

Attachments

Monday 19 December 2016

Includes PE1, PE2, PE3, PE4, PE5, PE6, PE7, GO2, GO3, GO9, GO10 & CO1

Attachments

1. Report to the 17 October 2016 Ordinary Meeting of Council.
2. Further submission from the Proponent dated 1 November 2016.
3. Concept plan for stormwater management.

Monday 19 December 2016

PE1 - Development Application No.010.2009.00000827.003 – 430 Arina Road, Bargo

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

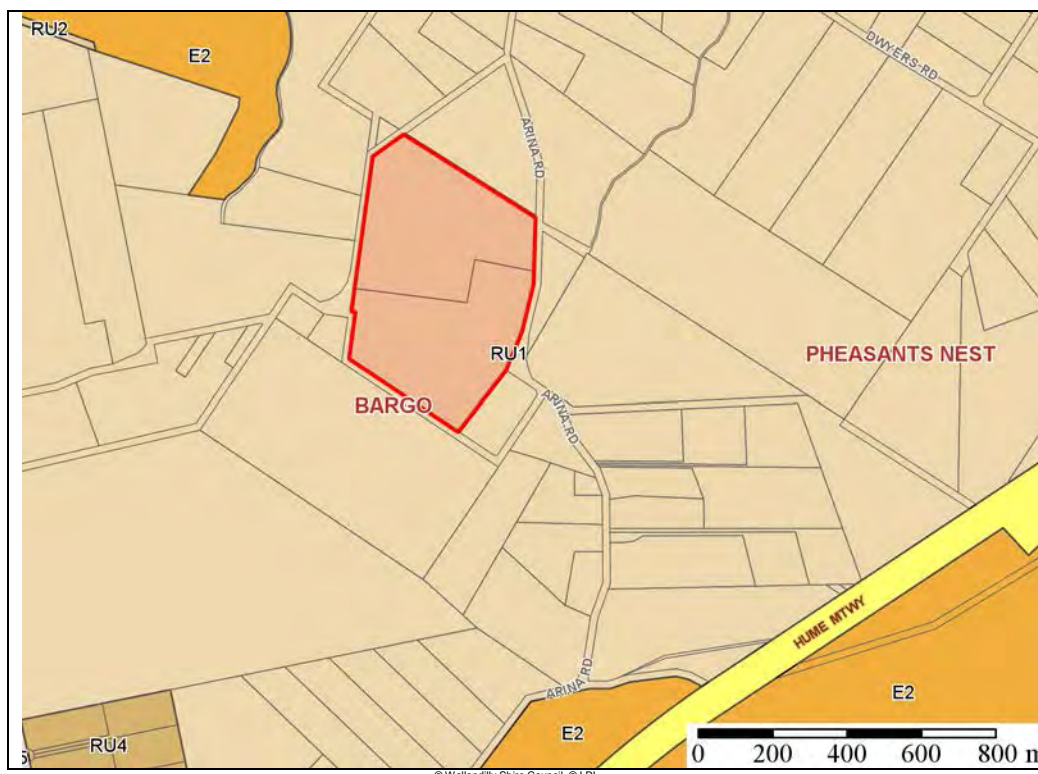
PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

PE6

Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 relating to alterations and additions to an existing poultry farm development at Lot: 222 DP 1206433 430 Arina Road, Bargo

Planning Consultant/1006

DD010.2009.00000827.003



LOCATION MAP  N

DEVELOPMENT INFORMATION

Development Application No:	010.2009.00000827.003
Property Address:	430 Arina Road, Bargo
Applicant:	GWH Build Pty Ltd
Owner:	Mr F Pirovic & Mr F Pirovic & Pirovic Investments Pty Ltd
Proposal Details:	Modification of Conditions – Position of Sheds
Zone:	RU1 Primary Production

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
17 October 2016

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

EXECUTIVE SUMMARY

- At the June 2010 Council meeting, consent was granted for the construction of four additional poultry sheds for egg production at 430 Arina Road, Bargo.
- Consent is now sought to amend the location of the poultry sheds as a result of the consolidation of properties (Lot 2 DP 235598 and Lot 22 DP 778748 into lot 222 DP 1206433). The amended location of sheds increases the separation distances from nearby dwellings.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends 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.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

Consent was issued on 21 June 2010 for the construction of four additional poultry sheds at an existing poultry farm development located at 430 Arina Road, Bargo. The farm is only used for egg production.

