

# Ordinary Meeting Of Council

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# Wollondilly

## Shire Council

### Minutes

### Monday 16 May 2016

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The meeting commenced at 6.33pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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## **RECORDING OF MEETINGS**

The Mayor stated that 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.

## **PRESENT**

Councillors: Landow (Mayor), B Banasik, Law, Terry, M Banasik, Hannan, Gibbs and Mitchell.

## **ALSO PRESENT WERE**

General Manager, Acting Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Governance and two Administration Officers.

## **NATIONAL ANTHEM**

The Mayor requested that everyone stand for the Australian National Anthem.

## **ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

## **APOLOGIES AND LEAVE OF ABSENCE REQUESTS**

TRIM 88-11

An apology for Cr Amato was accepted for this meeting.

The Mayor noted an apology the Executive Director Community Services and Corporate Support.

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## DECLARATION OF INTEREST

TRIM 528-7

Cr Gibbs declared a Non-Pecuniary (significant) Conflict of Interest in Item PE1. He advised that he has a professional relationship with two objectors to this development application which is impacting upon his ability to assess this matter in an impartial manner. Cr Gibbs stated that he feels he needs to declare a Conflict of Interest and will leave the meeting and not vote on this matter.

Cr Law declared a Non-Pecuniary (less than significant) Conflict of Interest in Item PE2. He advised that he had previously, before becoming a Councillor, made a submission regarding the original development at 90 Railside Ave, Bargo. He stated that as the current submission is significantly different he believed he could bring an impartial mind to the debate. Cr Law advised that he would remain in the meeting and vote on this matter.

Cr Hannan declared a Non-Pecuniary (less than significant) Conflict of Interest in Item NOM3. She advised that her husband works part time for the University of Sydney Veterinary Faculty. She stated that she would remain at the meeting and vote on the matter.

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**CONFIRMATION OF MINUTES**

TRIM 88-11

**70/2016      Resolved on the Motion of Crs M Banasik and Hannan:**

**That the Minutes of the Ordinary Meeting held on Monday 18 April 2016, as circulated, be adopted as true and correct with the following correction:**

**The draft Minute on page 19 has been identified as incorrect and should read:**

**Quote**

**“1.      That in conjunction.....”**

**Unquote**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

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## MAYORAL MINUTE

TRIM 531

During the past month the following events were attended by either myself or as indicated by other Councillors with details provided on following pages.

Wednesday 20 April 2016 Anzac Service at Agris Hutrof House, Taara Gardens.

Thursday 21 April 2016 Anzac Service at Queen Victoria Gardens.

Thursday 21 April 2016 Economic Development Pre Conference Dinner and Conference held on Friday 22 April 2016.

Friday 22 April 2016 100 year Birthday Celebrations for Ena Latta.

Sunday 24 April 2016 Unveiling of Lives on the Line at Trainworks.

Sunday 24 April 201 Anzac Service held at Thirlmere.

Monday 25 April 2016 Anzac Services were held in Picton, Bargo, Oakdale and Warragamba.

Thursday 28 April 2016 Anzac Service held at Picton High School.

Friday 29 April 2016 Anzac Service held at Warragamba Public School.

Friday 29 April 2016 Grand Opening of Derk's Pet and Rural Store.

Saturday 30 April 2016 Wollondilly Netball Association 2016 Opening Day.

Wednesday 4 May 2016 Macarthur Police Officer of the Year Awards.

Saturday 7 May 2016 Rural Fire Service Medal Presentation Ceremony.

Saturday 7 May 2016 IlluminArte.

Thursday 12 May and Friday 13 May 2016 Association of Mining Related Councils Meeting at Narromine.

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During May 2016 Council received one (1) application for Sponsorship:

- \$500 Sacred Heart Parish Luddenham/Warragamba to assist in painting the heritage building.

This request has been assessed against the program criteria and deemed eligible to receive funding through the Donation Program as per the criteria for individuals and organisations.

I would like to table a plaque presented to Council from the Rotary Clubs of Macarthur in recognition of Council's valued support as Silver Sponsor to the Police Officer of the Year Awards 2016.

At the 2015 Local Government NSW Conference an election was held for Board Members of the Association. This election has since been declared null and a new election is required to be held. As this is a unique situation the AEC has given LGNSW consent to hold a new election via a 'postal vote' and Council is required to provide LGNSW with the names of the voting delegates from Wollondilly Shire by 2 June 2016.

At the Ordinary Council Meeting held on 17 August 2015, Council resolved the Mayor; Deputy Mayor and Cr M Banasik as the voting delegates for the 2015 LGNSW annual conference and I am confirming these delegates will be put forward as Wollondilly Shires voting delegates for this new election.

Council is deeply concerned regarding the safety of Appin Road. At the Community Forum held on Monday 9 May 2016 I was handed a petition with around 7,000 contributors calling for urgent action to address safety concerns on Appin Road.

I table the document and move that a copy be sent to the NSW Premier, Mike Baird and Minister for Roads, The Hon. Duncan John Gay, MLC, for their most urgent consideration. I am moving that we seek an urgent meeting with the Minister for Roads to press for upgrade works and that we also write to the Mayors of Campbelltown and Wollongong seeking their support to attend the meeting.

