Application to Modify Development Consent ID 993-05 could be accepted relying upon the Power of Attorney held by Lendlease as consent for the making of the application. As suggested in previous meetings this is Council's preferred method of addressing this issue. Any modified condition could set a new development cap and detail specifically the golf course works to be completed to allow registration of lots in excess of the cap.

Should you have any queries about the above please do not hesitate to contact me on (02) 4677 9559 or council@wollondilly.nsw.gov.au

Kind Regards

Chris Stewart
DIRECTOR PLANNING

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

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lendlease

Planning & Economy

26 October 2015

Mr Luke Johnson
The General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Dear Mr Johnson

BINGARA GORGE: RELEASE OF SUBDIVISION CERTIFICATES

I write following our meeting on Monday afternoon and subsequent discussions between our respective legal representatives.

This letter addresses the specific request of Lendlease that Council release the subdivision certificates for the 3 remaining residential lots that sit within Stage 1H(c) (previously known as Stage 1C), specifically lots 40-42 inclusive, for registration with the NSW Land & Property Information.

As you are aware, there is currently a condition of consent at Bingara Gorge that states the following: *"Prior to the release of the subdivision certificate for more than 585 residential lots all 18 holes of the golf course shall be completed and suitable for use by the public including the provision of car parking, clubhouse and amenities for staff and visitors"*

We note that Council maintains that the condition requiring the golf course to be "suitable for use" has not been satisfied as holes 1-6 are not yet "open for use". It is the considered opinion of Lendlease, its legal advisors and planning consultants (refer Annexures A and B) that the condition does not require the golf course to be "open for use" as suggested by Council, rather that it be "suitable for use".

If the requirement of the condition was for the golf course to be "open" it would have been drafted accordingly. This is not the case and the "opening" of the golf course is properly the subject of the separate golf course consents and other considerations.

It is the considered opinion of Lendlease that the golf course is already "suitable" – and this has been made known to Council on previous occasions in discussions and correspondence. We are of the strong belief that the requirements of the relevant condition have already been satisfied. We note that Council officers inspected the course on 15 September 2015 and confirmed that the golf holes, car parking, clubhouse and amenities for staff and visitors have been completed.

Lend Lease Communities (Wilton) Limited, ACN 110 022 976
31 Pembroke Parade, Wilton NSW 2571, Australia www.lendlease.com

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

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Notwithstanding, and in order to achieve progress on this very important matter, we can confirm that from Monday 2 November 2015 the golf course shall be made available for scheduled events for use by Bingara Gorge residents and their guests.

In the short term, and as discussed with Council, "local rules" will apply to holes 1-6 and specific access and playing arrangements will be put in place, not unlike arrangements on other golf courses. Accordingly, under Council's interpretation (which we do not agree with), the relevant condition would then be satisfied and there can be no further impediment to the release of the relevant subdivision certificates.

On the basis of the above commitment, Lendlease request that Council issue the outstanding subdivision certificate for the 3 residential allotments immediately.

As you are aware, the 3 residential allotments have been sold and the purchasers have made it clear to us (and to Council) that they wish to settle immediately and proceed with construction of their new home and are anxious to avoid any further costs (eg increased building costs, rent, house sale) by reason of further delay by Council.

The immediate release of the subdivision certificate in accordance with this request would demonstrate Council's commitment to making progress on this important matter and be consistent with Council's stated intention to work cooperatively to resolve this issue.

I look forward to your immediate response by return.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A.I.L." with a stylized flourish.

Arthur Ilias
General Manager NSW / ACT, Lendlease Communities
Australia

cc Councillor Simon Landow, Mayor WSC
David Smith & Chris Stewart, WSC
Robert Bennett & Ian Doyle, Lendlease Communities

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

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Alpens > < Linklaters

8 September 2015

Robert Bennett
State Planning Manager, NSW
LendLease
Level 2
88 Phillip Street
Parramatta NSW 2150

Dear Robert

**Bingara Gorge Development - Golf Course
Release of Subdivision Certificates**

We refer to the email from Daniel Lukic of Council and to the letter from JBA Urban Planning Consultants both dated 26 August 2015, concerning the satisfaction of the requirements of Condition 25(2) of Consent 010.2013.00000411.001 dated 27 February 2014 (the **Subdivision Consent**) for subdivision and associated works, which is as follows:

Prior to the release of the Subdivision Certificate for more than 585 residential lots all 18 holes of the golf course shall be completed and suitable for use by the public including the provision of car parking, club house and amenities for staff and visitors.

Condition 25(2) of the Subdivision Consent repeats Condition 20.4 of the Bingara Master Plan Consent (ID 993-05).

Council's email states that the Subdivision Certificates cannot be issued until **all** conditions of consent concerning the golf course have been satisfied. We take this to mean:

- (a) satisfaction of the requirements of Condition 25.2 of the Subdivision Consent; and
- (b) completion of all works and requirements of the golf course consents, which include the construction of the bridge and pedestrian and golf cart access and associated works under Development Consent 010.2013.0000735.001 (the **Golf Course Consent**).

Advice

Only the requirements of Condition 25(2) of the Subdivision Consent (restating Condition 20.4 of ID 993-05), are required to have been satisfied in order for Council to issue the Subdivision Certificates. The reasons for this are set out below:

- (a) the Subdivision Certificates are sought for lots created under the Subdivision Consent;
- (b) Condition 25(2) of the Subdivision Consent identifies in clear and unambiguous language those works to be completed prior to the release of the Subdivision Certificates for more than 585 lots. These requirements are discussed in the letter from JBA and considered further below;

Our Ref PNL5:205534991
pnls A0134193306v2 205534991 8.9.2015

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Planning & Economy

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

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- (c) the requirements of the Golf Course Consent itself are irrelevant to determining whether the requirements of Condition 25(2) of the Subdivision Consent have been satisfied. No recourse to the Golf Course Consent is necessary to understand the requirements of Condition 25(2) of the Subdivision Consent;
- (d) if it were intended that subdivision certificates could not be issued until all requirements of the Golf Course Consent had been satisfied, express wording to this effect would have been included. It was not. Council's interpretation of Condition 25(2) is contrary to the express terms of the condition.
- (e) the requirements of Condition 20.4 are discussed in the letter from JBA and we convey of each below:

(i) ...all 18 holes of the golf course shall be completed and be suitable for use by the public...

In order for the 18 holes to be 'suitable for use' by the public, the holes are to be completed to a generally acceptable standard for a public course and that the 18 holes are otherwise capable of such use.

The condition does not require that the 18 holes be actually or physically used as a public golf course. The condition only requires completion of the 18 holes of the course, and does not extend the completion of the golf course as a whole.

As the 18 holes of the golf course have been constructed and completed and are suitable for use by members of the public, this part of the condition has been satisfied.

(ii) ...including the provision of car parking, club house facilities and amenities for staff and visitors.

As stated in the JBA letter, car parking spaces have been constructed and completed and are suitable for use by the public. The spaces, located adjacent to the Country Club and accessible via Fairway Drive, were issued a Certificate of Practical Completion by Council on 25 September 2014.

Club house facilities have been constructed and completed. The club house facilities include a registration desk, pro shop, bar, cafe, seating area, gym and toilet facilities. An Occupation Certificate for these facilities was issued on 14 November 2014.

Amenities for staff and visitors were also provided as part of the Country Club and include toilets, showers and change rooms for visitors with separate amenities (toilet, shower and changing facilities) provided for staff of the pro shop, management of the golf course and cafe proprietor.

The Occupation Certificates confirm that the car parking spaces, club house facilities and amenities for staff and visitors are all complete and suitable for use by the public.

That the above facilities may be expanded or improved during the course of construction of subsequent stages of the Bingara Gorge development does not alter the current suitability of the facilities as constructed and complete. Given, the overall Bingara Gorge development is only half completed, it has been necessary to provide alternative access to and from the golf course, with construction of the bridge and golf course access to be provided at a later stage of the development. This is appropriate provided the alternative interim arrangements do not affect the overall suitability for public use of the 18 holes of the golf course, the absence of these

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facilities does not change the conclusion that the golf course is otherwise complete and suitable for public use.

Should Council refuse to issue the Subdivision Certificates, proceedings should be commenced in the Land and Environment Court. In our view, such proceedings would have strong prospects of success.

Yours sincerely



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PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 3 – 010.2013.00000411.001 – 21 December 2015



SG/LB
2 September 2015

Mr Robert Bennett
State Planning Manager NSW & ACT, Communities
Lendlease
Level 2, 88 Phillip Street
Parramatta NSW 2150

**PLANNING ADVICE AND REVIEW OF CONDITION
CONDITION 20.4 OF ID 993-05 (BINGARA MASTERPLAN)**

We refer to the request from Lendlease to obtain a view from JBA on whether Condition 20.4 of the Bingara Masterplan Development Application (DA) (ID993-05) ('the condition') has been satisfied or complied with.

Condition 20.4 of the Bingara ID993-05 states:

"Prior to the release of the subdivision certificate for more than 585 residential lots all 18 holes of the golf course shall be completed and suitable for use by the public including the provision of car parking, clubhouse and amenities for staff and visitors"

This review has been structured to provide the background and context of the condition, and to examine the construction of the condition, and its intent.

We note that a site inspection of the site, golf course, and Country Club was undertaken on 21 July 2015. Photographs of the site taken on 25 August 2015 have also been reviewed in the preparation of this advice (Attachment A).

1.0 BACKGROUND AND UNDERSTANDING OF CONDITION INTENT

We understand from Lendlease that the relevant condition was imposed by Council as a mechanism to guarantee the physical delivery of the proposed golf course by the 'halfway point' of the Bingara Site - hence the selection of the 585th lot.

The condition was imposed to safeguard the delivery of aspects of the proposal pledged by Lendlease. We understand that the condition may have been imposed in response to a previous project in Wollondilly Local Government Area where a golf course was identified but not delivered.

It is important to note that whilst the condition requires the golf course and infrastructure to be completed and suitable for use by the public, it explicitly does not require the completion of the golf course and associated amenities in accordance with the relevant DAs that approved their construction.

Rather, as noted above, we understand the condition was imposed as a means of ensuring the facilities and infrastructure were delivered by the 'mid-point' of the project, as 'security' that would ensure Lendlease had commenced and delivered the course by this point.

The condition does not require the golf course to be 'open' for play by the public, specifying only that it is suitable for use.

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 3 – 010.2013.00000411.001 – 21 December 2015

Bingara - Golf Course Condition Review – 20.4 of ID993-05 | 2 September 2015

Condition 20.4 in the Masterplan DA has been replicated in subsequent approvals, such as 010.2013.00000411.001 determined on 27 February 2014 for subdivision and associated works (Condition 25(2)). We have assumed this has been done in accordance with clause 83D(2) of the EPA Act.

Understanding the basis of the condition and intent is important when giving consideration to whether or not it can be deemed to be satisfied or complied with.

When reviewing the history of approvals of the Bingara Site, we also note the following:

- 10 hole golf course DA (ID1558-04) was determined 15 August 2005
- The remaining 8 holes of the golf course were approved as part of the original Staged DA – ID993-05 on 15 May 2006
- The pedestrian and golf cart bridge DA was determined 18 September 2014

Any contention from Council requiring the completion of the pedestrian and golf cart bridge in order to satisfy Condition 20.4 of ID993-05 would be disingenuous, given that the condition (20.4) was imposed prior to the lodgement and determination of the bridge DA.

2.0 ANALYSIS OF CONDITION COMPOSITION

Each component of the relevant condition (20.4 ID993-05) has been reviewed below. Whilst each component has been reviewed individually, it must be read in the whole.

“Prior to the release of the subdivision certificate for more than 585 residential lots all 18 holes of the golf course shall be:

- *completed and;*
- *suitable for use by the public including;*
- *the provision of car parking;*
- *clubhouse; and*
- *amenities for staff and visitors.”*

2.1 Completed

A site inspection on 21 July 2015, and further site photographs on 25 August 2015 reveal that the golf course is completed. This includes the tee, green, bunkers and fairway for each hole.

It is important to note that the wording of this aspect of the condition does not have the same meaning as the relevant approval for the construction of the golf course (golf course DA), as noted earlier.

2.2 Suitable for use by the public

The golf course is suitable for use by the public, with all tee, fairways, bunkers and greens completed. It is important to note that design intent of the golf course design itself is of a native bushland setting.

Consideration has been given to the term ‘suitable for use’, in the context of a golf course. ‘Suitable’ in this instance is considered to be appropriate or apt for the purpose of playing golf. Following a site inspection and review of photographs (Attachment A), it is clear that the course is both complete and suitable for playing golf.

2.3 The provision of car parking

The delivery of Stage 1 of the Country Club (DA 010.2011.648.1) involved the delivery of 128 car parking spaces (including two disable spaces). These spaces are located adjacent to the Country Club and are available and accessible for use by the public off Fairway Drive and were issued a Certificate of Practical Completion by Council on 25 September 2014.

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 3 – 010.2013.00000411.001 – 21 December 2015

Bingara - Golf Course Condition Review – 20.4 of ID993-05 | 2 September 2015

We note that the wording of the subject condition does not specifically require the completion of car parking in accordance with the DA for the construction of the Country Club. Rather, the subject condition was imposed by Council as 'security' to ensure Lendlease delivered the golf course and infrastructure by the 'halfway point' of the Masterplan Approval.

2.4 Clubhouse

Clubhouse facilities that would ordinarily be associated with a golf course are provided within Stage 1 of the Country Club and were inspected during the site inspection on 21 July 2015. These include a registration desk, pro-shop, bar, cafe, seating area, gym, and toilet facilities. An Occupation Certificate for these works was issued on 14 November 2014.

Whilst it is noted that the final arrangement of the Country Club will be revised over time following the delivery of Stages 2 and 3, the clubhouse facilities completed as part of Stage 1 are suitable for use as part of the golf course.

2.5 Amenities for Staff and Visitors

Stage 1 of the Country Club (as constructed) provides amenities (toilet, shower, and changing facilities) for visitors.

Separate amenities (toilet, shower, and changing facilities) are also provided for staff of the pro-shop, management, café.

As noted above, the final arrangement of the country club will be revised over time following the delivery of Stage 2 and 3. Irrespective of this, the current arrangement has been approved in accordance with an OC and provides amenities for use as part of the golf course for visitors and staff, and its operation in accordance with the subject condition 20.4 of ID993-05.

3.0 SUMMARY

When considering all aspects of the condition, it is clear that all holes of the golf course and all relevant support facilities such as parking, clubhouse and amenities are completed, and suitable for use by the public. The condition is therefore satisfied.

We again note that the relevant condition does not specify or require the golf course to be 'open' or 'available for play', requiring it only to be 'suitable for use'. From the information presented in this advice above, the course and facilities are suitable for use.

The spirit and intent of the relevant condition (20.4 of ID993-05) has been clearly satisfied in our opinion.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

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Planning & Economy

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

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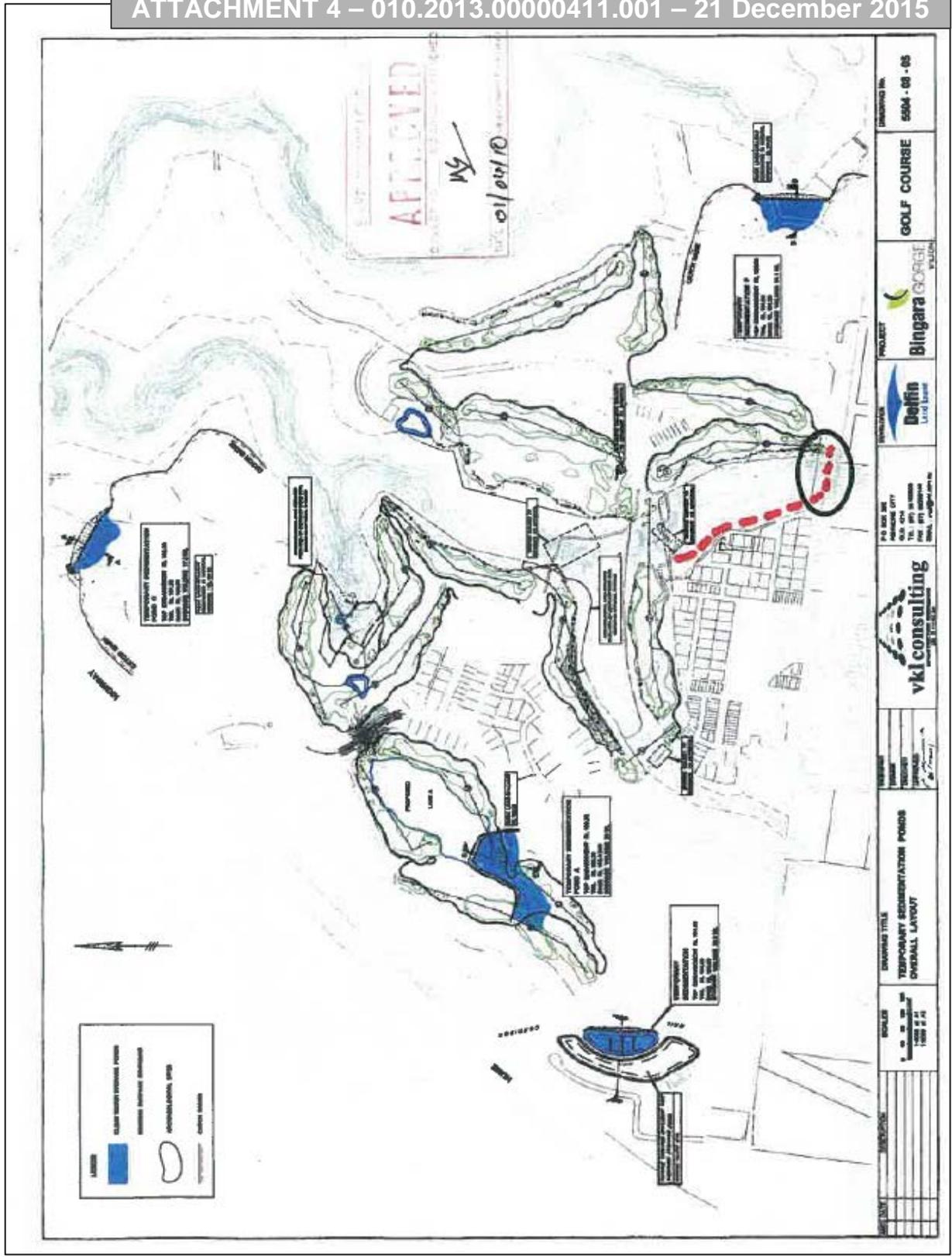


Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 December 2015

PE5 – Completion of 18 Hole Golf Course at Bingara Gorge

ATTACHMENT 4 – 010.2013.00000411.001 – 21 December 2015



Planning & Economy

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

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.

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO1 – Notice of Motion Status Report – December 2015

GOVERNANCE

GO1 Notice of Motion Status Report – December 2015

103

TRIM 5253

EXECUTIVE SUMMARY

- At its Ordinary Meeting of 13 October 2014 Council resolved via a Notice of Motion 'That a permanent position be created in the Business Paper that records the progress of all action taken on all Notices of Motion passed by Council'.
- It is recommended that Council note the current Notice of Motion Status Report.

REPORT

At the Ordinary Meeting of 13 October 2014 Council resolved via a Notice of Motion 'That a permanent position be created in the Business Paper that records the progress of all action taken on all Notices of Motion passed by Council'.

Council's Authority Register which is updated following each Council meeting records all resolutions passed by Council. Council staff actioning these resolutions record comments in the register on the progress of each resolution. Information held on each resolved Notice of Motion dating back to the start of 2014 has been extracted from the Authority Register to produce a Notice of Motion Status Report.

A Councillor Workshop is to be held in February 2016 to review and consolidate Councillor's Notice of Motions.

CONSULTATION

Consultation with the Manager Governance and members of Council's Executive has been conducted.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Notice of Motion Status Report to be provided to Councillors under separate cover.

RECOMMENDATION

That Council note the December Notice of Motion Status Report.

GO2 – Investment of Funds as at 31 October 2015

GO2 Investment of Funds as at 31 October 2015

112

TRIM 1022-3

EXECUTIVE SUMMARY

- This report provides details of Council's invested funds as at 31 October 2015.
- It is recommended that the information and certification in relation to the investment of Council funds as at 31 October 2015 be noted.

REPORT

At its last meeting, the Reserve Bank left the cash rate at 2.00%. In relation to the domestic market, the Board of the Reserve Bank commented that:

"In Australia, the available information suggests that moderate expansion in the economy continues. While GDP growth has been somewhat below longer-term averages for some time, business surveys suggest a gradual improvement in conditions over the past year. This has been accompanied by somewhat stronger growth in employment and a steady rate of unemployment.

Inflation is low and should remain so, with the economy likely to have a degree of spare capacity for some time yet. Inflation is forecast to be consistent with the target over the next one to two years, but a little lower than earlier expected.

In such circumstances, monetary policy needs to be accommodative. Low interest rates are acting to support borrowing and spending. While the recent changes to some lending rates for housing will reduce this support slightly, overall conditions are still quite accommodative. Credit growth has increased a little over recent months, with growth in lending to investors in the housing market easing slightly while that for owner-occupiers appears to be picking up. Dwelling prices continue to rise in Melbourne and Sydney, though the pace of growth has moderated of late. Growth in dwelling prices has remained mostly subdued in other cities. Supervisory measures are helping to contain risks that may arise from the housing market.

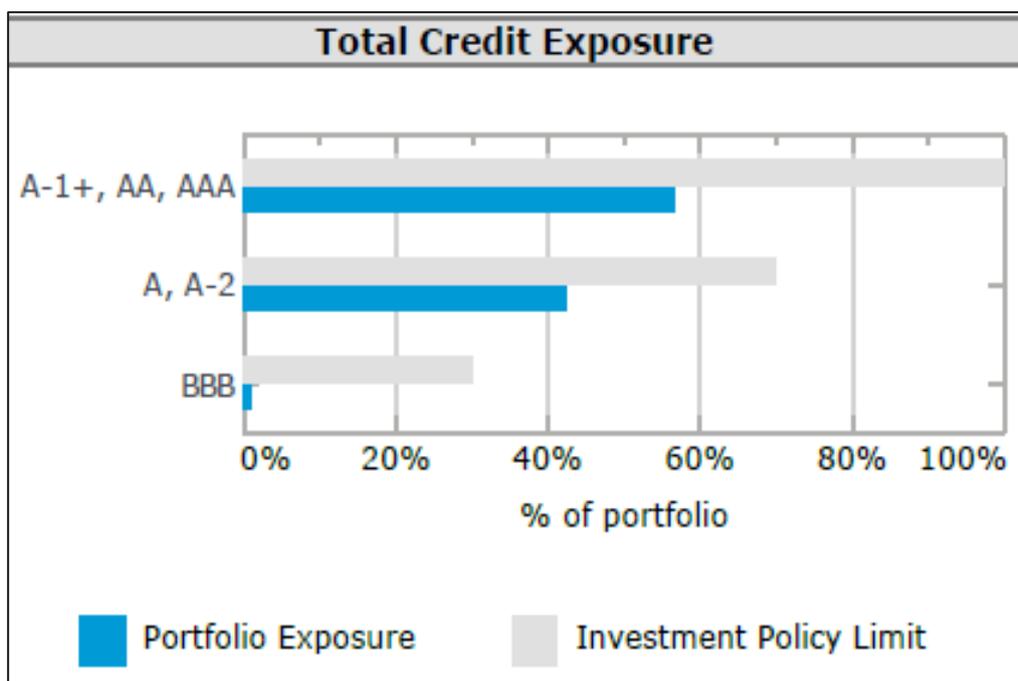
In other asset markets, prices for commercial property have been supported by lower long-term interest rates, while equity prices have moved in parallel with developments in global markets. The Australian dollar is adjusting to the significant declines in key commodity prices."

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO2 – Investment of Funds as at 31 October 2015

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 as at 31 October 2015 is within Council’s investment policy limits.



The percentage of Council's investment portfolio invested with each institution as at 31 October 2015 also complies with the limits specified in Council's investment policy, as detailed in the following table.

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO2 – Investment of Funds as at 31 October 2015

	% used vs Investment Policy Limit	
National Australia Bank (A-1+, AA-)	84%	✓
Bank of Queensland (A-2, A-)	81%	✓
Bendigo and Adelaide Bank (A-, A-2)	71%	✓
Macquarie Group (A-1, A)	20%	✓
Credit Union Australia (A-2, BBB+)	20%	✓
Commonwealth Bank of Australia (A-1+, AA-)	17%	✓
Westpac Group (A-1+, AA-)	16%	✓
Members Equity Bank (A-2, BBB+)	15%	✓
Suncorp Bank (A-1, A+)	10%	✓
Emerald Reverse Mortgage (B Tranche) (AA)	6%	✓
ANZ Group (A-1+, AA-)	6%	✓
Emerald Reverse Mortgage (A Tranche) (AAA)	3%	✓

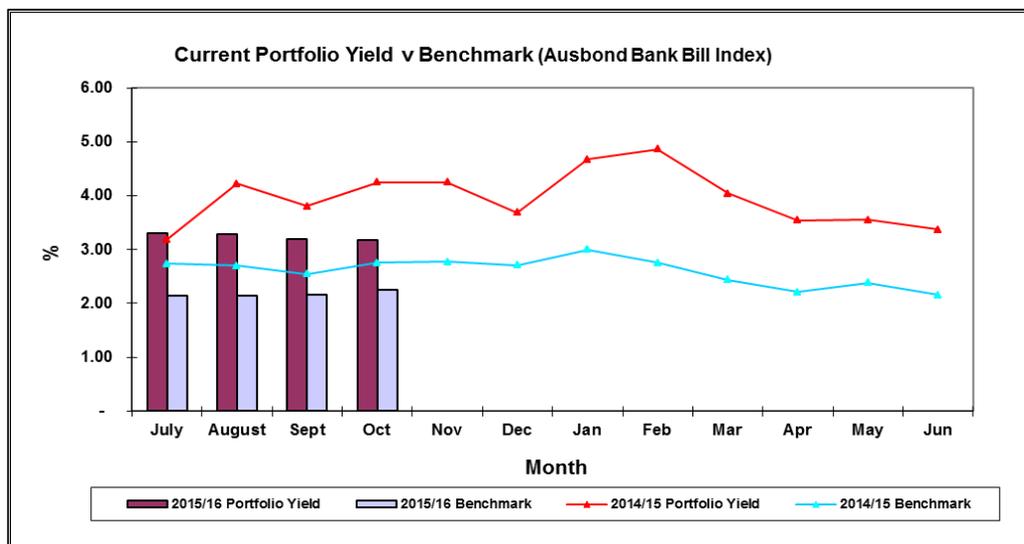
Governance

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.

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 AusBond Bank Bill Index rate in each month for 2014/15 and 2015/16.

GO2 – Investment of Funds as at 31 October 2015



As shown in the chart above, Council’s portfolio yield has continually exceeded the benchmark AusBond 3 month Bank Bill Index due to the prudent investment of Council’s portfolio. For October 2015, Council’s portfolio yielded 3.18% and returned 2.88% pa for the month, compared to the benchmark’s 2.25% 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 31 October 2015 are provided in attachment 1.

CONSULTATION

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

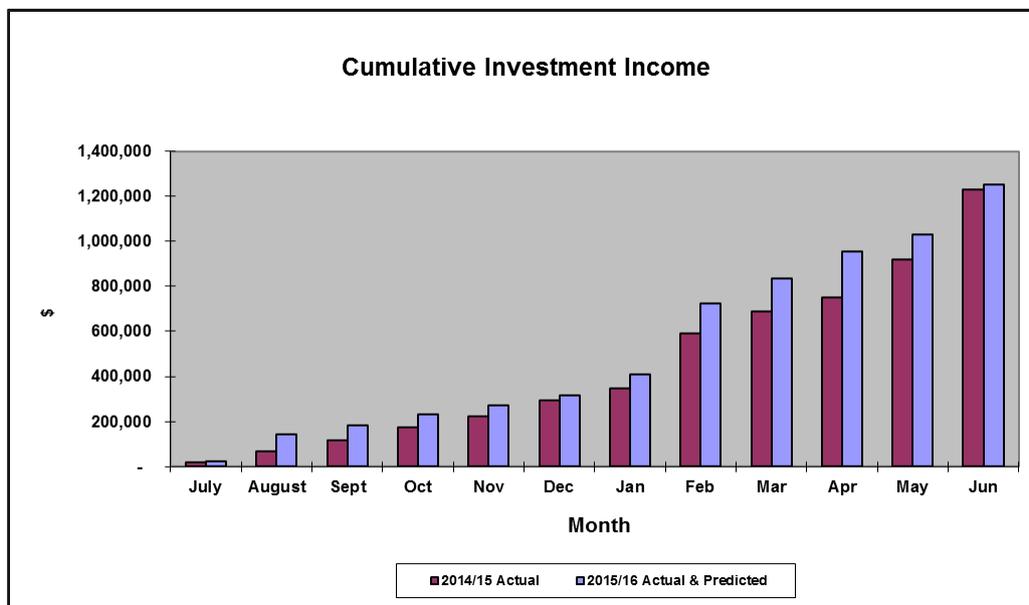
FINANCIAL IMPLICATIONS

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 actual and predicted interest for 2015/16 with the prior year’s interest income.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO2 – Investment of Funds as at 31 October 2015



Council’s investment income for 2015/16 is expected to be similar to the income received for 2014/15 as interest rates on investments remain low.

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:

- Investments as at 31 October 2015 including reconciliation of invested funds.

RECOMMENDATION

That the information and certification in relation to the investment of Council funds as at 31 October 2015 be noted.