On 26 November 2015, an application to modify consent was lodged with Council seeking consent to amend the location of the approved sheds as a result of the subject land and No. 240 Bargo Road being consolidated into one property. The effect of the amended location of the sheds also requires a change in drainage and access conditions.

Description of site and surrounding area

The site is located on the eastern side of Arina Road, Bargo, approx. 2.78 kilometres from the Arina and Avon Dam Road intersection. Hinkler Avenue forms the site's southern property boundary. As a result of the consolidation, the site is 28.353 hectares in size (formerly 13.79 hectares) and irregular in shape.

There are three existing sheds used for egg production that are located on the property and sited north of the existing dwelling house that gains access from Arina Road. Access to the site is directly from Arina Road. The site slopes from east to west at a marginal rate.

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

As a result of the consolidation, there are two dwelling houses located on site. It is noted that having two dwellings on the same parcel of land is prohibited by WLEP 2011. This matter will be referred to Council's Compliance Section for investigation separate to this application.

Each surrounding property contains a dwelling house. However, only one dwelling is located between 100-150 metres of the existing poultry sheds.

Approval of this application to modify consent will result in the closest dwelling house being located greater than 150 metres from the proposed sheds.

There are three dwellings within 100 metres of the subject land, seven dwellings between 200-300 metres of the subject land and an additional nine dwellings between 300-500 metres of the subject land.

Description of the Original Development Proposal

Consent is sought for the construction of four additional poultry sheds for egg production at an existing poultry farm and the construction of a dam for effluent and sedimentation control. The sheds would operate as 'barn style' sheds, which means that the birds would be kept indoors and not in cages.

Scratch and roosting areas and nesting areas would be provided. Each shed would measure 119.79 metres in length, 15.3 metres wide and 4.83 metres in height.

The proposed sheds would be sited towards the rear of the property approximately 100 metres from the western property boundary, a minimum of 62.575 metres from Hinkler Avenue, approximately 150.19 metres from Arina Road and approx. 50 metres from the northern property boundary.

The farm currently holds approx. 45,000 birds and should the application be approved, the farm would have the capacity to hold approximately 105,000 birds – an increase of 230%.

Egg collection would be done mechanically and on a daily basis. After collection, the eggs would be packed onto palettes and transported to a processing site outside of the Wollondilly Local Government Area.

The farm only operates during day light hours and the only machinery used onsite would be a tractor and a forklift. Chemicals are limited to Virkon-S (a disinfectant) which is used for feet and truck sanitation. Pest control is currently done by strategically placed commercially available baits in restricted containers.

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

The applicant indicates that the sheds would be cleaned only once a year. As there would be four sheds and each shed would have a different life cycle to each other, cleanouts would not occur at the same time. Each shed would be cleaned out after each lifecycle (birds are only kept for one year). Comments from the applicant described that a 'bob cat' would remove debris from the sheds and that the operators of the farm would generally dry clean and wipe down each shed in order to prepare for the next batch of birds. Birds would be kept within the confines of the shed and would not be able to roost outdoors.

Cooling of the sheds would be required and undertaken with fans and foggers. One (1) metre diameter fans are selectively placed within the sheds to circulate air. Generally, twelve fans are used in each shed. Foggers are pressurised electric pumps with water spray units which disperse a mist within the shed.

Dead birds are frozen and collected once a month by a waste disposal contractor. Sheds are dry cleaned once a year.

Truck movements to and from the farm will possibly increase by one. This is due to the fact that in all functions one truck services this farm and another farm at Pheasants Nest on the same day.

Instead of servicing both farms the one truck will service this farm only with a separate truck servicing the Pheasants Nest farm.

Truck movements present and proposed area:

Purpose	Present	Proposed	Truck Type
Feed	4/week	4/week	Heavy rigid or semi-trailer
Birds	3/year	2-4/year	Semi-trailer
Dead birds	1/month	1/month	Heavy rigid
Eggs	4/week	4/week	Heavy rigid
Waste/Manure	3/year	3-4/year	Semi-trailer

The farm currently employs four people (including management) and approval would increase staffing numbers to between ten (10) to twelve (12) people overall.

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Description of Proposed Modified Development

The applicant has advised the following:

It is proposed to modify the approved location of the four (4) poultry sheds approved under DA010.2009.00000827.001 (21.06.10). All environmental impacts associated with the approved development will be reduced as a result of the modified location. The Conditions, under DA010.2009.00000827.001 (21.06.10), to be modified are: Condition 1(1), Condition 1(3), Condition 5(1) and Condition 6(2).