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**Special Event Dispensation (National Families Week Event - 21 May 2016).**

As part of National Families Week, Council will hold a Mayoral Fishing Competition. The competition will be for children under 15 to catch carp from the Picton Botanic Gardens Silt Pond. This competition is a way of raising awareness of carp as a pest located within the Pond. The Competition is designed to promote the regeneration of the aquatic habitat within the Botanic Gardens and to foster a sense of responsibility for the local environment.

Signs immediately adjacent to the silt pond prohibit fishing.

The purpose of this Minute is to seek ratification to the decision to give "Special Event Dispensation" for the National Families Week Event – 21 May 2016 and to the covering of the 'fishing prohibited' sign for 21 May 2016.

I would like to pay tribute to former NSW Premier and *State* Member for Wollondilly, Tom Lewis on the sad news of his passing on 25 April 2016. Mr Lewis was *State* Member for Wollondilly for over 20 years. Mr Lewis was a strong supporter of our region and protecting its environment. His interest in Wollondilly and preserving its environment is of great advantage to future generations. Mr Lewis had represented us federally on the issues that affected our area and had been a skilled advocator on behalf of his constituents. I acknowledge Mr Lewis for his dedication and commitment to the people of Wollondilly. On behalf of Council, our residents, I send sincere condolences to Mr Lewis' family at this sad time. I would like everyone to observe a minute's silence.

*The Mayor tabled a plaque awarded to Council by the Rotary Clubs of Macarthur in recognition of support for the Police Officer of the Year Awards 2016.*

I would now like to table the following pages of this document which provide more details in regard to events attended.

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On Wednesday 20 April 2016 an Anzac Service was held at Agris Hutrof House, Taara Gardens.

I would like to thank Executive Director, Ally Dench for representing Council at this event.



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On Thursday 21 April 2016 an Anzac Service was held at Queen Victoria Gardens. I would like to thank Cr Col Mitchell and General Manager, Luke Johnson for representing Council at this event.



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On Thursday 21 April 2016 the Economic Development Australia Pre Conference Dinner was held at K Ranch Area, Mt Hunter. I would like to thank Cr Michael Banasik and General Manager, Luke Johnson for joining me to welcome the conference attendees.

Around 25 Economic Development Professionals from around NSW attended this Pre Conference Dinner with the Conference being held on Friday 22 February 2016 at Camden Valley Inn where keynote speakers and specialists shared their knowledge and experience of developing and delivering major growth projects and revitalisation of town centres projects.



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On Friday 22 April 2016 I attended the 100 year birthday celebrations for Mrs Ena Latta and presented her with a celebratory certificate and flowers.



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On Sunday 24 April 2016 I attended the unveiling of Lives on the Line at Trainworks. This is a new permanent art installation acknowledging the contributions and sacrifices of the NSW Railwaymen who enlisted during World War 1.

Over the past year, thousands of people from across NSW have been involved in the creation of this commemorative artwork, including over 2,000 students from local schools. Commissioned by Transport Heritage NSW and Sydney Trains as part of the NSW Railways Remember program for the Anzac Centenary, Lives on the Line, was conceived and designed by local artists Celeste Coucke and Stephen Fearnley.

At the outbreak of war in 1914, the NSW Railways and Tramways Department was the largest enterprise in the state with 45,000 employees. Over the course of the war, 8,447 men from the department enlisted and 1,210 of these men died as a result of their service. Each of these 8,447 individuals is represented in the artwork by a handmade stoneware object created by members of the public using press moulds.



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On Sunday 24 April I attended the Picton-Thirlmere-Bargo RSL Sub Branch Anzac March and Service held in Thirlmere.

This was a very well attended event and I would like to thank Deputy Mayor Cr Hilton Gibbs, Cr Michael Banasik; General Manager, Luke Johnson and Executive Director, Ally Dench for accompanying me.

On Monday 25 April 2016 the following Anzac Services were held throughout the Shire.

The Picton Anzac Day Committee organised the Picton march which assembled behind the Picton Hotel at 6.30am and headed up Argyle Street for the service at RSL Memorial Park. I would like to thank Councillors Judith Hannan; Lou Amato; Col Mitchell; Michael Banasik and General Manager, Luke Johnson; Executive Director, Ally Dench and Director Planning Chris Stewart for accompanying me at this march and service.

The Warragamba & District Anzac Committee were the organisers of the Warragamba Anzac ceremony held in Memorial Park at 11am. I would like to thank Deputy Mayor Cr Hilton Gibbs, Cr Judith Hannan and Manager Executive Services, Matthew Toro for accompanying me at this service.

The Picton-Thirlmere-Bargo RSL Sub Branch organised Anzac Day commemorations in Bargo at the Bargo Sports Club. This service commenced at 11am and I would like to thank Executive Director, Ally Dench and Director, Infrastructure and Environment Michael Malone for attending on behalf of Council.

In addition Oakdale Workers Club held their Anzac Service at 3pm and I would like to thank Deputy Mayor, Cr Hilton Gibbs, Cr Judith Hannan and Executive Director, Ally Dench for attending.

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Picton High School held their Anzac Service on Thursday 28 April 2016 at 11.50am. I would like to thank Cr Ray Law and Executive Director, Ally Dench for attending this service on behalf of Council.



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Warragamba Public School held their Anzac Service on Friday 29 April 2016 and I would like to thank Deputy Mayor, Cr Hilton Gibbs and Executive Director, Matthew Toro for representing Council at this event.