Governance

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO2 – Investment of Funds as at 31 October 2015

ATTACHMENT 1 – 1022-3 – 21 DECEMBER 2015

INVESTMENTS AS AT 31 October 2015							
Reporting Period:		1-Oct-15	to		31-Oct-15		
Investment Institution	Rating	Face Value 31-Oct-15	Value at 31-Oct-15	Percentage Holding	Interest/ %p.a.	Capital Growth received	Maturity
CASH & CASH PLUS FUNDS			(1)				
National Australia Bank							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>							
11 AM At call							
NAB	AA	4,090,000	4,090,000	8.25%	2.05	7,459	At Call
Term Deposits							
ME Bank (Matured)	A-2			0.00%	3.60	740	07-Oct-15
National Australia Bank (Matured)	A-1+			0.00%	3.55	1,945	21-Oct-15
National Australia Bank	A-1+	500,000	507,008	1.02%	3.55	1,253	11-Nov-15
National Australia Bank	A-1+	1,000,000	1,034,420	2.09%	3.55	3,015	19-Nov-15
National Australia Bank	A-1+	1,000,000	1,033,264	2.08%	3.55	3,015	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,032,790	2.08%	3.55	3,015	17-Dec-15
Bank of Queensland	A-2	1,000,000	1,013,307	2.04%	3.00	2,548	07-Jan-16
Rural Bank	A-2	1,000,000	1,030,984	2.08%	3.60	3,058	13-Jan-16
Bank of Queensland	A-2	1,000,000	1,012,932	2.04%	3.00	2,548	20-Jan-16
Bank of Queensland	A-2	3,000,000	3,102,098	6.26%	4.05	10,319	03-Feb-16
National Australia Bank	A-1+	1,000,000	1,026,325	2.07%	3.20	2,718	03-Feb-16
ME Bank	A-2	1,000,000	1,024,573	2.07%	3.20	2,718	18-Feb-16
National Australia Bank	A-1+	500,000	512,247	1.03%	3.15	1,338	25-Feb-16
Rural Bank	A-2	1,000,000	1,021,697	2.06%	3.00	2,548	01-Mar-16
Credit Union Australia (CUA) (Matured)	BBB+	2,000,000	2,044,596	4.13%	3.10	5,266	08-Mar-16
National Australia Bank	A-1+	1,000,000	1,008,871	2.04%	2.90	2,463	23-Mar-16
National Australia Bank	A-1+	2,000,000	2,015,647	4.07%	2.93	4,841	13-Apr-16
National Australia Bank	A-1+	2,000,000	2,032,827	4.10%	2.93	4,977	27-Apr-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,033,483	2.09%	4.55	3,864	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,033,418	2.09%	4.55	3,864	17-May-16
Bank of Queensland	A-2	1,000,000	1,013,287	2.04%	2.90	2,463	01-Jun-16
National Australia Bank	A-1+	1,000,000	1,015,470	2.05%	2.95	2,505	15-Jun-16
National Australia Bank	A-1+	750,000	755,548	1.52%	2.91	1,854	22-Jun-16
Bank of Queensland	A-2	1,000,000	1,010,234	2.04%	2.90	2,463	04-Jul-16
National Australia Bank	A-1+	1,000,000	1,014,324	2.05%	2.97	2,522	06-Jul-16
Bendigo & Adelaide Bank	A-2	1,000,000	1,008,904	2.04%	2.90	2,463	13-Jul-16
Bank of Queensland	A-2	1,000,000	1,003,189	2.02%	2.75	2,336	03-Aug-16
National Australia Bank	A-1+	1,000,000	1,008,682	2.04%	2.85	2,421	14-Sep-16
Bendigo & Adelaide Bank	A-2	1,000,000	1,000,007	2.02%	2.95	2,505	29-Aug-17
Bendigo & Adelaide Bank	A-2	1,000,000	997,694	2.01%	3.05	2,590	27-Aug-18
TOTAL CASH PLUS INVESTMENTS		35,840,000	36,437,828	73.52%		97,634	
Investment Institution	Rating	Face Value 31-Oct-15	Value at 31-Oct-15	Percentage Holding	Interest %p.a.	Interest received / accrued	Maturity
INVESTMENT SECURITIES			(1)				
Corporate Bond							
National Australia Bank	AA-	1,000,000	1,057,467	2.13%	6.00	5,110	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,856,400	3.75%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	505,543	1.02%	3.38	1,437	28-Nov-16
Westpac Banking Corporation	AA-	500,000	511,560	1.03%	3.79	1,607	20-Feb-17
Macquarie Bank	A	1,000,000	1,007,405	2.03%	5.07	4,302	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	999,558	2.02%	3.11	2,637	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,007,868	2.03%	3.00	2,544	11-Nov-19
Westpac Banking Corporation	AA-	1,000,000	999,398	2.02%	3.04	2,585	22-Jan-20
Macquarie Bank	A	1,000,000	1,001,645	2.02%	3.24	2,750	03-Mar-20
CBA Snr FRN	AA-	1,000,000	997,231	2.01%	3.05	2,583	17-Jul-20
Bendigo Bank Senior FRN	A-	1,000,000	1,006,678	2.03%	3.24	2,752	18-Aug-20
Suncorp Senior FRN	A+	1,000,000	1,001,755	2.02%	3.39	1,115	20-Oct-20
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	600,817	1.21%	2.70	2,293	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	715,214	568,666	1.15%	2.59	1,570	22-Aug-22
Total-Other Investments		13,715,214	13,121,990	26.48%		33,284	
TOTAL INVESTMENTS		\$49,555,214	\$49,559,818	100%	3.20	\$130,918	
Benchmark (90 day Ausbond Bank Bill Index)						2.16	
Maximum Permitted Institution Holding = 45%							

Governance

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO2 – Investment of Funds as at 31 October 2015

ATTACHMENT 1 – 1022-3 – 21 DECEMBER 2015

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,913,867.47	6.7795
Cash	4,090,000.00	4,090,000.00	2.0500
Floating Rate Note	9,000,000.00	9,038,639.64	3.4125
Mortgage Backed Securities	1,715,214.48	1,169,483.16	2.6579
Term Deposit	31,750,000.00	32,347,828.54	3.2445
	49,555,214.48	49,559,818.81	3.3701

Application of Invested Funds - 31 October 2015		
Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	11,618,307
	Domestic Waste Management	11,768,937
	Unexpended Grants held in Restricted Cash	1,188,656
	Unexpended Loan Funds	21,372
Internally Restricted Funds	Sinking Fund	
	Funds held in Restricted Cash for future projects and operations	13,577,771
	Funds allocated to meet current budgeted expenditure	11,380,171
		49,555,214

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO3 – Ordinary Council Meeting and Community Forum Dates – 2016

GO3 **Ordinary Council Meeting and Community Forum Dates – 2016** TRIM 1934
234777

EXECUTIVE SUMMARY

- The purpose of this report is to set the Ordinary Meeting and Community Forum schedule for 2016.
- It is recommended that the Ordinary Council Meeting and Community Forum dates for 2016 as outlined in this report be adopted and advertised.

REPORT

Ordinary Council Meetings and Community Forums are held at Council's Administration Building, 62-64 Menangle St, Picton. Ordinary Council Meetings are held on the third Monday of each month and Community Forums on the second Monday of each month commencing at 6.30pm.

The schedule proposed for 2016 is as follows:

Month	Community Forum	Ordinary Meeting
February	8th	15th
March	14th	21st
April	11th	18th
May	9th	16th
June	14th (Tuesday)	20th
July	11th	18th
August	8th	15th
September	*Special meeting	To be confirmed
October	10th	24th
November	14th	21st
December	12th	19th

The schedule is varied in June due to the Queen's Birthday public holiday and in October due to the Local Government Annual Conference which runs from 16 – 18 October.

*A special meeting is proposed for the end of September 2016 following the outcome of the 2016 Local Government Election. The purpose of this meeting will be to elect the Mayor and Deputy Mayor and to deal with other matters related to the appointment of the new Council.

CONSULTATION

All Managers and Executive were consulted to ensure the schedule aligned with any known deadlines for third party reporting.

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO3 – Ordinary Council Meeting and Community Forum Dates – 2016

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

Nil.

RECOMMENDATION

That the Ordinary Council Meeting and Community Forum dates for 2016 as outlined in this report be adopted and advertised.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO4 – The Role of the Mayor during the Ordinary Council Meeting Recess

GO4 **The Role of the Mayor during the Ordinary Council Meeting Recess**
234777 TRIM 1934

EXECUTIVE SUMMARY

- The purpose of this report is to formally acknowledge the role of the Mayor during the Ordinary Council Meetings recess.
- It is recommended that Council acknowledge the role of the Mayor (or in the absence of the Mayor, the Deputy Mayor) to exercise in cases of necessity the policy making functions of the governing body of the Council between meetings of the Council.

REPORT

Section 226 of the Local Government Act 1993 (the Act) defines the role of the Mayor as:

- to exercise in cases of necessity the policy making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

Section 231 of the Act defines the role of the Deputy Mayor as:

- to exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

The Ordinary Meeting recess means that Council meets on 21 December 2015 and will not meet again until the proposed date of 15 February 2016. In the event that a matter of urgency arises within this period of time, the Mayor by virtue of section 226 (or Deputy Mayor by virtue of section 231) of the Act is able to exercise the policy making functions.

With the Christmas recess approaching it is timely to remind Councillors of the Mayor's powers under the Act.

CONSULTATION

Nil

FINANCIAL IMPLICATIONS

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

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO4 – The Role of the Mayor during the Ordinary Council Meeting Recess

ATTACHMENTS

Nil

RECOMMENDATION

That Council acknowledge the role of the Mayor (or in the absence of the Mayor, the Deputy Mayor) to exercise in cases of necessity the policy making functions of the governing body of the Council between meetings of the Council.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO5 – Annual Review of Closed Reports

GO5 **Annual Review of Closed Reports**
234777

TRIM 2269

EXECUTIVE SUMMARY

- The purpose of this report is to consider the outcomes of the annual review of closed reports.
- This report assesses four (4) closed reports from the previous 12 months and re-visits several from previous years.
- It is recommended:
 1. That the Planning report, Item 1 of this report not be released.
 2. That Governance reports Items 2, 4, 5 and 6 of this report be released in full.
 3. That Governance report, Item 3 of this report not be released.
 4. That the Environment report, Item 7 of this report not be released.
 5. That the Infrastructure report Item 8 of this report be released in full noting the attachment remains confidential as it is subject to copyright and privacy considerations.
 6. That the Infrastructure report Item 9 of this report not be released.

REPORT

In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005 the public has the right to attend all Council Meetings except in special circumstances. Under section 10A of the Local Government Act 1993 the meeting can be closed in order to deal with certain types of matters.

In seeking to increase the transparency and accountability of Council it is Council's practice to annually review reports from Closed Meetings to determine whether confidentiality still exists.

Closed Reports already reported in prior annual reviews are re-assessed by the public officer. Those reports still subject to confidentiality from prior reviews are not reported on again unless their status has changed.

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO5 – Annual Review of Closed Reports

CONSULTATION

This report has been prepared in consultation with the Manager Compliance, Manager Works, Director Infrastructure and Environment and Manager Governance (Public Officer).

In determining whether the contents of a closed report can be released either in part or full, Council must ensure that the release of the information is in the public interest and would not breach the requirements of any legislation. Matters such as legal professional privilege, commercial in confidence, and privacy are taken into account as part of the decision making process.

It is proposed that the following reports assessed for release by Council's Public Officer be dealt with as stated.

PLANNING:

1. **Land and Environment Court Action Report – 35 Evelyn's Range Road, The Oaks**

47RCOO

TRIM 5864-9

Meeting Date: 15 December 2014

Meeting Item: PE5

Public Officer's Advice: This report is not to be released.

The matter is still ongoing and the report contains information subject to legal professional privilege.

GOVERNANCE:

2. **Social Media – Advice Concerning Council Officials**

235JSPR

TRIM 1886-8

Meeting Date: 16 December 2013

Meeting Item: GO7

Public Officer's Advice: This report can be released in full.

3. **Lease – Antill Park Country Golf Club Ltd**

232SSMI

TRIM 931

Meeting Date: 18 August 2014

Meeting Item: GO8

Public Officer's Advice: This report is not to be released.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO5 – Annual Review of Closed Reports

This matter was subject to a Formal Access Request for Information which has not yet been finalised.

4. **Director's Positions – Recruitment Report**
235JSPR TRIM 1042

Meeting Date: 17 November 2014
Meeting Item: GO10

Public Officer's Advice: This report can be released in full.

5. **General Manager's Performance Objectives**
235JSPR TRIM 5236

Meeting Date: 17 November 2014
Meeting Item: GO11

Public Officer's Advice: This report can be released in full.

6. **Audit Committee – Appointment of External Member**
238ASPE TRIM 5374

Meeting Date: 15 December 2014
Meeting Item: GO9

Public Officer's Advice: This report can be released in full.

ENVIRONMENT:

7. **Review of Suction Street Sweeping Services**
660 TRIM 2910

Meeting Date: 9 February 2015
Meeting Item: EN3

Public Officer's Advice: This report is not to be released.

This was a draft report that did not go before Council.

INFRASTRUCTURE:

8. **Bargo RFS Station – Land Acquisition**
198JNYH TRIM 7392

Meeting Date: 21 July 2014
Meeting Item: IN3

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO5 – Annual Review of Closed Reports

Public Officer's Advice: This report can be released.

The Attachment to this report is to remain confidential as it is copyright protected and contains personal information.

9. Antill Park Country Golf Club

10845SSMI

TRIM 931

Meeting Date: 15 December 2014

Meeting Item: IN3

Public Officer's Advice: This report is not to be released.

This matter was deferred and the draft report did not go before Council.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

The attachments to this report remain confidential for consideration of release.

RECOMMENDATION

1. That the Planning report, Item 1 of this report not be released.
2. That Governance reports Items 2, 4, 5 and 6 of this report be released in full.
3. That Governance report, Item 3 of this report not be released.
4. That the Environment report, Item 7 of this report not be released.
5. That the Infrastructure report Item 8 of this report be released in full noting the attachment remains confidential as it is subject to copyright and privacy considerations.
6. That the Infrastructure report Item 9 of this report not be released.

GO6 – Annual Report – Code of Conduct Complaints

GO6 Annual Report – Code of Conduct Complaints

238

TRIM 98

EXECUTIVE SUMMARY

- In accordance with section 12.1 of Council's Procedures for Administration of Code of Conduct (the Procedures), the Complaints Coordinator must report to Council on an annual basis, the statistics in regard to all Code of Conduct (the Code) complaints.
- It is recommended that Council accept the information related to annual code of conduct complaints as reported by the Complaints Coordinator.

REPORT

Council's General Manager is the recipient for complaints about the conduct of Councillors. The Mayor is the recipient for complaints about the conduct of the General Manager. The Procedures set out the responsibility regarding complaints regarding alleged breaches of the Code and the reporting requirements of these complaints.

Part 12 Reporting on Complaints Statistics

Section 12.1 of Council's Procedures for Administration of Code of Conduct states:

The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September
- b) the number of code of conduct complaints referred to a conduct reviewer
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer
- e) the number of code of conduct complaints investigated by a conduct review committee
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures
- g) the number of matters reviewed by the Division and without identifying particular matters the outcome of the reviews, and

Report of Governance to the Ordinary Meeting of Council held on Monday
21 December 2015

GO6 – Annual Report – Code of Conduct Complaints

- h) the total cost of dealing with code of conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.

Section 12.2 states:

The Council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

COMPLAINTS RECEIVED

During the annual reporting period - September 2014 to September 2015 there were two (2) notifications received by Council raising issues associated with the adopted Code of Conduct.

CONSULTATION

No consultation was required.

FINANCIAL IMPLICATIONS

Funding has been allocated in the Governance budget.

ATTACHMENTS

1. Statistical information in relation to Code complaints can be found in the table attached.

RECOMMENDATION

That the annual report in relation to Code of Conduct Complaints be received and noted.

GO6 – Annual Report – Code of Conduct Complaints

ATTACHMENT 1 - 98 – 21 DECEMBER 2015

Total Number of Conduct Complaints made about Councillors and the General Manager	Complaints Referred to Conduct Reviewer	Finalised at preliminary assessment by Conduct Reviewer	Assessment Outcome ¹	Complaints Investigated by Conduct Reviewer	Outcome of Complaints Investigated by Conduct Reviewer	Complaints Investigated by Conduct Review Committee	Reviews by Office of Local Government	Outcome of Reviews by Office of Local Government	Total Cost – (Conduct Reviewer & Staff Cost)
2	2	1	6.10(a)	1	6.10(a)	0	0	0	\$5,293.50

¹ 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:

- a) to take no action, or
- b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
- e) to investigate the matter, or
- f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

GO7 – Audit Committee Annual Review

GO7 Audit Committee Annual Review
238

TRIM 5374-2

EXECUTIVE SUMMARY

- The purpose of this report is to advise of the performance of the Audit Committee for the preceding financial year.
- The Committee has achieved the nominated tasks as outlined in the Wollondilly Internal Audit Plan.
- It is recommended that Council receive the Audit Committee Annual Review report and thank the external representatives for their participation and assistance.

REPORT

Council's Audit Committee was established to provide Council with independent oversight and monitoring of the Council's audit processes, including the organisation's internal control activities.

Council has an adopted Internal Audit Plan and Audit Committee Charter which guide many of the Committee's activities.

The Audit Committee has provided high level monitoring of activities/works associated with the Special Rate Variation and it is envisaged this will continue into the future.

A strong relationship between the Audit Committee and the internal audit function enables the Committee to meet its responsibilities and carry out its functions. The Audit Committee establishes the importance and executive direction for the internal audit function and ensures that Council achieves maximum value from the internal audit function.

CONSULTATION

- Internal Auditor
- Audit Committee
- Council Executive.

RELEVANT CONSIDERATIONS

Funding was initially allocated to enable two audits to be completed during the last financial year. The first of these was an audit of the Parks and Gardens function which was completed in late 2014.

GO7 – Audit Committee Annual Review

At its meeting on 25 February 2015, the Committee was advised by Council management that funding had been obtained to conduct an additional two audits during the 2014/15 financial year. This brought the total number of audits to be conducted during the year to four (4). The Management of Section 94 Development Contributions and Voluntary Planning Agreements audit was completed in the 2015/16 financial year.

Following a review of the risk assessment upon which the internal audit plan is based, it was agreed that the following areas would be audited in addition to the already completed Parks and Gardens audit:

- Payroll
- On-site Sewage Management
- Management of Section 94 Development Contributions and Voluntary Planning Agreements.

The Strategic Internal Audit Plan adopted by Council required the completion of these audits and the Committee has achieved this goal.

The key findings and recommendations from each of these audits were:

Parks and Gardens

Positive Findings

Council has in place a generally good structure and process for the maintenance and operations of the Council's network of public open spaces supported by competent and experienced staff.

Key Recommended Improvements

- Detailed asset management plan should be developed and implemented to provide long term strategic focus on the management of parks and gardens
- An annual maintenance program be developed for the network of public open spaces and aligned with the asset management plan
- Restructuring of the section to position Council to achieve innovation and leadership in the maintenance of parks and gardens including management of increasing workload in light of the growth in the Shire
- Review of overtime and allowances to achieve better value for money outcomes
- Consideration of whole of life maintenance costs when decision-making for acquisition of open space including early notification to the Parks Superintendent.

GO7 – Audit Committee Annual Review

Payroll

Positive Findings

Council has policies and procedures which support its human resource function. Employee Relations has skilled and experienced staff who efficiently manages timesheets; entitlements and the employee master records.

Key Recommended Improvements

- A system to be developed to manage temporary staff access to IT systems
- Access capabilities to both the Employee Master File and AUTHORITY payroll system be restricted to relevant staff only
- The employee master file 'Maintenance Audit Report' review process to be strengthened
- Review of Council overtime arrangements
- Action to reduce liability for leave entitlements
- Consider reducing frequency of pay runs from weekly to fortnightly
- Consider introducing employee self-service solutions for time and attendance records and leave applications
- Payroll system reports to be enhanced.

On-site Sewage Management

Positive Findings

Council oversees the highest number of on-site sewage management facilities of any Council in New South Wales. Its 'On-site Sewage Management Strategy' and functions are managed by skilled and experienced staff.

Council has sound processes in place for receipting of fees and inspections of on-site facilities prior to the issue of approvals to operate. Council has policies and procedures to support the operations of the on-site sewage management function.

Key Recommended Improvements

- Council's On-site Sewage Management Strategy be reviewed at least every 10 years to prepare and plan for future growth and developments in the Shire.
- A risk matrix be developed based on the risk factors recommended by IPART and used when assessing on-site sewage management facilities.
- Development of a risk based framework for determining an effective regulatory inspection regime.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO7 – Audit Committee Annual Review

- Tailored management and exception reports and integration of the AUTHORITY on-site sewage management module with the rates system to be investigated with Civica
- Implement online payment capability
- Improved record keeping and follow up systems
- Development of improved checklists
- Information be made available regarding On-site Sewage Management Systems processes and requirements utilising Council's website and new resident information packs.

Management of Section 94 Development Contributions and Voluntary Planning Agreements

Positive Findings

Council has in place a generally sound system and process for the oversight of Section 94 Developer Contributions including levying and collection. This includes systems to ensure that contributions are received before the release of subdivision and/or construction certificates.

Council has developed a Planning Agreements Policy which was adopted by Council on 19 October 2015. A draft Planning Agreements Procedures Guideline has been developed to support the Policy for use by Council staff. Key Recommended Improvements:

- The draft Growth Management Strategy should be finalised as soon as practical
- Development of a new Development Contributions Plan once the Growth Management Strategy is finalised
- Council should undertake an investigation to verify if the calculation of contribution levies at the time of issuing the Notice of Determination and collecting the payments is being undertaken correctly
- Consideration of a nominated position to be accountable and responsible for strategic management and oversight of Section 94 developer contributions
- A centralised Planning Agreements Register should be implemented for use in the Council
- A review of the Planning Agreements Policy to include a statement regarding Section 93E of the EPA Act and the draft Planning Agreements Procedures Guideline should be undertaken
- Council should ensure the signatory to a Voluntary Planning Agreement holds the delegated authority to sign the agreement.

GO7 – Audit Committee Annual Review

In addition to the formal internal audits mentioned above, the Audit Committee also reviewed and were kept apprised of a number of other processes/activities during the last financial year. These processes and activities include:

- The securing of a Special Rate Variation for the period 2015/16 through 2018/19. The committee will monitor both the financial and physical progress of works funded.
- The review of Tendering and Contract Management processes
- The Growth update and progression of the Growth Management Strategy
- Regular updates on the collection of overdue rates and charges
- Council's progress against the objectives and activities set out in the 2014/15 Operational Plan.

The Committee also considered Council's financial performance through the presentation of the Annual Financial Statements by Council's External Auditors.

KPIs for the reporting period were:

KPI	How will it be measured	Target Level	Progress as at 30/6/15
Level of satisfaction of business units subject to internal audit with:			
Communication Comprehensiveness Relevance of audit recommendation Quality of audit report	Brief survey issued	At least 90% satisfaction	8 responses 100% satisfied to very satisfied
% of audits completed annually vs proposed audits in audit plan	Tally of audits completed	100%	1 audit completed last FY. Delay in completing remaining audits due to Council decision to review audit program and add additional audits
Level of satisfaction of Audit Committee and MANEX with internal audit function	Annual survey of audit committee and MANEX members	At least 90% satisfaction	93.7% of responses rated satisfaction at 4 or 5 out of 5

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO7 – Audit Committee Annual Review

KPI	How will it be measured	Target Level	Progress as at 30/6/15
Time taken to complete audit projects	Date from Engagement Letter to issue of Final Report	Six weeks	Waste – 6 weeks 2 days Compliance – 5 weeks 2 days Procurement – 6 weeks 2 days Emergency Management – 6 weeks 1 day Capital Works – 6 weeks 3 days Planning and Development – 5 weeks 4 days Parks Maintenance – 14 weeks (Delay due to Xmas period and lateness of response by management) Payroll – 8 weeks 1 day
Timeliness of monitoring of progress in implementing audit resolutions	Progress reports submitted to Audit Committee meeting	Progress report submitted to each meeting	Reports submitted to all meetings
Implementation of audit resolutions	Review of progress in implementing audit resolutions by MANEX 12 months after audit completed	100% of resolutions satisfactorily addressed	Resolutions reviewed by MANEX in 2013
Attendance by members at Audit Committee Meetings	Monitor attendance register	Attendance at 75% of meetings or more by each member	Michael Muston – 7 of 7 Andrew Hanigan – 2 of 2 Cr Mitchell – 7 of 7 Cr Gibbs – 3 of 3 (since 1/7/13)

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO7 – Audit Committee Annual Review

KPI	How will it be measured	Target Level	Progress as at 30/6/15
Number of Audit Committee Meetings held	Minutes of each Committee meeting	At least four meetings per annum	3 held last financial year, 1 to date this year
Timeliness of annual report to Council	Date of submission of annual Audit committee report to Council	Within 2 months of each of each financial year	Last report submitted in December 2014
Reporting of Audit Committee functions / outcomes to community	No. of Community Forums at which information provided regarding internal audit	At least one meeting per year	Last forum attended in December 2014
Currency and coverage of internal audit plan	Date of review of internal audit plan	Within 2 months of each end of each financial year	Review completed and submitted to 1/6/15 meeting
Currency and relevance of Internal Audit Committee Charter	Date of review of Charter	Within 2 months of end of every second financial year	Last review in June 2014

Governance

FINANCIAL IMPLICATIONS

Provision has been made within the adopted budget for the Internal Audit function.

One of the primary objectives of the Internal Audit Function is to add value to Council's operations. This involves taking a proactive approach with a focus on risk. By focusing audit work on high risk areas, Council will benefit from assessments of our systems and gain an independence assurance these systems are operating efficiently and effectively.

ATTACHMENTS

There are no attachments to this report.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO7 – Audit Committee Annual Review

RECOMMENDATION

1. That Council receive the Audit Committee Annual Review report.
2. That Council note the appointment to the Audit Committee of Julie Walton at the commencement of the new financial year.
3. That Council forward a letter to the external representatives thanking them for their contribution to the effectiveness of Council's Audit Committee in the 2014/15 financial year.

GO8 – Delegations for Local Environmental Plan Amendments

GO8 Delegations for Local Environmental Plan Amendments

256

TRIM 572-6

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's agreement to the Director Planning and Manager Growth and Strategic Planning having delegated authority to make Local Environmental Plan Amendments.
- A restructure has occurred and the positions of Deputy General Manager and Manager Development Assessment and Strategic Planning no longer exist. Under the current structure the Director Planning and the Manager Growth and Strategic Planning have responsibility for the assessment of planning proposals.
- These functions can only be delegated to other staff with the agreement of both Council and the General Manager.
- It is recommended that Council agree to the Director Planning and the Manager Growth and Strategic Planning, having delegated Authority to make a Local Environmental Plan Amendment.

REPORT

Wollondilly Council is a Planning Authority under the Environmental Planning and Assessment Act, 1979. Ultimately under this Act it is the Minister that has Authority to make Local Environmental Plans.

The Minister delegated planning making powers to Council in October 2012. The decision whether or not the making of an amendment to a Local Environmental Plan will be delegated back to Council is usually made at Gateway. Under the Local Government Act, 1993 the Minister can only delegate these functions to the General Manager with Council's approval.

Section 381 of the Local Government Act, 1993 states:

A person must not, under any other Act, delegate a function to:

- *the general manager, except with the approval of the council*
- *an employee of the council, except with the approval of the council and the general manager.*

Therefore the delegation to make a Local Environmental Plan can only be given to the General Manager or other staff with the agreement of Council.

GO8 – Delegations for Local Environmental Plan Amendments

At its meeting on 12 December 2012, Council agreed to the General Manager, Deputy General Manager and Manager Development Assessment and Strategic Planning holding this delegation.

A restructure has since occurred and the 2 previous positions of Deputy General Manager no longer exist having been replaced by Director positions. The Director Planning has responsibility for planning proposals and the Local Environmental Plan. A minor restructure within the Planning Directorate has also resulted in a change of duties formerly undertaken by the Manager Development Assessment and Strategic Planning. The Manager Growth and Strategic Planning now has responsibility for the assessment of planning proposals and the Local Environmental Plan.

It is recommended that Council agree to the Director Planning and Manager Growth and Strategic Planning having delegated authority to make Local Environmental Plan amendments. It should be noted that in all cases Planning Proposals (Local Environmental Plan Amendments) are reported to Council for a decision. Delegated Authority enables Council to seek an opinion directly from Parliamentary Counsel, rather than going through the Department and also to directly sign the plan rather than wait for the Minister's signature.

Where delegated authority has been used to make a Local Environmental Plan amendment it has been Council's experience that this does save a number of weeks at the end of the process in the period after Council's final resolution to support the proposal and make the plan.

Given the large number of planning proposals in Wollondilly it makes sense to have a number of staff that have Delegated Authority to make Local Environmental Plan amendments.

CONSULTATION

Lindsay Taylor Lawyers were consulted in the preparation of this report.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

Nil

RECOMMENDATION

That Council agree to the Director Planning and the Manager Growth and Strategic Planning, having delegated Authority to make a Local Environmental Plan Amendment.

GO9 – Participation in Class Action Seeking Refund of Overpaid GST

GO9 **Participation in Class Action Seeking Refund of Overpaid GST** TRIM 278-2
56

EXECUTIVE SUMMARY

- Council has been approached by a Chartered Accounting firm inviting us to join in a Class Action on behalf of participating Councils seeking GST refunds for income derived from the sale or use of Council Assets.
- The Class Action is based on a precedence from the 2011 case of Melton Shire Council v Commissioner of Taxation where it was held that GST can't be imposed on property belonging to Melton Council.
- 72 Councils have already signed up to the Class Action.
- If the Class Action is successful, Wollondilly (if it joins the Class Action) could potentially be entitled to a refund in excess of \$640,000.
- It is recommended that Council accept the offer to participate in the proposed Class Action for refund of overpaid GST.

REPORT

Council has been approached by a Chartered Accounting firm (Genesis Accounting) regarding participation in a Class Action that is being prepared on behalf of participating Councils to seek refunds from the Australian Taxation Office for all GST remitted in relation to income derived from sale or use of Council Assets. The class action is proposed on the basis of a Consent Order declaring that no tax under the GST laws can be imposed on property of any kind belonging to Melton Council, as recognised in the 2011 case of Melton Shire Council v Commissioner of Taxation.

The following categories of income for which GST would have been remitted to the ATO are to be included in the Class Action claim:

Sale of assets

- Subdivided blocks of land
- Commercial buildings, offices etc
- Cars and trucks
- Graders, street sweepers, backhoes, bobcats, tractors etc
- Plant and machinery

GO9 – Participation in Class Action Seeking Refund of Overpaid GST

Use of assets

- Income from car parking meters, car park ticket machines
- Income from commercial car parks, whether directly from the public or indirectly from leasing a car park to Wilson Parking for example
- Rent from commercial buildings
- Hire of plant and equipment
- Al fresco dining charges (use of footpaths by restaurants) where Council has paid GST on this revenue stream
- Employee vehicle lease backs
- Caravan park income, site rentals, van hire
- Sale of plots in cemeteries.

To date Genesis Accounting have a total of 72 Councils taking part in this action, 52 of which are NSW Councils.

The Class Action does not affect Council's ability to claim input tax credits on purchases, past or in the future. The framework of the GST Act separates purchases from sales and imposes entirely different regimes on each.

Given the large number of Councils now committed to taking part in the Class Action, it is felt that any concerns in relation to political risk are ameliorated. Costs are to be recovered from any refund owing and the impact on Council staff resources will be limited relative to the potential benefit.

The risk of not participating in the Class Action is that should the action be successful, there is the possibility that the ATO will move to shut down any opportunities for future claims, removing any chance of a subsequent claim being made by those parties not included in the Class Action.

It is proposed that Council participate in the planned Class Action to seek refund for all GST remitted in relation to asset sales and income from use of assets.

CONSULTATION

Genesis Accounting have provided advice in relation to the likelihood and quantum of the potential refund that Council may be entitled to should the Class Action be successful.

Other participating Councils have also been consulted in relation to any perceived risks. The only identified risk was the risk of not participating and then not being entitled to subsequently pursue a refund.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO9 – Participation in Class Action Seeking Refund of Overpaid GST

FINANCIAL IMPLICATIONS

Genesis Accounting has provided an estimate of Council's likely refund to be in excess of \$640,000 for the period 2009 to 2014. This is the minimum period being considered under the claim, however there is intention to potentially seek a refund of GST paid going back to 2001.

Participation in this Class Action will not incur legal expenses for Council as all legal costs will be covered by Trust funding to be managed by Genesis Accounting. Genesis Accounting are requesting a fee of 25% (plus GST) of any successful refund claim. There is no financial risk to Council because if the refund claim is unsuccessful, the liability for any legal costs will be borne by Genesis Accounting.

ATTACHMENTS

Nil

RECOMMENDATION

That Council accept Genesis Accounting's offer to participate in the proposed Class Action for refund of overpaid GST.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

The Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy were placed on public exhibition from 18 November 2015 to 15 December 2015. At the time of writing this report no submissions had been received. Any submissions made before the tabling of this report at the Council meeting will be reported to Councillors under separate cover.

CONSULTATION

- Placed on Public exhibition 18 November 2015 to 15 December 2015
- Councillors
- Council Staff
- Council's Audit Committee.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Customer Service Policy
2. Interaction with Developers, Lobbyists and Submitters Policy

RECOMMENDATION

1. That the Customer Service Policy be adopted.
2. That the Interaction with Developers, Lobbyists and Submitters Policy be adopted.

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

ATTACHMENT 1 - 6923 – 21 DECEMBER 2015



**Customer Service
Customer Service – Policy #**

1. POLICY OBJECTIVES

- 1.1 To deliver efficient and effective Customer Service by:
 - 1.1.1 Setting out the minimum standards expected from us.
 - 1.1.2 Outlining how complaints can be made if the standards are not met.
 - 1.1.3 Offering advice on how our customers can help us provide a better service.
- 1.2 The policy is an expression of our commitment for continuous improvement in our service and communication.

2. BACKGROUND

- 2.1 Council continually strives to improve services and develops better relationships with our customers.
- 2.2 Council measures performance by the complaints and the compliments we receive as well as bi-annual customer satisfaction surveys. We seek to improve our customer service with or without a complaint.
- 2.3 We will continue to review the Policy to keep it relevant with the time and service we provide and we will independently assess our performance on an annual basis in accordance with the Council's Delivery Program and Operational Plan.

3. APPLICABILITY

- 3.1 This policy applies to all staff.

4. GUIDELINES

- 4.1 We will provide Council Service in a friendly and professional manner by:
 - 4.1.1 Treating people with courtesy, fairness, dignity and respect.
 - 4.1.2 Taking responsibility for providing answers to the best of our knowledge and skills.
 - 4.1.3 Listening carefully to what is being said.
 - 4.1.4 Treating personal information with confidentiality.
 - 4.1.5 Being helpful and sensitive to needs.
 - 4.1.6 Being transparent and accountable.
 - 4.1.7 Being fair, consistent and impartial in administering our legal obligations.
 - 4.1.8 Being competent in providing the information and services Council has determined to provide to our community.

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

ATTACHMENT 1 - 6923 – 21 DECEMBER 2015



**Customer Service
Customer Service – Policy #**

- 4.2 When our customers visit us we will make every effort to offer assistance:
- 4.2.1 Within 5 minutes of arrival at our service areas.
 - 4.2.2 Within 5 minutes of the appointment time.
- 4.3 When our customers phone us we will make every effort to respond quickly and effectively.
- 4.3.1 At the switch by:
 - By answering a phone call promptly (6 – 8 rings)
 - Transferring your call to the appropriate Officer/Department.
 - 4.3.2 At our workstation phones by:
 - By answering a phone call promptly (6 – 8 rings)
 - If we can't answer a call immediately, returning the call within one working day when a voice message has been left
 - Advising promptly the correct answer or outcome
 - Advising if there is a delay in the service that has been requested
 - Providing after hours service for emergencies.
- 4.4 When a customer writes to us we will make every effort to respond quickly and effectively to a letter or email by:
- 4.4.1 Acknowledging it within 7 working days of receipt.
 - 4.4.2 Responding in a clear, concise and easy to understand way.
 - 4.4.3 Responding quicker if the matter is urgent.
 - 4.4.4 Notifying if there is a delay in the service promised.
 - 4.4.5 Checking our email inbox throughout the working day.
- 4.5 When a customer lodges a Customer Request (CRM) we will make every effort to respond quickly and effectively to the request by:
- 4.5.1 Acknowledging a request within 7 working days, including the status of a request.
 - 4.5.2 Completing or providing a customer within 14 working days a "how and/or when" a request will be completed.
 - 4.5.3 Referring when appropriate, to alternate service providers when the service that is being sought is not a Council matter or Council is not the owner.
 - 4.5.4 Preventing unnecessary return visits or contact to Council.