The proposed relocation will significantly reduce the environmental impacts of the approved development and allow the most efficient operation of the site. Approval of the proposed minor modification and development of the site with the four approved additional poultry sheds will contribute to the progress of local business.

Condition 1(1) states the following:

"1(1) Development Consent is granted for the erection of four (4) poultry sheds to be used for egg production at Lot 22 DP 778748, 430 Arina Road, Bargo."

The applicant requests that the condition be amended to refer to the newly consolidated lot being Lot 222 DP 1206433.

Condition 1(3) states the following:

"1(3) Development shall take place in accordance with the following plans submitted in respect of Development Application No. 010.2009.00000827.001 including amendments and where varied by the following conditions:"

Name of Plan	Drawn by/Author	Plan No.	Dated
Proposed Work to Poultry Shed Development Stormwater, Nutrient and Sediment Control	George Zuev of Technibuild Consulting	Unnumbered	Received by Council on 12 April 2010
Poultry Shed Layout	DF & SH from Apex Surveying	9163	17 August 2009
Proposed Shed Layout (Elevation and Floor Plan)	CJ McKenzie from CJ McKenzie Engineering	10745-2	28 August 2009

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Name of Plan	Drawn by/Author	Plan No.	Dated
Drainage Details	George Zuev of Technibuild Consulting	Unnumbered	Received by Council on 22 December 2009

Planning & Economy

The applicant requests that the condition be amended to reflect the proposed amendments to the architectural, drainage/stormwater and access arrangements.

Condition 5(1) states the following:

"5(1) The applicant shall provide access road as shown on the concept plan by Technibuild Consulting. to facilitate vehicular access to the new proposed sheds Details of this shall be submitted with engineering plans for approval prior to issue of Construction Certificate. The access road shall be 3m wide and all weathered proof gravel standard."

The applicant requests that the condition be amended to reflect the proposed access arrangements.

Condition 6(2) states the following:

"6(2) The applicant shall provide stormwater drainage as shown on the concept drainage plan by Technibuild Consulting. Details of this shall be submitted with engineering plans for approval prior to issue of Construction Certificate."

The applicant requests that the condition be amended to reflect the proposed drainage/stormwater arrangements.

Comments: an assessment of the proposed changes follows later in this report.

CONSULTATION

Referral	Comment
Development Engineer	Existing conditions of consent need to be amended to reflect the new Engineering Plans. An additional condition is recommended in respect of stormwater. A new condition is recommended regarding stormwater matters.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Referral	Comment
Health Officer	Advice has been received from the Senior Environmental Health Officer that there are no concerns with the change of shed location.
Environment Officer	The Team Leader Environmental services has provided conditions relating to stormwater, earth fill, erosion and sediment control, landscaping, vegetation and weed management and tree removal are recommended. A number of these conditions were included in the original consent. Also there are conditions recommended considered not applicable due to repetition, site conditions and the fact that the application is for a Section 96(1A) modification.
Mines Subsidence	Mines Subsidence Board has approved the amended plans

Planning & Economy

Assessment

Provisions of relevant environmental planning instruments

Environmental Planning and Assessment Act 1979

Section 96(1a) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comments: It is considered that the proposed modification is of minimal environmental impact because:

- No additional tree clearing would be undertaken
- The site is not identified as “sensitive land” on the [Natural Resources—Biodiversity Map](#) under the Wollondilly Local Environmental Plan 2011
- The site is not identified as “sensitive land” on the [Natural Resources—Water Map](#) under the Wollondilly Local Environmental Plan 2011

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

- Odour control would be improved through the introduction of vegetation barriers
- Noise and dust impacts have been modelled as being acceptable
- Appropriate sedimentation and erosion controls are proposed.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comments: It is considered that the development to which the consent as modified relates is substantially the same development.

(c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comments: The application has been notified in accordance with the provisions of Council's Development Control Plan. Persons who made submissions in respect of the original application were notified and the exhibition period was for 15 days ending on 21 April 2016.

As the application involved relocating a shed to an adjoining property to the north the proposal was re-notified to include adjoining neighbours. The period of exhibition was 24 May 2016 to 8 June 2016.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comments: Six (6) submissions were received. One submission was signed by seven (7) people. Five (5) peoples' signatures were on two (2) submissions. An assessment and comments in response is provided later in this assessment report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

Comments: The original application DA010.2009.00000827.001 was comprehensively assessed in accordance with Section 79C in a report presented to Council at its meeting held on 21 June 2010. It is not intended to repeat all of the detail of that assessment in this report.