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On Friday 29 April 2016 Derk's Pet and Rural Grand Opening was held at its new premises 31 Wonga Road, Picton. I would like to thank Executive Director, Ally Dench for representing Council at this event.



I attended the Wollondilly Netball Association 2016 Opening Day held on Saturday 30 April 2016 at Tahmoor Sportsground.

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Council is proud to be a sponsor of the Macarthur Police Officer of the Year Awards which was held on Wednesday 4 May 2016 at West Leagues Club, Leumeah.

I would like to thank Cr Michael Banasik for accompanying me to this year's event.

On Saturday 7 May 2016 I attended the 2016 Rural Fire Service Medal Presentation Ceremony and witnessed Rural Fire Service Volunteers from Wingecarribee and Wollondilly being presented with Long Service Medals and National Medals in recognition and appreciation of their years of service to the community.

It was a pleasure to attend this year's ceremony and recognise the service provided to our community. I would like to thank General Manager, Luke Johnson for also attending.



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Picton hosted its second illuminARTE festival on Saturday 7 May. Approximately 25,000 flocked to Picton for the day and stayed on to experience the digital projections onto landmark buildings during the evening.

Menangle Street and Mary McKillop Lane was transformed with projections illuminating 7 buildings including The old Picton Post Office, the old NAB Building, John Digger Furniture Store, Picton Shire Hall, Wollondilly Shire Council, St Anthony's Church and the School of Arts Building. The Evergreen Tree alongside the Wollondilly Shire hall was breathtaking with 3D imageries lighting up tree. Picton Cenotaph and 6 other buildings were bathed in coloured lights with interactive lighting installations. Led by Khaled Sabsabi, renowned digital artist, a number of local artists and students from Wollondilly Anglican College worked to make the project extraordinary.

The Wollondilly Arts Group kicked off the festival with the opening of an art exhibition in the Wollondilly Shire Hall. The streets were alive with markets, music and food, with family fun at the RSL Memorial Park. This year there were 107 stalls, with 11 charities and community groups also holding exhibits at the Festival.

This event was supported by a number of sponsors including Southern Tablelands Arts, Picton Chamber of Commerce & Industry, Wollondilly Arts Group, Our Premier Partner - BradCorp Community Partnership Fund, C91.3 & Channel 9, Governors Hill, The Advertiser and The District Reporter.

My thanks and appreciation goes to all the staff from Wollondilly Shire Council who worked tirelessly to bring this event together.



Simon Landow  
MAYOR  
16 May 2016

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The Mayor asked if any Councillors would like to address the meeting.

Cr Law:

*Cr Law advised that on the 29 April Thirlmere public school held their ANZAC service.*

**71/2016      Resolved on the Motion of Crs Landow and Law:**

**That the Mayoral Minute be accepted, this included the following:**

- 1. Sponsorship in the amount of \$500 to the Sacred Heart Parish Luddenham/Warragamba to assist in painting the heritage building.**
- 2. The Mayor, Deputy Mayor and Cr M Banasik be put forward as Wollondilly Shires voting delegates for the Local Government NSW election of Board Members.**
- 3. A copy of a petition received by Council regarding safety concerns on Appin Road be sent to the NSW Premier, Mike Baird and Minister for Roads, The Hon. Duncan John Gay, MLC, for their most urgent consideration. That we seek an urgent meeting with the Minister for Roads to press for upgrade works and that we also write to the Mayors of Campbelltown and Wollongong seeking their support to attend the meeting.**
- 4. “Special Event Dispensation” for the National Families Week Event – 21 May 2016 permitting the covering of the ‘fishing prohibited’ sign for 21 May 2016.**

On being put to the meeting the motion was declared CARRIED.

Vote:                      Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

**72/2016      Resolved on the Motion of Crs B Banasik and Hannan:**

**That Council suspend standing orders to deal with Items RES1, NOM8 and NOM10.**

On being put to the meeting the motion was declared CARRIED.

Vote:                      Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

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Rescission/Notice of Motion

RESCISSION/NOTICE OF MOTION

TRIM 6416-6

**RES1      Notice of Rescission Motion No. 1 submitted by Cr B Banasik on 18 April 2016 in relation to Item PE4 of the Ordinary Meeting of Council held on 18 April 2016 – Planning Proposal – Macquariedale Road, Appin**

Rescission/Notice of Motion

Cr Gibbs left the meeting at 7.21pm.  
Cr Mitchell left the meeting at 7.22pm.

Moved on the motion of Crs B Banasik and Terry:

That Council rescind the resolution of the Ordinary Meeting held on 18 April 2016 as listed below:

53/2016      That in relation to the Macquariedale Road, Appin Planning Proposal:

1.    *That in conjunction with the state government council consider:*
  - a)    *Making a master plan of Macarthur South;*
  - b)    *Upgrading Appin Road to dual lanes all the way from Rosemeadow;*
  - c)    *Upgrading the school and making plans for a proposed high school;*
  - d)    *Supply a public transport plan.*
2.    *Concurrently with the above* Council further consider the proposal in an amended form generally consistent with the proponent's letter dated 29 February 2016.
3.    The planning proposal be amended and be forwarded to the Minister for Planning for an alteration of the Gateway Determination.
4.    Before a request for an Alteration of the Gateway Determination is made to the Minister for Planning the following actions are undertaken:
  - (a)    RMS be consulted on whether they would support the removal of provisions within the planning proposal that seek to preserve the Appin Bypass corridor in the Wollondilly LEP.
  - (b)    Council's Land & Property Panel be consulted on the proponent's proposal to transfer a small section of land to Council.