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

ATTACHMENT 1 - 6923 – 21 DECEMBER 2015



**Customer Service
Customer Service – Policy #**

4.6 HOW OUR CUSTOMERS CAN HELP US, HELP THEM; assisting us in delivering better service:

- 4.6.1 Provide accurate and relevant information at the outset.
- 4.6.2 Ensure information provided is not intentionally misleading or knowingly wrong.
- 4.6.3 Identify the result or outcome they wanted.
- 4.6.4 Co-operate with Council's processes.
- 4.6.5 Treat Council staff with the same level of courtesy and respect.

4.7 OUR CUSTOMER'S RIGHTS

- 4.7.1 It is our customer's right to expect that we uphold the standards of service detailed in the Customer Service Policy.
- 4.7.2 If you believe we have not met the standards in the Customer Service Policy, our customers can contact us by their preferred communication means at their earliest convenience. Council will endeavour to resolve requests as soon as possible. We value all feedback for continuous improvements in delivering better service to our customers.
- 4.7.3 As a regulatory body, Council is required by Government to:
 - Administer various Acts and Regulations and uphold the law
 - Safeguard the public interest.

These responsibilities may not always meet our customer's expectations or plans. Where there is a conflict, and where it cannot be resolved at staff or managerial level, further avenues of appeal may exist.
- 4.7.4 If our customer is affected by a decision that provides a legislative entitlement to apply for a review, then they will be advised in writing when notified of the outcome of their application.
- 4.7.5 Specific appeal rights may exist for some decisions made under the:
 - Environmental Planning and Assessment Act 1979
 - Privacy and Personal Information Protection Act 1998
 - The Government Information (Public Access) Act 2009 (GIPA Act)
 - Local Government Act 1993.

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

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**Customer Service
Customer Service – Policy #**

4.8 If our customers are unhappy with the way Council dealt with an issue:

4.8.1 Depending on the nature of the complaint there are a number of accountability/complaint bodies established by the NSW Government that receive and investigate complaints:

- Office of Local Government
- NSW Ombudsman
- Independent Commission Against Corruption (ICAC)
- Information and Privacy Commission
- NSW Small Business Commissioner.

4.8.2 Council's Complaint Handling Protocol is available on request.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Manager Technology, Information and Customer Service
- 5.2 Team Leader Customer Service
- 5.3 Manager Works
- 5.4 CRM team
- 5.5 Manager Compliance
- 5.6 Manager Development Services
- 5.7 Manager Environment
- 5.8 Team Leader Waste Management

6. RELATED POLICIES

- 6.1 Customer Service Strategy

7. RELATED PROCEDURES

- 7.1 Telephone Protocol
- 7.2 Complaint Handling Protocol

8. RELATED LEGISLATION

- 8.1 Environmental Planning and Assessment, 1979
- 8.2 Privacy and Personal Information Protection Act, 1998
- 8.3 The Government Information (Public Access) Act, 2009
- 8.4 Local Government Act, 1993

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**Customer Service
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9. ATTACHMENTS

9.1 NIL

10. RESOURCES

10.1 NIL

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 Awareness at Team Meetings.
- 11.1.2 Training sessions.
- 11.1.3 Reviews from customer feedback.
- 11.1.4 Presentations to Management and Executive

12. POLICY HISTORY

12.1	Date First Adopted	## / ## / ##
12.2	Most Recent Adoption	## / ## / ##
12.3	Next Review Date	## October 2018
12.4	Responsible Officer	Manager Technology, Information & Corporate Strategy
12.5	TRIM reference	839#177

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GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

ATTACHMENT 2 - 6923 – 21 DECEMBER 2015



**Governance
Interaction with Developers,
Lobbyists & Submitters Policy #**

1 POLICY OBJECTIVES

- 1.1 This Policy provides ethical guidance for Councillors and staff when dealing with parties involved in or associated with a planning proposal or development application.
- 1.2 The Policy aims to:
 - preserve confidence in the good governance of the Shire and the processing of planning proposals and development applications
 - minimise the likelihood of claims being made of improper dealings, bias or conflict of interest
 - promote transparency.

2 BACKGROUND

- 2.1 Free and open access to Councillors, and Council itself, is vital to efficient and effective local government and contact with Councillors is undertaken by many people in the community in relation to a broad range of matters. Lobbying is common in local government and appropriate lobbying of Councillors is part of the democratic process. The most common form occurs when a group or individual makes direct contact with a Councillor in an attempt to influence a council decision.
- 2.2 Lobbyists, developers and submitters seek access to Councillors to discuss potential and existing planning proposals, development applications and other projects. Interactions with community members, lobbyist, developers and submitters are also a way for Councillors to obtain information that maybe relevant to their decision-making. The public has a clear expectation that such contact is carried out ethically and transparently so as not to undermine public confidence in impartial decision-making.
- 2.3 The role of Councillors is to represent the interests of the residents and ratepayers, provide leadership and guidance to the community and facilitate communication between the community and the council.
- 2.4 To promote transparency, equity and public accountability, and to assist in better decision making, this policy provides guidance for Councillors and staff when dealing with lobbyists, potential developers or developers and submitters.
- 2.5 Occasionally a lobbyist can try to improperly influence a Councillor's decision-making and Councillors should take care that their duty is to consider issues fairly, properly and not be compromised by participating in lobbying practices that are outside the bounds of appropriate or lawful behaviour. It is always the aim of council to ensure that all dealings are legal, ethical and impartial and give effect to the local government principles set out in the Local Government (LG) Act 1993, and the principles in the Environment Planning and Assessment (EPA) Act and associated Regulations.
- 2.6 For avoidance of doubt, this Policy clarifies requirements and processes imposed upon Councillors and staff. This Policy does not seek to circumvent or undermine requirements within the current legislation; rather, it seeks to provide clarification and guidance for the assistance of Councillors, staff and the public who interact with Council regarding a range of matters.

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

ATTACHMENT 2 - 6923 – 21 DECEMBER 2015



**Governance
Interaction with Developers,
Lobbyists & Submitters Policy #**

3 APPLICABILITY

- 3.1 This Policy applies to all Council business-related contact between Councillors and lobbyists, developers and submitters and Council staff.
- 3.2 It does not apply to social interaction between Councillors and other persons simply because those other persons act as lobbyists or developers, or are submitters in respect of a current development application. However Councillors are reminded of their obligation to both avoid conflicts of interest and disclose potential conflicts of interest, and are required to carefully consider possible implications of social interaction with lobbyists, developers or submitters.

4 GUIDELINES

Potential Developments and Potential Submitters

- 4.1 Councillors may encourage responsible and appropriate development in the Wollondilly Local Government area. Councillors should not feel inhibited, in any communications, with potential developers and lobbyists (for a potential development), in promoting the benefits of development in Council's local government area. However, in all dealings with potential developers and lobbyists for a potential development, Councillors and staff must adhere to Council's Code of Conduct and:
 - 4.1.1 Must make clear to potential developers and lobbyists that they can provide general information on the application process but cannot give definitive advice about the developer's or lobbyists chance of success;
 - 4.1.2 Must suggest that the developer or lobbyist seeks their own independent professional advice;
 - 4.1.3 If applicable, must encourage potential development applicants and lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council staff; and
 - 4.1.4 Must state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the potential application.
- 4.2 Similarly, in relation to potential submitters to a planning proposal or development application, Councillors should not feel inhibited about discussing with potential submitters what is publicly known about a potential development application. Again, Councillors and staff must adhere to Council's Code of Conduct and:
 - 4.2.1 Must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about the developer's chance of success;
 - 4.2.2 Must suggest that the submitter seeks their own independent professional advice; and
 - 4.2.3 Must state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the potential application.

Governance

GO10 – Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy

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**Governance
Interaction with Developers,
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- 4.3 Often the environment can make it difficult for Councillors to avoid informal discussions and in these situations Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a Council decision. Suspicions of inappropriate lobbying can occur when discussions are not open to public scrutiny. Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. To help ensure transparency in planning related discussions whilst being lobbied Councillors should adhere to Council's Code of Conduct and:
- 4.3.1 Document meetings with proponents.
 - 4.3.2 Conduct meetings in official locations, such as Council premises or at an authorised inspection.
 - 4.3.3 Where possible, have Council officers or other people present during meetings.
 - 4.3.4 Encourage applicants who have approached them for a meeting to discuss significant development to write to the General Manager or Mayor seeking a meeting with all Councillors and relevant staff.
 - 4.3.5 Provide copies of information presented during lobbying meetings to Council officers for consideration and assessment (if required), distribution to other Councillors and filing as part of Council's record keeping system.
 - 4.3.6 Ask people who have requested a meeting to put their arguments, concerns and views in writing.
 - 4.3.7 Make a declaration at a Council meeting about planning activities they have been engaged in that are not part of Council's formal processes when the matter is before Council for consideration.
 - 4.3.8 All Councillor workshops with potential developers and lobbyists (for a potential development) will be minuted and published on the Council website and noted in the Mayoral minute.
 - 4.3.9 Where Council is involved as an applicant in a development issue, a probity plan will be developed and implemented to guide all interactions and involvement of Councillors and Council staff.
- 4.4 Councillors and staff should keep and maintain a written record of all exchanges of communication with a potential developer, lobbyist for a potential development or potential submitter. The written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised and a summary of the response. This response is to be provided to Council staff for filing as Council is required to keep and maintain appropriate records in accordance with the State Records Act and Council's Records/Information Management Policy.

Governance

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Meetings after a Planning Proposal or Development Application Has Been Lodged

- 4.5 After a planning proposal or development application has been lodged, any requests for meetings between Councillors and developers, lobbyists or submitters must occur by arrangement through the General Managers office or the Director of Planning and only in circumstances where a Council officer (with adequate knowledge of the development application) is also present.
- 4.6 At any meeting, telephone discussions, email or other correspondence exchange with a developer, lobbyist or submitter where support or opposition is being sought for a development application, Councillors must state:
- 4.6.1 That any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the planning proposal or development application; and
- 4.6.2 In relation to Council's possible decision on the application that the Councillor's principal obligation is to serve the public interest by ensuring that his /her decision is:
- consistent with the planning legislation, Council's planning scheme and policies;
 - made after having appropriate consideration of any Council staff's (or Council appointed consultant's) advice; and
 - not influenced by any other irrelevant or inappropriate consideration.
- 4.7 Councillors must keep a written record summarising the matters discussed at the meeting. This written record should detail, as a minimum, the date and time of the meeting, a summary of the matters raised with the Councillor and a summary of the Councillor's response. This response is to be provided to Council staff for filing as Council is required to keep and maintain appropriate records in accordance with the State Records Act and Council's Records/Information Management Policy.
- 4.8 The staff member must maintain an independent record of the meeting.
- 4.9 During various phases of the development assessment process, Councillors and staff may be contacted by applicants and / or submitters for information regarding the progress of an application, and they may also wish to discuss the merits of that application.
- 4.10 If Councillors are concerned at the manner in which application/s are being assessed, these concerns should be discussed with the General Manager or the Director Planning.

Other Communications

- 4.11 Council is required to keep and maintain appropriate records in accordance with the State Records Act and Council's Records/Information Management Policy. Councillors and staff should be mindful of these requirements in regard to the manner in which records from such meetings are maintained. All communication should be clear, direct and accountable (written confirmation) in order to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

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- 4.12 Councillors and staff must comply with obligations within the Local Government Act 1993 and Code of Conduct in dealings with planning proposals and development application matters. If a Councillor is aware that they may have a conflict of interest, they must make that declaration, remove themselves from discussions regarding the matter, pending notification to the General Manager, and potentially further advice being provided.
- 4.13 Attachment 1 to this Policy provides a simple checklist for items to be taken into account by Councillors and staff during interactions with the public, including applicants, developers, consultants and submitters involved in planning proposals and development applications.

Tendering

- 4.14 The lobbying of Councillors by tenders about the outcome of a tender process is an exception to the principle that lobbying is permissible. Lobbying of Councillors by tenderers is not permissible.
- 4.15 The conditions which govern tender processes are based on a request for tender (RFT) and contain statements prohibiting proponents from approaching Councillors during a tender process.
- 4.16 Tender processes do not include mechanisms for community feedback.

What Council asks of Developers, Lobbyist and Submitters – Council's Code of Business Ethics

- 4.17 Council's aspiration is for all developers, lobbyist, landowners and submitters who may be undertaking development-related activity to observe the following principles (Council's Code of Business Ethics) when interacting with Council in relation to any actual or potential planning proposal or development application:
- 4.17.1 Provide accurate and reliable advice and information when required;
 - 4.17.2 Declare actual or perceived conflicts of interest as soon as you become aware of the conflict;
 - 4.17.3 Act ethically, fairly and honestly in all dealings with Council;
 - 4.17.4 Take all reasonable measures to preserve the integrity and keep confidential any confidential information provided to you by Council;
 - 4.17.5 Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties;
 - 4.17.6 Respect legislative processes established under various Acts of Parliament;
 - 4.17.7 Respect the integrity of the Council and acknowledge that all determinations adopted by resolution have been thoroughly investigated by staff and carefully considered by the elected body of Council;
 - 4.17.8 Act with moral conscious at all times respecting statutory protocols and procedures;

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- 4.17.9 Refrain from discussing Council business or information in a disrespectful way with the media;
- 4.17.10 At all times be courteous towards the public, Council staff and Councillors and not bring the Council into disrepute;
- 4.17.11 Obey all relevant laws and contractual obligations;
- 4.17.12 Assist Council to prevent unethical practices in our business relationships;
- 4.17.13 Comply with privacy legislation in relation to personal information obtained through dealings with Council or work undertaken for Council; and
- 4.17.14 Communicate clearly and respond promptly to questions resolving any issues quickly.

Why is Compliance Important?

- 4.18 Developers, lobbyist and submitters should also be aware of the consequences of not complying with Council's ethical requirements when engaging with Council. By complying with this Code of Business Ethics, damaging allegations of unfair or unethical conduct can be avoided in dealings with this Council.
- 4.19 Demonstrated corrupt or unethical conduct could lead to:
 - damage to reputation
 - investigation for corruption
 - matters being referred for criminal investigation
 - criminal prosecution.
- 4.20 Consequences for Councillors, staff and delegates may include:
 - investigation
 - misconduct charges
 - loss of civic office for Councillors
 - disciplinary action including termination of employment
 - potential criminal charges.

Gifts, Benefits and Hospitality

- 4.21 In general, Council expects its staff to decline gifts and benefits offered by parties with whom Council conducts business. Developers, lobbyist and submitters should refrain from offering any such 'incentives' to Council staff as all offers will be formally reported to Council by its officers. Hospitality is however appropriate provided it is linked to business dealings with Council and provided it complies with the provisions set out under "Gifts and Benefits Policy" in the Code of Conduct for Council Employees Statement.
- 4.22 If a gift is accepted, Council requires the staff member to record the gift in a publicly accessible Gifts and Benefits Register.

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Conflicts of Interest

- 4.23 All Councillors and Council staff are required to disclose any conflicts of interest. Council extends this requirement to all our business partners, contractors and suppliers. Should a conflict of interest arise or be recognised in any dealing with Council you must notify and declare this conflict of interest to Council in writing.
- 4.24 A conflict of interest occurs when a public official is in a position to be influenced, or appear to be influenced, by private interests when doing their job. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social and professional activities and interests with individuals or groups, including family and friends, as well as financial interests. There are different types of conflict of interest:
- 4.24.1 *Actual conflict of interest:* A public official is in a position to be influenced by their private interest when doing their job.
- 4.24.2 *Perceived conflict of interest:* A public official is in a position to appear to be influenced by their private interests when doing their job.
- 4.24.3 *Potential conflict of interest:* A public official is in a position where they may be influenced in the future by their private interests when doing their job.
- 4.24.4 *A pecuniary interest* involves a situation where there is the potential to gain or lose financially from a public position, for example from owning property, having unpaid debts to others, or receiving hospitality or travel.
- 4.24.5 *A non-pecuniary interest* does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence judgements or decisions, even though there is no financial benefit to the individual.

Confidentiality

- 4.25 All Council information should be treated as confidential unless otherwise advised to you by Council.

Use of Council Equipment, Resources and Information

- 4.26 All Council equipment, resources and information should only be used for the purpose it is made available by Council.

Contracted Employees

- 4.27 All contractors must comply with Council's Code of Business Ethics (4.17) for doing business with Council. These Business Code of Ethics will be included in Council's Contractual documents. If contractors employ sub-contractor(s) in their work for Council, they must ensure sub-contractor(s) are aware of this Code and observe it in their dealings with Council.

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Reporting Unethical Behaviour (Internal Reporting Protocol)

4.28 The Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's Governance Manager. External reporting can also be made to:

- Independent Commission Against Corruption;
- NSW Ombudsman; or
- The Office Local Government.

4.29 Public officials reporting corrupt conduct, maladministration or waste may be protected by the Protected Disclosures Act 1994. This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly investigated.

Who to Contact

4.30 If you have any questions regarding this Code of Business Ethics or wish to provide information about suspected corrupt conduct, you should contact the appointed probity officer for the project or, where a probity officer has not been appointed, Council's Governance Manager, on telephone 46771100 or at council@wollondilly.nsw.gov.au.

5 RESPONSIBILITY/ACCOUNTABILITY

5.1 Definitions

For the purposes of this policy, the following terms are defined: -

"**Councillor**" means the Mayor and Councillors of Wollondilly Shire Council.

"**communicate**" includes communicate in person, in writing, by telephone or by email or other electronic means

"**Developer**" means a person who invests in and develops the potentialities of property.

"**lobbyist**" means:

- (a) a third-party lobbyist, or
- (b) any other individual or body that lobbies Council (including an individual engaged to undertake lobbying for a third-party lobbyist).

"**third-party lobbyist**" means an individual or body carrying on the business (generally for money or other valuable consideration) of lobbying Council officials on behalf of another individual or body.

"**Making a development application**" in so far as it applies to Councillors and staff may include actions associated with provision of advice regarding, preparation of and processing of development application/s lodged under the EPA Act, including, but not limited to:

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- Pre-lodgement enquiries, meetings and responses provided
- Informal meetings and discussions regarding proposed development applications not yet lodged for assessment
- Application lodgement
- Acknowledgement Notices, discussions regarding amendments or clarification regarding same
- Information Requests, discussions regarding same or clarification regarding requirements, responses or meetings
- Information Responses provided by an Applicant or Applicant's representative, including discussions regarding same, clarification or provision of further information
- Clarification of outstanding or additional, unforeseen information required during the assessment for an Application
- Meetings, site visits, telephone conversations and other discussions regarding a development application/s lodged with Council
- Preliminary advice, discussions, site meetings, telephone conversations, post lodgement requests and enquiries regarding applications lodged with Council for assessment, including applications for which Council is a 'concurrence agency' or similar in accordance with the EPA Act, or other State legislation.

"meeting" with a Council official, means a meeting held in person with the official or by means of a teleconference.

"planning proposal application" means an application or request by a person (other than a public authority within the meaning of the Environmental Planning and Assessment Act 1979):

- (a) to initiate the making of an environmental planning instrument or plan under that Act in relation to any development, project or activity on a particular site, or
- (b) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval.

"Probity Plan" means a detailed plan that addresses probity issues in Councils commercial dealing and the actions to be taken throughout a process where Council is both the proponent (the developer) as well as the consent authority to ensure:

- the Council observes the highest standards of probity consistent with the public interest
- there is integrity in the negotiation process and that the process set out in the negotiation plan is followed
- the process is conducted objectively and consistently
- all confidential information is secured and handled to the expectations of the parties
- all actual, potential or perceived conflicts of interest are addressed and effectively managed
- accountability is maintained
- confidence is preserved in the chosen processes; and decisions and processes are defensible.

"Staff" means full time and part time staff of Wollondilly Shire Council including contract staff and consultants.

"Submitter" means someone who submits something (as an application or a published view) for the judgment of others.

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6 RELATED POLICIES AND PROTOCOLS

- 6.1 Gift and Benefits Policy GOV0051
- 6.2 Complaint Handling GOV0054
- 6.3 Internal Reporting AP0022
- 6.4 Council's adopted Code of Conduct

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993 (NSW)
- 8.2 Environmental Planning and Assessment Act 1979 (NSW)
- 8.3 Model Code of Conduct – Division of Local Government, Department of Premier and Cabinet
- 8.4 State Records Act 1998 (NSW)
- 8.5 Protected Disclosures Act 1994 (NSW)
- 8.6 Independent Commission Against Corruption Act 1988 (NSW).

9. ATTACHMENTS

- 9.1 Councillor Interaction with Developers - Checklist

10. RESOURCES

- 10.1 Lobbying of Government Officials Act 2011
- 10.2 Lobbying Of Government Officials (Lobbyists Code of Conduct) Regulation 2014
- 10.3 Independent Commission Against Corruption *Lobbying Local Government Councillors – A Guide for Councillors, constituents and other interested parties*

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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 Discussions at Councillor Workshop regarding the policy.
- 11.1.2 Training at Staff meetings.
- 11.1.3 Policy published on Council's website.

12. POLICY HISTORY

12.1	Date First Adopted	## / ## / ##
12.2	Most Recent Adoption	## / ## / ##
12.3	Next Review Date	## / ## / ##
12.4	Responsible Officer	Executive Director – Community Services and Corporate Support

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Rural Living www.wollondilly.nsw.gov.au

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Attachment 9.1

Councillor Interaction with Developers - Checklist

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if you follow these useful hints:

Do

- ✓ Consider your requirements under the NSW Local Government Act 1993 and the Code of Conduct
- ✓ Be prepared to meet with applicants and officers before a DA is lodged, not after it has been submitted
- ✓ Always involve officers and in discussions with developers, their consultants or representatives
- ✓ Inform officers about any approaches made to you and seek advice
- ✓ Be aware of what predisposition, pre-determination and bias mean in your role
- ✓ Preface discussions with disclaimers; keep notes of meetings and phone calls and make clear at the outset that the discussions are not binding
- ✓ Ensure meeting notes are filed as business records of Council
- ✓ Be aware of what personal and prejudicial interests are
- ✓ Recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role
- ✓ Use meetings to show leadership and vision
- ✓ Encourage positive outcomes
- ✓ Be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making
- ✓ Suggest that the developer seek independent professional advice

Don't

- × Use your position improperly for personal gain or to advantage your friends or close associates
- × Meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a friendly private discussion with a developer could cause other to mistrust your impartiality
- × Attend meetings or be involved in decision-making where you have a conflict of interest - except when speaking when the general public are also allowed to do so
- × Seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
- × Compromise the impartiality of officers
- × Give definitive advice about the developer's chance of success

**Adapted from "positive engagement – a guide for planning Councillors" – Planning Officers Society – England*

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GO11 – Draft Councillor Access to Information and Interaction with Staff Policy

GO11 **Draft Councillor Access to Information and Interaction with Staff Policy**
255943 TRIM 1609

EXECUTIVE SUMMARY

- A draft Councillor Access to Information and Interaction with Staff Policy has been developed in consultation with Councillors.
- It is recommended that Council adopt the Councillor Access to Information and Interaction with Staff Policy.

REPORT

The Governance Health Check process undertaken by Council has developed a Councillor Access to Information and Interaction with Staff Policy. This policy provides additional guidance for Councillors and staff when observing the requirements of part 6-7 of the adopted Code of Conduct.

The Councillor Access to Information and Interaction with Staff Policy is a new Policy of Council.

Consultation with Councillors has developed the draft policy presented for adoption.

CONSULTATION

- Councillors
- Office of Local Government
- Publications of the NSW Ombudsman, Local Government Manager's Association and the Independent Commission Against Corruption were reviewed
- Policy documents from the following councils were considered - City of Sydney, Wollongong, Randwick, Lake Macquarie, Botany Bay, North Sydney, Fairfield and Blue Mountains.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Draft Councillor Access to Information and Interaction with Staff Policy

RECOMMENDATION

That Council adopt the Councillor Access to Information and Interaction with Staff Policy.

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1 . POLICY OBJECTIVES

- 1.1 The objectives of this Policy are to:
- provide a documented approach by which Councillors can access Council records
 - ensure Councillors have access to all documents reasonably necessary for them to exercise their role as a member of the governing body of Council
 - ensure that Councillors receive accurate and timely advice from nominated staff to help them in the performance of their civic responsibilities
 - provide direction on Councillors' rights of access to Council buildings
 - provide a policy on the interaction of Councillors and staff as per sections 6.2(c), 7.3 and 7.4 of the Code of Conduct.

2 . B ACKGROUND

- 2.1 The Local Government Act 1993 provides for distinctly different roles for Councillors and staff to play in Council. Whilst there needs to be interaction between Councillors and staff members, particularly in relation to the provision of information to Councillors to enable them to perform their civic duties, Parts 6 and 7 of the Code of Conduct detail specific requirements to ensure that such interactions occur in an appropriate and transparent manner.
- 2.2 Provisions that specify how Councillors access information and interact with staff should actively support Councillors in their role. At the same time Councillors must actively avoid creating any perceptions of wrongdoing when exercising their rights as elected representatives, particularly the appearance of trying to influence staff improperly.

3 . A PPLICABILITY

- 3.1 This Policy applies to all Council Officials.
- 3.2 This Policy applies to interaction between Councillors and staff in-person, by telephone, internet, email, writing or any other form of communication.

4 . G UIDELINES

- 4.1 **Authorised Contact Officers**
- Staff members provide important services to Councillors to support them in the performance of their civic duties. Contact between Councillors and staff will be managed to ensure that Councillors are able to access the most appropriate staff.
- 4.1.1 Councillors are only authorised to contact staff directly as identified on the *List of Authorised Contact Officers for Councillors* which is held and maintained by the General Manager.
- 4.1.2 Should a Councillor contact a staff member who is not the appropriate person, the staff member is expected to refer the Councillor to the appropriate staff member or to the *List of Authorised Contact Officers for Councillors*.

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- 4.1.3 If a Councillor is not sure who the appropriate Contact Officer is, they should contact any of the Directors or General Manager who will attend to the matter or advise the name of the appropriate Contact Officer.
- 4.1.4 Councillors may receive constituent representations on routine matters where a staff member not on the *List of Authorised Contact Officer for Councillors* is the Contact Officer for a particular matter eg. a letter written to a constituent may have the staff member's name as the contact. In these circumstances, Councillors should contact the appropriate Officer on the *List of Authorised Contact Officer for Councillors* to enable the Officer to attend to the enquiry.
- 4.2 **Councillor Access to Council Records**
 - 4.2.1 Councillors must be provided with full and timely information sufficient to enable them to carry out their civic office functions, in accordance with the provisions of the Local Government Act 1993 and the Code of Conduct.
 - 4.2.2 Councillors are entitled to access all Council files, records or other information identified as Open Access under the Government Information (Public Access) Act (GIPA) as identified in Council's Access to Information Guidelines or that information relating to a matter currently before the Council.
 - 4.2.3 If Councillors have a private (as opposed to civic) interest in a document, they are afforded the same rights as members of the public and are required to make application under the *Government Information (Public Access) Act 2009* (GIPA Act)
 - 4.2.4 Councillors requesting access to files and records shall make a request to the General Manager or nominated staff on the List of Authorised Contact Officer for Councillors.
 - 4.2.5 For technical or sensitive matters Councillors should put their requests for information or advice in writing. The request should be drafted carefully and should detail the information, or the nature of the information, being sought.
 - 4.2.6 The Mayor and General Manager will liaise to determine if it is believed that significant resources will be required to respond to a request for information and if so the General Manager should advise the Councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication should also be given of what other matters will not be able to be attended to as a result of compiling the requested information. In such circumstances, the General Manager may require a Councillor to submit a Notice of Motion or Question for Next Meeting, under Council's Code of Meeting Practice.
 - 4.2.7 The General Manager will maintain records of Councillors requests. A report detailing active Councillor requests will additionally be emailed to Councillors on a monthly basis.
 - 4.2.8 The information provided to a particular Councillor in the performance of their civic duties shall also be made available to other Councillors, upon request or where considered appropriate by the Council officer.

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- 4.2.9 Requests for information by Councillors will be responded to expediently. Any recommendation to refuse access should be referred to the General Manager.
- 4.2.10 A Councillor who has been refused access to a Council document is entitled to lodge a request under the GIPA Act and has rights of review applicable under that Act.
- 4.2.11 This policy does not preclude a Councillor from making a request for access to information through a Notice of Motion or a Question for Next Meeting, at a Council Meeting.
- 4.2.12 The General Manger will provide a report on the status of all Notices of Motion to the Council Meeting Agenda each month.
- 4.2.13 Councillors who have a personal interest, as distinct from a civic interest, in a document of the Council have the same rights as a member of the public. No Councillor will be provided preferential treatment in the provision of any service when that Councillor is acting outside their elected role and in the capacity of a private citizen.
- 4.3 **Councillor and Staff Interaction at meetings**
- 4.3.1 Questions to staff from Councillors at Council meetings will be in accordance with the provisions of Council's Code of Meeting Practice.
- 4.3.2 Councillors may give a direction to the General Manager by way of a Council or Committee resolution.
- 4.4 **Councillor and Staff Interaction Outside of Meetings**
- 4.4.1 Enquiries to staff on matters generally not available to the public should be directed to the General Manager or to those on the *List of Authorised Contact Officer for Councillors*. Similar procedures shall apply where a Councillor has lodged an application, for example a development application, with the Council.
- 4.4.2 Councillors shall not approach staff, other than those nominated on the *List of Authorised Contact Officer for Councillors*, for advice.
- 4.4.3 Notwithstanding these specific provisions, it is recognised and expected that the Mayor has a day-to-day need to discuss a range of matters with Council staff. In these circumstances the Mayor will enquire as to the availability of staff concerned to enable appropriate discussion or enquiry.
- 4.4.4 Any advice provided to Councillors must be recorded in TRIM, the same way as advice provided to others having business dealings with the Council.

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4.5 Councillor Access to Council Offices

- 4.5.1 As elected members of Council, Councillors are entitled to have access to the Council Chamber, Board Room, Administration Building meeting rooms and public areas of the Council's buildings. All other areas are deemed staff-only areas. Bookings are required for the use of the Administration Building meeting rooms. Booking can be made with the General Manager's office.
- 4.5.2 A Councillor may access staff-only areas by:
 - Making a request in person or via telephone, email or fax to the appropriate Contact Officer or the General Manager; and
 - Being accompanied by a Contact Officer at all times.
- 4.5.3 Councillors have after-hours access to the Council Chambers and Board Room whenever a Council or Committee meeting is scheduled.

4.6 Inappropriate Councillor / Staff interaction

- 4.6.1 All Councillors and Staff are to interact in accordance with provisions of the Code of Conduct.
- 4.6.2 Clause 6.9 of the Council's Code of Conduct prohibits a number of types of interactions between staff and Councillors.

It states that Councillors and staff must not engage in the following inappropriate interactions:

- a) *Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.*
- b) *Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.*
- c) *Council staff refusing to give information that is available to other councillors to a particular councillor.*
- d) *Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.*
- e) *Councillors and administrator being overbearing or threatening to council staff.*
- f) *Councillors and administrators making personal attacks on council staff in public forum.*
- g) *Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.*
- h) *Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.*
- i) *Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.*
- j) *Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.*

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with Staff – Policy #**

4.7 Breaches of this Policy

- 4.7.1 A breach of this Policy will be taken to be a breach of the Code of Conduct and complaints alleging a breach of this Policy must be made in accordance with sections 3.1(a), 6.2(c), 7.3 and 7.4 of the Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Codes of Conduct.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Councillors are responsible for ensuring their interaction with staff and requests for Council records are in accordance with this Policy.
- 5.2 The General Manager and Public Officer are responsible for ensuring that Councillors can gain access to the documents available under the Government Information (Public Access) Act 2009.
- 5.3 The General Manager must provide Councillors with information sufficient to enable them to carry out their civic office functions.
- 5.4 Contact staff must provide full and timely information to Councillors sufficient to enable them to carry out their civic office functions and in accordance with this Policy.