It is acknowledged that the relocation of the sheds, one being onto land that was previously adjoining to the north (previously Lot 2 DP 235598 but now consolidated) could have additional environmental impacts. In view of this the following reports were submitted with the modification application:

- Noise Impact Assessment
- Odour & Dust Impact Assessment
- Statement of Environmental Effects.

A conclusion was detailed in the 'Noise Impact Assessment' report as follows:

'The existing farm currently operates three (3) naturally ventilated poultry sheds, and the proposal would include the construction of four (4) additional poultry sheds.'

Noise modelling was undertaken by using the predictive software SoundPLAN v. 7.3.

The scenarios implemented in the predictive noise model were implemented representing the worst case scenarios occurring during day time as noise sources at the site operate from 7:00am- 3:00pm. The noise emissions associated with the feed delivery operations have been identified as representing the worst case scenario.

Predictive noise modelling was implemented considering neutral weather conditions.

Based on the predictive noise model results the noise emissions associated with the proposed development's operation comply with the project specific noise levels at all the considered residential receptors.'

A 'Statement of Potential Dust and Odour Impacts' was included in the 'Odour and Dust Impact Assessment' report:

'The odour impact assessment found that under the proposed shed configuration the air quality criteria of 5.320U would be exceeded the Receptor 2 and Receptor 8. Engineered vegetation barriers would be erected between the site and Receptor 2 and Receptor 8 as a means to reduce the odour concentration experienced and odour levels would readily satisfy odour criteria.'

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

The dust impact assessment has found that the air quality criteria under the proposed operating scenario would be satisfied. The predicted levels for PM 10 annual averaging periods, dust deposition and for total suspended particulates for 24 hour averaging and annual averaging for all scenarios are well within air quality criteria.

The implementation of a Site Environmental Management Plan and in particular, an odour management plan, are recommended and would assist in minimising odour from site operations at the nearest sensitive receivers.

The site operations would not involve any toxic or hazardous materials. The risk of impact to air quality is expected to be readily managed and prevented.'

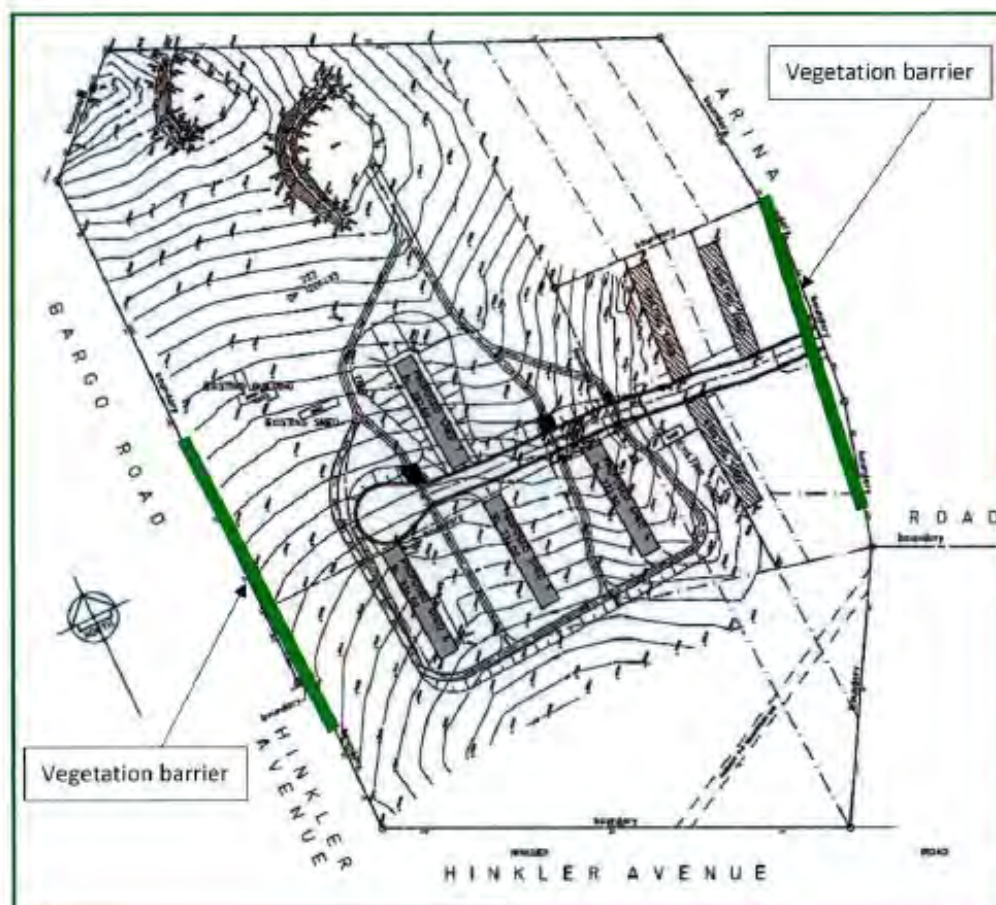
The following diagram included in the report shows the location of the receptors and proposed vegetation barriers:

Figure 2-4: Nearest Residential Receptors



PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Figure 5-4: Site Plan showing Vegetation barriers



Planning & Economy

The SoEE makes the following point regarding the relocation of the sheds:

'The proposed relocation of the four (4) approved chicken sheds will result in the sheds being located further away from neighbouring properties dwellings and therefore reduce the impact from noise, odour and dust.'

The plans submitted with the application do not reinforce this assertion. It is considered that the proposed relocation of the sheds would not alter the impact from noise, odour and dust one way or the other. It is acknowledged that the relocated chicken sheds would be further away from the southern boundary but therefore closer to the northern boundary.

The distance of the nearest sheds from the closest receptors 2 and 8 remain unchanged. Existing sheds on the site are closest to receptor 8.

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

Recommendations included in the 'Odour and Dust Impact Assessment' report would improve the impact situation in respect of noise, odour and dust.

The SoEE and SoEE Addendum submitted with the modification application assess the proposed modification in accordance with the provisions of the relevant planning instruments (Local Environmental Plans and Development Control Plans).

Assessment in respect of environmental planning instruments will focus the provisions of Section 96(1A) Modification of consents of the Environmental Planning and Assessment Act (EPA Act).

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comments: The Impact Assessment reports are noted.

Provisions of relevant draft environmental planning instruments

None

Provisions of relevant Development Control Plans

Wollondilly Poultry Development Control Plan (Poultry DCP)

The applicant of the original application sought a variation to the property boundary controls from the DCP. That application proposed the sheds proximity to the northern and southern boundaries, proximity to a public road and the location of the detention/sedimentation dam. Those sheds were proposed to be within 50 metres of the northern property boundaries and within 62.575 metres of Hinkler Avenue.

The DCP required a minimum distance of 150 metres from property boundaries and 100 metres from a public road.

Based on the merits of the original application, Council in 2011 resolved to support the departures to the DCP and approve the development.

The result of the consolidation of the properties means the variation to the northern property boundary proximity has now 'disappeared'. The sheds, as proposed to be modified, are now located greater than 250m from property boundaries.

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

This application proposes to reduce the setback to the site's common boundary with Bargo Road (approximately 96.5 metres), formerly 100 metres. Council supported the previous variation based on there being no issues with the odour, noise and rural land use conflicts concerns.

A minor encroachment as now proposed is considered acceptable based on the comments from Council's Environmental Health Officer and based on compliance with conditions, it is considered that the encroachment will not result in any impacts.

Development Control Plan No. 36 – Development in Rural Areas

Approval of the application as proposed to be modified will not generate any non-compliance against the controls contained therein, subject to conditions of consent.

Wollondilly Agriculture Lands Development Control Plan and Development Control Plan Agricultural 1(a) Zone

Approval of the application as proposed to be modified will not generate any non-compliances against the controls contained therein, subject to conditions of consent.

Development Control Plan No.21 Earth Dams

Approval of the application as proposed to be modified will not generate any non-compliance against the controls contained therein, subject to conditions of consent.

General

Based on the comments from Council's Development Engineering Section and the Environmental Health Officer, it is recommended that the application to modify the consent be approved in accordance with the recommendations of this report.

Draft and/or planning agreements entered or offered to enter into

None

Impacts of the development

It is considered that the proposed modification will not result in any unreasonable environmental, social, built and/or economic impacts. The revised proposal increases the distances to sensitive receivers.