## WOLLONDILLY SHIRE COUNCIL

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### Rescission/Notice of Motion

- (c) Council lodge a Biodiversity Certification Application with the Minister for Environment under the Threatened Species Conservation Act 1995 for the Macquariedale Road, Appin site to enable this application to be consulted at the same time as the amended planning proposal.
- 5. The amended planning proposal be placed on public exhibition at the same time as exhibition for the biodiversity certification application, and draft development control plan controls.
- 6. If a formal letter of offer is made by the proponent to amend the draft planning agreement, that this be considered by Council staff in accordance with the Planning Agreements Policy and further advice provided to Council. If following this process the draft planning proposal is acceptable to Council it should be exhibited at the same time as the amended planning proposal.
- 7. The proponent and persons who made submissions regarding the Planning Proposal be notified of Council's decision and also be advised that this is for further assessment of the proposal and should not be taken as a resolution to support the proposal and draft planning agreement.

Cr Mitchell and Gibbs returned to the meeting at 7.23pm.

On being put to the meeting the Mayor used his casting vote and the motion was declared LOST.

Vote For: Crs B Banasik, Law, Terry and M Banasik  
Vote Against: Crs Landow, Gibbs, Hannan and Mitchell

Rescission/Notice of  
Motion

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Rescission/Notice of Motion

TRIM 6416-6

**NOM8      Notice of Motion No. 8 submitted by Cr B Banasik on 9 May 2016 regarding the JR Stud Subdivision**

The General Manager left the meeting at 7.29pm and returned at 7.33pm.

**73/2016      Resolved on the Motion of Crs B Banasik and Hannan:**

**That in relation to Modified Application No 10.2014.00000588.002, for the subdivision of land at 165 River Road, Tahmoor; Council proceed with its assessment of the application and respond to the Appeal currently before the Land & Environment Court in the following terms:**

- a)      amended plans be sought from the Proponent based upon the dedication of land in the South East corner of the site for recreational and conservation purposes. The subdivision design shall satisfy the relevant provisions of Council's LEP 2011, DCP 2016 and draft Land Dedication Policy.**
- b)      the Modified Application incorporating the amended plans and revised Planning Agreement Letter of Offer shall be advertised and notified to nearby residents, previous submitters and relevant State Agencies for comment. The outcomes of this consultation be provided to the Land & Environment Court for their consideration as part of any Section 34 Conciliation Conference.**
- c)      following the exhibition and referral period the matter be reported to Council outlining options for determination of the amended proposal either through the Modified Application and/or Court Appeal process.**

On being put to the meeting the motion was declared CARRIED.

Vote For:      Crs M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Vote Against: Crs Terry and Law

Rescission/Notice of Motion

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Rescission/Notice of Motion

TRIM 6416-6

**NOM10      Notice of Motion No. 10 submitted by Cr Mitchell on 13 May 2016 regarding a Popularly Elected Mayor**

Moved on the motion of Crs Mitchell and Landow:

That Council defer any decision to hold a referendum on having a popularly elected Mayor and changing the number of Councillors.

Cr M Banasik foreshadowed the motion that the option of a Popularly Elected Mayor be put to a referendum on the basis of 2 wards with 4 councillors each.

On being put to the meeting the motion of Crs Mitchell and Landow was declared LOST.

Vote For:      Crs Mitchell, Landow and Gibbs

Vote Against: Crs Hannan, B Banasik, Law, M Banasik and Terry

**74/2016      Resolved on the Motion of Crs M Banasik and Hannan:**

**That the option of a Popularly Elected Mayor be put to a referendum on the basis of 2 wards with 4 councillors each**

On being put to the meeting the motion was declared CARRIED.

Vote For:      Crs Terry, Law, M Banasik, B Banasik, Hannan and Mitchell

Vote Against: Crs Landow and Gibbs

**75/2016      Resolved on the Motion of Crs M Banasik and Hannan:**

**That Council resume standing orders.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

At 8.30pm the Mayor called for an adjournment of the meeting.

The meeting resumed at 8.35pm with all present prior to the adjournment.

Rescission/Notice of Motion

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## Planning and Economy

### PLANNING AND ECONOMY

**PE1** **Development Application No. 010.2015.00000897.001 – 1B Merlin Street, The Oaks - Attached Dual Occupancy and Strata Subdivision**  
77 DD010.2015.00000897.001

Cr Gibbs left the meeting at 8.36pm due to a previously declared interest in this Item.

**76/2016** **Resolved** on the Motion of Crs B Banasik and M Banasik:

That Development Application 010.2015.00000897.001 for the construction of an attached dual occupancy and Strata title subdivision of Lot 3 DP 1126490, at 1B Merlin Street, The Oaks be approved subject to the following conditions:

#### 1. COMPLIANCE

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

- (1) Development Consent is granted for the construction of an attached dual occupancy and strata subdivision at Lot: 3 DP: 1126490, No. 1B Merlin Street, The Oaks.
- (2) Development shall take place in accordance with the following plans of development.