6. RELATED POLICIES

- 6.1 Code of Conduct
- 6.2 Code of Meeting Practice

7. RELATED PROCEDURES

- 7.1 Access to Information Guidelines

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 Government Information (Public Access) Act (GIPA) 2009

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 ICAC Publication: *Under Careful Consideration: Key Issues for Local Government* (1997)
- 10.2 LGMA/ICAC Publication: *Governance Health Check: Self Audit Guide to Good Governance in Local Government* (2004)

Governance

GO11 – Draft Councillor Access to Information and Interaction with Staff Policy

ATTACHMENT 1 - 1609 – 21 DECEMBER 2015



**Governance
DRAFT Councillor Access to
Information and Interaction
with Staff – Policy #**

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 the community and will involve:
 - 11.1.1 Presentations and information sessions for Councillors and staff.
 - 11.1.2 Use of Council's website to promote Policy and procedures.
 - 11.1.3 Hard copies of the Policy contained within the policy folders located in the Customer Service Area.

12. POLICY HISTORY

12.1	Date First Endorsed	## / ## / ##
12.2	Most Recent Endorsement	## / ## / ##
12.3	Next Review Date	31 October 2018
12.4	Responsible Officer	Manager Governance
12.5	Responsible Department	Community Services and Corporate Support

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GO12 – Draft Social Media Policy

GO12 **Draft Social Media Policy**
234992

TRIM 5764-1

EXECUTIVE SUMMARY

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

REPORT

Due to the increasing use of Social Media by Council to engage with the Wollondilly community, Council has a need for a Social Media Policy to guide the use of Social Media within the organisation.

Council recognises the importance of Social Media as a resource to provide information to the community and create engagement opportunities. In addition, there is a need to provide clear direction for the use of social media to protect staff and ensure staff use is in line with Council's Code of Conduct.

As a result, Council formed a working group with key staff members to develop a Social Media Policy. The Social Media Policy is a new Policy of Council.

CONSULTATION

The Draft Social Media Policy was placed on public exhibition from 4 November 2015 to 1 December 2015.

During the exhibition period, Council received one (1) submission and also undertook further consultation with key staff members to refine the Policy. The key issues raised are detailed below, as well as Council's response:-

Issue	Council Response
What Social Media training is Council going to deliver for staff?	Council will deliver/provide Social Media training for relevant staff as required.
Dealing with Offensive Posts: Should Council be identifying that if people continue to consistently post inappropriate content to our Social Media platforms, that Council will seek legal action?	If this behaviour occurs, banning the relevant individuals from Council's Social Media platforms should be a sufficient response. Furthermore, Council will follow the Unreasonable Customer Conduct Protocol in these instances.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO12 – Draft Social Media Policy

Issue	Council Response
Should Section 4.5 Personal Use of Social Media form a procedure for staff?	The purpose of the Personal Use of Social Media section of the Social Media Policy is to outline Council's overarching expectations of staff with regards to Social Media use. If these expectations are not met by staff, Council will deal with this on a case by case basis. The Social Media Policy has been amended to clarify these expectations.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Social Media Policy

RECOMMENDATION

That the Social Media Policy be adopted.

Governance

GO12 – Draft Social Media Policy

ATTACHMENT 1 - 5764-1 – 21 DECEMBER 2015



**Community Outcomes
Social Media – Policy #**

1. POLICY OBJECTIVES

1.1 The objectives of this policy are to:

1.1.1 Recognise social media as a resource to:

- Ensure provision of accurate and timely information on Wollondilly Shire Council services, facilities and policies to the community on a regular basis.
- Be aware of community issues.
- Improve interactive opportunities for community engagement.

1.1.2 Provide directions for use of social media including:

- Protection of staff; professional responsibilities and management of risks.
- Code of Conduct, personal responsibilities and organisational reputation.

2. BACKGROUND

2.1 Social Media in this policy refers to (but is not limited to):

- Social networking services, e.g. Facebook
- Video and photo sharing websites, e.g. YouTube, Instagram, Flickr
- Micro-blogging sites, e.g. Twitter
- Blogging sites e.g. Wordpress, Tumblr
- Forums and discussion boards e.g. Yahoo groups
- Social media management sites e.g. HootSuite
- Survey, petition and competition websites e.g. Survey Monkey, Go Petition
- Online encyclopaedias e.g. Wikipedia
- Any other web site for online application which allows individuals, users or organisations to publish material

2.2 Social media is used to engage with the wider community and provide a two way communication flow. Social media allows greater access for accurate and timely information sharing with our community. The key objectives are to keep our community informed and to promote a positive public presence in line with Council's corporate vision.

2.3 Social Media is a rapidly evolving medium and Council is committed to supporting and training staff to use this medium to engage with our community.

3. THIS POLICY APPLIES TO

3.1 This policy applies to Councillors, Council staff, contractors and other Council representatives along with the general public.

4. GUIDELINES

4.1 APPROVED USE OF COUNCIL'S SOCIAL MEDIA SITES

Council will use social media as a communication tool to:

- promote and market Council events, projects and programs
- provide news updates on significant ongoing projects
- respond to community issues with up to date council information

GO12 – Draft Social Media Policy

ATTACHMENT 1 - 5764-1 – 21 DECEMBER 2015



**Community Outcomes
Social Media – Policy #**

Only delegated Council staff can create and maintain the official Council Social Media sites. Council staff nominated to officially represent Council on social media sites must follow this *Social Media Policy* and the associated *Social Media Procedure*.

4.2 COMPLY WITH THE OFFICIAL WOLLONDILLY SHIRE COUNCIL POSITION

Official Wollondilly Shire Council social media sites must adopt the official stance of the Council. Any comments posted on Council social media sites must reflect the views and opinions that the Council has chosen to take for that subject, not the personal views and opinions of the Council employee.

4.3 ONLY COMMENT ON YOUR AREA OF EXPERTISE

Staff should ensure that all content they provide is within their area of expertise, is accurate and is consistent with their work and with Council's vision and values.

4.4 DEALING WITH OFFENSIVE POSTS

In order to ensure our pages are friendly and welcoming to everyone, Council will moderate where needed by deleting or hiding content that:

- harasses, abuses, bullies or threatens others;
- is offensive or obscene;
- is likely to offend others, particularly in reference to race, age, gender, sexuality, political leaning, religion or disability;
- names community members, Council staff or any individual in a potentially defamatory or negative comment;
- is repetitive or excessively continuous
- promotes anything that may constitute spam, such as commercial interests, solicitations, advertisements or endorsements of any non-governmental agency

People who consistently post inappropriate content can be banned from the site. We may also take the discussion 'offline' or into a private channel if we believe that the content is personal in nature, or is affecting the enjoyment of the page for other visitors.

4.5 PERSONAL USE OF SOCIAL MEDIA

While at work, all staff should keep personal use of social media to a minimum in accordance with Council's IT Acceptable Use Policy.

This policy does not aim to discourage or limit staff from using social media for personal expression or pursuing other online activities in their own time, however staff are expected to use common sense and take the same caution with social media as with all other forms of communication.

Social Media can provide a platform for deliberate, repeated and hostile behaviour. To protect staff from this behaviour Council asks that careful consideration is given to private social media use.

Staff should ensure all online activity (work and/or personal) which relates to Council business is consistent with Council's Code of Conduct.

Any breach of Council's Code of Conduct on Social Media platforms by staff will be dealt with on a case by case basis.

GO12 – Draft Social Media Policy

ATTACHMENT 1 - 5764-1 – 21 DECEMBER 2015



**Community Outcomes
Social Media – Policy #**

4.6 AWARENESS OF OTHER SOCIAL MEDIA SITES

Council understands the benefits of communicating through social media and will from time to time connect and share with other relevant social media pages. However, Council cannot control other social media sites and all staff are required to abide by Council's Code of Conduct. Any complaints or concerns in relation to Council activities should be directed through Council's formal Complaints Handling Policy.

4.7 RECORD KEEPING

Due to the nature of Social Media it is difficult to keep official records of all posts and comments. Where an issue is particularly sensitive or where inappropriate content is published on Council's social media platforms it should be placed in Council's Records Management System (TRIM) and dealt with where necessary.

4.8 IMAGES ON SOCIAL MEDIA

Images taken for promotions or use on social media require prior permission from those appearing in the photos or from the parents of children who appear in the photos. In the case of images of children within Wollondilly Council's Children's Services scheme, written permission is required from the parents of those children in accordance with the *Commonwealth's Privacy Act 1988*.

4.9 POSTS AND REPLIES

Council cannot guarantee a response to all posts on its social media sites, and will therefore post responses when considered necessary or appropriate. Also, staff are available during business hours only – 8am to 4.30pm Monday to Friday so this may cause a delay in Council's response if a comment is posted outside of these hours.

4.10 DISCLAIMER

Although, Council takes care in producing the content for our social media pages, it does not guarantee that the information is accurate, complete, and current or that the data is free from error or malicious code such as viruses.

Council does not accept any responsibility if you incur any loss or damage (however it was caused) in connection with the use of our social media sites or any website to which it links.

Council may not endorse content contained on other websites linked to any of our social media pages.

4.11 PRIVACY AND COLLECTION NOTICE

Protect your personal privacy by not including email addresses, phone numbers or home addresses.

Your profile name from Facebook is collected by Council for the purposes of addressing your enquiry, maintaining a record of correspondence and managing its Facebook page. No other personal information is collected by Council from Facebook.

As part of the submission process, you agree to your submissions being made public through the social media site immediately upon submission. You also agree that your submission will be transferred outside of Australia to social media servers located outside of Australia.

4.12 THIRD PARTY INVOLVEMENT

If you make a contribution to any of Council's social media sites, including personal information, you should be aware that, despite the terms and conditions of use of social media, the following possibilities exist:

GO12 – Draft Social Media Policy

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**Community Outcomes
Social Media – Policy #**

- Although you may request that your personal information is removed from the website, it is possible that third parties may store or cache parts of this website containing your personal information so that your personal information will be available after deletion from this site.
- Third parties may locate your personal information through internet search engines. It is possible that third parties may collect and use your personal information for inappropriate and potentially illegal purposes.
- The moderator may reject your submission or remove your personal information from the contribution if the moderator believes that the publication of personal information is inappropriate.

Your information will not be given to any other person or agency unless you have given your permission or Council is required to do so by law.

Please also refer to the Privacy Policy of each social media site.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Manager Community Outcomes.

6. RELATED POLICIES

- 6.1 Code of Conduct
- 6.2 Public Relations Administrative Protocol (AP0033)
- 6.3 Harassment Administrative Protocol (AP0019)
- 6.4 Information & Technology Acceptable Usage Administrative Protocol (AP0021)
- 6.5 Unreasonable Complainant Conduct Policy (GOV0065)
- 6.6 Media Liaison Administrative Protocol (AP0025)
- 6.7 Complaints Handling Policy (GOV0054)
- 6.8 Employment and Retention of Quality Staff Administrative Protocol (AP0013)
- 6.9 Records Information Management Administrative Protocol (AP0034)
- 6.10 Community Engagement Administrative Protocol (AP0009)

7. RELATED PROCEDURES

NIL

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 Local Government (General) Regulations 2005
- 8.3 Privacy and Personal Information Protection Act 1998 (NSW)
- 8.4 Government Information (Public Access) Act 2009 (NSW)
- 8.5 State Records Act 1998 (NSW)
- 8.6 Anti-Discrimination Act 1977 (NSW)
- 8.7 Defamation Act 2005 (NSW)
- 8.8 Copyright Act 1968 (Cth)
- 8.9 Spam Act 2003 (Cth)

GO13 – Draft Farmland Rating Policy

GO13 Draft Farmland Rating Policy

56

TRIM 5907

EXECUTIVE SUMMARY

- A draft Farmland Rating Policy has been developed and placed on public exhibition for a period of 21 days.
- All submissions have been considered prior to the finalisation of the draft policy.
- The Farmland Rating Policy is now presented to Council and recommended for adoption.

REPORT

Council has not previously had a Farmland Rating Policy. When assessing applications for farmland rating, Council officers have relied upon a guideline document that was developed many years ago in line with the requirements of the Local Government Act 1993. The Draft Policy follows the same intent with the same requirements as the previous guideline document, with the main difference being the updating of some references to out of date case law.

For a property to be rated as Farmland, the ratepayer must first apply to Council by completing an “Application for Classification of Land as Farmland for Rating Purposes” and be able to provide evidence that the property meets the definition of section 515 of the Local Government Act 1993. The process also involves a formal Farmland rating inspection being conducted by Council Revenue staff.

Properties that are already rated as Farmland are reviewed upon the sale or subdivision of the property and periodically every 4 years. The last full review was conducted over three years ago and Council officers are due to complete another review in early 2016 to enable the information to be included for the 2016/17 rate levy. It would therefore be beneficial to have the new Policy in place prior to the Farmland reviews being conducted.

Section 515 of the Local Government Act 1993 states the following:

Section 515 Categorisation as farmland

- (1) *Land is to be categorised as farmland if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning of the Fisheries Management Act 1994, or any combination of those businesses or industries) which:*

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO13 – Draft Farmland Rating Policy

- (a) *has a significant and substantial commercial purpose or character, and*
 - (b) *is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).*
- (2) *Land is not to be categorised as farmland if it is rural residential land.*
- (3) *The regulations may prescribe circumstances in which land is or is not to be categorised as farmland.*

The creation of a Farmland Rating Policy will formally set the criteria for assessing Farmland rating applications. The criteria in the previous guideline document were brief and included references to out of date case law. The criteria have now been reviewed and updated.

The new draft Policy includes references to the relevant sections of the Local Government Act 1993 including the applicant's right of review and appeal to the Land & Environment Court.

CONSULTATION

This draft Policy has been referred to the Rural Industry Liaison Committee for comment. The Committee suggested that "mixed use" farming be considered as an eligible activity to be rated as farmland. The draft Policy was adjusted accordingly.

The draft Policy was also placed on public exhibition from Tuesday 17 November to Tuesday 8 December 2015. The closing date of the exhibition period is subsequent to the publishing of this report and at that time, no submissions had been received. Any submissions that are received during the exhibition period will be reported to Councillors under separate cover with any proposed amendments arising from the submissions being made to the draft Policy prior to it being considered for adoption.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this proposal. If the policy is adopted, it will serve to strengthen our current processes.

ATTACHMENTS

1. Farmland Rating Policy

RECOMMENDATION

That the Farmland Rating Policy be adopted.

GO13 – Draft Farmland Rating Policy

ATTACHMENT 1 - 5907 – 21 DECEMBER 2015



**Financial Services
Farmland Rating**

1. POLICY OBJECTIVES

- 1.1 To provide clear procedures and criteria for assessment of categorisation as farmland for rating purposes.
- 1.2 To ensure that all applications for categorisation as farmland for rating purposes are determined using a consistent criteria.

2. BACKGROUND

- 2.1 This policy details the legislative provisions within the Local Government Act 1993 under which Council may categorise land as Farmland for rating purposes and formalises the criteria and procedures to be used to assess applications for Farmland Rating.

3. ELIGIBILITY

- 3.1 This policy applies to the Finance Officer-Revenue, Revenue Team Leader, Executive Management and the General Manager.

4. GUIDELINES

Legislative Requirements

- 4.1 Section 515 of the Local Government Act 1993 provides:
 - (1) Land is to be categorised as "farmland" if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning of the *Fisheries Management Act 1994*, or any combination of those businesses or industries which:
 - (a) has a significant and substantial commercial purpose or character, and
 - (b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).
 - (2) Land is not to be categorised as farmland if it is rural residential land.
 - (3) The regulations may prescribe circumstances in which land is or is not to be categorised as farmland.

Procedures for Determining Applications and Periodical Reviews

- 4.2 Council shall make available to ratepayers an "Application for Categorisation of Land as Farmland for Rating Purposes" form.
- 4.3 A completed "Application for Categorisation of Land as Farmland for Rating Purposes" form must be lodged with Council by the property owner. The Revenue Team Leader has delegated authority to assess the application in accordance with the 'Criteria for Assessing Applications'. The criteria will be reviewed when required according to changes in legislation and industry standards.

Governance

GO13 – Draft Farmland Rating Policy

ATTACHMENT 1 - 5907 – 21 DECEMBER 2015



**Financial Services
Farmland Rating**

- 4.4 Where a parcel of rateable land valued as one assessment is used in conjunction with other parcels of rateable land valued as one assessment, then the total of all the parcels are to be considered as one holding for the purposes of this policy.
- 4.5 Council may ask the applicant to supply further information where the details in the original application are not sufficient to determine the application.
- 4.6 All information contained within an Application for Categorisation as Farmland for Rating Purposes shall be treated as "strictly confidential".
- 4.7 To assist with the determination of an application, property inspections will be carried out for all new applications and all borderline applications following a periodic review of properties categorised as farmland.
- 4.8 Property inspections shall whenever possible be carried out at a time convenient to and in the company of the ratepayer or occupier of the property.
- 4.9 The staff member completing the inspection shall complete an inspection report at the time of inspection, or as soon as practical thereafter.
- 4.10 Authority under the Local Government Act 1993 to enter upon any lands for the purposes of carrying out farmland rating inspections shall be granted to the Revenue Team Leader, Revenue Officer and Finance Officer-Revenue.
- 4.11 As per section 525(6) of the Local Government Act 1993 all applications are to be assessed within 30 days of receipt of the application. In respect of unsuccessful applications, reasons for refusal shall be given.
- 4.12 Effective date for category change for new applications will be the date of application.
- 4.13 In the event of a property owner being dissatisfied with the decision, the applicant may request a review of the decision by submitting their request and reasons why the determination should be reviewed in writing to the General Manager within 30 days of the decision. Applicants will be advised in writing of the outcome of the review.
- 4.14 If the applicant remains dissatisfied with the outcome of the review an appeal against the declaration of category under section 526(1) of the Local Government Act 1993 must be lodged with the Land and Environment Court within 30 days after the declaration is made by Council.
- 4.15 If an applicant chooses to appeal to the Land and Environment Court against the categorisation declaration, Council may obtain an independent review of the application. This review would require the appointment of an independent advisor with agricultural expertise to inspect the property and provide a written report on the categorisation determined by Council.
- 4.16 Where a property is sold, transferred or subdivided the owner(s) will be required to complete and submit an "Application for Categorisation of Land as Farmland for Rating Purposes" form for determination within 30 days of Councils receipt of the notice of sale from Land and Property Information.
- 4.17 A periodical review of all properties categorised as farmland is to be carried out at least every four (4) years. Owners will be requested in writing to complete an Application for Categorisation of Land as Farmland for Rating Purposes form.

GO13 – Draft Farmland Rating Policy

ATTACHMENT 1 - 5907 – 21 DECEMBER 2015



**Financial Services
Farmland Rating**

- 4.18 A periodical review is to be completed at least two (2) months prior to the end of the rating year and any category adjustments will be effective from the next rating year. Owners will be notified in writing of any category change and have the same rights of appeal as new applications.
- 4.19 If an applicant refuses to complete an application form or to provide sufficient information to enable determination of the application, the property shall be considered ineligible for farmland rating effective from the next rating year. Owners will be notified in writing of this change.
- 4.20 Properties included in the periodic review are to be assessed under the same criteria as new applications.

Criteria for Assessing Applications

The minimum requirements which will need to be satisfied for eligibility for farmland rating are detailed below.

4.21 Grazing

Minimum area of 10 hectares, minimum number of 20 head of stock, acceptable carrying capacity, registration with the Rural Lands Protection Board, relevant infrastructure such as dams, corrals, loading/unloading ramps, secure and appropriate fencing.

Agistment- each application will be taken on its own merits. A copy of the written agreement for agistment should be supplied showing the number of stock and the time periods of agistment.

4.22 Animal Feedlots

Minimum of 100 square meters per head, confined yard with watering and feeding facilities, either hand or mechanical, required loading and unloading ramps, secure and appropriate fencing and capacity of 50 head or more.

Note: According to DPI "A beef feedlot is a confined yard area with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production. This definition does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised sale yards."

4.23 Dairying

Proof of registration with the Dairy Industry Marketing Authority, milking facility available, acceptable carrying capacity, relevant infrastructure such as dams, corrals, loading and unloading ramps, secure and appropriate fencing

4.24 Pig Farming

Minimum area of 2 hectares, minimum of 10 sows, penned and cared for in accordance with relevant legislation

4.25 Poultry Farming

GO13 – Draft Farmland Rating Policy

ATTACHMENT 1 - 5907 – 21 DECEMBER 2015



**Financial Services
Farmland Rating**

Approval to operate a poultry farm from Council, minimum of one (1) shed with minimum average quota of 20,000 chickens per annum, 12,000 turkeys per annum or 10,000 laying hens per annum
Free range Ostriches, minimum average quota of 5 birds per annum
Free Range Eggs – the range area must be capable of continued production of vegetation.

4.26 Viticulture

Minimum area under cultivation 5 hectares, registration with the Wine Producers Association or other appropriate body, appropriate irrigation available

4.27 Horticulture

Minimum area under cultivation of 1 hectare, water supply readily available or irrigated
The Horticulture Code of Conduct requires that all Traders (Wholesalers) must have a signed Horticulture Produce Agreements with all their grower suppliers a copy is required with the application. Nurseries are required to be registered and must be growing their own stock.

4.28 Vegetable Growing

Minimum area under cultivation of 1 hectare, water supply readily available or irrigated, to cover the majority of useable land either preparation or planted.

4.29 Orcharding

Minimum area under cultivation of 1 hectare, water supply readily available or irrigated, to cover the majority of useable land either in preparation or planting

4.30 Beekeeping

Minimum of 200 hives in production, hives must be in continuous use, extraction plant available, must be registered with NSW Department of Primary Industries.

4.31 Crop Growing

Minimum area under cultivation of 10 hectares, water supply readily available or irrigated.

4.32 Forestry

Minimum area of 100 hectares, evidence of propagation

4.33 Aquaculture

Aquaculture permit from Department of Primary Industries is required for fish hatcheries or grow-out facilities, including yabby farms, grow-out ponds, fish-out facilities and oyster farms (but not including aquariums for display or pet shops).

4.34 Where multiple farming activities are being conducted on a property and the above criteria for a single farming type is not met but evidence can be provided to show that the mixed farming business has a significant and substantial purpose or character an overall assessment will be made to determine the application.

GO13 – Draft Farmland Rating Policy

ATTACHMENT 1 - 5907 – 21 DECEMBER 2015



**Financial Services
Farmland Rating**

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Application for Categorisation of Land as Farmland for Rating Purposes should be referred to the Revenue Team Leader in the first instance. All applications will be assessed by the Revenue Team Leader in accordance with the Criteria for Assessing Applications.

6. RELATED POLICIES

- 6.1 Nil

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government (General) Regulation 2005 – Part 5
- 8.2 The following Sections of the Local Government Act 1993
- Section 515
 - Section 493
 - Section 519
 - Section 520
 - Section 521
 - Section 522
 - Section 523
 - Section 524
 - Section 525
 - Section 526
 - Section 527

9. ATTACHMENTS

- 9.1 Nil

GO13 – Draft Farmland Rating Policy

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**Financial Services
Farmland Rating**

10. RESOURCES

- 10.1 Division of Local Government
- 10.2 Consultation with other Councils Revenue departments
- 10.3 Local Government Act 1993
- 10.4 Council Rating and Revenue Raising Manual

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 The draft policy has been discussed with Council's Executive Committee.
 - 11.1.2 Information sessions will be conducted with relevant staff regarding the requirements of the draft policy.

12. POLICY HISTORY

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

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Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

GO14 **Revised Financial Policies (Investment, Borrowing & Overdraft Policies)**
56 TRIM 5907

EXECUTIVE SUMMARY

- Council's current Investment, Borrowing and Overdraft Policies were all most recently adopted in March 2013.
- Each of the Policies should be reviewed on a regular basis to ensure they are always relevant and up to date.
- This review of the Policies has identified the need for only minor changes.
- It is recommended
 1. That the revised Investment Policy (GOV0024) be adopted.
 2. That the revised Borrowing Policy (GOV0061) be adopted.
 3. That the revised Overdraft Policy (GOV0060) be adopted.

REPORT

Council's current Investment, Borrowing and Overdraft Policies were all most recently adopted in March 2013. All Policies should be reviewed on a regular basis to ensure they are always relevant and up to date. This report seeks to update each of these three (3) financial policies.

Investment Policy

Financial markets are forever changing in terms of the investment products that are available and the economic conditions at the time. Accordingly, the Investment Policy should be reviewed on a regular basis to ensure it is always relevant and up to date with current market trends.

The policy has been developed to assist Council with the prudent and appropriate investment of surplus funds. This policy has been reviewed in accordance with investment policy guidelines issued by the Office of Local Government. Details of the amendments to this policy can be found in Attachment 1 of this report.

Borrowing Policy

The Borrowing Policy provides for responsible financial management on the loan funding of infrastructure capital projects by ensuring the level of Council indebtedness is within acceptable limits to Council, its ratepayers and interested external parties.

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

Council recognises that loan borrowings for capital works are an important funding source for Local Government and that the full cost of infrastructure should not be borne entirely by present-day ratepayers, but be contributed to by future ratepayers who will also benefit. Whilst recognising the importance of loan borrowings, Council should not place undue reliance upon loans as a source of income.

Borrowings should only be considered for capital projects that are not able to be funded from revenue and which have been identified as a priority within Council's Delivery Program / Operational Plan. Under no circumstances should borrowings be used to fund recurrent expenditure.

The review of the Borrowing Policy has only highlighted one minor wording change to the previously adopted policy. This change is to assist with clarity and updating of terminology relating to the implementation of the Integrated Planning and Reporting (IP&R) framework. Details of the proposed change can be found in Attachment 2 of this report.

Overdraft Policy

Council's current Overdraft Policy (GOV0060) was first adopted in June 2010 following a suggestion from the Division of Local Government that the existence of such a policy is necessary for sound financial management. The policy was subsequently reviewed and re-adopted in 2012 with only minor changes being made. The policy was again reviewed and re-adopted in 2013 with no changes being made.

The Overdraft Policy provides the boundaries in which the day to day management of Council's cash flows may utilise the overdraft facility for the purpose of smoothing out unexpected temporary fluctuations in cash levels.

Council currently has an overdraft facility attached to its General Fund account, held with the National Australia Bank Ltd. The facility has a limit of \$300,000 however it is normal practice to try not to allow the General Fund bank account to go into overdraft. It is noted however that there are occasions when unforeseen circumstances will cause the general fund account to go into overdraft. When this happens, funds are transferred from other higher interest earning accounts to replenish the general fund and to ensure adequate funds are available to cover any other impending needs.

CONSULTATION

Council's investment advisors (Prudential Investment Services Corp) have reviewed Council's current Investment Policy and provided advice in relation to the proposed changes.

Council's Finance Team were consulted during the review of all three (3) of the financial policies.

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FINANCIAL IMPLICATIONS

There are no financial implications that will arise by adopting the revisions to the policies. Council already adheres to each of the proposed policy requirements in its day to day cash management activities.

ATTACHMENTS

1. Summary of Changes to Investment Policy
2. Revised Investment Policy (GOV0024)
3. Summary of Changes to Borrowing Policy
4. Revised Borrowing Policy (GOV0061)
5. Revised Overdraft Policy (GOV0060)

RECOMMENDATION

1. That the revised Investment Policy (GOV0024) be adopted.
2. That the revised Borrowing Policy (GOV0061) be adopted.
3. That the revised Overdraft Policy (GOV0060) be adopted.

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SUMMARY OF CHANGES – INVESTMENT POLICY – GOV0024

Location	Previous Wording	New Wording	Reasoning
4.2 (e)	Investments grandfathered under the previous Ministerial Order	A deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation	Deposits with the NSW Treasury Corporation are now eligible investments under the Ministerial Order. Commentary has been amended to reflect this.
4.2 (f)		Investments grandfathered under the previous Ministerial Order	Item moved from 4.2 (e) due to the addition of commentary regarding deposits with NSW T-Corp.
4.5.1	To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category. (see also 4.5.1 (a) Previous Table)	To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category. Credit ratings are based upon the Standard & Poor's Investment Rating, or equivalent, where a Standard & Poor's Investment Rating does not exist.(see also 4.5.1 (b) New Table attached)	Additional commentary to describe credit rating base. The table has been revised to include investments which have been specifically approved by the Minister. Note that technically Council's investment portfolio can comprise 100% exposure to NSW Treasury T-Corp products. However, this is limited by the specific product type under item 4.5.2.
4.5.2	See previous "Institutional Credit Framework" table attached. (item (c))	See new "Institutional Credit Framework" table attached. (item (d))	The Institutional Credit Framework table has been revised to included T-Corp investments which have been specifically approved

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			by the minister but which do not have a credit rating.
4.7.1	As Council continues to hold grandfathered investments such as collateralised debt obligations (CDO's), the investment returns for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once per month to coincide with monthly reporting.	As Council continues to hold grandfathered investments such as Mortgage Backed Securities (MBS), the investment returns for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once per month to coincide with monthly reporting.	Council no longer holds any CDO investments. Reference to CDO's has been replaced with "Mortgage Backed Securities" which are also grandfathered investments. Note: Council currently holds two (2) Mortgage Backed securities.
4.8.1	The performance of the investment portfolio shall be measured against the industry standard UBS Warburg 90 Day Bank Bill Index	The performance of the investment portfolio shall be measured against the industry standard Bloomberg AusBond Bank Bill Index	UBS Warburg is no longer producing the Bank Bills Index. This index now produced as the Ausbond Bank Bills Index by Bloombergs. The calculation methodology has not changed.
Attachment 9.3 Bank Bill Index	The Bank Bill Index, compiled by UBS, is published daily in the Financial Review and widely used as a benchmark for historical mark-to-market performance of investment portfolios. The index is comprised of 13 bank bills each with a maturity 7 days apart. As each bill in the index matures, it is reinvested into a new 91 day bank bill. All the bank bills are then marked-to-	The Bank Bill Index, compiled by Bloomberg, is published daily in the Financial Review under the name AusBond Bank Bill Index and widely used as a benchmark for historical mark-to-market performance of investment portfolios. The index is comprised of 13 bank bills each with a maturity 7 days apart. As each bill in the index matures, it is reinvested into a new	Commentary revised to replace reference to UBS BBSW with Bloomberg's AusBond Bank Bill Index.

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	<p>market each day to provide the UBS Bank Bill Index figure. (Importantly, the index is not a compilation of the 13 yields, it is a marked-to-market valuation of the underlying pool of securities).</p> <p>For Council's purposes, the Bank Bill Index is primarily used as a benchmark return for historical performance of its investment portfolio.</p>	<p>91 day bank bill. All the bank bills are then marked-to-market each day to provide the AusBond Bank Bill Index figure. (Importantly, the index is not a compilation of the 13 yields, it is a marked-to-market valuation of the underlying pool of securities).</p> <p>For Council's purposes, the AusBond Bank Bill Index is primarily used as a benchmark return for historical performance of its investment portfolio.</p>	
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Governance

4.5.1 Overall Portfolio Credit Framework

(a) Previous Table

Long Term Rating (Standard & Poors)	Short Term Rating * (Standard & Poors)	Maximum Percentage of Total Investments
AAA (incl. Government guaranteed deposits)	A-1+	100%
AA	A-1	100%
A	A-2	60%
BBB	A-3	30%

*or Moody's / Fitch equivalents

(b) New Table

Portfolio Credit Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Maximum
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%
BBB	A-3	30%
Specific Ministerial Approved Forms of Investment		

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NSW Treasury Corp Deposits and Hour Glass Facilities	100%
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4.5.2 Institutional Credit Framework

(c) Previous Table

Long Term Rating (Standard & Poors)	Short Term Rating * (Standard & Poors)	Maximum Percentage of Total Investments
AAA (incl. Government guaranteed deposits)	A-1+	45%
AA	A-1	35%
A	A-2	20%
BBB	A-3	10%

*or Moody's / Fitch equivalents

(d) New Table

Individual Counterparty Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Maximum
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%
BBB	A-3	10%
NSW Treasury Corp Deposits and Hour Glass Facilities		
11am, Term Deposits or Bonds		45%
Hour Glass Facilities (managed funds)		
Cash Facility		45%
Strategic Cash Facility		35%

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**Financial Services
Investment – GOV0024**

1. POLICY OBJECTIVES

- 1.1 To provide a framework for the investing of Council's funds at the most favourable return available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

2. BACKGROUND

- 2.1 This policy has been developed in accordance with Investment Policy Guidelines issued by the Division of Local Government. The policy will assist Council with the prudent and appropriate management of surplus funds.

3. APPLICABILITY

- 3.1 Authority for the implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.
- 3.2 Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.
- 3.3 The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.
- 3.4 Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose and conflict of interest to the General Manager.
- 3.5 Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

4. GUIDELINES

While exercising the power to invest, consideration is to be given to the preservation of Capital, liquidity and the return of investment.