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Suitability of the site

In accordance with the assessment of the original application, it is considered that the large site is suitable for the proposed development.

Submissions

The original period of exhibition was from 6 to 21 April 2016.

As the application involved relocating a shed to an adjoining property to the north the application was renotified to include adjoining neighbours and nearby landowners. This phase of the exhibition period commenced 24 May 2016 and ceased 8 June 2016.

In total, six submissions were received. One submission was signed by seven (7) people. Five (5) peoples' signatures were on two (2) submissions.

A summary of the issues and comments are provided below:

Submitter Issue	Assessor Comment
New application -v- modification	<p>It is considered that the development to which the consent as modified relates is substantially the same development.</p> <p>The applicant has provided legal advice supporting this conclusion. See the section of this report below titled 'Is the proposal substantially the same development?'</p>
Odour	<p>An 'Odour Impact Assessment' report prepared by Parsons Brinckerhoff dated November 2009 was submitted with the original application. Subsequently a report prepared by Benbow Environmental and dated November 2015 titled 'Odour and Dust Impact Assessment' was submitted with the modification application</p> <p>Note: The 'Odour and Dust Impact Assessment' refers to the four (4) new sheds increasing the capacity to 96,000 hens. The original application and consent referred to a total capacity of 105,000 birds.</p> <p>The odour impact assessment submitted with the original application also referred to the four (4) new sheds increasing the capacity to 96,000 hens.</p>

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>It is recommended that condition 5 under the heading '12 Occupation & Use' of the original consent be modified to restrict the maximum number of birds to 96,000 as follows:</p> <p>(5) The total stocking rate for the Farm shall not exceed 96,000 birds at any time.</p> <p>A 'Statement of Potential Dust and Odour Impacts' was included in the 'Odour and Dust Impact Assessment' report submitted with the modification application. The relevant part addressing odour states:</p> <p>'The odour impact assessment found that under the proposed shed configuration the air quality criteria of 5.320U would be exceeded (at) the Receptor 2 and Receptor 8. Engineered vegetation barriers would be erected between the site and Receptor 2 and Receptor 8 as a means to reduce the odour concentration experienced and odour levels would readily satisfy odour criteria.</p> <p>The implementation of a Site Environmental Management Plan and in particular, an odour management plan, is recommended and would assist in minimising odour from site operations at the nearest sensitive receivers.'</p> <p>The report also asserts:</p> <p>'Benbow Environmental has found that odour levels can be reduced by up to 40% using an engineered vegetation barrier similar to the examples shown.'</p> <p>One submission referred to odour increases as a result of the previous approval.</p> <p>The same submission noted that there is a proposal to amend the control requirements with respect to the storage of manure and spent litter.</p> <p>Conditions are recommended to implement the odour controls as proposed.</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>The original consent for the poultry operation contained the following conditions:</p> <p>‘(6) No manure or spent litter is to be stored external to the sheds.</p> <p>(7) All manure and spent litter is to be taken from the property in covered loads to prevent spillage of contents. New shavings are to arrive on the site in covered loads and spent litter shall be removed from the sheds at the removal of each batch of birds from each shed and replaced with fresh shavings.</p> <p>(8) At no stage shall spent litter be retained on the property.’</p> <p>The modification would not alter the condition relating to manure and spent litter.</p>
<p>Consultation/fencing /free ranging</p>	<p>One submission believed that Council was not properly informing the community about the proposal and the owner purchasing a lot to extend the poultry farm.</p> <p>Noted. As stated above the modification has been publicly notified twice and information on Council files is available via GIPAA.</p> <p>Concern was also raised that the owner of the poultry farm has not consulted with adjoining neighbours and this is contrary to industry recommended practice. Council has no control over this, however best practice is to encourage neighbourly communications.</p> <p>Concern was raised that the boundary fencing is inconsistent with Council’s policy for rural areas regarding fencing types. It is noted that the following condition was included in the original consent:</p> <p>‘(1) Any fencing is to be installed in accordance with the provisions of Council’s Fencing Policy.’</p> <p>Concern was raised that currently the operation allows for free range arrangements.</p>