Title	Author/ Drawn By	Drawing	Sheet	Issue	Dated
Site Plan	M.A.D. S.	4219	7 of 14	E	5/10/2015
Ground Floor Plan	M.A.D. S.	4219	2 of 14	E	5/10/2015
First Floor Plan	M.A.D. S.	4219	3 of 14	E	5/10/2015
Front & Rear Elevations	M.A.D. S.	4219	4 of 14	E	5/10/2015
Side Elevations	M.A.D. S.	4219	5 of 14	E	5/10/2015
Subdivision Plan	M.A.D. S.	4219	11 of 14	E	5/10/2015

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- (3) Submitted in respect of Development Application No. 010.2015.00000897.001 dated 24 November 2015, except where varied by the following conditions:**
- (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.**
- (6) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).**

**2. BUILDING DESIGN**

- (1) These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.**
- (2) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and/or match those of the existing development.**

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- (3) The dwellings shall incorporate earthy colours. Pale or patterned brickwork or multi-coloured or bright reflective roofs shall not be used.
- (4) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.
- (5) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (6) The dwellings shall be connected to the reticulated sewerage scheme prior to any occupation of the development or the issue of any Occupation Certificate for the new additions. Evidence of connection in the form of a plumber's certificate shall be submitted to the Principal Certifying Authority.

**3. SALINITY MANAGEMENT**

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

- (1) The concrete slab for the proposed dwelling(s) shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5. Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt. Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

**4. CONSTRUCTION GENERAL**

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.

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- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
  - (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

**Accredited sewage management facility** means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

**Approved by the Council** means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

**Sewage Management Facility** has the same meaning as it has in the Local Government (General) Regulation 2005.

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- (5) Construction shall not commence until a Construction Certificate has been obtained from Council or a nominated Accredited Certifier.
- (6) All trees outside a radius of 3m from the external wall of the building shall be preserved unless prior approval in writing for their removal or lopping is obtained from Council.
- (7) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (8) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (9) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (10) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (11) There shall be no burning of builders rubble, felled trees or other material on site.

**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 Specification.
- (2) Engineering design plans for the driveway, stormwater drainage and stormwater management rain gardens, shall be submitted to the 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.

- (3) A certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to the Council or the Nominated Accredited Certifier before the final inspection for the Certificate of Practical Completion. The “Works as Executed” plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (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 Council or the Nominated Accredited Certifier. 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 with the engineering Plans.

#### 6. 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) The applicant shall provide stormwater drainage as shown generally on the concept plan by SEEC, dated 22 December 2015. Details of this shall be shown on the engineering plans for approval by the Council or the Nominated Accredited Certifier prior to issue Construction Certificate.
- (3) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Drainage details shall be shown on the engineering plans for approval by the Council or the Nominated Accredited Certifier prior to issue Construction Certificate.
- (4) 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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- (5) Raingardens shall be provided for lots 1 to 2, as per the Concept Stormwater Management Plan SEEC report ref no. 15000377-L-01 dated 22 December 2015. The Raingarden outlets shall be connected to the interallotment drainage system for discharge to the Council drainage system. Details of the raingardens and outlets shall be included on the Engineering Plans for approval by Council or Principal Certifying Authority.
- (6) All raingardens shall be maintained and monitored by the Developer, at no cost to Council, until an Occupation Certificate is issued for any units connected to the raingarden.
- (7) Management plans shall be prepared and submitted to Council or Principal Certifying Authority for approval prior to the release of the Construction Certificate which details the operation and maintenance requirements for the Water Quality System. The plans shall include:
  - A “Home Owners Operation Manual” that details the purpose and operation of the raingardens to be included on lots 1 and 2. The operation manual shall detail stormwater connection requirements, routine maintenance activities and inspection schedule for the raingardens and include design plans and planting details sufficient to allow reconstruction of the raingarden. The operations manual shall be included with the contract of sale for the lot.
- (8) A Positive Covenant shall be placed on each of the lots burdened with a raingarden outlining the maintenance requirements and making reference to the Home Owners Operation Manual.

**7. ACCESS**

These conditions have been imposed to ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.

- (1) The applicant shall provide coloured concrete driveway generally shown on the concept plan Samaro Homes ref sheet no. 4219 -12 version E dated 05 October 2015. The shared driveway and vehicle turning areas shall be within common property. Also, the widening is required to fit the vehicle turning from the garages to exit in a forward direction. Details shall be shown on the engineering plans for approval by the Council or the Nominated Accredited Certifier prior to issue of Construction Certificate.

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- (2) A restriction for vehicles exit in a forward direction from the site to Merlin Street, shall be placed on the title of these lots.

#### 8. PUBLIC ROADS

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

- (1) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (2) Provision of Vehicular Access to the right of carriageway driveway through the construction of 5.0 metres wide concrete footpath crossings in accordance with Council's Design & Construction Specifications. This shall be constructed at right angles to the road alignment.

**Note:** Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Infrastructure planning section.

- (3) 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 applicant's expense.

#### 9. EROSION AND SEDIMENT CONTROL

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (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) 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.

- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

#### 10. INSPECTIONS

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

- (1) The access and drainage works shall be inspected by the Council or the Nominated Accredited Certifier at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
- 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 vehicle crossing slabs, when formwork and steel is in place
- Prior to pouring concrete to driveway slabs, when formwork and steel is in place
- At practical completion of works.