- (a) Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- (b) Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- (c) Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

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- (d) After taking into consideration the returns and the associated risk with each of the available investments on offer, then if there are equally favourable options, preference will be given to those investments offered by financial institutions that have followed the Reserve Bank of Australia's directions by adjusting mortgage interest rates in line with RBA adjustments to the official cash rate.
- 4.1 All investments are to comply with the following:
- (a) Local Government Act 1993;
 - (b) Local Government (General) Regulation 2005;
 - (c) Ministerial Investment Order;
 - (d) Local Government Code of Accounting Practice and Financial Reporting;
 - (e) Australian Accounting Standards; and
 - (f) Department of Local Government Circulars
- 4.2 Authorised investments are limited to those allowed by the Ministerial Investment order and include:
- (a) Any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or Territory;
 - (b) Any debenture or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW));
 - (c) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
 - (d) Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
 - (e) A deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;
 - (f) Investments grandfathered under the previous Ministerial Order.
- 4.3 This Investment Policy prohibits but is not limited to any investment carried out for speculative purposes, including:
- (a) Derivative based instruments;
 - (b) Principal only investments or securities that provide potential nil or negative cash flow; and
 - (c) Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

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- (d) Mortgage of Land;
- (e) Deposits with Local Government Financial Services Pty Ltd (LGFS).
- (f) This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

4.4 Risk Management Guidelines

4.4.1 Investments obtained are to be considered in light of the following key criteria:

- (a) Preservation of Capital - the requirement for preventing losses in an investment portfolio's total value.
- (b) Diversification - the requirement to place investments in a broad range of products so as not to be overexposed to a particular sector of the investment market.
- (c) Credit risk - the risk that the product that a council has invested in fails to pay the interest and or repay the principal of the investment;
- (d) Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.
- (e) Liquidity Risk - the risk that the investor is unable to redeem the investment at the fair price and within a timely period.
- (f) Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- (g) Leverage Risk - the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product.

4.5 Credit and Maturity Guidelines

4.5.1 Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category. Credit ratings are based upon the Standard & Poor's Investment Rating, or equivalent, where a Standard & Poor's Investment Rating does not exist.

Portfolio Credit Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Maximum
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%
BBB	A-3	30%
Specific Ministerial Approved Forms of Investment		
NSW Treasury Corp Deposits and Hour Glass Facilities		100%

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4.5.2 Institutional Credit Framework

Exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed below:

Individual Counterparty Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Maximum
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%
BBB	A-3	10%
NSW Treasury Corp Deposits and Hour Glass Facilities		
11am, Term Deposits or Bonds		45%
Hour Glass Facilities (managed funds)		
Cash Facility		45%
Strategic Cash Facility		35%

4.5.3 Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Category Description	Minimum	Maximum
Portfolio % < 1 Year	40%	100%
Portfolio % > 1 Year	0%	60%
Portfolio % > 3 Years <= 5 Years	0%	30%

4.5.4 If any of Council's investments (not covered under the grandfathering clause of the Ministerial Investment Order) are downgraded so that they no longer fall within the investment policy, they will be divested as soon as practicable. The short-term credit rating limit will apply in the case of discrepancies between short and long-term ratings.

4.6 Investment Advisor

4.6.1 Council's Investment advisor must be approved by Council and be licensed by the Australian Securities and Investment Commission. The advisors must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

4.6.2 The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions and other benefits in relation to the investments being recommended.

4.7 Measurement

4.7.1 As Council continues to hold grandfathered investments such as Mortgage Backed Securities (MBS), the investment returns for the portfolio is to be

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regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once per month to coincide with monthly reporting.

4.8. Benchmarking

4.8.1 The performance of the investment portfolio shall be measured against the industry standard Bloomberg AusBond Bank Bill Index.

4.9 Reporting and Reviewing of Investments

4.9.1 Documentary evidence must be held for each investment and details thereof maintained in an investment register.

4.9.2 The documentary evidence must provide Council legal title to the investment.

4.9.3 For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30 June each year and reconciled to the Investment Register.

4.9.4 All Investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

4.9.5 A monthly report will be provided to Council, detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

4.10 Variation to Policy

4.10.1 This policy is to be reviewed annually. Any amendments to the Investment Policy are to be adopted by way of Council resolution.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 The General Manager or delegated representatives have authority to invest surplus funds, subject to regular reviews.

6. RELATED POLICIES

6.1 Code of Conduct

7. RELATED PROCEDURES

7.1 Nil

8. RELATED LEGISLATION

8.1 Local Government Act 1993

8.2 Local Government (General) Regulation 2005

8.3 Ministerial Investment Order;

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- 8.4 Trustee Act 1925
- 8.5 Australian Accounting Standards

9. ATTACHMENTS

- 9.1 Standard and Poor's Ratings Description
- 9.2 Instrument Description
- 9.3 Definitions

10. RESOURCES

The following resources were used in the development of this policy:

- 10.1 Local Government Act 1993 (NSW)
- 10.2 Local Government (General) Regulation 2005 (NSW)
- 10.3 Ministerial Investment Order
- 10.4 Division of Local Government Investment Policy Guidelines

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 The policy has been discussed with Council's Executive Committee.
- 11.1.2 Information sessions have been conducted with relevant staff regarding the requirements of the policy.

12. POLICY HISTORY

- | | | |
|------|----------------------|------------------|
| 12.1 | Date First Adopted | 26 February 2001 |
| 12.2 | Most Recent Adoption | 18 March 2013 |
| 12.3 | Next Review Date | |
| 12.4 | Responsible Officer | Manager Finance |

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ATTACHMENT 9.1

**APPENDIX A
Standard & Poor's Ratings Description**

Credit Ratings

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation — based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
- Nature and provisions of the obligation.
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

Short-Term Obligation Ratings are:

A-1

This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2

A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3

A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Long-Term Ratings are:

AAA

An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA

An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A

An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.

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BBB

An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

Plus (+) or minus (-): The ratings from "AA" to "CCC" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating **Outlook** assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

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ATTACHMENT 9.2

**APPENDIX B
*Instrument Description***

At Call Deposits

Cash invested on an overnight basis.

Term Deposit

Funds invested with a financial institution at a predetermined rate that applies to the duration of the deposit. The principal is held on deposit for a fixed term with interest payable at maturity. It is not a tradeable security and the investor is penalised when funds are prepaid.

Bank Bill

Bank-accepted bills are bills of exchange drawn by a company or individual (borrower) usually for periods between 30 and 180 days. The bill is accepted by the bank, which in turn accepts the liability for payment at maturity. It is a short-term investment issued at a discount to the face value and is of a very high credit standing, consequently trades at the lowest yields of all commercially issued bills.

Negotiable Certificate of Deposit (NCD)

Short-term bearer securities issued by banks for up to 180-days. They are sold at a discount to face value and are highly liquid discount securities, representing the bank's debt, therefore trade at similar yields to bank bills. Creditworthiness of the bank will determine where the bank's NCD trades, relative to the BBSW.

Covered Bonds

These are bonds issued by an Authorised Deposit taking institution which are backed by a specific pool of the issuing institution's assets. If the cover assets are not sufficient to meet the bond payments in full, covered bondholders also have an unsecured claim on the issuer to recover any shortfall. Covered bonds rank above depositors and senior unsecured bond holders in a claim on bank assets. Because of strict regulations and the two-fold protection of investors' interests, covered bonds are considered to be the safest form of bank debt, typically carrying a higher credit rating than their issuer.

Floating Rate Note (FRN)

The FRN is a longer-term security issued for a fixed period of time but has a variable (floating) coupon on a monthly or quarterly basis. The coupon reflects current interest rates, which is determined as a margin over the BBSW rate set. FRN's appeal to investors who are reluctant to commit funds to fixed interest investments for longer periods in times of fluctuating interest rates. Typical issuers are banks, corporate, financial institutions and securitised vehicles.

Floating Rate Negotiable Certificate of Deposit

An NCD which is issued by a bank for a set period of time with a variable rate set on a quarterly or monthly basis over the fixed term. The interest rate is set against the BBSW reference rate reflecting the current market rate at each interval. These are issued as a rolling discount security.

Mortgage Backed Securities (MBS)

These are a specific type of securitised asset that are typically backed by a pool of residential mortgages. These securities are structured or tranching into different bond classes with varying security characteristics. The majority of MBS are "pass throughs" where the cash flows (principal and interest) received from the underlying mortgages that make up the pool are passed through to the holders of the MBS. MBS can be floating or fixed rate securities.

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Fixed Interest Securities (Bonds)

Securities issued by Commonwealth, State or corporate institutions that pay a fixed rate of interest (coupon) and mature at a fixed point in time. The interest (coupon) is paid at regular intervals (semi-annually, but can be paid monthly, quarterly, or annually). These securities are generally issued for a period of greater than one year.

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ATTACHMENT 9.3

APPENDIX C

Definitions

ADI

Authorised Deposit Taking institutions (ADI) are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

Bank Bill Index

The Bank Bill Index, compiled by Bloomberg, is published daily in the Financial Review under the name AusBond Bank Bill Index and widely used as a benchmark for historical mark-to-market performance of investment portfolios. The index is comprised of 13 bank bills each with a maturity 7 days apart. As each bill in the index matures, it is reinvested into a new 91 day bank bill. All the bank bills are then marked-to-market each day to provide the AusBond Bank Bill Index figure. (Importantly, the index is not a compilation of the 13 yields, it is a marked-to-market valuation of the underlying pool of securities).

For Council's purposes, the AusBond Bank Bill Index is primarily used as a benchmark return for historical performance of its investment portfolio.

Bank Bill Swap Interest Rate (BBSW)

BBSW is the borrowing rate among the country's top financial institutions, and is widely used as the benchmark interest rate for the pricing of financial instruments. When a new security is priced, or its interest rate resets, additional basis points above BBSW are typically added depending upon the credit quality of the borrowing institution.

BBSW rates are published for a range of time periods, but the most widely referenced rate for securities in Council's portfolio is the 90 day (or 3mth) BBSW rate.

Bill of Exchange

A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money or to the order of a specified person, or to bearer.

Credit Risk

Credit risk is the risk of loss to an investor due to the failure of the institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment.

Debentures

A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long term investment of funds by lenders.

DLG

NSW Division of Local Government, Department of Premier and Cabinet

Grandfather Clause

Grandfather Clause is a legislative clause, which, in prohibiting a certain activity, exempts those who were engaged in the activity at the time the legislation was passed.

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Interest Rate Risk

Interest rate risk is the risk that the fair value or future cash flows of an investment will fluctuate because of changes in market interest rates.

Investment Portfolio

This is the total pool of all of the council's investments.

LGGR

Local Government (General) Regulation 2005 (NSW)

Liquidity Risk

Liquidity Risk is the risk an investor is unable redeem the investment at a fair price within a timely period.

Market Risk

Market risk is the risk that the fair value or future cash flow of an investment will fluctuate due to changes in market prices.

Maturity Risk

Maturity Risk is the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

Preservation of Capital

Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

Prudent person standard

Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

Responsible Accounting Officer

The Responsible Accounting officer (RAO) of Council means a member of staff of the council who has been designated by the General Manager, or if no such member has been designated, the General Manager. (LGGR< clause 196)

Securities

For financial markets these are the many types of financial instruments (ie documents) that are traded in financial markets (except futures contracts), eg, bonds and shares.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

ATTACHMENT 3 - 5907 – 21 DECEMBER 2015



SUMMARY OF CHANGES – BORROWING POLICY – GOV0061

Location	Previous Wording	New Wording	Reasoning
8.3	Council may borrow at any time for any purpose allowed under the <i>Local Government Act 1993</i> . Prior to 2007/2008, Ministerial approval was required for any proposed borrowings. This is no longer necessary if borrowings are part of the Management Plan, however the Minister may impose limitations or restrictions on borrowings	Council may borrow at any time for any purpose allowed under the <i>Local Government Act 1993</i> . Ministerial approval is not required if borrowings are part of the Operational Plan, however the Minister may impose limitations or restrictions on borrowings	Minor change to wording. No change to intent of policy

Governance

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

ATTACHMENT 4 - 5907 – 21 DECEMBER 2015



**Financial Services
Borrowing – GOV0061**

1. POLICY OBJECTIVES

- 1.1 External loan borrowings are an important source of funding for Council. The objective of this policy is to provide a structured and disciplined approach to the borrowing of funds for the purpose of funding new infrastructure and renewal of existing infrastructure.
- 1.2 This policy aims:
 - 1.2.1 to ensure that all borrowings are in accordance with legislative requirements;
 - 1.2.2 to minimise the cost of borrowings; and
 - 1.2.3 to ensure the total amount of loan borrowings is sustainable in terms of ability to meet future repayments.

2. BACKGROUND

- 2.1 This Policy provides for responsible financial management on the loan funding of infrastructure capital projects by ensuring the level of Council indebtedness is within acceptable limits to Council, its ratepayers and interested external parties.
- 2.2 Council recognises that loan borrowings for capital works are an important funding source for Local Government and that the full cost of infrastructure should not be borne entirely by present-day ratepayers, but be contributed to by future ratepayers who will also benefit. Whilst recognising the importance of loan borrowings, Council should not place undue reliance upon loans as a source of income.
- 2.3 Borrowings should only be considered for capital projects that are not able to be funded from revenue and which have been identified as a priority within Council's Delivery Program / Operational Plan. Under no circumstances should borrowings be used to fund recurrent expenditure.
- 2.4 The basis for determination of the utilisation of loan funds will be as follows:
 - 2.4.1 Where a capital project for a service that is funded by utility or user charges (e.g. waste) is determined to be funded by way of loans, the user charge should reflect the cost of providing the service including the loan servicing.
 - 2.4.2 Other specific capital projects, not funded by user charges, should only be considered for loan funding where the project is considered by Council to be beneficial to the majority of ratepayers, and
 - 2.4.3 The term of any loan should not exceed the expected life of the asset being funded.

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

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**Financial Services
Borrowing – GOV0061**

- 2.5 Borrowing will be considered as an appropriate funding source in the following circumstances:
 - 2.5.1 In the context of the strategic objectives of Council.
 - 2.5.2 In the context of long term financial forecasts and objectives.
 - 2.5.3 As an alternative funding source for asset additions.
 - 2.5.4 As a method of spreading the cost of long life (intergenerational) assets, and
- 2.6 The use of borrowings is an important funding source and is a useful mechanism for allocating the costs of asset replacement or creation over a time frame that reflects when residents will benefit from the assets.
- 2.7 Council's management of borrowing will focus on the net debt situation and consequently sound cash management practices will dictate that Council will not borrow at higher interest rates when significant funds are invested at lower interest rates. When surplus funds exist, Council will consider applying these against planned borrowings subject to consideration of maintaining adequate funds for day-to-day management and emergency situations. Management shall not speculate on interest rate movements.
- 2.8 The nature of any borrowings (short or long term) and the interest rate (fixed or variable) will take into account the purpose of the borrowings and seek to minimise interest rate exposure. All borrowings will be considered in line with Council's Long Term Financial Plan.

3. APPLICABILITY

- 3.1 The Local Government Act 1993 vests Council with the authority to undertake loan borrowings. No officer of Council is authorised to undertake the establishment of a new loan facility without the authorisation of Council. This authorisation is obtained following the conduct of an ordinary or special meeting of Council to discuss the proposed borrowing.

4. GUIDELINES

- 4.1 **Policy Statement**
Debt is raised to fund capital expenditure that will benefit current and future residents and ratepayers. All borrowings must be approved by Council resolution.
- 4.2 **Principles**
The following principles are to be applied when considering undertaking borrowings or other asset financing.
 - 4.2.1 **Operating Expenditure**
Council will **not** borrow money to fund operating expenditure. This type of expenditure should be funded through operating revenue streams such as rates, fees and charges or operating grants.

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

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**Financial Services
Borrowing – GOV0061**

4.2.2 Recurrent Capital Expenditure

Council will **not** borrow money to fund the acquisition, replacement or renewal of assets that is expected to occur on an annual or similar basis at approximately the same level each year, i.e. recurrent capital works such as road resurfacing, plant replacement, etc. This type of expenditure shall be funded through operating revenue streams such as rates and fees and charges.

4.2.3 Borrowing Term

The term of the Borrowing shall be set having due regard to the economic life of the asset being acquired or constructed.

4.2.4 Borrowing limitations

Prior to undertaking any borrowing, Council shall assess its capacity to pay, to ensure that the community is not burdened with unnecessary risk. Council shall then reassess its capacity to pay on an annual basis as part of its budgeting process. As part of this assessment, the following borrowing limitations apply

4.2.4.1 Total unrestricted debt servicing costs must not exceed 10% of annual general income.

4.2.4.2 The ratio of debt to annual general rates must not exceed 1.25:1.

4.2.4.3 Net external debt per capita must not exceed \$500 per capita.

4.2.4.4 The term for all new borrowings shall be matched, where appropriate, to the life of the asset to which it relates, however no loan term shall exceed a period of 20 years.

4.2.4.5 Council does not establish Sinking Funds for new borrowings.

4.2.4.6 Borrowings shall be undertaken in Australia and be in Australian currency so as to ensure the council is not exposed to foreign currency risks.

4.2.4.7 Any borrowings will be conducted in accordance with relevant statutory requirements as contained in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

4.2.5 Determining the Appropriate Lending Institution

Three written quotations shall be sought, or a loan tender called, in order to determine the appropriate lending institution for any loan borrowings. Determination of the appropriate institution will be based on the interest rate and loan costs offered, the terms and conditions of the loan and the financial stability of the lender.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 All borrowings will be subject to Council approval.

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

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**Financial Services
Borrowing – GOV0061**

6. RELATED POLICIES

- 6.1 Overdraft Policy

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

8.1 Local Government Act 1993 – Chapter 15 - Part 12 - Loans

Section 621: When and for what may a council borrow?

A council may borrow at any time for any purpose allowed under this Act.

Section 622: What form may a council borrowing take?

The council may borrow by way of overdraft or loan or by any other means approved by the Minister.

Section 623: Security for borrowings

1. A council may give security for any borrowing in such manner as may be prescribed by the regulations.
2. All such securities rank on any equal footing, despite any other Act.

Section 624 Are there any restrictions on a council borrowing?

The Minister may, from time to time, impose limitations or restrictions on borrowings by a particular council or councils generally despite the other provisions of this Part.

8.2 Local Government (General) Regulation 2005

Section 229: Loans to council to be charged on the council's income

The repayment of money borrowed by a council (whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the council.

Section 230: General Manager to notify borrowings to Director-General

1. Within seven (7) days after a Council borrows money under a loan contract, the General Manager must notify the Director – General of the borrowing
2. This clause extends to further advances made to a Council under an existing loan contract, but does not apply to a borrowing by a Council by way of overdraft.

8.3 Ministers Borrowing Order (as per Section 624 of the Local Government Act 1993)

Council may borrow at any time for any purpose allowed under the *Local Government Act 1993*. Ministerial approval is not necessary if borrowings are part of the Management Plan, however the Minister may impose limitations or restrictions on borrowings.

Council is required to complete the Division of Local Government's Proposed Borrowing Return detailing the projects to be funded by any borrowings. If borrowings are not included in the Delivery Program / Operational Plan, Council must resolve to borrow funds and submit a revised Proposed Borrowing Return to the Division of Local Government.

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

ATTACHMENT 4 - 5907 – 21 DECEMBER 2015



**Financial Services
Borrowing – GOV0061**

A council shall not:

- 8.3.1 Borrow at an interest rate in excess of the indicative interest rate as calculated by the New South Wales Treasury Corporation.
- 8.3.2 Borrow for a period of less than thirty (30) days nor for a period in excess of the estimated life of the asset for which the borrowing is made.
- 8.3.3 Borrow from any source outside the Commonwealth of Australia nor in any currency other than Australian currency.
- 8.3.4 Pay a placement fee exceeding 0.25% of the total amount being borrowed, or
- 8.3.5 Pay a documentation fee, or any other fee associated with a borrowing, exceeding 0.1% of the total amount being borrowed.

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 Local Government Act 1993 (NSW)
- 10.2 Local Government (General) Regulation 2005 (NSW)
- 10.3 Ministers Borrowing Order (per Section 624 Local Government Act 1993)

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 The policy has been discussed with Council's Executive Committee.
 - 11.1.2 Information sessions have been conducted with relevant staff regarding the requirements of the policy.

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GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

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**Financial Services
Borrowing – GOV0061**

12. POLICY HISTORY

12.1	Date First Adopted	21 June 2010
12.2	Most Recent Adoption	18 March 2013
12.3	Next Review Date	
12.4	Responsible Officer	Manager Finance

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GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

ATTACHMENT 5 - 5907 – 21 DECEMBER 2015



**Financial Services
Overdraft – GOV0060**

1. POLICY OBJECTIVES

- 1.1 The overdraft facility is only used for short term unavoidable and essential cash flow purposes.

2. BACKGROUND

- 2.1 An overdraft facility is a flexible line of credit providing access to funds to manage the day to day cash flow needs of Council.
- 2.2 Wollondilly Shire Council shall have an established bank overdraft facility for a maximum pre-agreed limit with Council's bank services provider.
- 2.3 Finance staff will generally avoid the use of the overdraft facility via careful cash management practices that ensure sufficient funds are available to fund daily expenditure requirement.

3. APPLICABILITY

- 3.1 This policy applies to all council bank accounts.

4. GUIDELINES

- 4.1 **Policy Statement**
The bank overdraft facility may be utilised during the course of the financial year only as a cash management tool to smooth out seasonal or temporary fluctuations in cash flows.
- 4.2 **Principles**
The bank overdraft facility is a form of borrowing that is a high cost alternative relative to other forms of funding. The bank overdraft facility shall be limited to minimal use.

It is not appropriate for overdraft facilities to be used for medium or long term financing purposes (for example, to purchase assets) and not to be used as an alternative to borrowing.

The overdraft facility is not to be used as an ongoing debt facility and shall only ever be used for unexpected short term cash flow purposes.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 The Management Accounting Team Leader is responsible for monitoring and managing the day to day cash flow requirements of Council.
- 5.2 The Manager Financial Services is responsible for ensuring the cash flows are managed in such a way as to minimise the use of the overdraft facility

6. RELATED POLICIES

- 6.1 Borrowing Policy

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

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**Financial Services
Overdraft – GOV0060**

7. RELATED PROCEDURES

7.1 Nil

8. RELATED LEGISLATION

- 8.1 **Local Government Act 1993 - Part 12 - Loans**
Section 622 - What form may a council borrowing take?
A council may borrow by way of overdraft or loan or by any other means approved by the Minister.
- 8.2 **Local Government (General) Regulation 2005**
Section 229 - Loans to council to be charged on the council's income
The repayment of money borrowed by a council whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the council.

9. ATTACHMENTS

9.1 Nil

10. RESOURCES

- 10.1 Local Government Act 1993 (NSW)
- 10.2 Local Government (General) Regulation 2005 (NSW)
- 10.3 Division of Local Government "Promoting Better Practice Review Checklist"

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 The policy has been discussed with Council's Executive Committee.
- 11.1.2 Information sessions have been conducted with relevant staff regarding the requirements of the policy.

Report of Governance to the Ordinary Meeting of Council held on Monday 21 December 2015

GO14 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

ATTACHMENT 5 - 5907 – 21 DECEMBER 2015



**Financial Services
Overdraft – GOV0060**

12. POLICY HISTORY

12.1	Date First Adopted	21 June 2010
12.2	Most Recent Adoption	18 March 2013
12.3	Next Review Date	
12.4	Responsible Officer	Manager Finance

Wollondilly Shire Council
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Environment

Report of Environment to the Ordinary Meeting of Council held on Monday 21 December 2015

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.

Report of Environment to the Ordinary Meeting of Council held on Monday 21 December 2015

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

ENVIRONMENT

EN1 Shire Wide Vegetation Mapping – Prioritisation Corridors

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TRIM 3241

EXECUTIVE SUMMARY

- The purpose of this report is to for Council to seek endorsement for the Wollondilly Vegetation Priority Analysis which includes shire wide mapping.
- The Wollondilly Vegetation Priority Analysis consists of two (2) maps and a technical background document. The mapping identifies the location of vegetation across the shire and prioritises corridors in terms of their conservation value.
- The mapping was undertaken as part of the Wollondilly Biodiversity Strategy Review.
- This mapping is a high level strategic document, which if adopted, can provide an important resource to inform a number of functions within Council.
- It is recommended that:
 - Council adopt the Wollondilly Vegetation Priority Analysis.
 - That further consideration is given to incorporating the Analysis into the Wollondilly Biodiversity Strategy and Council's planning controls.

REPORT

BACKGROUND

In October 2009 Council resolved to support the Biodiversity Strategy review. This was funded through Waste and Sustainability Improvement Payment (WASIP).

As part of the review, a need was identified to establish an evidence base for the shire's vegetation in terms of its

- Location
- Quality and priority
- Characteristics – such as if it is located within corridors.

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

Subsequently, in 2012 Eco Logical Australia were appointed to undertake this work.

The Wollondilly Biodiversity Strategy Update - Vegetation Prioritisation Analysis was undertaken as a desktop analysis and consists of two (2) maps and a technical background document. The mapping identifies the location of vegetation across the shire and prioritises corridors in terms of their conservation value. Collectively, these documents are referred to as the Shire Wide Vegetation Mapping.

Map 1 (Attachment 2) sets out the results of analysis and locations; and

Map 2 (Attachment 3) is the final assessment after adjusting to reflect variances in the data.

The Wollondilly Shire Wide Vegetation Mapping, if adopted, will be a key background document and will form part of the Biodiversity Strategy.

This mapping is a high level strategic document and it provides an important resource which can inform a number of functions within Council.

It can be used to support planning across the Wollondilly Shire Council area, particularly in setting targets and identifying key areas for actions that will be developed for the strategy.

There are a number of benefits that the mapping will assist in realising, including:

- Providing a more accurate and robust evidence base to determine biodiversity corridors
- Assist Council in its statutory planning functions under the Environmental Planning and Assessment Act 1979
- This could be further strengthened by the future incorporation of the mapping into Council's key planning policy documents; the Wollondilly Local Environmental Plan (WLEP 2011) and the Wollondilly Development Control Plan (WDCP)
- Enabling staff across the organisation to use the data as part of their functions
- Assist with raising community awareness around Biodiversity
- Providing opportunities to consider and prioritise Grant funded projects
- To identify additional Council assets and opportunities for biobanking
- Assist with the assessment of bushfire hazards across the shire.

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EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

FINANCIAL IMPLICATIONS

There are no immediate financial implications if the mapping is adopted. Funds may need to be allocated to amend and update the layer over time but this is not anticipated for review for at least another 3 to 5 years and will be the subject of assessment under the annual budgeting process when appropriate.

ATTACHMENTS

1. Methodology Wollondilly Biodiversity Strategy Update - Vegetation Prioritisation Analysis 2012
2. Map 1 Prioritisation V1 raw data
3. Map 2 Prioritisation V2 Weighted Data

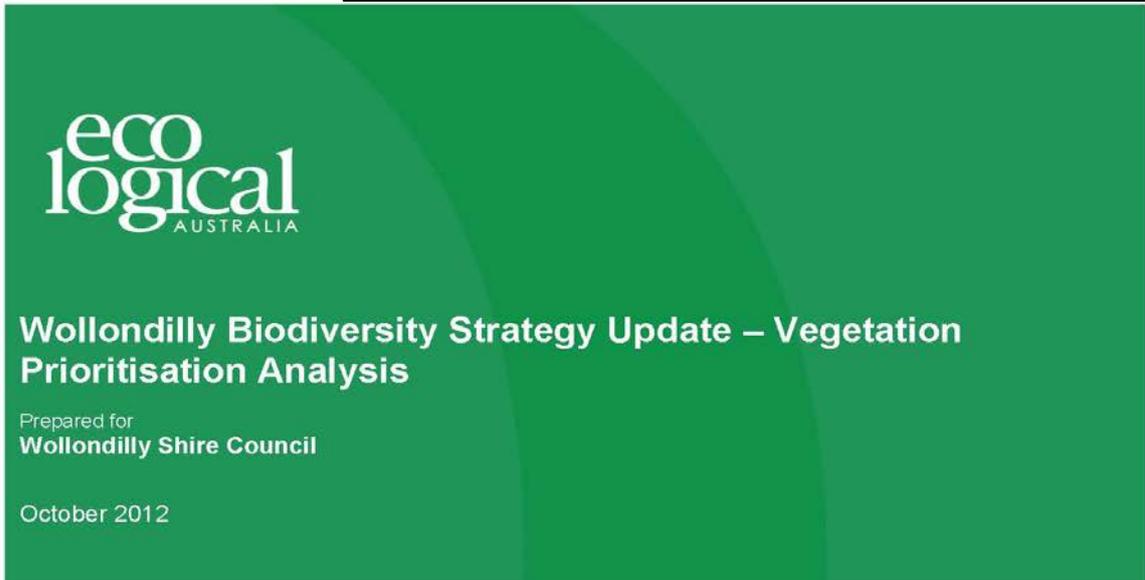
RECOMMENDATION

1. That Council adopt the Shire Wide Vegetation Mapping.
2. That the Shire Wide Vegetation Mapping form part of the final Wollondilly Biodiversity Strategy.
3. That Council further investigates opportunities for incorporation into the Shire Wide vegetation mapping within planning controls.

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EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

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Environment

Report of Environment to the Ordinary Meeting of Council held on Monday 21 December 2015

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

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DRAFT – Wollondilly Vegetation Prioritisation Analysis

DOCUMENT TRACKING

ITEM	DETAIL
Project Name	Wollondilly Biodiversity Strategy Update – Phase 1 Data and Mapping
Project Number	11SYDECO-0132
File location	G:\Synergy\Projects\11SYDECO\11SYDECO-0132 Wollondilly Biodiversity Strategy Update - Phase 1 Data and Mapping\Report\Draft Reports
Project Manager	Steve Dimitriadis PO Box 20529 World Square NSW 2002
Prepared by	Vivian Hamilton
Approved by	Steve Dimitriadis, Robert Mezzatesta, Nathan Kearnes
Status	DRAFT
Version Number	1
Last saved on	7 May 2013

This report should be cited as 'Eco Logical Australia 2012. *Wollondilly Biodiversity Strategy Update – Vegetation Prioritisation Analysis*. Prepared for Wollondilly Shire Council.'

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd with support from Wollondilly Shire Council.

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Report of Environment to the Ordinary Meeting of Council held on Monday 21 December 2015

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

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DRAFT – Wollondilly Vegetation Prioritisation Analysis

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Environment

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

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DRAFT – Wollondilly Vegetation Prioritisation Analysis

1 Introduction

The identification of priority vegetation areas for conservation across the Wollondilly Shire Council is complex and involves a number of unique ecological components including threatened species habitat, Endangered Ecological Communities (EECs), high quality and large patches of remnant vegetation, significant ecological linkages, and proximity to conservation lands such as national parks.

To identify priority vegetation areas for conservation, Eco Logical Australia was commissioned by the Wollondilly Shire Council to develop a criteria based prioritisation analysis across the LGA.

The analysis is to be used to support regional planning across the Wollondilly Shire Council, particularly in setting targets and identifying key areas for actions that will be developed for the strategy.

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

ATTACHMENT 1 – 3241 – 21 DECEMBER 2015

DRAFT – Wollondilly Vegetation Prioritisation Analysis

2 Methodology

The analysis utilised available spatial data as a desktop analysis to develop prioritisation scores. Criteria and weightings for available data were specifically developed to suit the Wollondilly Shire Council. The process included the following steps:

- 1) Data audit and selection
- 2) Decision criteria development
- 3) Data preparation and weighting
- 4) Spatial prioritisation analysis

2.1 DATA AUDIT AND SELECTION

A data audit was carried out on the available base information. The audit identified the suitability of each dataset with regards to its resolution, accuracy and reliability for use in the analysis.

Broadly, the base data identified for audit included:

- Infrastructure
- Drainage
- National Parks and Wildlife Service (NPWS) Estate (OEH 2012)
- Threatened flora and fauna records (Atlas of NSW Wildlife 2012)
- Vegetation mapping (ELA 2011)
- Percentage cleared within bioregion (BioMetric Tool)
- Threatened Species Profile Database (OEH website)

Of the data sets identified for audit above, a number of subsets were used as part of the analysis to develop decision criteria.

2.2 DECISION CRITERIA

A suite of criteria were developed to define priority vegetation areas for conservation. The criteria are based on key indicators of biodiversity and ecological values and the ability to be able to interpret the available information.

The decision criteria below in table 1 represent the limits of the information available and interpretation of both legislative requirements and key ecological values.

The individual data subsets, a more detailed description, the source and the rationale for their inclusion in the analysis are outlined in table 2.