Planning & Economy

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>This is contrary to the existing approvals and results in no buffer zone between the free range areas and the property boundaries.</p> <p>A separate application would need to be lodged if free range operation were to be pursued. Documentation submitted with the original application described the development as follows:</p> <p>‘All sheds will operate as “barn style” sheds. That is, the birds are kept indoors but not in cages. The birds are provided with a scratch area, roosting area and nesting boxes.’</p> <p>The matters of the cyclone fencing and the current free range practice are compliance issues and will be pursued separately by Council staff.</p>
<p>Repositioning of the sheds</p>	<p>The submission claims that the relocation of the sheds will result in shed 6 being 30 feet closer to an existing residence. Concern was raised that the location of the shed could degrade tank water quality at a residence not on town water due to airborne chicken excrement.</p> <p>Shed 6 is in fact in the same location as the approved western most structure (i.e. at its closest point it is setback 100m from Bargo Road).</p> <p>Shed 4 on the eastern side of the site is located 30m closer to Arina Road but is still 70m to the west of the existing poultry shed that is the nearest one to Arina Road. No water quality conditions are considered necessary.</p>
<p>Traffic</p>	<p>An aspect of concern is the increased traffic generated by the original approval. However, the proposed modification would not result in an increase in traffic.</p> <p>A submission makes the point that in other forums, discussions were being had concerning the removal of D.A. conditions controlling the times for transporting of birds.</p> <p>The following conditions are included in the original consent:</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>(9) Egg collection shall be undertaken between 7am to 8pm Monday to Friday and between 10am to 1pm on Saturdays, Sundays and Public Holidays.</p> <p>(10) All deliveries for the site (including those for the existing sheds) shall take place between 7am and 5pm Monday to Friday and between 8am to 1pm on Saturdays. No deliveries or collections shall occur on Sundays or Public Holidays.</p> <p>(19) The collection/removal of birds at the end of each production cycle shall be undertaken between the hours of 7am to 8pm Monday to Friday, unless separate written approval has been granted by Council. No collection/removal of birds shall be undertaken on Saturdays, Sundays and/or Public Holidays.</p> <p>(20) The clean outs of the sheds after the collection/removal of birds after each production cycle shall be undertaken between the hours of 7am to 5pm Monday to Friday inclusive. No clean outs shall occur on Saturdays, Sundays and/or Public Holidays.'</p> <p>These conditions are not proposed to be modified for this development.</p> <p>It is asserted in a submission that Council should never agree to any subsequent application to have any entry/exit point for the poultry farm onto Bargo Road or Hinkler Avenue.</p> <p>Council must assess any future applications on merit, however it is noted that the proposed access is from Arina Road.</p>
Ventilation fan noise	<p>Once again this concern about noise is raised in the context of the original approval for an additional four (4) sheds. However, the proposed modification does not increase the number of sheds.</p> <p>The 'Noise Impact Assessment' submitted with the modification application concludes:</p>

Planning & Economy

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>'The scenarios implemented in the predictive noise model were implemented representing the worst case scenarios occurring during day time as noise sources at the site operate from 7:00am- 3:00pm. The noise emissions associated with the feed delivery operations have been identified as representing the worst case scenario.</p> <p>Predictive noise modelling was implemented considering neutral weather conditions.</p> <p>Based on the predictive noise model results the noise emissions associated with the proposed development's operation comply with the project specific noise levels at all the considered residential receptors.'</p>
<p>Noise reduction initiatives and screening/buffer zone</p>	<p>Landscape screening is proposed to be utilised as shown in the 'Odour and Dust Impact Assessment' as shown in Figure 5.4 of that document (see diagram further on in this report).</p> <p>The original consent also included the following conditions:</p> <p>'(2) 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 the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:</p> <ul style="list-style-type: none"> (a) All existing and proposed site structures. (b) All existing vegetation. (c) Details of earthworks including mounding, retaining walls and planter boxes. (d) Location, number and type of plan species. (e) Details of planting procedure and maintenance. (f) Details of drainage and watering systems. <p>The landscaping plan shall include the following:</p> <p>Three rows of vegetation shall be established along the northern, western and southern property boundaries and must incorporate a mixture of trees, shrubs and groundcovers.</p>