**Note:** It is the responsibility of the applicant or contractor to notify the Council or the Nominated Accredited Certifier 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 where Council is the Principal Certifying Authority.

- (2) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Structural steel work before covering
- Stormwater drainage before backfilling
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

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- (3) 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.

**11. SERVICES**

These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.

- (1) Electricity supply is to be made available to all proposed dwellings 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 Occupation Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed dwellings 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 Occupation 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](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

- (4) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.
- (5) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post.
- (6) All power and services provided to the development within the site shall be underground.
- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place.

- (8) The dwellings shall be connected to the reticulated sewerage system prior to the release of the Occupation Certificate.

## **12. STREET ADDRESSING**

These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

- (1) Prior to the issue of a Construction Certificate for the development an application for an additional street address shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

## **13. WASTE MANAGEMENT**

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

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.

## **14. OCCUPATION & USE**

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

- (1) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifying Authority upon completion of the work.
- (2) The premises shall be maintained in a clean and tidy state at all times.
- (3) The dwellings shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.

## **15. HERITAGE**

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

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- (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.

**16. 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) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council or a nominated Accredited Certifier prior to the release of the Construction Certificate. This plan must include the following:
  - (a) All existing and proposed site structures.
  - (b) All existing vegetation.
  - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
  - (d) Location, number and type of proposed plant species.
  - (e) Details of planting procedure and maintenance.
  - (f) Details of drainage and watering systems.
  - (g) Provision of only native species that are endemic to the region.
  - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

**NOTE:** By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the Approved Plan within 12 months of the commencement of occupation of the development or the issue of the first occupation certificate (whichever comes first). The landscaping must be maintained in accordance with the details provided on that Plan at all times.

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**17. FENCING**

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

- (1) All fencing is to be installed in accordance with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**18. SECTION 94 CONTRIBUTIONS**

- (1) These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.
- (2) Payment of a Contribution for one (1) dwelling 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.

The current amount payable is:

Open Space, Sport & Recreation (Shire)	\$ 156.00
Open Space, Sport & Recreation (Precinct)	\$ 1,451.00
Library & Community Facilities (Shire)	\$ 735.00
Library & Community Facilities (Precinct)	\$ 81.00
Transport & Traffic (Roads & Intersections)	\$ 4,542.00
Transport & Traffic (Cycleways)	\$ 109.00
Bushfire Protection	\$ 19.00
Plan Administration	\$ 355.00
<b>TOTAL</b>	<b>\$7,448.00</b>

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.

**19. 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:

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- (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 Land and Property Information. A fee for the release of the Subdivision Certificate applies.**
- (3) Submission of a Section 88b Instrument with the linen plan to create the following restrictions as of User on the lots and responsibilities on future owners:**
  - (a) For both allotments: A Positive Covenant shall be placed on each of the lots burdened with a raingarden outlining the maintenance requirements and making reference to the Home Owners Operation Manual.**
  - (b) For both allotments: Vehicles to exit in a forward direction from the garages to Merlin Street.**

**The Section 88b instrument shall contain a provision that is 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 development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.**
- (5) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.**
- (6) 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.**

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

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

**(1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**

**(a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:**

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

**(b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.**

**(c) This clause does not apply:**

- (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or**
- (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.**

**(d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:**

- (i) development consent, in the case of a temporary structure that is an entertainment venue, or**
- (ii) construction certificate, in every other case.**

**Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.**

**(2) 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).**

**(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIRMENTS**

- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.**
- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:**
  - (i) in the case of work for which a principal contractor is required to be appointed:**
    - (aa) the name and licence number of the principal contractor; and**
    - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.**
  - (ii) in the case of work to be done by an owner-builder:**
    - (aa) the name of the owner-builder; and**
    - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.**
- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (b) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.**
- (d) 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.**

**21. ADVICES**

- (1) 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.**
- (2) 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.
- (3) 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.**
- (4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.**
- (5) Offensive noise means noise:**

  - (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:**

    - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or**
    - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or**
  - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.**

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- (6) 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.
- (7) 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.
- (8) 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 RMS 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.
- (9) 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](http://www.wollondilly.nsw.gov.au) or at Council's offices at 62-64 Menangle St, Picton.

Should you require further information regarding the above matter, please contact Ms V L Fairley, Senior Development Assessment Planner on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 10.2015.897.1.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, B Banasik and Hannan

Cr Gibbs returned to the meeting at 8.38pm.

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

### Planning and Economy

PE2      **Development Application No. 010.2011.00000039.004 – 90 Railside Avenue Bargo – S96(2) Modification to Amend Existing Car Park Ingress/Egress and Car Parking Numbers**  
1006      DA11\688P4

77/2016      **Resolved on the Motion of Crs M Banasik and Hannan:**

***That this matter be deferred for a site inspection and reported to the June Council meeting.***

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Vote Against: Cr Law

Planning and  
Economy

## Planning and Economy

Items PE3 and PE4 were moved concurrently.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

Planning and Economy

PE4      **Planning Proposal – Penny Lane Land Acquisition Release Housekeeping LEP Amendment**  
259421      TRIM 5298

79/2016      **Resolved on the Motion of Crs Hannan and B Banasik:**

1. That Council proceed with the Penny Lane Land Acquisition Release Housekeeping LEP Amendment.
2. That the Planning Proposal be amended to:
  - a) Release Lot 100 in DP 1175654 from the WLEP 2011 Land Reservation Acquisition Map; and
  - b) Remove the reference in Clause 5.1A(3) which relates to land currently shown on the Land Reservation Acquisition Map – Sheet LRA\_008C for a “Car Park”.
3. That the amended Planning Proposal be forwarded to the Department of Planning & Environment with a request for an alteration to the Gateway Determination.