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DRAFT – Wollondilly Vegetation Prioritisation Analysis

Table 1: Biodiversity Conservation Values and Decision Criteria

Major Value	Priority Vegetation Criteria – High Biodiversity Conservation Value	Decision Criteria	Indicator Data Set
Statutory / Conservation Value	Critically Endangered and Endangered Ecological Communities under TSC and EPBC Act	Critically Endangered (CEEC) and Endangered Ecological Communities (EEC)	Vegetation Type
	Species identified as threatened under the <i>Threatened Species Conservation Act 1995</i>	Known Threatened Species locations	Atlas of NSW Wildlife
	40m vegetated riparian zone protection under the <i>Water Management Act 2000</i>	Areas within 40m of mapped drainage lines	Mapped Drainage
Landscape Conservation Value	Vegetation type that is > 70% of its distribution cleared in the CMA	Areas of rare vegetation within the region	Vegetation Types and biometric vegetation type % cleared in the region
		Potential ecological linkages and connectivity	Vegetation Types
		Connectivity to conservation areas	NPWS Estate
		Areas of high quality vegetation	Vegetation Types and Condition
		Predicted threatened fauna habitat	Vegetation Types; Fauna databases
		Consolidated/fragmented habitat	Vegetation Patch Size
		Vegetation patch design	Vegetation Edge to Area Ratio
Condition		Disturbance	Mapped infrastructure and Built-up Areas

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

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DRAFT – Wollondilly Vegetation Prioritisation Analysis

Table 2: Data utilised in the prioritisation analysis

Infrastructure and Built-up Areas

Description	Mapped 1:25,000 vector line infrastructure features within the study area – includes roads, rail, and powerline easements; and Vector polygons of mapped built-up areas
Source	NSW Digital Topographic Data base; NSW Digital Cadastral Data Base - (NSW Land and Property Management Authority)
Usage	The datasets were used in the analysis of 2 decision criteria: 1. Disturbance Distance to infrastructure and built-up areas – the further the proximity of vegetation is located from infrastructure or built-up areas, the less disturbance there is. Infrastructure and built-up features were buffered 100m and 500m to identify areas with decreased disturbance. A presence/absence score was applied with: a score of 100 for vegetation located >500m away from disturbance; a score of 50 for vegetation with a proximity to disturbance between 100-500m; and 0 for vegetation located within 100m of disturbance. 2. Consolidated/fragmented habitat Contiguous vegetation patch – all mapped infrastructure were considered to form a barrier to any contiguous extant vegetation. Infrastructure features were buffered 5m and combined with polygon features of built-up areas, then erased from the vegetation mapping to calculate patch size.
Rationale	Infrastructure features are known to contribute to degradation of ecological values by acting as a disturbance barrier to habitat continuity as well as providing an access point for pest and weed species which may lead to increased disturbance and degradation within a patch of habitat and eventually fragmentation within a landscape; particularly for less mobile species.

NPWS Estate

Description	Vector polygon features of NPWS Estate – includes national parks, nature reserves, state conservation areas and regional parks.
Source	OEH
Usage	Connectivity to conservation areas The NPWS Estate dataset was used for the connectivity criteria. A proximity analysis was undertaken to identify vegetation adjoining any NPWS Estate land. A presence/absence score was applied for the analysis with a score of 100 assigned to vegetation directly adjoining NPWS Estate and a score of 0 for areas with no direct connectivity.
Rationale	Protected conservation areas are known to contain rich biodiversity and provide important habitats for fauna and flora. Vegetation connectivity to existing protected conservation areas identifies potential priority habitat linkages across the landscape.

Drainage

Description	Vector line feature of mapped 1:25,000 drainage lines within the study area.
Source	NSW Digital Topographic Data base (NSW Land and Property Management Authority)
Usage	Areas within 40m of mapped drainage lines This data set was used for the buffered drainage decision criteria. Drainage centrelines were buffered

EN1 - Shire Wide Vegetation Mapping – Prioritisation Corridors

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DRAFT – Wollondilly Vegetation Prioritisation Analysis

	<p>40m either side. This was undertaken to afford drainage lines the equivalent of the greatest identified vegetated riparian zone required for the protection of riparian corridors under the <i>Water Management Act 2000</i>.</p> <p>A presence/absence scoring was then applied for the analysis. A score of 100 was allocated for vegetation where there was the presence of buffered drainage polygons or 0 if the vegetation was not within an identified drainage buffer.</p>
Rationale	Drainage lines and associated riparian vegetation form the basis for habitat health and connectivity across a landscape.

Vegetation types and percentage cleared within bioregion

Description	Vector polygon layer defining the distribution of vegetation types within the study area as well as associated % cleared within the bioregion.
Source	Vegetation mapping ELA 2011. The vegetation types defined this dataset were associated with the most equivalent biometric vegetation types. Broader vegetation classes provided within the mapping (Keith Classes) were also used for threatened fauna habitat value.

Usage	<p>The vegetation dataset was used as a basis for the following decision criteria:</p> <ol style="list-style-type: none"> Critically Endangered (CEEC) and Endangered Ecological Communities (EEC) <p>Critically Endangered (CEEC) and Endangered Ecological Communities (EEC) – mapped vegetation types associated with identified CEECs and EECs in Wollondilly Shire Council LGA were selected and given scores based on their state and federal legislative significance under the TSC Act and EPBC Act. Vegetation types listed as a CEEC are given a score of 100 regardless of whether they are listed under the TSC or EPBC Act. Any vegetated types listed as an EEC, regardless of whether they are listed under the TSC or EPBC Act, are given a score of 75 (unless they have already been given a score of 100 for a listing of CEEC under either Acts). All other areas not identified as CEEC or EEC were assigned a score of 0.</p> Areas of rare vegetation within the region <p>Vegetation conservation significance in the region – each biometric vegetation community has associated values on their % cleared in the CMA based on pre-1750 vegetation mapping. The value of % cleared is normalised into an index of 0-100 based on the highest % cleared value found in the study area and is attributed to each identified vegetation community (Biometric Tool).</p> Areas of high quality vegetation <p>Vegetation condition – condition scores are assigned based on the classification of condition with: A, B, C being good condition; TX, TXR being moderate condition; and TXU, weeds and regenerating being poor condition (NPWS 2002).</p> <table border="1"> <thead> <tr> <th>Condition</th> <th>Condition Classification</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>A, B or C</td> <td>Good</td> <td>100</td> </tr> <tr> <td>TX or TXR</td> <td>Moderate</td> <td>50</td> </tr> <tr> <td>TXU, regenerating or weeds</td> <td>Poor</td> <td>0</td> </tr> </tbody> </table> 	Condition	Condition Classification	Score	A, B or C	Good	100	TX or TXR	Moderate	50	TXU, regenerating or weeds	Poor	0
Condition	Condition Classification	Score											
A, B or C	Good	100											
TX or TXR	Moderate	50											
TXU, regenerating or weeds	Poor	0											

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	<p>4. Predicted threatened fauna habitat</p> <p>Threatened Fauna Habitat Value – the scoring within this criterion is made up of the number of predicted fauna species likely to occur within each vegetation type converted to an overall rating which was then normalised into a score between 0 and 100. As some vegetation types provide more foraging/sheltering/breeding resources for fauna groups/species than others, this component identifies those vegetation classes that support the greatest number of threatened fauna species, as well as those that support threatened species with high conservation significance (Biometric Tool).</p> <p>5. Potential ecological linkages and connectivity</p> <p>Connectivity – vegetation connectivity was derived using extant vegetation patches within 200m of each other to identify potential ecological linkages across the landscape. Areas of extant vegetation with identified connectivity were all allocated a score of 100, and all other areas allocated a score of 0.</p>																		
<p>Rationale</p>	<p>The mapped distribution of vegetation types across the study area is an important data set for use in the sensitivity analysis. This information provides the basis for biodiversity and significant habitat across the study area. The vegetation information has been associated with the distribution of biometric vegetation types using descriptions in order to provide the relevant representations of natural ecological associations across the study area.</p>																		
<p>Patch Size and Edge to Area Ratio</p>																			
<p>Description</p>	<p>Vector polygon layer defining the distribution of contiguous vegetation across the study area</p>																		
<p>Source</p>	<p>Vegetation mapping ELA 2011.</p>																		
<p>Usage</p>	<p>The vegetation dataset was used as a basis for the following 2 decision criteria:</p> <p>1. Consolidated/fragmented habitat</p> <p>Patch Size - extant vegetation distribution was consolidated into patches of contiguous vegetation separated by any mapped infrastructure. Any poor condition vegetation was not included in this analysis (TXU, regenerating or weeds). The scores assigned were made up of a range of overall patch size that relates to the support of biodiversity and species richness (Drinnan 2005).</p> <table border="1" data-bbox="563 1547 1366 1850"> <thead> <tr> <th>Patch Size</th> <th>Support</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>0 – 2ha</td> <td>Local plants and invertebrates</td> <td>0</td> </tr> <tr> <td>2 – 4ha</td> <td>Plants and fungi</td> <td>25</td> </tr> <tr> <td>4 – 10ha</td> <td>Birds and frogs</td> <td>50</td> </tr> <tr> <td>10 – 50ha</td> <td>Larger fauna</td> <td>75</td> </tr> <tr> <td>>50ha</td> <td>More intact biodiversity and increased species richness</td> <td>100</td> </tr> </tbody> </table> <p>2. Vegetation patch design</p>	Patch Size	Support	Score	0 – 2ha	Local plants and invertebrates	0	2 – 4ha	Plants and fungi	25	4 – 10ha	Birds and frogs	50	10 – 50ha	Larger fauna	75	>50ha	More intact biodiversity and increased species richness	100
Patch Size	Support	Score																	
0 – 2ha	Local plants and invertebrates	0																	
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>50ha	More intact biodiversity and increased species richness	100																	

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	Edge to Area Ratio – the edge to area ratio was calculated for each patch of extant vegetation. A high edge to area ratio (long thin strips of vegetation) denotes vegetation with a higher risk of exposure to significant edge effects. Vegetation with low edge to area ratios were assigned a score of 100 and areas with high ratios were assigned a score of 0. (Grouped range or normalised scores TBC one task is complete to determine ratios present)
Rationale	The use of patch size as a criterion for determination of ecological sustainability of habitat or conservation significance is a generally well accepted principle (Drinnan 2005). Edge to area ratios are widely used indicators of fragmentation and are used to identify viable areas for conservation.
Threatened Fauna and Flora	
Description	Point data of known / recorded threatened flora and fauna locations across the Wollondilly Shire Council LGA.
Source	Atlas of NSW Wildlife (OEH)
Usage	<p>Known Threatened Species locations</p> <p>The known locations of threatened flora and fauna were filtered to remove any records with less than 100m location accuracy.</p> <p>Threatened fauna records were buffered by 100m to recognise habitat in the immediate vicinity of the recorded location. A presence/absence score was applied; any vegetation patch that fell within the 100m buffer was allocated a score of 100 and the remaining areas were allocated a score of 0.</p> <p>Threatened flora records were not buffered as the variation in their locational range is not as great as the potential observed for fauna. A presence/absence score was assigned; with any vegetation patch intersecting threatened flora records allocated a score of 100 and the remaining areas allocated a score of 0.</p>
Rationale	Known locations of threatened flora and fauna and associated local habitat

2.3 DATA PREPERATION AND WEIGHTING

A process based on an Analytical Hierarchy Process (AHP) was adopted to weigh the identified criteria for the measurement and analysis of biodiversity sensitivity across the study area. The AHP is a recognised multi-criteria analysis process which is suitable for complex decisions. The process involves the comparison of diverse elements which can be difficult to quantify and ranks and prioritises values using decision analysis tools to rank comparisons (Saaty 1980; Crossman *et al.* 2009; Mendoza and Macoun 1999).

The criteria were assigned multiplier weightings based on their ecological sensitivity to biodiversity conservation significance (weighting of x3 being the highest). Each weighting for the resultant criteria score reflects the relative importance of the criteria ranking towards ecological sensitivity within the context of the study area and key ecological values.

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Table 3 broadly identifies the rationale for weighting, whilst Table 4 presents the spatial data analysis for each environmental value.

Table 3: Summary of weighting values

Assigned Weight	Rationale
x3	Values that are recognised as most important across the study area. These are associated with state or national significance for biodiversity conservation value, including those with legislative status or that are associated with state recognised key processes
x2	Values that generally contribute to biodiversity conservation significance at the local and regional level
x1	Values that support local biodiversity significance through consolidation of important habitat

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Table 4: Data preparation and weighting

Base Data	Derived Layer Name	Description	Decision Criteria	Values	Weighting
Vegetation	CEEC and EEC [EEC]	Critically Endangered (CEEC) & Endangered Ecological Communities (EEC) identified under the TSC and EPBC Act.	All CEECs and EECs	0, 75 or 100. 100 = CEEC 75 = EEC 0 = all non-EECs	x3
Threatened flora	Threatened Flora [Th_fl]	Known threatened flora records. <i>NB. Not a comprehensive data set, based on areas where threatened flora has been recorded only.</i>	Locality of known threatened flora	0 or 100. 100 = vegetation patches intersecting the location of a known threatened flora record 0 = vegetation with no known threatened flora record present.	X3
Biometric Vegetation type	Percent Cleared in CMA [Pc_cleared]	The percentage of vegetation that has been cleared within the CMA since 1750 based on equivalent biometric vegetation type.	Areas of rare vegetation within the region	Normalised score from 0 to 100. 100 = highest % cleared 0 = lowest % cleared.	x3

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Base Data	Derived Layer Name	Description	Decision Criteria	Values	Weighting
Vegetation	Patch Size [Patch]	The size of a patch of vegetation. A patch is defined as an area of consolidated vegetation that is separated from other patches by mapped infrastructure.	Consolidated/fragmented habitat	0, 25, 50, 75 or 100. 100 = >50ha patch size 75 = 10 - 50ha patch size 50 = 4 - 10ha patch size 25 = 2 - 4ha patch size 0 = 0 - 2ha patch size.	x3
Threatened fauna	Threatened Fauna [Th_fa]	100m buffer around known threatened fauna records. <i>NB. Not a comprehensive data set, based on areas where threatened fauna has been recorded only.</i>	Locality of known threatened fauna	0 or 100. 100 = vegetation patches within 100m of a known threatened fauna record 0 = vegetation not within 100m of a known threatened fauna record.	X2

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Base Data	Derived Layer Name	Description	Decision Criteria	Values	Weighting
Vegetation	Vegetation Condition [Veg_cond]	Condition classes assigned to vegetation mapping	Areas of high quality vegetation	0, 50 or 100. 100 = good condition vegetation (condition class of A, B or C) 50 = moderate condition vegetation (condition class of TX or TXR) 0 = poor condition vegetation (condition class of TXU, regenerating or weeds).	x2
Biometric Vegetation type	Threatened Fauna Habitat value [Fauna_hab]	A measure of the suitability of vegetation to provide habitat for threatened fauna based on predicted fauna for a vegetation type (Keith Class). The predicted number of threatened fauna likely to occur in each vegetation type formed a matrix for identifying important fauna habitat.	Predicted threatened fauna habitat	Normalised score from 0 to 100 based on the number of predicted threatened fauna. Value range based on 100 = highest suitability 0 = lowest suitability.	x2

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Base Data	Derived Layer Name	Description	Decision Criteria	Values	Weighting
Vegetation	Potential ecological linkages [Connectivity]	Extant vegetation identified with potential habitat connectivity within 200m proximity of vegetation patches	Potential ecological linkages and connectivity	0 or 100. 100 = potential ecological link and connectivity 0 = all other areas.	x2
Vegetation	Edge to Area Ratio [Edge_area]	The edge to area ratio of each vegetation patch. A high edge to area ratio represents long skinny patches of vegetation that are more susceptible to edge effects. A low edge to area ratio identifies more viable patches of vegetation for conservation.	Vegetation patch design	TBC.	x2
NPWS Estate	Proximity to existing conservation areas (NPWS)	Extant vegetation identified as adjoining existing protected conservation areas.	Connectivity to conservation areas	0 or 100. 100 = vegetation adjoining conservation areas 0 = all other vegetation.	x1

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Base Data	Derived Layer Name	Description	Decision Criteria	Values	Weighting
Infrastructure – 1:25,000 and built-up areas	Distance to disturbance [Disturb]	Distance from any mapped infrastructure or built-up area up to 500m. Areas farther than 500m from any infrastructure or built-up area were assigned the highest value. Used 1:25K topographic infrastructure and built-up areas	Disturbance	0, 50 or 100 100 = greater than 500m distance from disturbance 50 = between 100-500m distance from disturbance 0 = within 100m of disturbance	x1
Drainage – 1:25,000	Watercourse [Drainage]	40m buffer around watercourses	Areas within 40m of mapped drainage lines	0 or 100. 100 = within identified buffer. 0 = outside identified buffer.	x1

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2.4 PRIORITISATION ANALYSIS

The prioritisation analysis will be carried out as a GIS analysis which combines all the spatial datasets into a single vector dataset. A normalised score will be derived for each criterion (between 0 and 100) to eliminate any numerical bias in the calculation.

All scores for each dataset will be spatially maintained as separate attributes within the derived dataset. The final part of the analysis combines all the scores from each derived layer and applies the weightings identified in the previous step to calculate a priority index.

The values for each data set are added and multiplied by the assigned weighting (as defined in Table 4) to calculate a priority score using the following equation:

$$\begin{aligned} \text{Priority score} &= \{ ("EEC" * 3) + ("Th_fl" * 3) + ("Pc_cleared" * 3) + ("Patch" * 3) + ("Th_fa" * 2) \\ &\quad + ("Veg_cond" * 2) + ("Fauna_hab" * 2) + ("Connectivity" * 2) + ("Edge_area" \\ &\quad * 2) + ("NPWS") + ("Disturb") + ("Drainage") \} \end{aligned}$$

The final score is then normalised to provide the prioritisation index value from 0-100.

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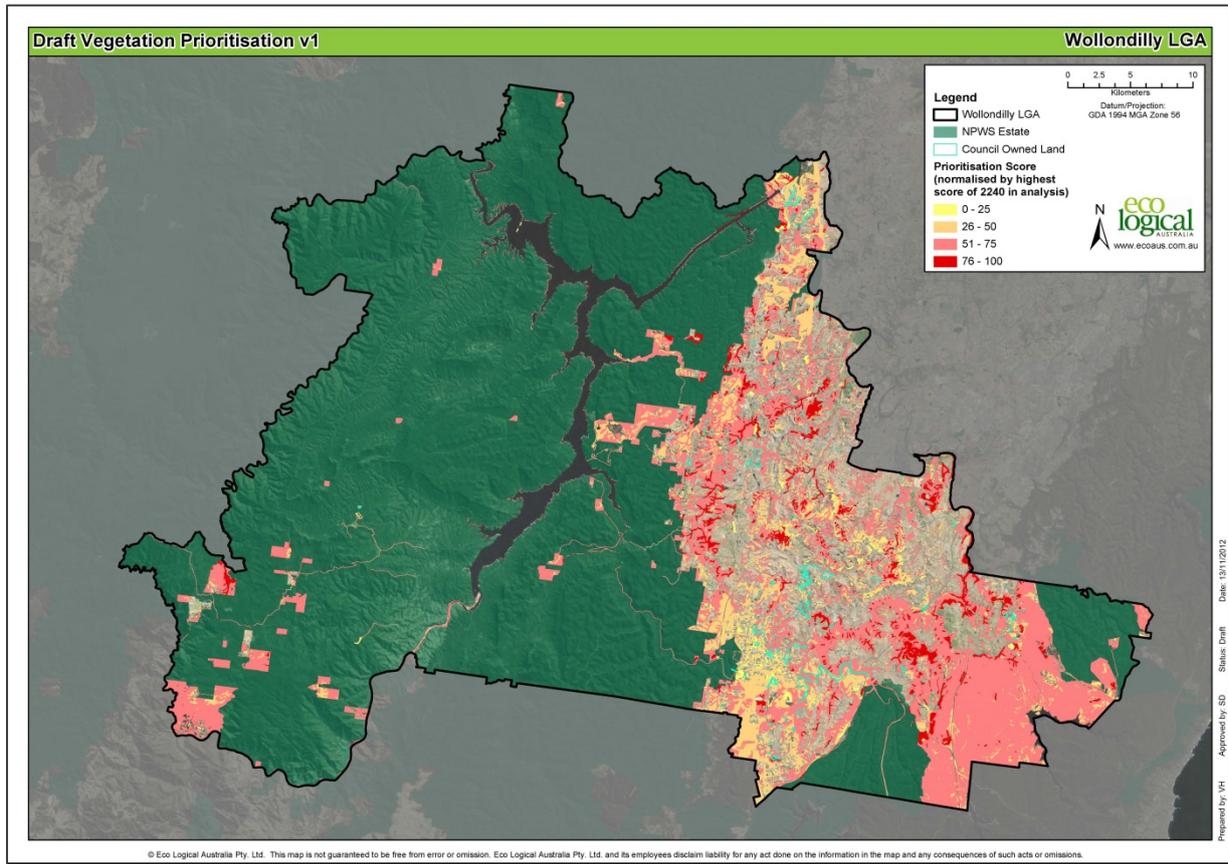
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Environment

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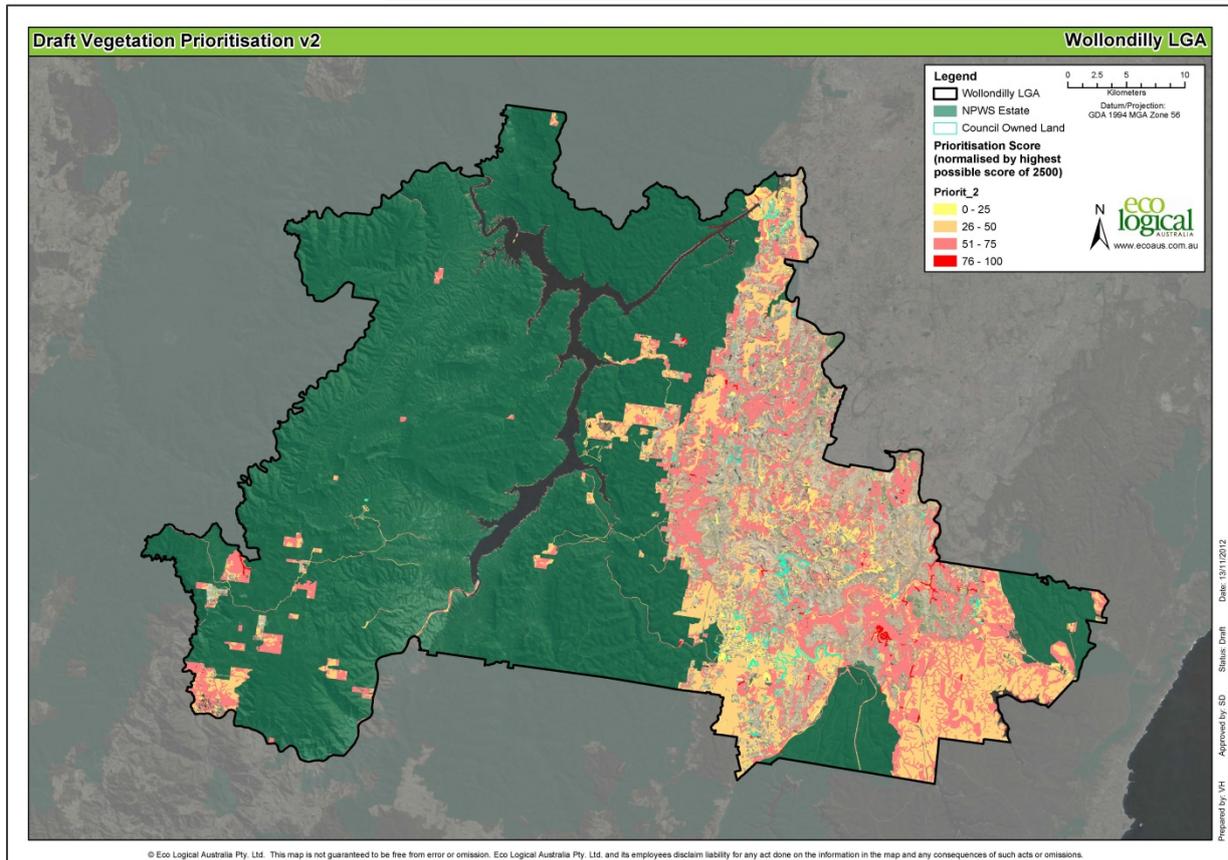


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Environment

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EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

EN2

Bin Contamination Policy and Clean Up Collection Policy Review

1031

TRIM 1693

EXECUTIVE SUMMARY

- The purpose of this report is to outline the review of the Bin Contamination Policy ENV0012 and Clean Up Collection Policy ENV 0011 and to put forward an amendment to the Bin Contamination Policy.
- This report recommends that the revised policies be adopted.

REPORT

BACKGROUND

The Bin Contamination Policy ENV 0012 and the Clean Up Collection Policy ENV 0011 were adopted 'in principle' at the June 2015 meeting of Council, as a part of the implementation of the new Domestic Waste and Recycling Collection Contract 2013/21. The two policies were trialled for three months (until September 2015) and during this period, exhibited for submissions from the public and reviewed as a working document.

No submissions were received from the community during the 28 day exhibition and further 14 day submission period, from 18 June to 29 July 2015. Revision by the waste team in consultation with contractor was also undertaken.

As a working document, Council staff has undertaken their duties under the guidance of the policies. Procedures for each policy have also been written to be used in conjunction with the policies. A review of each of the policies is highlighted below, based on the practices employed for each policy.

The management of bin contamination is a financially and environmentally important process for Council. From a financial perspective alone, contamination of yellow or green bins can result in the diversion of significant additional tonnes of waste to landfill at a higher disposal rate e.g. If a contaminated yellow bin contaminated a full truck load, a nominal 13 tonne load could be diverted to the waste stream at an additional cost of \$84.50/tonne or \$1,098 to council and hence the community.

Bin Contamination Policy

The Bin Contamination Policy (attached) highlights what constitutes bin contamination, what Council's targets for bin contamination are and how we aim to deal with contamination in the red, yellow and green lidded bins.

EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

Council receive daily reports from the contractor which identify properties where bin contamination has been observed either by the camera in the truck hopper or visually by the driver prior to pick up (gross contamination). These identified properties have had their bins tagged by the driver to inform the resident that contamination has been found. Council staff have followed up each offence with a letter to remind the resident what goes in their bin and the importance of keeping contaminants out of the bin.

Each offence at a property is tracked, so that 1st, 2nd, 3rd and 4th offences by one property are noted. On the 3rd offence for a yellow or green bin the resident is informed that another offence in a three month period will cause their yellow or green bin to be withdrawn for 2 scheduled services. The 4th offence, requires a withdrawal of the yellow or green bin. An amendment to Councils Bin Contamination Policy outlines the procedure for what will happen to the waste service at a property which has had its bin withdrawn.

To date the Bin Contamination Policy has successfully identified properties where contamination is occurring and assisted Council to educate residents about how to correctly use their bins. To date Council have issued 226 letters to residents and all but 12 of these are first offenders who have not reoffended to date.

Amendment to Bin Contamination Policy

It is recommended that the following process is added to the Bin Contamination Policy and Procedure.

On the 4th offence of contamination of either the recycling - 240 Litre or 360 Litre - and /or the garden organics bin, the affected bin will be withdrawn by the contractor and replaced with a 120 Litre garbage bin for weekly collection. This will be done on the following collection day for that bin.

The waste charge on the rates for the property will reflect the change to the bins. For example, instead of paying a waste charge of \$480.00 per annum for a three bin standard waste service, the owner will pay a waste charge of \$585.00 (for a retrieved green lidded bin) or \$610.00 (for a retrieved yellow lidded bin).

The property owner is able to appeal the decision by contacting the Team Leader Waste Management at any time after the bin has been retrieved and changed over. If the property reoffends again after an appeal the bin will be retrieved again after the offence.

EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

Clean Up Collection Policy

The Clean Up Collection Policy highlights Council's responsibility in managing the scheduled Clean Up Collection in 24 zones across the Shire. To date 12 zones have had their scheduled clean up collection. Each zone is notified of their coming clean up through an A5 sized flyer which is posted one (1) month before the clean-up date. Each clean up zone must be collected by the contractor within one week.

Council staff have been conducting weekly inspections of clean up zones, to identify early and late presentations. To date, 12 notifications for early presentations have been issued. In each instance, further inspections show that the material has been brought back onto the resident's property.

Daily reporting from the contractor informs Council of excess materials and unacceptable materials being presented. A photo of excess material, before collection by the contractor and after collection is also taken for our records. Council sends a letter to these properties to recommend where excess or unacceptable materials can be disposed of.

One instance where excess material was placed out for clean-up (16m²), two notifications were sent to ask for the material to be removed. The first notification offered a quote by Council for our Contractor to pick up and dispose of the material and also a brochure outlining the tipping charges at Bargo Waste Management Centre was issued. With no success after two weeks this was followed by a Clean Up Notice from Compliance staff. The owner then opted to pay Council to remove the material.

Waste Services commissioned a survey to find out how residents found out about the Clean Up Collection changes (after a comprehensive advertising campaign) and also satisfaction with the service overall. These results indicate satisfaction with the service and will be presented to Council in the coming months.

Minimal changes have been made to the exhibited document. These are of an editorial nature and do not alter the context or intent of the Policy.

CONSULTATION

Both policies were put on public exhibition, through customer service, the library and also on the website for 28 days followed by a 14 day submission period. An advertisement notifying residents of the exhibition period was placed in the Bush Telegraph. No submissions were received.

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EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

FINANCIAL IMPLICATIONS

The Policies seek to ensure Council complies with its waste collection and waste disposal contracts and limits exposure to additional contract costs.

ATTACHMENTS

1. Bin Contamination Policy ENV 0012
2. Clean Up Collection Policy ENV 0011
3. Summary of Changes – Bin Contamination Policy
4. Summary of Changes – Domestic Clean Up Policy

RECOMMENDATION

That the revised Bin Contamination Policy (ENV 0012) and Clean Up Collection Policy (ENV 0011) be adopted.

EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

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**Waste Services
Bin Contamination – ENV0012**

1. POLICY OBJECTIVES

- 1.1 This Bin Contamination Policy sets out policy and related procedures for the domestic garbage (red bin), recycling (yellow bin) and garden organics (green bin) in order to achieve waste minimisation targets and compliance with its contractual obligations.
- 1.2 Bin Contamination refers to all materials presented in or collected from recyclable mobile bins which are not recyclable or materials presented or collected from organics mobile bins which are not organics as defined by the Contract and outlined in the Annual Waste and Recycling Guide (<http://www.wollondilly.nsw.gov.au/environment-wollondillycd/waste-minimisation-and-resource-recovery/497524-new-waste-and-recycling-information-book>)

2. BACKGROUND

- 2.1 Current contamination rates in Wollondilly (for April 2015) for the yellow lidded recycle bin is 7% and for the green lidded garden organics bin is 2%. The baseline target for contamination in recycling is $\leq 5.0\%$ and the aspirational target is $\leq 3.5\%$. The aspirational target for garden organics is $\leq 1\%$. (Source: Preferred Resource Recovery Practices by Local Councils: Best Bin Systems: NSW EPA).
- 2.2 Bin contamination includes the presentation of unacceptable materials as outlined in the Annual Waste and Recycling Guide (see above) in any of the bins on the nature strip on collection day, and can be identified either by Council staff during a random bin inspection; by the Contractors driver visually; or by the camera in the hopper of the collection truck.
- 2.3 Council has a contractual obligation to provide education to customers about what to place into their bins. This includes information on what can and cannot be placed in each bin. This information is distributed through customer service, the Annual Waste Services brochure, through education letters and on the Council website.
- 2.4 Council must provide supporting materials required for implementation of the strategy and this education includes customer service, bin tags and educational letters.

3. ELIGIBILITY

- 3.1 This Policy applies to all bin contamination related to Wollondilly Shire Council waste services.

4. GUIDELINES

- 4.1 Bin Inspections
 - 4.1.1 Random bin inspections conducted by Council staff compliments the Contamination Management Strategy by checking bins for contamination. Tags to reward good recycling and garden organics behaviour are able to be used by Council staff as well as contamination tags for contaminated bins. These random inspections may be guided by reports of previous contamination by the customer.

EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

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**Waste Services
Bin Contamination – ENV0012**

- 4.1.2 Bins that are found to have contamination during this random bin inspection will be tagged for the customers information and an educational letter sent to the customer by Council informing them of the correct materials to go into the bin.
- 4.1.3 Bins that are found to have contamination will be reported daily by Council and a record kept.
- 4.2 **Visual Inspection by Contractors driver before collection (gross contamination)**
 - 4.2.1 If the Contractor identifies a contaminated bin they must tag the bin as contaminated. This applies to all incidences of contamination.
 - 4.2.2 Bins that are grossly contaminated will not be collected. The offending bin will be tagged by the Contractor informing the customer they will be given the opportunity to rectify the problem with the bin within 1 working day and then phone the Waste Hotline number on 1800 805 305 to have their bin collected. This will be at no additional cost to the customer if the bin can be re serviced within 2 days.
 - 4.2.3 The customer with gross contamination will also be sent an educational letter by Council informing them of the correct materials to go into the bin.
- 4.3 **Contamination Viewed by the Camera (during collection)**
 - 4.3.1 If the camera in the hopper of the truck identifies the presence of contamination in the bin, the Contractor must tag the bin with the identified contamination.
 - 4.3.2 Bins that are identified as being contaminated after being lifted by the truck will still be collected.
 - 4.3.3 Customers whose bins are tagged for contamination and their bins collected will be sent an educational letter by Council informing them of the correct materials to be placed in the bin.
 - 4.3.4 Customers whose bins are tagged for contamination inspected by the camera, will be sent an educational letter by Council informing them of the correct materials to go in the bin.
- 4.4 **Educational Letters-First, Second, Third and Fourth Notification**
 - 4.4.1 All customers who contaminate their recycling or garden organics bin, will be reported to Council daily by the Contractor. An educational letter will be sent to the customer by Council.
 - 4.4.2 The aim of these letters is to help Customers understand what goes into their bins. They provide visual prompts as well as text to inform customers of correct materials for each bin. If a Customer contaminates their bin multiple times in a 12 month period, a different letter with increased severity will be sent which acknowledges the number of contamination offences committed.
 - 4.4.3 **First letter** - The first letter sent by Council to the Customer outlines that the bin has been found to have incorrect materials in it and outlines why it is important to place correct materials in the bin. A list of correct and incorrect materials for the bin is displayed on the back of the letter.

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Bin Contamination – ENV0012**

4.4.4 **Second letter** - The second letter sent by Council to the Customer outlines that the bin has been found to have incorrect materials in it and outlines why it is important to place correct materials in the bin. A list of correct and incorrect materials for the bin is displayed on the back of the letter. This letter highlights that this is a second occurrence.

4.4.5 **Third letter** - The third letter sent by Council to the Customer outlines that the bin has again been found to have incorrect materials for a third time in a three month period and outlines why it is important to place correct materials in the bin. A list of correct and incorrect materials for the bin is displayed on the back of the letter. The customer is warned that their recycling or organics bin service that has ongoing contamination issues may be ceased if they do not place the correct materials in the bin.

4.4.6 **Fourth letter**- The fourth letter sent by Council to the Customer informs the customer that their service for that recycling or organics bin has been altered and that they need to apply to Council to have their recycling or garden organics service resumed. Council's Bin Request Procedure outlines that if "the recycling or garden organics service is altered due to ongoing contamination issues the customer may apply to have the bin service renewed. Residents should apply for this renewed bin service by calling Council directly" and "the time specified by Council before an application is considered will be not less than two scheduled collection services of the bin service in question."

4.4.7 On the fourth contamination offence for either the recycling – 240Litre or 360 Litre and / or the garden organics bin, the affected bin will be withdrawn by the contractor and replaced with a 120 Litre garbage bin for weekly collection. This will be done on the following collection day for that bin. The rates for the affected property will be adjusted to reflect the bin alteration.

The decision to alter a recycling or garden organics bin service due to a fourth notification of contamination in a 12 month period is at the discretion of Council. All efforts will be made to educate and assist residents in the correct use of their bin. A visit to the resident will be made if three letters have been sent and before a fourth occurrence happens. Only after failure to secure compliance from the customer will the service be altered.

4.5 Complaints Handling

All complaints in relation to bin contamination should be directed to Council's Team Leader Waste Management during business hours. Please refer to [Complaint Handling - Adopted Policy - GOV0054](#) for full policy.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Environmental Services Manager- Supervising Officer

6. RELATED POLICIES

6.1 Clean Up Collection Policy ENV0011

6.2 Complaint Handling - Adopted Policy - GOV0054

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Bin Contamination – ENV0012**

7. RELATED PROCEDURES

- 7.1 Clean Up Collection Procedure TRIM 7833-7#142
- 7.2 Bin Request Procedure TRIM 7833-7#141
- 7.3 Contract Monitoring Procedure TRIM 7833-7#144
- 7.4 Waste Customer Service Procedure TRIM 7833-7#143
- 7.5 Bin Contamination Procedure TRIM 7833-7#140

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 NSW Waste Avoidance and Resource Recovery Act 2001
- 8.3 NSW Waste Avoidance and Resource Recovery Strategy 2014-2021
- 8.4 Protection of the Environment Operations Act 1997 (POEO Act)
- 8.5 Protection of the Environment Operations (Waste) Regulation 2014

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 NSW Waste Avoidance and Resource Recovery Strategy 2014-21
- 10.2 Wollondilly Waste Management and Resource Recovery Strategy 2013-18
- 10.3 Wollondilly Waste and Recycling Collection Contract, Contract No. 2013-2021

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 Providing a workshop to Councillors which will cover what the policy is about, what it covers and its implementation.
 - 11.1.2 Providing training for staff involved with the implementation of the policy, including, Waste Administration, Customer Service and Waste Management.
 - 11.1.3 Provide awareness of the policy by placing it on the staff intranet, and by placing it in the policy registrar once adopted.
 - 11.1.4 Providing a hard copy of the policy to all staff responsible for it.

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11.1.5 Include all responsible officers in its review in 12 months time.

11.1.6 The Bin Contamination Procedure has been developed to work in conjunction with this policy.

12. POLICY HISTORY

12.1 Date First Adopted	15 June 2015
12.2 Most Recent Adoption	15 June 2015
12.3 Next Review Date	15 June 2016
12.4 Responsible Officer	Manager Environmental Services

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**Waste Services
Domestic Clean Up –
ENV0011**

1. POLICY OBJECTIVES

- 1.1 To establish the intent and processes for managing the bi-annual kerbside bulky waste and recycling service, known as Clean Up Collections.
- 1.2 Identify the materials that are permitted to be presented and collected through the Clean Up Collections service as well as the management and enforcement process if non permissible materials are presented for collection.
- 1.3 Reinforce the other waste and recycling options available to the community to maximise diversion from landfill whilst minimising the need for enforcement processes.

2. BACKGROUND

- 2.1 Wollondilly Shire Council has provided two scheduled Clean Up Collections to every domestic premises with a Waste Service since the early 1990's. Kerbside Clean Up Collections provide a service to residents to dispose of bulky household items on their kerbside. This service is additional to the weekly bin service and is provided to residents as part of their waste charge.
- 2.2 In July 2015, with the provision of a new Waste and recycling Collection Contract, a number of changes were made to improve the Clean Up Collection in Wollondilly. The historic 5 collection zones were divided into 24 smaller Clean Up Collection zones. Collections occur for 48 weeks of the year through these zones, providing residents two collections per year.
- 2.3 Under the Waste and Recycling Contract, Council is responsible for all promotion and education for the domestic waste and recycling services including the Clean Up Collection is done in partnership with the Waste and Recycling Collection Contractor. Council have control of the messages and education they use and are able to promote the new Clean Up Collection service extensively in the local area.

Waste Categories

- 2.4 Waste is categorised by the Environmental Protection Authority NSW (EPA NSW) (<http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm>) depending on its nature, taking into consideration its potential to harm human health or the environment. There are six classifications of waste-namely:
 - special waste
 - liquid waste
 - hazardous waste
 - restricted solid waste
 - general solid waste (putrescible)
 - general solid waste (non-putrescible).
- 2.5 The Clean Up Collection is for general solid waste (non-putrescible), but non-compliance with the Clean Up guidelines means other waste is sometimes presented. It is the aim of this policy to implement a best practice process for managing waste on the kerbside and provide guidance on how to best educate the public on safe disposal of waste from their homes.

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**Waste Services
Domestic Clean Up –
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- 2.6 Management Issues**
To ensure compliance with legislative requirements and Councils contractual obligations, Council must:
- Educate the community on the types of materials acceptable in the Clean Up Collections.
 - Encourage and facilitate other recycling and waste diversion opportunities.
 - Manage the presentation, collection, reporting and enforcement processes to ensure compliance by Council, its contractor and the community.
- 2.7 Note:** The Waste and Recycling Collection Contract (2015-2024) is a commercial in confidence document. Relevant sections of the Waste and Recycling Collection Contract will be provided to the required staff under strict confidentiality arrangements.

3. APPLICABILITY

- 3.1** This policy applies to all Domestic Clean Up Collection services related to Wollondilly Shire Council waste services.

4. GUIDELINES

- 4.1 Principles of Best Practice**
- 4.1.1** The Waste Hierarchy sets out the preferred management of waste. The new NSW EPA Waste and Resource Recovery Strategy (WARRS) (2014) has a revised hierarchy which includes:
- Avoid and reduce waste
 - Reuse waste
 - Recycle waste
 - Recover energy
 - Treat waste
 - Dispose of waste
- 4.2 Avoidance and Reduction of Waste Generation**
- 4.2.1** The kerbside Clean Up Collection is a service that recognises that some waste is unavoidable and the opportunity to safely and easily dispose of waste is necessary. It is in this context that the kerbside Clean Up Collection service is provided, though there is still a responsibility for Council to achieve diversion and recovery of waste from landfill.
- 4.2.2** The Bargo Waste Management Centre (BWMC) accepts large household items in good condition to be resold to members of the public. Reusable items such as, furniture, toys, household bric-a-brac, sporting goods etc can be taken to the reuse centre for resale.

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4.3 Increase Recycling

- 4.3.1 The Clean Up Collection makes provision to recycle metals and wet cell batteries. These are to be placed in a separate pile to the general waste during the Clean Up.
- 4.3.2 Further recycling can be achieved by encouraging residents to take e-waste, metal objects, paper and cardboard, plastic and metal containers to the BWMC for free. In addition, mattresses can be dropped off at BWMC for a fee.
- 4.3.3 Information about recycling options in the Shire is available on Council's website and the annual Waste and Recycling Services booklet.

4.4 Managing Problem Waste

- 4.4.1 Hazardous wastes, demolition wastes, putrescible and liquid wastes, medical waste, tyres and car parts are not accepted as part of the Clean Up Collection.
- 4.4.2 Asbestos is a special waste and must be treated in the following manner:
 - 4.4.2.1 Asbestos: Material containing asbestos, or suspected of being asbestos, is to be investigated by a suitably trained Council Officer. The Collection Contractor must inform Council immediately if they suspect asbestos has been placed out for collection. The Collection Contractor will cordon off the material and clearly label it. Information regarding asbestos and the disposal options will be made available to the applicable resident.
- 4.4.3 Paints, chemicals, batteries (car or household), fluorescent globes and tubes, gas cylinders, fire extinguishers, motor oil, pool chemicals, and acids and alkalis can be disposed of for free through the annual NSW EPA program, Chemical Clean Out.
- 4.4.4 Concrete, brick, pavers and tiles can be recycled at the BWMC for a fee. If these are placed out for the Clean Up Collection, they will not be collected, and the resident asked to take them back onto their property and dispose of them appropriately.
- 4.4.5 Sharps can be disposed of through our free sharps disposal service at a number of local pharmacies.
- 4.4.6 Putrescible waste can be disposed of in the red lid bin and garden organics through the green lid bin.
- 4.4.7 Tyres and car parts can be disposed of at BWMC for a fee. If they are placed out for Clean Up they will not be collected, and the resident asked to take them back onto their property and dispose of them appropriately.

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4.5 Reduce Illegal Dumping

- 4.5.1 All households with a domestic waste service are entitled to two scheduled Clean Up Collections per year. Educating residents about the dates, frequency of collections and what can be collected is the responsibility of Council.
- 4.5.2 Alternatively, residents can take domestic quantities of non-putrescible waste to the BWMC for a fee or free depending on the material.

4.6 Education for the Clean Up Collection

- 4.6.1 Council will provide an annual guide to its Waste and Recycling Service, delivered to every residence at the beginning of each financial year to guide residents about what goes into the each bin, including the Clean Up Collection.
- 4.6.2 Additional information about the Clean Up is posted to residents approximately one month before their scheduled Clean Up
- 4.6.3 Inspections to identify early or late presentation, excess presentation and unacceptable materials being placed out for Clean Up will be conducted randomly throughout the collection schedule. Residents will be notified of any issues with their Clean Up, told the correct procedure, and will be given a chance to correct the pile.
- 4.6.4 Notices for early or late presentation, excess presentation and unacceptable materials being placed out for Clean Up will be produced by Council to notify residents of what is required for their Clean Up. These will be delivered by the Collection Contractor or Council Waste Officers.

4.7 Clean Up Management Issues

- 4.7.1 **Early Presentation** - Early presentation of Clean Up materials will be monitored by Council. Residents who present their Clean Up early may be issued a notice of warning and asked to bring the pile back onto their property. Monitoring will be done through random inspections in Clean Up Collection Zones weekly. Clean Up materials presented early may be collected as illegally dumped material at Council's discretion.
- 4.7.2 **Late Presentation** - Residents who present their Clean Up material late may be issued a notice of warning and asked to bring the pile back onto their property. Monitoring will be done through random inspections in Clean Up Collection zones weekly and through the Collection Contractor. Materials presented late may be treated as illegally dumped material.
- 4.7.3 Evidence of the Collection Contractor's final pass through a Clean Up Collection Zone will be used to identify material presented late.
- 4.7.4 **Excess Presentation** - Residents who present too much material in their Clean Up (allowance is 1.5 cubic metres per premises) will be issued a notice of warning and may have the excess material left at the kerbside. Monitoring of excess presentation will be done through random inspections in Clean Up Collection Zones weekly and by the Collection Contractor during the Clean Up Collection.

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- 4.7.5 In cases where excess material is left by the Collection Contractor, a notice will be issued and the resident will be required to either remove the excess material from the kerbside or call Council within two days (not including weekend days) to arrange for pick-up of the excess material for the fee specified in the notice. Excess material that is not removed by the resident or collected at the resident's expense may be treated as illegally dumped material.
- 4.7.6 Photographic evidence of excess presentation of materials will be recorded.
- 4.7.7 **Unacceptable Materials Presented** - Unacceptable materials include but are not limited to: asbestos; liquids of any kind; materials such as plastic containers and paper that should be placed in the recycling bin; putrescible waste including but not limited to food waste and organics; animal waste; construction waste; tyres; medical waste; hazardous waste and chemicals; non-domestic waste including trade, industrial or shop waste; items that cannot be safely lifted by two people; and items longer than 1.8 metres (with the exception of mattresses). Unacceptable material presented in the Clean Up will not be collected. Residents presenting unacceptable material will be issued a notice of warning and asked to bring the unacceptable material back onto their property. Monitoring for unacceptable materials will be done by the Collection Contractor during the Clean Up Collection. If the unacceptable material is not removed it will be treated as illegally dumped material.
- 4.7.8 If the rejected material is asbestos, it will be dealt with as per Clause 4.4.2.1 and removed by a person(s) authorised to handle asbestos.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Supervising Officer- Manager Environmental Services

6. RELATED POLICIES

- 6.1 Bin Contamination Policy ENV 00112

7. RELATED PROCEDURES

- 7.1 Clean Up Collection Procedure-TRIM 7833-7#142

8. RELATED LEGISLATION

- 8.1 Work Health and Safety Regulations 2011-Chapter 8- Asbestos
- 8.2 NSW Waste Avoidance and Resource Recovery Act 2001
- 8.3 NSW Waste Avoidance and Resource Recovery Strategy 2014-2021
- 8.4 Protection of the Environment Operations Act 1997 (POEO Act)
- 8.5 Protection of the Environment Operations (Waste) Regulation 2014

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9. ATTACHMENTS

9.1 Nil

10. RESOURCES

10.1 NSW Waste Avoidance and Resource Recovery Strategy 2014-21

10.2 Wollondilly Waste Management and Resource Recovery Strategy 2013-18

10.3 Wollondilly Waste and Recycling Collection Contract, Contract No. 2013-2021

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 Providing a workshop to Councillors which will cover what the policy is about, what it covers and its implementation.

11.1.2 Providing training for staff involved with the implementation of the policy, including, Waste Administration, Customer Service and Waste Management.

11.1.3 Provide awareness of the policy by placing it on the staff intranet, and by placing it in the policy registrar once adopted.

11.1.4 Providing a hard copy of the policy to all staff responsible for it.

11.1.5 Include all responsible officers in its review in 12 month's time.

12. POLICY HISTORY

12.1 Date First Adopted	15 June 2015
12.2 Most Recent Adoption	
12.3 Next Review Date	15 June 2018
12.4 Responsible Officer	Manager Environmental Services

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Policy Changes table for Council Reports:

SUMMARY OF CHANGES – BIN CONTAMINATION POLICY - ENV0012

Location	Previous Wording	New Wording	Reasoning
1.1 Policy Objectives	This Bin Contamination Policy aims to provide guidance to Wollondilly Shire Council on handling bin contamination for the 80L, 120L and 240L red lidded, 240L and 360L yellow lidded and 240L green lidded bins from July 2015.	This Bin Contamination Policy sets out policy and related procedures for the domestic garbage (red bin), recycling (yellow bin) and garden organics (green bin) in order to achieve waste minimisation targets and compliance with its contractual obligations.	Concise and clear
1.2 Policy Objectives	Bin Contamination refers to all materials presented in or collected from recyclable mobile bins which are not recyclable or materials presented or collected from organics mobile bins which are not organics as defined by the Contract.	and outlined in the Annual Waste and Recycling Guide (http://www.wollondilly.nsw.gov.au/environment-wollondillycd/waste-minimisation-and-resource-recovery/497524-new-waste-and-recycling-information-book)	Additional information
2.1 Background	Current contamination rates in Wollondilly (for April 2015) for the yellow lidded recycle bin is 7% and for the green lidded garden organics bin is 2%. The baseline target for contamination in recycling is ≤ 5.0% and the interim target is ≤ 3.5%. The interim target for garden organics is ≤ 1%.	Current contamination rates in Wollondilly (for April 2015) for the yellow lidded recycle bin is 7% and for the green lidded garden organics bin is 2%. The baseline target for contamination in recycling is ≤ 5.0% and the aspirational target is ≤ 3.5%. The aspirational target for garden organics is ≤ 1%.	Correction
2.2 Background	Bin contamination includes the presentation of unacceptable materials in any of the bins on the nature strip on collection day....	Bin contamination includes the presentation of unacceptable materials as outlined in the Annual Waste and Recycling Guide (see above) in any of the bins on the nature strip on collection day....	Additional information
2.3 Background	Council has a commitment to provide education...	Council has a contractual obligation to provide education....	More accurate wording

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4.2 Guidelines	Visual Inspection by Contractors driver If the Contractor identifies a contaminated bin they must tag the bin as contaminated. This applies to normal contamination and gross contamination.	Visual Inspection by Contractors driver before collection (gross) If the Contractor identifies a contaminated bin they must tag the bin as contaminated. This applies to all incidences of contamination.	Less confusing
4.3 Guidelines	Contamination Viewed by the Camera	Contamination Viewed by the Camera (during collection)	Clarification
4.3 Guidelines	Bins that are inspected for normal contamination will still be collected.	Bins that are identified as being contaminated after being lifted by the truck will still be collected.	Moved from 4.2 to 4.3 and clarified
4.4.6 Guidelines	... has been ceased and that they need to apply to Council to have their service resumed. Council's Bin Request Procedure outlines that if "the recycling or garden organics service is ceased due to ongoing contamination...	... has been altered and that they need to apply to Council to have their recycling or garden organics service resumed. Council's Bin Request Procedure outlines that if "the recycling or garden organics service is altered due to ongoing contamination...	Different word and clarification
4.4.7 Guidelines		On the fourth offence of contamination of either the recycling – 240Litre or 360 Litre – and / or the garden organics bin, the affected be will be withdrawn by the contractor and replaced with a 120 Litre garbage bin for weekly collection. This will be done on the following collection day for that bin. The rates for the affected property will be adjusted to reflect the bin alteration.	Additional paragraph for policy amendment
4.4.7 Guidelines	The decision to cease a bin service due to a fourth notification of contamination in a 12 month period is at the discretion of Council. All efforts will be made to educate and assist residents in the correct use of their bin. A visit to the resident can be made if three letters have been sent and a	The decision to alter a recycling or garden organics bin service due to a fourth notification of contamination in a 12 month period is at the discretion of Council. All efforts will be made to educate and assist residents in the correct use of their bin. A visit to the resident will be made if three letters have been sent	Improved wording

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	fourth occurrence happens. Only after failure to secure compliance from the customer will the service be ceased.	and before a fourth occurrence happens. Only after failure to secure compliance from the customer will the service be altered.	
7.Related Procedures		Bin Contamination Procedure TRIM 7833-7#140	Additional
8 Related Legislation	POEO (Waste) Regulation 2014	Protection of the Environment Operations (Waste) Regulation 2014	Full text

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Policy Changes table for Council Reports: TRIM 2222#841

SUMMARY OF CHANGES – DOMESTIC CLEAN UP POLICY ENV0011

Location	Previous Wording	New Wording	Reasoning
Policy Objectives	The objective of the Clean Up Collection Policy is to inform Council staff on best practice for Wollondilly Shire Councils Clean Up Collection	To establish the intent and processes for managing the bi-annual kerbside bulky waste and recycling service, known as Clean Up Collections.	Improved description of objectives
Policy Objectives	It will identify waste categories, provision of recycling and reuse of materials and deal with ongoing management of common Clean Up issues including, presentation of wrong materials, early and late presentations and excess presentations.	Identify the materials that are permitted to be presented and collected through the Clean Up Collections service as well as the management and enforcement process if non permissible materials are presented for collection. Reinforce the other waste and recycling options available to the community to maximise diversion from landfill whilst minimising the need for enforcement processes.	Improved description of objectives
Background 2.1	This service is additional to the weekly bin service and is provided to residents as part of their waste levy.	This service is additional to the weekly bin service and is provided to residents as part of their waste charge.	Correction
Background 2.2	The historic 5 collection zones became 24 smaller Clean Up Collection zones.	The historic 5 collection zones were divided into 24 smaller Clean Up Collection zones.	Change of wording
Background 2.3	With the appointment of a Waste Education Officer at Wollondilly, all promotion and education around the Clean Up Collection is done in-house in partnership with the Waste Collection Contractor.	Under the Waste and Recycling Contract, Council is responsible for all promotion and education for the domestic waste and recycling services including the Clean Up Collection is done in partnership with the Waste and Recycling Collection Contractor	Correction
Background 2.5	Dealing with waste on the kerbside for a Clean Up Collection, means dealing with general solid waste (non-putrescible), but non-	The Clean Up Collection is for general solid waste (non-putrescible), but non-compliance with the Clean Up guidelines means other waste is sometimes presented.	Concise

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	compliance with the Clean Up guidelines means other waste is sometimes presented.		
Background 2.6 and 2.7	<p>Another aim of the policy is to highlight the provision in the Waste Collection Contract to recycle waste, diverting it from landfill. These items include metals and wet cell batteries. This policy will provide guidance on how best to educate the public on this provision and to encourage further recycling or reusing of waste items (including e-waste, mattresses, and food and garden organics).</p> <p>The third aim of this policy is to manage the presentation of Clean Up Collections on the kerbside, and some of the issues associated with this. Issues such as early presentation, excess presentation, and late presentation will be discussed.</p>	<p>Management Issues</p> <p>To ensure compliance with legislative requirements and Councils contractual obligations, Council must: Educate the community on the types of materials acceptable in the Clean Up Collections. Encourage and facilitate other recycling and waste diversion opportunities.</p> <p>Manage the presentation, collection, reporting and enforcement processes to ensure compliance by Council, its contractor and the community.</p>	Repeat wording. Changed to reflect reasons for policy
Background 2.8	Note: This policy/procedure should be read in conjunction with the Waste Collection Contract 2015-2024. The Waste Collection Contract is a commercial in confidence document. Relevant sections of the Waste Collection Contract will be provided to the required staff under strict confidentiality arrangements.	Note: The Waste and Recycling Collection Contract (2015-2024) is a commercial in confidence document. Relevant sections of the Waste and Recycling Collection Contract will be provided to the required staff under strict confidentiality arrangements.	Correction of text
Eligibility	Eligibility	Application	Change to name to reflect item
Guidelines 4.1	The new NSW EPA WARR Strategy (2014) has a revised hierarchy which	The new NSW EPA Waste and Resource Recovery Strategy (WARRS) (2014) has a revised	Full Text

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	includes:	hierarchy which includes:	
Guidelines 4.2.1	Management of waste in relation to the kerbside Clean Up Collection starts with the premise that the generation of waste is best avoided.....		Deleted
Guidelines 4.2.2	The kerbside Clean Up Collection is a service that recognises that some waste is unavoidable and the provision to safely and easily dispose of waste is necessary. It is in this context that the kerbside Clean Up Collection is provided, though there is still a responsibility by Council to divert waste from landfill and increase resource recovery.	The kerbside Clean Up Collection is a service that recognises that some waste is unavoidable and the opportunity to safely and easily dispose of waste is necessary. It is in this context that the kerbside Clean Up Collection service is provided, though there is still a responsibility for Council to achieve diversion and recovery of waste from landfill.	Choice of words improved
Guidelines 4.3.1	Education material informs and encourages this practice.		Deleted
Guidelines 4.3.3	All this information about recycling options in the Shire is available on Council's website and the annual Waste and Recycling Services booklet (see attachment).	Information about recycling options in the Shire is available on Council's website and the annual Waste and Recycling Services booklet.	Concise
Guidelines 4.4.3	Paints and chemicals can be disposed of through the NSW EPA program, Chemical Clean Out. Residents in Wollondilly Shire have a Clean Out annually for free, or they can attend any NSW EPA funded Clean Outs in other areas throughout NSW. Other items that can be disposed of through Clean Out are batteries (car or household), fluorescent globes and tubes, gas cylinders, fire extinguishers, motor oil, pool chemicals, and acids and alkalis.	Paints, chemicals, batteries (car or household), fluorescent globes and tubes, gas cylinders, fire extinguishers, motor oil, pool chemicals, and acids and alkalis can be disposed of for free through the annual NSW EPA program, Chemical Clean Out.	Concise
Guidelines 4.5.2	Some items that can be		Deleted

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	recycled, including e-waste, can be dropped off at Bargo for free.		
Guidelines 4.5.3	Education campaigns specifically targeting illegal dumping endeavour to reduce the incidence of illegally dumped material. The installation of CCTV cameras, subsequent fines and accompanying education aims to change behaviour around this practice. Education includes reinforcing the services that are available to residents including the kerbside Clean Up Collection.		Deleted
Guidelines 4.6.1	Council provides an annual guide to its Waste and Recycling Service, which is delivered to every resident at the beginning of each financial year. This guide provides education around what goes into the each bin, including the recycling and garden organics bins. In addition, education about what can be placed out for the Clean Up Collection is provided.	Council will provide an annual guide to its Waste and Recycling Service, delivered to every residence at the beginning of each financial year to guide residents about what goes into the each bin, including the Clean Up Collection.	Deletion of extra text
Guidelines 4.6.2	Additional information about the Clean Up is posted to residents approximately one month before their scheduled Clean Up. Information on what can be accepted for Clean Up, unacceptable materials, when to place materials out for collection, how much material can be placed out, the Customer Service Hotline number, Council's website address and what can be recycled is provided to each resident. This information is also available	Additional information about the Clean Up is posted to residents approximately one month before their scheduled Clean Up.	Deletion of extra text

EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

ATTACHMENT 4 – 1693 – 21 DECEMBER 2015

	on our Council's website. This includes instructions on leaving material on the nature strip in separate piles for recyclables (metals and wet cell batteries) and other household items.		
Guidelines 4.6.3	Inspections which identify early presentation, late presentation, excess presentation and unacceptable materials being placed out for Clean Up will be conducted randomly throughout the collection schedule.	Inspections to identify early or late presentation, excess presentation and unacceptable materials being placed out for Clean Up will be conducted randomly throughout the collection schedule.	Concise
Guidelines 4.7.10	Further information on acceptable and unacceptable materials is provided in Council's educational materials and in the Waste Collection Contract.		Deleted
Related Procedures	<p>Wollondilly Council Waste Management and Resource Recovery Strategy 2013-2018</p> <p>Wollondilly Council Community Education Plan 2013-2018</p> <p>Wollondilly Waste and Recycling Collection Contract, Contract No 2013-2021</p> <p>Macarthur WARR Strategy 2014-2017</p> <p>Draft Wollondilly Council Illegal Dumping Management Strategy and Action Plan</p> <p>NSW EPA Draft Waste Education Strategy</p> <p>NSW EPA Illegal Dumping Strategy</p>	Clean Up Collection Procedure 7833-7#142	Correction

Report of Environment to the Ordinary Meeting of Council held on Monday 21 December 2015

EN2 – Bin Contamination Policy and Clean Up Collection Policy Review

ATTACHMENT 4 – 1693 – 21 DECEMBER 2015

Related Legislation	WHS Regulations 2011-Chapter 8- Asbestos	Work Health and Safety Regulations 2011-Chapter 8- Asbestos	Full text
Related Legislation	POEO (Waste) Regulation 2014	Protection of the Environment Operations (Waste) Regulation 2014	Full text

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 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.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN1 – Recommendations Local Traffic Committee Meeting – 18 November 2015

ATTACHMENTS

The Minutes of the Local Traffic Committee meeting of 21 October 2015 have been distributed, are available in the Mayor's Office and are on the Council website. Copies will be tabled at the Council meeting.

RECOMMENDATION

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 21 October 2015 as follows:

1. Macarthur Collegians Cycling Cub (MCCC) – Request for temporary Road Closures

52

TRIM 2487

- Cawdor from the junctions of Cawdor Rd to Mt. Hercules Rd on 7 August 2016 between 8.00am to 11.00am subject to the requirements for the issue of a permit for "Road Event – Road Closure"
- Ridge Rd Oakdale for a period up to 31 December 2016 subject to the requirements for the issue of a permit for "Road Event – Road Closure" prior to each individual race event

2. IlluminARTe Wollondilly Festival 2016 – Request for temporary Road Closures

253

TRIM 8263

- Menangle St from Colden St to Argyle St on Saturday 7 May 2016 from 10.00am to 12.00 midnight, subject to the requirements for the issue of a permit for "Road Event Road Closure".

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN2 – Cleaning of Council’s Operational Buildings – Tender Assessment and Recommendation

IN2 Cleaning of Council’s Operational Buildings – Tender Assessment and Recommendations

42

TRIM 8758

EXECUTIVE SUMMARY

- This report outlines the process followed, assessment criteria applied and recommends acceptance of the tender considered to be the most advantageous to Council for Tender 2015/07 - Cleaning of Council's Operational Buildings.
- The contract term is for 24 months plus an option for a further 12 months.
- It is recommended:
 1. That in accordance with the Local Government (General) Regulation 2005, Clause 178 (1), Council accept the tender of The Sparkle Team Pty Ltd- ABN 37 122 687 898 for the Cleaning of Council's Operational Buildings for a tendered sum of \$8034.44 excluding GST per month.
 2. That Council delegate to the General Manager (or their delegate) the authority to finalise and execute the Contract and any other documentation required to give effect to the resolution, including those requiring the Common Seal of Council.
 3. That no contract be formed between the parties until the Execution of the Formal Instrument of Agreement by both parties.

REPORT

BACKGROUND

In accordance with section 55 of the Local Government Act 1993, tenders were called on Tuesday 13 October, 2015. As part of the tendering process, site inspections with prospective tenderers were held on Tuesday 20 October 2015. Tenders closed at 11am on Tuesday 3 November, 2015.

Nine (9) tenders were received in response from the following organisations:

- Advanced National Services Pty Ltd - ABN 20 096 450 190
- Andes Property Services Pty Ltd - ABN 29 157 785 941
- Camden Solutions Pty Ltd - ABN 54 152 376 835
- Freshway Property Care - ABN 50 145 190 049
- Lazaro Pty Ltd - ABN 69 139 841 348
- Northern Contract Cleaning Pty Ltd - ABN 94 094 226 294
- VDG Pty Ltd - ABN 75 092 980 893

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN2 – Cleaning of Council’s Operational Buildings – Tender Assessment and Recommendation

- The Sparkle Team Pty Ltd - ABN 37 122 687 898
- TJS Services Group Pty Ltd - ABN 68 084 820 468.

A Tender Assessment Plan (TAP) was developed and completed before tenders closed. This TAP outlined who the Members of the Tender Evaluation Panel were and outlined their roles and responsibilities. In addition, the TAP set-out the Assessment Criteria for tenders along with the weightings and assessment formulas or scoring guides for each criteria.

The Tender Evaluation Panel met to assess tenders on 10th & 13th November 2015.

All tenders were assessed as being conforming tenders against the Compliance Criteria and were further assessed against the Weighted Criteria.

Tenders were then assessed against the following Criteria:

Weighted Criteria	
Schedule of Rates - Pricing	35%
References	15%
WH & S systems/procedures	15%
Quality Assurance systems	15%
Demonstrated Capacity	20%
Total	100%

Following the assessment The Sparkle Team Pty Ltd were ranked #1.

The Sparkle Team Pty Ltd is a specialised cleaning company established in 1980 and are based in Wetherill Park, NSW. They currently have several cleaning contracts including Campbelltown City Council and Sutherland Shire Council both of whom provided excellent references.

CONSULTATION

The Tender Evaluation Panel for Tender 2015/07 included: Facilities Maintenance Coordinator, Facilities & Recreation Team Leader, Children Services Team Leader and Accounts Payable Officer. Panel members were chosen due to the varied cleaning requirements of each department.