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

Planning and Economy

PE5                      **Request for Release from Deed of Agreement – Picton Mall**                      1966-02  
19

80/2016                      **Resolved on the Motion of Crs B Banasik and Terry:**

**That in relation to the Monetary Contribution Deed executed between Council and the proponent of the Picton Mall development:**

- 1. Council commence the dispute resolution procedure outlined in the Monetary Contribution Deed and proceed to arbitration if necessary.**
- 2. The original contribution under the Deed plus indexation be sought by Council.**

On being put to the meeting the motion was declared CARRIED.

Vote For:              Crs Terry, M Banasik, Mitchell, Landow, Gibbs and B Banasik.

Vote Against:      Crs Law and Hannan

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

Planning and Economy

**PE6                      Star Street Former Road Reserves Planning Proposal and Development Control Amendments**

41

TRIM 7965

**81/2016                Resolved on the Motion of Crs Hannan and M Banasik:**

1.    That Council approve the amendments as exhibited and with the minor changes outlined in Section 2.4.1 and replace Wollondilly Development Control Plan 2016 with an amended Plan.
2.    That Council make a public notice detailing the approval to the amendments to Wollondilly Development Control Plan 2016 in accordance with the provisions of Clause 22 of the *Environmental Planning and Assessment Regulation 2000*.
3.    That the amendments to Wollondilly Development Control Plan 2016 shall come into effect on the day the notice is published in a local newspaper.
4.    That the applicant, adjoining and nearby landowners and persons who made submissions to the planning proposal shall be notified about the adoption of the amendments to Wollondilly Development Control Plan 2016.

On being put to the meeting the motion was declared CARRIED.

Vote:                      Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

### Governance

#### GOVERNANCE

**GO1**            **Notice of Motion Status Report – May 2016**  
264985

TRIM 5253-2

Items GO1 and GO2 were moved concurrently.

**82/2016**        **Resolved on the Motion of Crs Hannan and M Banasik:**

**That Council note the May Notice of Motion Status Report.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik  
and Hannan

Governance

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

### Governance

**GO2**            **Investment of Funds as at 31 March 2016**  
112

TRIM 1022-3

**83/2016**        **Resolved on the Motion of Crs Hannan and M Banasik:**

**That the information and certification in relation to the investment of Council funds as at 31 March 2016 be noted.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik  
and Hannan

Governance

**G03** Third Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ended 31 March 2016

TRIM 4960-8

1. That the information provided in this report be received.
2. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 March 2016 and proposed adjustments to the 2015/16 budget estimates, be adopted.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

GO4	<b><u>Place Naming – Loomes Hill – Burragorang Road, The Oaks</u></b> 239945	TRIM 8678
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1. That Council support the proposal to name the hill on Burragorang Road, The Oaks, "Loomes Hill" and proceed with the application to the Geographical Names Board of New South Wales (GNB).
2. That Council agree to the Council location sign being placed within the Council road reserve at both ends of the hill that reads "Loomes Hill", at a cost to the applicant.
3. *That an interpretive sign be requested at the site.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik  
and Hannan

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

Governance

GO5 Wollondilly Federal/State Issues Paper 2016  
62

TRIM 1324

86/2016 Resolved on the Motion of Crs B Banasik and Terry:

That Council adopts the Wollondilly Federal/State Issues Paper 2016 and it be used as an advocacy document *with the following changes:*

- *Remove the issue relating to electrification of the rail line from Menangle to Wilton in the Wilton Junction Issue and include an additional Infrastructure Issue of "Increased passenger capacity and rail services and electrification of the rail services in our Shire"*
- *add the word "Food security" after Agriculture in the "Sound planning control and incentives" issue in the PeriUrban and Growth Management issues section.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

Governance

GO6 Sydney Peri-Urban Network of Councils (SPUN) 2015 Action Plan  
62 TRIM 7702

87/2016 Resolved on the Motion of Crs Hannan and Terry:

1. That Council note the work that the Sydney Peri-Urban Network (SPUN) has completed to date and continues to support and be a member of SPUN.
2. That Council endorses the 2015 Sydney Peri-Urban Network (SPUN) Action Plan and this plan be considered in Council's Integrated Planning and Reporting Framework through the Community Strategic Plan review process.
3. That Peri-Urban issues be included as Tier one Advocacy issue in the Wollondilly Issues Paper.
4. *That the Executive Director of Community Services and Corporate Support be thanked.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

## INFRASTRUCTURE

IN1 Recommendations Local Traffic Committee Meeting – 20 April 2016  
52 TRIM 1087

**88/2016      Resolved on the Motion of Crs M Banasik and Gibbs:**

**That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 20 April 2016 as follows:**

1. Remembrance Driveway, Cawdor – Proposed Line marking changes on reconstructed section of the road  
T3/16

**That two sections of new BB centreline marking be installed on the reconstructed section of Remembrance Driveway Cawdor between Finns Road and Bridgewater Boulevard in order to conform with the current Design Guidelines as shown in Plan number R2936 sheets 1 and 2.**

2. Railside Ave (west side), Bargo near shops – Proposed Mail Zone (R5-26)  
T4/16

**That Council endorse the implementation of a mail zone on Railside Ave (west side), Bargo near the Bargo shops as shown in the design plan.**

3. Cawdor Public School – “Billy Cart Derby” event on Sunday 11/9/2016 – Request for road closures on sections of Old Razorback Rd and Cawdor Rd, Cawdor  
T5/16

***That permission is granted for the “Billy Cart Derby” event and the necessary road closures on Sunday, 11/9/2016 from 6.00am – 4pm subject to the requirements for the issue of a Permit for “Road Event - Road Closure”***

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik  
and Hannan

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Infrastructure

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**IN2                    Picton Sportsground Pedestrian Link Bridge Design and Construct Contract – Evaluation of Tenders**  
52 TRIM 8966

Items IN2 and IN3 were moved concurrently.

**89/2016            Resolved on the Motion of Crs M Banasik and Mitchell:**

**That Council note the information provided in IN2 report and suspend standing orders to deal with the Late Report IN3 that relates to the same matter.**

On being put to the meeting the motion was declared CARRIED.

Vote:                    Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan



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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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**NOTICE OF MOTION**

TRIM 6416-6

**NOM1      Notice of Motion No. 1 submitted by Cr M Banasik on 29 April 2016 regarding Road Kill in particular Native Animals**

Cr B Banasik left the meeting at 9.06pm.

**91/2016      Resolved on the Motion of Crs M Banasik and Hannan:**

**That Council lobby the State Government to develop strategies to deal with the amount of animals, in particular wildlife that are being killed on our roads. (Also Consultation occur with the Traffic Committee, Animal and Wildlife groups for their input).**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs and Hannan

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM2      Notice of Motion No. 2 submitted by Cr M Banasik on 9 May 2016 regarding the Container Deposit Scheme**

Cr B Banasik returned to the meeting at 9.08pm.

**92/2016      Resolved on the Motion of Crs M Banasik and Hannan:**

**That Council welcome the introduction of the Container Deposit Scheme to combat litter in NSW. Further, that Council look at ways to assist this throughout the Shire. (e.g: at events, commercial areas, parks and sporting grounds).**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM3      Notice of Motion No. 3 submitted by Cr Hannan on 4 May 2016 regarding the University of Sydney Veterinary Faculty**

**93/2016      Resolved on the Motion of Crs Hannan and M Banasik:**

**That Council write to the University of Sydney Veterinary Faculty and suggest that it might be appropriate for them to make a contribution or donation to the Theresa Park RFS as they attend to a high number of alarms in the University Camden campus.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM4      Notice of Motion No. 4 submitted by Cr Hannan on 4 May 2016 regarding the Theresa Park RFS Shed**

**94/2016      Resolved on the Motion of Crs Hannan and Law:**

**That Council expedite the building inspection of Theresa Park RFS shed mezzanine level and building.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM5      Notice of Motion No. 5 submitted by Cr Hannan on 9 May 2016 regarding May Farm and Burragorang Roads**

**95/2016      Resolved on the Motion of Crs Hannan and Gibbs:**

**That Council reapply itself to improving road safety at the intersection of May Farm Road and Burragorang Road including, writing to the RMS to request a review of the speed limit on Burragorang Road.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM6**      **Notice of Motion No. 6 submitted by Cr Hannan on 11 May 2016 regarding Werombi Road**

**96/2016**      **Resolved on the Motion of Crs Hannan and Gibbs:**

**That Council install 'No Littering' signs on Werombi Road.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM7      Notice of Motion No. 7 submitted by Cr Terry on 6 May 2016 regarding the Nepean River at Douglas Park**

**97/2016      Resolved on the Motion of Crs Terry and Law:**

**That Council requests a copy of the report investigating possible non-compliance regarding the conditions of consent for the Bulli Seam Operation Project and the Extraction Plan for long walls 901-904 from the Department of Planning and Environment Compliance Team and EPA. That Council also request information from South 32 as to what their approved setback from the Nepean River is. That copies of these requests be forwarded to the Local Member for Wollondilly, Jai Rowell and that a report come back to Council on the responses received.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM9      Notice of Motion No. 9 submitted by Cr Landow on 9 May 2016 regarding the proposed prison facility in Wollondilly**

**98/2016      Resolved on the Motion of Crs Landow and Hannan:**

- 1.      That Council as a matter of urgency seek further information from the NSW Government on the facts and details of the proposed prison facility in Wollondilly.**
- 2.      That Council request the NSW Government to proceed no further with the consideration of any prison within Wollondilly Shire unless there is full consultation with Council and the Wollondilly community.**

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs Law, Terry, M Banasik, Mitchell, Landow, Gibbs, B Banasik and Hannan

Notice of Motion

## WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 May 2016, commencing at 6.33pm

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### Closing

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#### CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 9.16pm.

This and the preceding 66 pages are the Minutes of the Ordinary Meeting of Council held on Monday 16 May 2016 and were confirmed in the subsequent meeting held on Monday 20 June 2016.

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Mayor

Closing