FINANCIAL IMPLICATIONS

Total cost to provide the clean service is within the 2015/2016 Delivery Plan budgeted amounts for cleaning services.

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN2 – Cleaning of Council’s Operational Buildings – Tender Assessment and Recommendation

ATTACHMENTS

1. Confidential Attachment 1 – Tender Assessment Plan – Cleaning of Council’s Operational Buildings V2
2. Confidential Attachment 2 – Tender Assessment Ranking Table – Cleaning of Council’s Operational Buildings

RECOMMENDATION

1. That in accordance with the Local Government (General) Regulation 2005, Clause 178 (1), Council accept the tender of The Sparkle Team Pty Ltd - ABN 37 122 687 898 for the Cleaning of Council's Operational Buildings for a tendered sum of \$8034.44 excluding GST per month for 24 months.
2. That Council delegate to the General Manager (or their delegate) the authority to finalise and execute the Contract and any other documentation required to give effect to the resolution, including those requiring the Common Seal of Council.
3. That no contract be formed between the parties until the Execution of the Formal Instrument of Agreement by both parties.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN3 – Conversion of the Crown Road Portion of Brooks Point Road, Appin to Council Public Road

IN3 Conversion of the Crown Road Portion of Brooks Point Road, Appin to Council Public Road

52

TRIM 1087

EXECUTIVE SUMMARY

- This report recommends that Council apply to the Department of Primary Industries (Crown Lands) to have the Crown Road portion of Brooks Point Road transferred to Council as a Public Road.

REPORT

Brooks Point Road originates at Wilton Road in Appin and extends westward 4.4 kilometres to just beyond the water race. The first 2.3 kilometres of this road is Crown Road with the western end being Council Public Road.

It has only recently been recognised that a portion of Brooks Point Road was a Crown Road not a local road. The need to change the status of the Crown Road part of this road arose because the Mine is enquiring about laying a private pipeline, along the road reserve. The length of road they will need to utilise will run along the full length of the Council road portion and extend into the Crown Road part. It would be simpler and more efficient for this to be handled by one branch of government.

The Crown road portion is and has been used for general public access to many properties beyond it. It has been formed and in place for many years. All maintenance on this road is currently done by Council.

Council will need to state in writing that it does not intend to close and sell any of this road in the foreseeable future and that this road is required for construction and/ or maintenance of access.

Once the application has been received by the Department of Primary Industries, all transfers will be arranged within the Department of Primary Industries, including advertisement in the Government Gazette.

FINANCIAL IMPLICATIONS

The Department of Primary Industries have agreed to waive their usual fee of \$109.60 in this and similar cases.

IN3 – Conversion of the Crown Road Portion of Brooks Point Road, Appin to Council Public Road

This matter has no financial impact on Council's adopted budget or forward estimates. The road pavement is already included in Councils' asset system as many were constructed by Council and all maintenance work currently done on Brooks Point Road is at Council expense. The only potential financial consequence is an increase in the value of land under roads dedicated to Council as public roads.

ATTACHMENTS

1. Map of Brooks Point Road, Appin



RECOMMENDATION

1. That Council approve the application to the Department of Primary Industries to have ownership of the Crown Road portion of Brooks Point Road, Appin dedicated to Council as a Public Road on the basis that Council does not intend to close and sell the road reserve for the foreseeable future.
2. That the Mayor and General Manager be authorised to execute all documentation pertaining to this matter including those requiring the Common Seal of Council.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

IN4

Status Report and Project Directions on the Bargo RFS Project

198

TRIM 7392-1

EXECUTIVE SUMMARY

- The purpose of this report is to provide an update on the actions undertaken and milestones achieved in acquiring and developing a new Station for the Bargo NSW Rural Fire Service Brigade at 10 Avon Dam Road, Bargo. The last Report to Council on this project was in July 2015.
- This report recommends that Council note the progress to date and the planned process for delivering this important community project.

REPORT

The Bargo RFS project has been proceeding in line with the most recent resolutions of Council i.e. from its meetings of 1 June 2015 and 20 July 2015; namely to:

- Acquire the 2550 sqm portion of land at 10 Avon Dam Road Bargo, subject to subdivision and development consent, for a purchase price of \$310,000 (excluding GST)
- Allocate \$659,000 (of Council funds) for the acquisition and preparation of the land for the Rural Fire Service Station
- That as soon as the site for the new Bargo RFS shed is purchased Council calls tenders for construction. The tender is to include all works for the building construction phase. It is to include construction, fit out, driveways, fencing, landscape, earthworks and any ancillary works related to the shed construction.

Project Progress & Achievements

Several actions have been undertaken since the last report to Council as set out below:

Land Access

A License to Enter Land for a Minor Activity was negotiated with Transport for NSW (TfNSW) (negotiation was around Licence Fee and Insurance requirements) in order to undertake the required site investigations.

The Executed License was received on the 16th October, with Insurance requirements confirmed on the 20th October and physical access to the locked site achieved on the 29th October.

IN4 – Status Report and Project Directions on the Bargo RFS Project

Site Investigations

Fee Proposals were sought and consultants subsequently engaged to undertake Sub-Division Survey and Plan preparation, Sydney Water s73 Certificates approval for water & sewer connection to the site, Phase 1 & 2 Contamination testing and Geotechnical Testing.

The site was accessed during November by Council and the consultants to undertake the required, set-out, inspection, excavation, testing and sampling.

Council is awaiting the results and reports associated with these investigations at the time of writing this Report. The reports are expected to be received in mid-December 2015.

The results of the contamination assessment are a critical point in the delivery of the project as they will clarify whether the site is developable i.e. that a Development Application for the building could be considered for approval; or whether potentially expensive remediation works would be required before a Development Application could be considered.

Site Drainage (into Rail Corridor)

As outlined in previous Reports, for the development of the Station to proceed, Council require consent from Australian Rail Track Corporation (ARTC), being the operators of the adjacent rail corridor, to drain stormwater from the developed site, downhill into the rail corridor.

ARTC have concerns for the capacity of the existing rail corridor drainage structure to handle any increases from the proposed Station development and hence the continued safe operation of the rail corridor.

A stormwater consultant has been engaged to model the impacts of the Station development on the existing stormwater flows and design a stormwater system that will address ARTC's concerns.

The system being proposed to ARTC is an On-Site Detention system (OSD) that is designed to retard stormwater flows during a storm and increase the time period that water would flow into the rail corridor. This would result in the stormwater flows remaining within the capacity of the existing rail corridor drainage system as the post development flow rate would be at least the same as they are currently.

This proposed design has been submitted to ARTC for their review. A formal response from ARTC is yet to be received; however, indications are that their concerns have not been allayed at this time.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

Detail Design

An architect was engaged to complete the existing Station design drawings for Development Application (DA) submission and to enhance these designs to ensure sufficient detail was provided to enable a Construction Certificate (CC) to be obtained and tenders to be called for the construction of the Station.

During this process, the architect reviewed the existing Station orientation and provided a revised orientation and layout (90 degree rotation) to minimise the impacts of the Station on nearby residential properties and to improve the "street appeal". These revisions were reviewed by Council RFS District and the Brigade with all parties agreeing with the revised orientation and layout subject to some minor changes.

In addition to the architect being engaged, Council also engaged consultants to undertake the required structural and civil engineering as well as a Building Code of Australia (BCA) Review report. The BCA Review report has been received, with the structural and civil engineering awaiting the Geo-technical testing results.

Communications

As a part of keeping stakeholders and the community informed on progress on this important project we have improved our fortnightly update report to be a milestones summary. This outlined the milestones of the project, when we planned to have them completed, what they depend on, how they are progressing and if their completion timing has changed.

These Updates can be obtained on Council's website
www.wollondilly.nsw.gov.au

Key Risks

As outlined in the June report, as with any development there are risks that need to be identified and managed.

These key risks and how they are being managed are set out below:

Land Contamination

As the site has been owned by a rail operator and is known to have been used as storage and a Site Depot during construction and maintenance work within the rail corridor, it is necessary to ensure the site is investigated for potential contamination (asbestos, hydrocarbons etc.).

The contamination assessment is appropriate and necessary due:

IN4 – Status Report and Project Directions on the Bargo RFS Project

1. Resolution of Council (233/2014) "That Council ensure that adequate Contamination Auditing & testing is undertaken throughout the due diligence process of acquiring any future land"; and
2. Environmental Planning & Assessment Act requirements for a S19c assessment 1 c suitability of the site for development, as contaminated land is not suitable for development.

The risk of contamination is being managed by undertaking Phase 1 & 2 Contamination testing prior to acquisition.

It is also a condition of the Letter of Offer for the land from TfNSW that this be undertaken along with it being required to obtain a Sub-division Certificate.

Building Design

The key risk arising from designing a facility of this type is that it is not "fit for purpose" and it hampers, rather than enhances the operations of the Brigade and reduces the amenity of nearby residents and the community.

To minimise the chances of realising design deficiencies, the Station has been designed using standard RFS Station layouts. Modifications have been made, in consultation with the RFS District and Bargo Brigade, to:

- Allow for a "roll-in, roll-out" design that will eliminate reversing beepers when Tankers return during at night
- Checking vehicle swept-paths to ensure Tankers can enter & exist the Station safely
- Consulting with Council's Heritage Adviser on colours and layout as the Station is adjacent to a Local Heritage Item (Wollondilly LEP, Schedule 5, Item I39)
- The orientation to reduce the location impacts of the facility and hence potential concerns from nearby residents

Site Drainage (into Rail Corridor)

Should ARTC not accept the proposed stormwater drainage design, a new non-OSD design and solution will need to be developed and approved.

It is likely a new design would require either upgrading of the existing drainage structures in the rail corridor, or to follow and alternate drainage path to the east. Both of these solutions would involve considerable expense and are not desirable outcomes.

Procurement

It has been resolved by Council that the construction of the Station will be contract that will need to be by tender in accordance with s55 of the NSW Local Government Act 1993.

IN4 – Status Report and Project Directions on the Bargo RFS Project

To ensure tenders are complete and subject to minimal variations (scope and price) the prospective tenderers will need to be issued with information, plans and specifications that are complete and subject to as little changes as possible. This will include the dates for having possession of the site and final construction plans.

Items that can change the scope (and time & cost) of building contracts include: contract ambiguity, design changes required under a DA or CC approval, unknown ground conditions, client scope changes and access to the site.

In order to manage these risks, the current program for the project allows for calling tenders after:

1. Following the issuance of the DA and CC as well as completion of the detailed designs and specifications incorporating any changes required by either the DA conditions of con or CC approval conditions.
2. Either formal land owner consent to construct or final acquisition of the land, whichever is earliest.

Communications

As a part of keeping stakeholders and the community informed on progress on this important project we have improved our fortnightly update report to be a milestones summary. This outlined the milestones of the project, when we planned to have them completed, what they depend on, how they are progressing and if their completion timing has changed.

Next Steps

We have applied to TfNSW, via John Holland Rail Pty Ltd, to obtain Land Owners Consent to enable the Sub-division Certificate to be processed and approved.

Once we have the results of the contamination assessment, we will be requesting Land Owner Consent to enable the Development Application lodged. This is hoped to occur in December; however, is also dependant on having an agreed drainage solution with ARTC and the contamination assessment not requiring decontamination works.

After the geo-technical testing results are obtained, the structural and civil engineering can progress. This will enable a CC application to be prepared and lodged. (Note - This CC application will also require land owners consent).

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

The project schedule is outlined in the regular Bargo RFS Updates (#33 - 27 November 2016 attached). These can be obtained on Council's website www.wollondilly.nsw.gov.au

CONSULTATION

This project is and has been the subject of extensive consultation with the NSW RFS Southern Highlands District and the Bargo RFS Brigade Executive.

FINANCIAL IMPLICATIONS

As advised in June 2016 report, the estimated costs to acquire and sub-divide the land is \$644,000 and the estimated cost to construct the Station is currently \$710,000.

The NSW RFS have advised they can provide a total of \$660,766 funding under the NSW Rural Fire Fighting Fund (RFFF) with the amounts being funded over three (3) years (2012-13 \$60,766, 2014-15 \$300,000, 2015-16 \$300,000). In addition, the Bargo Brigade have committed \$50 000 towards the construction of the Station to provide the fourth Tanker Storage Bay.

Council received confirmation of the approved 2015-16 Financial Year RFS District Budget (RFFF) from the NSW RFS on the 24th November 2015.

ATTACHMENTS

1. Bargo RFS Station Project Update #33 - 27 November 2015
2. Site Plan, Floor Plan & Elevations for DA

RECOMMENDATION

That Council note the progress to date and the planned process for delivering this important community project.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

ATTACHMENT 1 – 7392-1 – 21 DECEMBER 2015



BARGO RFS STATION - PROJECT MILESTONES

Notes:

- a This Milestone list is a summary of the key activities required for the delivery of the Bargo RFS Station Project and the current estimated completion period
- b There can be number of dependent actions required to achieve the listed milestones and these actions can have specific precedence requirements i.e. that one action cannot commence before the completion of another. For example, building construction works cannot commence before the granting of the Construction Certificate
- c Some activities within the program are beholden to other Agencies and the program has been developed based on response times experienced to date in the project e.g. acceptance of the rail corridor drainage solution, access to the site by the landowner, sub-division registration.
- d These milestones have been developed with some activity areas being overlapped, where appropriate, to minimise the total duration of the project; however, this involves some risks to council (financial and logistical) and the precedence requirements for some activities may prevent delivery in this manner e.g. the tender documentation will be approaching completion before the DA and CC are issued and these approvals may require modification of the designs. Should risk increase to an unacceptable level the program will be changed to manage the risks

Item	Item Description	Current Planned Completion	Revised Forecast Completion	Comments	Status	Update
1	Licence to access to 10 Avon Dam Road	End October 2015		Formal access licence for council and its consultants & contractors to enter the site	Complete	
2	Site Investigations (Geotech, Survey, Contamination, Sewer, Drainage etc.)	Mid December 2015		Cannot commence until license is granted from land owner.	On track	Geotech & contamination testing and Sydney Water s73 Certificate inspections occurred Monday the 16th November. Survey was delayed until 24th due to illness. Results and reports expected mid-December
3	Negotiate regarding decontamination (if required)	End December 2015	End January 2016	Financial and operational responsibility	Delay forecast	Cannot commence at this time. Awaiting results of Contamination investigations.
4	Agreement on Design Solution for Stormwater with ARTC	End December 2015		Control of post development drainage and impacts on rail corridor drainage	Delay forecast	Conceptual On Site Detention (OSD) solution submitted to ARTC for review, informal response has been negative, awaiting formal reply & issues. Still some risk on time due to 3 rd party approval
5	Registration of Sub-Division Plan	End December 2015		Statutory process	Delay forecast	Cannot commence at this time. Currently seeking land Owners Consent to lodge. Possible time risk as requires 3 rd party approval.
6	Detail design	November 2015		Construction detailing	On track	Draft DA Plans, Risk Review & Statement of Environmental Effects almost complete. Building orientation rotated 90 degrees with some minor Floor Plan changes. Building Code of Australia Review completed. NB Excluding site drainage connection as no response from ARTC (see #4)
7	Lodge Development Application. Construction Certificate application to follow	End December 2015		DA cannot be lodged until contamination and drainage issues resolved	Delay forecast	Cannot lodge until Contamination is known (see #3) and Drainage issues resolved (see #4)
8	Receive Development Consent & Construction Certificate	April 2016		Statutory process	Not Started	
9	Acquisition and settlement of land (part 10 Avon Dam Road)	August 2016		Statutory process	Not Started	Cannot commence at this time.
10	Landowner permission to take early possession of land under licence for construction	June 2016		Consent to Enter and alter would be required if ownership has not been transferred to Council	Not Started	
11	Complete Tender Documentation	April 2016		Depends on preceding actions especially the DA	Not Started	
12	Call Tenders for Construction	May 2016		Council resolution to tender building construction. Statutory process	Not Started	
13	Engage Construction Contractor	July 2016		Statutory process	Not Started	
14	Commence Construction	Aug 2016		Cannot commence without landowner licence	Not Started	
15	Commission Station	December 2016		Including RFS establishing on site	Not Started	

Over all comment:

Site contamination assessment started - site works complete awaiting results. Potential delays on Milestones 3,4 & 5 will be confirmed or reduced depending on receipt of contamination assessment or design endorsement from ARTC

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

ATTACHMENT 2 – 7392-1 – 21 DECEMBER 2015

BARGO RURAL FIRE STATION
10 AVON DAM RD,
BARGO NSW 2574

DRAWING REGISTER
02 01 COVER PAGE + SITE ANALYSIS
02 02 LANDSCAPE + SEDIMENT EROSION PLAN
03 01 FLOOR PLAN
03 02 ROOF PLAN
04 01 ELEVATIONS
04 02 ELEVATIONS
05 01 SECTIONS

ABBREVIATIONS
CON CONCRETE
CPT CARPET
FT1 FLOOR TILE
VYL VINYL

HUNTER WATER

SITE PLAN
NO DETAILED SURVEY HAS BEEN UNDERTAKEN IN THE PREPARATION OF THIS PLAN
SERVICES SHOWN INDICATIVELY - OBTAIN DIAL BEFORE YOU DIG BEFORE BEGINNING COMMENCING WORK

Rev.	Date	By	CHK	Description
A	10/11/2015	SW	-	FOR COMMENT
B	12/11/2015	SW	-	FOR CLIENT REVIEW
C	19/11/2015	BG	-	FOR DA

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commercial and residential

Suite 3, 11 Ash Road St. Newcastle NSW 1590
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Director: Jon Weeber
Manager: Andrew Stewart

South Plains BCC (Arch) 5004 NSW AFB No. 5622
South Plains BCC (Arch) 5004 NSW AFB No. 5622

COVERSHEET & SITE ANALYSIS PLAN

BARGO RFS
10 Avon Dam Rd, Bargo

DRAWING NO 0201
SCALE 1:500 @ A3
PROJECT JOB NO 2477
COMMENCEMENT DATE 21/10/2015

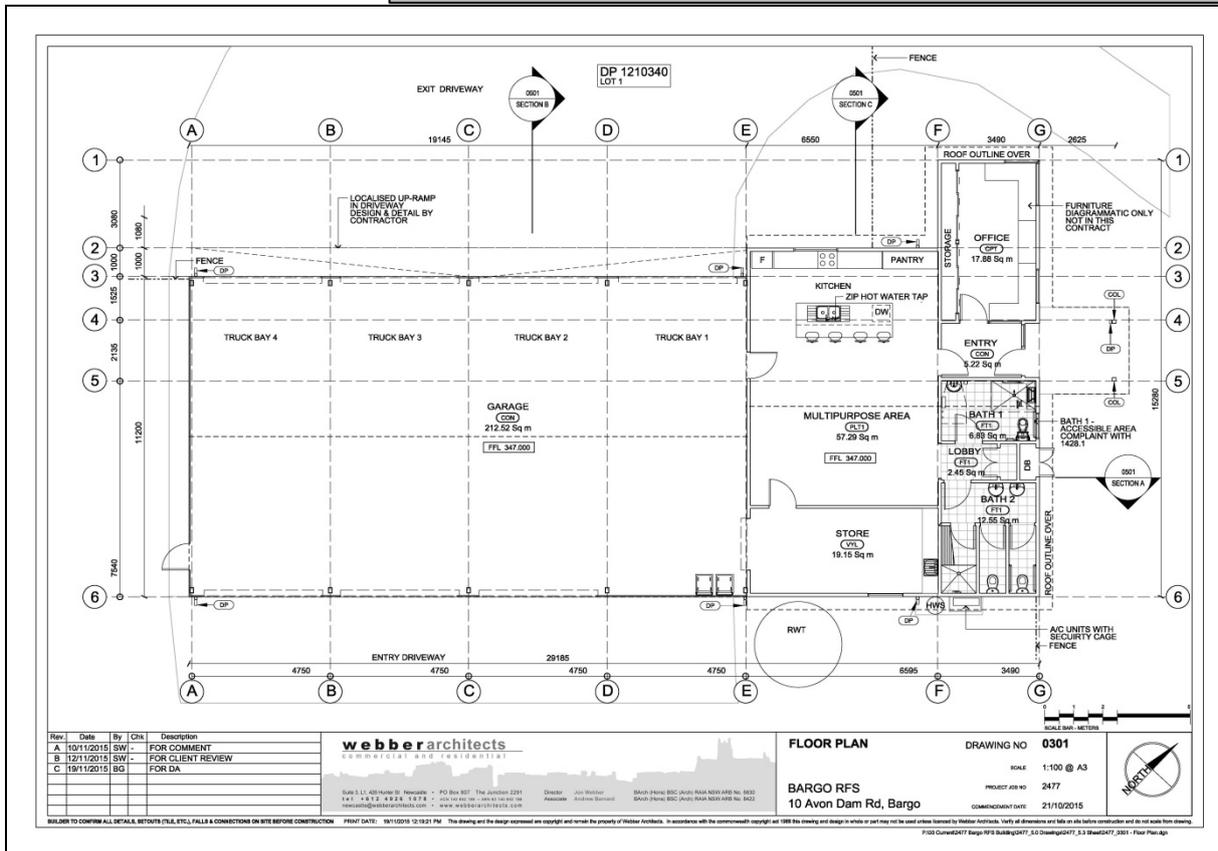
BUILDING TO CONFIRM ALL DETAILS, RETORTS (TILE, ETC.), FALLS & CONNECTIONS ON SITE BEFORE CONSTRUCTION PRINT DATE: 19/11/2015 12:02:22 PM This drawing and the design expressed are copyright and remain the property of Weber Architects. In accordance with the copyright copyright act 1988 this drawing and design in whole or part may not be used unless licensed by Weber Architects. Verify all dimensions and take on site before construction and do not scale from drawing. P:\200\CoverSheet\Bargo RFS\ScaleSheet_0201_Coversheet_0201_01_WeberArch_2015_Cover sheet & Site Analysis Plan.dwg

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

ATTACHMENT 2 – 7392-1 – 21 DECEMBER 2015

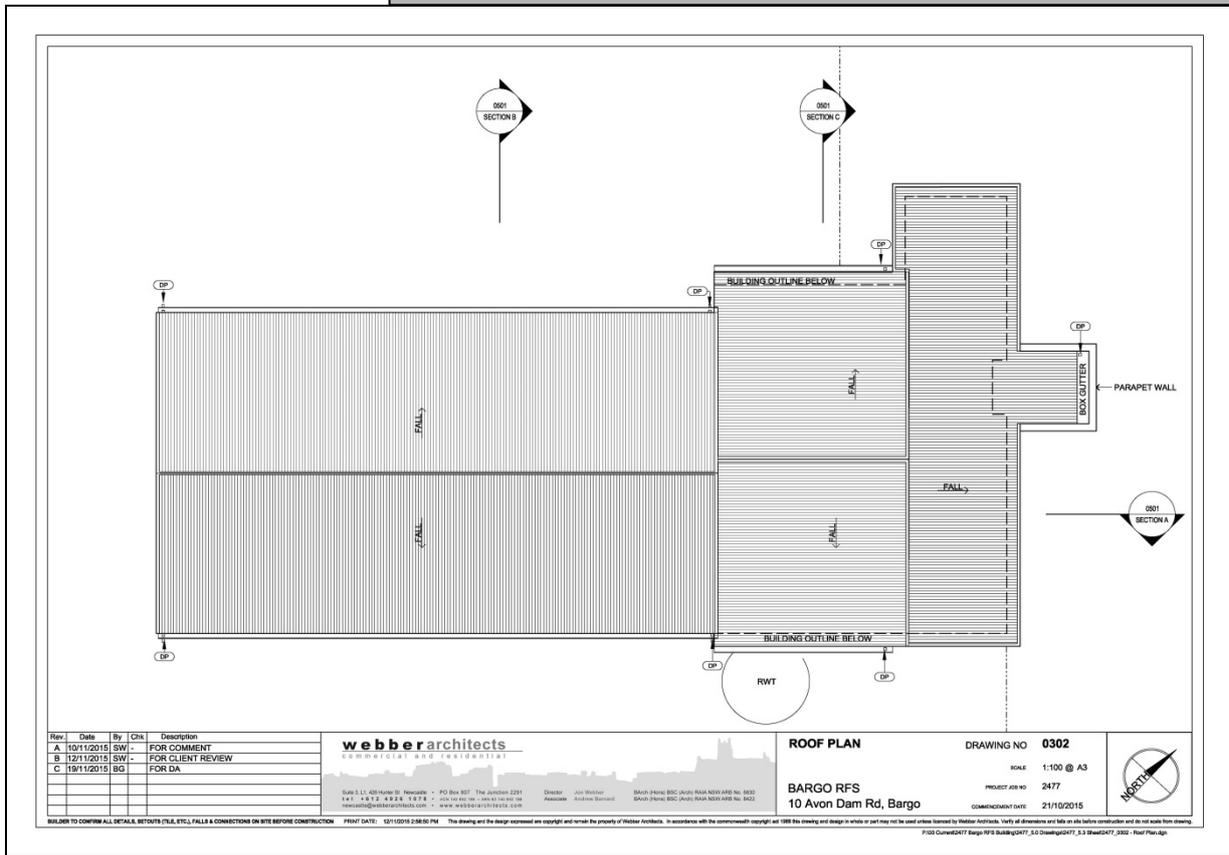


Infrastructure

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IN4 – Status Report and Project Directions on the Bargo RFS Project

ATTACHMENT 2 – 7392-1 – 21 DECEMBER 2015

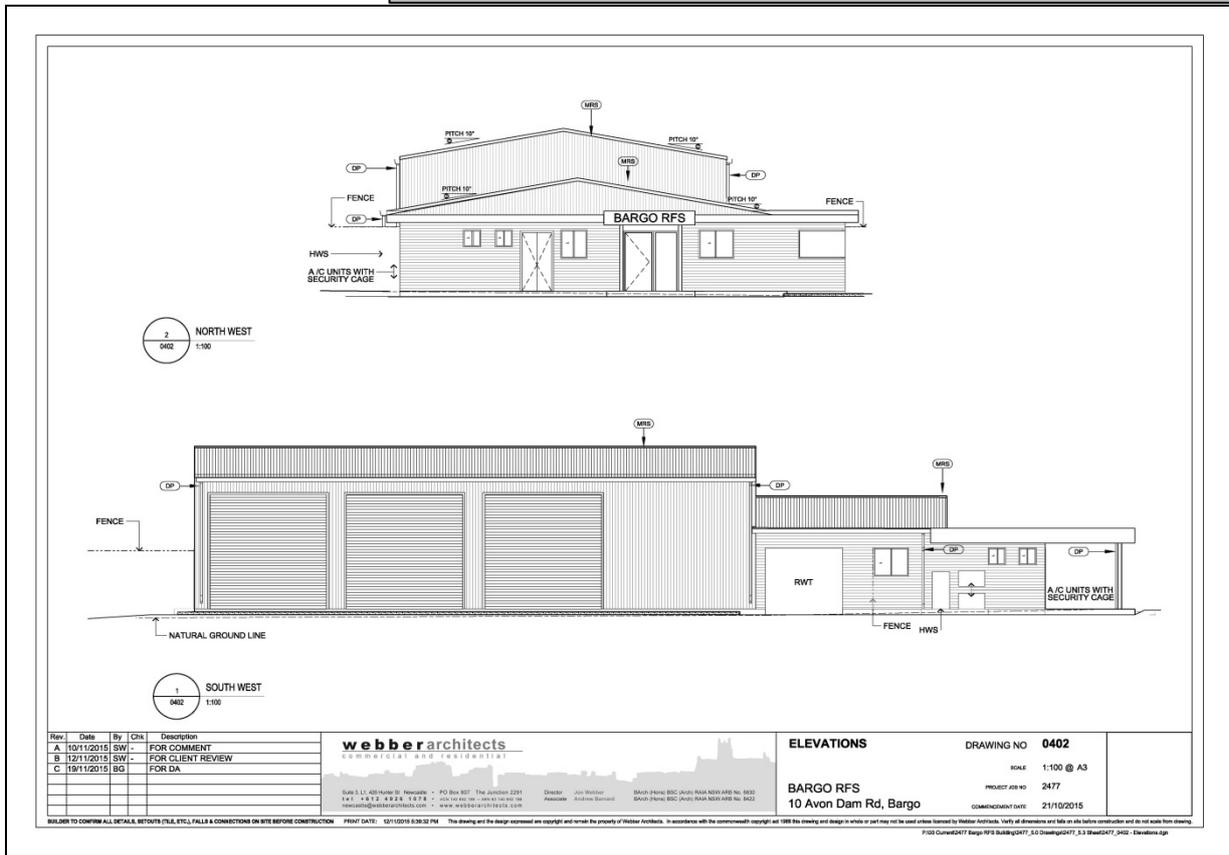


Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

ATTACHMENT 2 – 7392-1 – 21 DECEMBER 2015

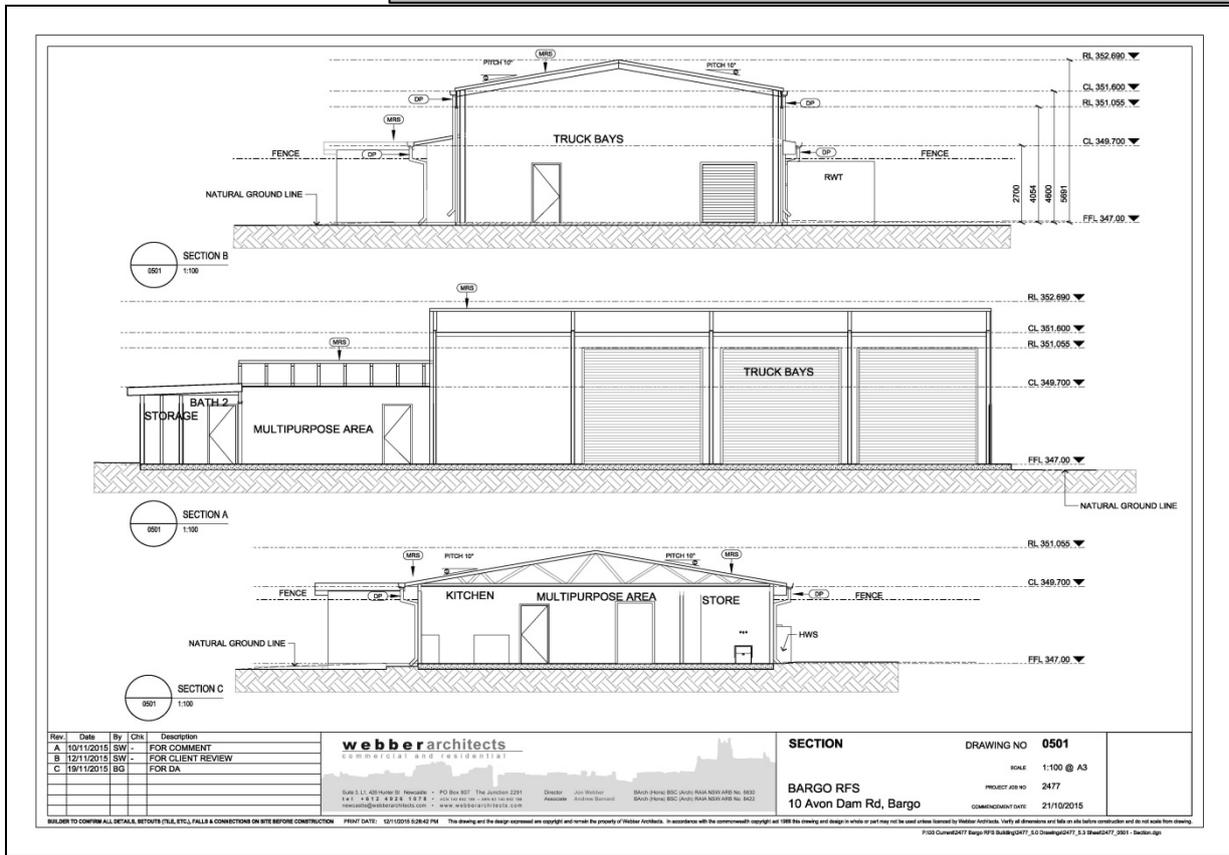


Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 21 December 2015

IN4 – Status Report and Project Directions on the Bargo RFS Project

ATTACHMENT 2 – 7392-1 – 21 DECEMBER 2015



Infrastructure

NOTICE OF MOTION

Notice of Motion to the Ordinary Meeting of Council held on Monday 21 December 2015

NOTICE OF MOTION

TRIM 6416-5

NOM1 **Notice of Motion No. 1 submitted by Cr Hannan on 19 November 2015 regarding Hurlstone Agricultural High School**

RECOMMENDATION

That Council write to the state government, opposition and all local members asking that the plan to move Hurlstone Agricultural High School to the Western Sydney University Hawkesbury campus be rescinded.

QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday
21 December 2015

QUESTIONS FOR NEXT MEETING