Planning & Economy

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>All plantings are to be in groups, consisting of advanced stock and are to be a minimum 12 metres from all sheds to allow adequate air movements.</p> <p>The mature height of tall species should be sufficient to intercept a direct line of sight from neighbouring dwellings and roadways (measured 2 metres above natural ground level).</p> <p>Tree planting must not impede on the available area for onsite sewage management disposal.</p> <p>All open stormwater drainage swales, exposed earth areas and earth banks shall be grassed and be maintained and regularly mown for the life of the development.</p> <p>(3) Landscaping is to be installed in accordance with the approved Plan prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.</p> <p>(4) Any further landscaping provided as per conditions of this consent shall consist of local provenance native species.'</p> <p>These conditions are proposed to remain.</p>
<p>Pollution of nearby dams and the local water catchment</p>	<p>Stormwater issues are exacerbated by the fact that a dam on the property has been filled in and the operation has now changed to a free range undertaking.</p> <p>The 'Stormwater Plan' submitted with the application shows stormwater to be directed to the dams at the north-western corner of the property via grass swales.</p> <p>The stormwater conditions placed on the original consent are as follows:</p> <p>'(1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>(2) The applicant shall provide stormwater drainage as shown on the concept drainage plan by Technibuild Consulting. Details of this shall be submitted with engineering plans for approval prior to issue of Construction Certificate.</p> <p>(3) A reed bed shall be established in order to reduce any pollution and/or nutrients being disposed into the drainage depression that traverses the property. The water from the dam's bywash shall enter the reed bed before such water integrates into a natural stormwater/drainage depression.'</p> <p>As a result of the modification condition 2 above would need to be altered to reflect the new stormwater plan.</p> <p>Condition 3 would remain to deal with pollution and nutrients.</p> <p>An additional condition is recommended by Council's Development Engineer as follows:</p> <p>'Engineer's certification shall be provided for the design and construction of proposed Energy Dissipater and basin prior to occupation of poultry sheds.'</p>
The future	<p>Concern is expressed that with the purchase of the additional land further expansion of the poultry operations are likely to occur in the future.</p> <p>Council is obligated to consider any future applications involving expansion of the poultry operation on their merits.</p>
Are there any plans to upgrade Arina Road to cater for heavy vehicles	<p>Council maintains that Arina Road remains capable of accommodating the traffic generated by this development. There are Council reconstruction and minor widening works proposed for 2016/17 between Bidewell Drive and Bargo Road.</p>
Lack of activity on the part of the poultry farm might also make the previously approved DA 'null and void'	<p>Physical commencement has been achieved. The applicant claimed physical commencement in an email to Council dated 20 April 2015. A further email dated 4 June 2015 stated:</p> <p>'Earthworks commenced on 7th May 2015. And some piers were poured on 21st May 2015.'</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	<p>Council agrees that physical commencement occurred and the consent was secured.</p> <p>The date of determination of the original consent was 21 June 2010.</p>
<p>Separation distances from egg industry facilities</p>	<p>Concern has been raised that the proposed expanded operations don't comply with the guidelines of the Australian Egg Corporation Limited.</p> <p>The expanded operations were approved in 2010. Council's then DCP separation controls applied to the development. The proposed modification does not further expand the operation.</p> <p>Council's separation controls were discussed in the SoEE as follows:</p> <p>'One shed is proposed with a 100m setback from the western boundary however this is consistent with the approved setback of the development consent and the revised locations propose all other sheds 150m away from the property boundary whereas the approved development consent located two sheds with in compliant setback not reaching the desired 150m setback.'</p>
<p>Rodent and fly eradication</p>	<p>It is suggested that a rodent/fly eradication plan should be required.</p> <p>The proposed application is for a modification and does not result in any extension of the operation. It would therefore be unreasonable to require a rodent/fly eradication plan at this stage.</p> <p>The following conditions were included in the original consent:</p> <p>'(2) The premises shall be maintained in a clean and tidy state at all times.</p> <p>(4) All feed, seed and odorous materials shall be stored in sealed containers.</p> <p>(6) No manure or spent litter is to be stored external to the sheds.</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
	(8) At no stage shall spent litter be retained on the property.'
Cyclone Fence on boundary	The 1.8m cyclone fence erected around the property has not had any approval from Council and is not an exempt boundary fence permitted by Sections 2.35 and 2.36 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. As such, a condition is recommended to be added to remove the cyclone fence and permit a replacement in accordance with that permitted by the exempt legislation.
Free ranging of birds	Consent has not been granted for any external areas of the site to be used for roosting, scratching or nesting. The original application stated that 'all sheds will operate as barn style. That is, the birds are kept indoors, not cages. The birds are provided with a scratch area, roosting area and nesting boxes.' As such, a condition is proposed to require all external areas of the sheds being used by the birds shall cease and the land be restored.
Dust generation	With the recommendation for external areas of the sheds being used by birds to cease and the land restored, this will eliminate dust generation issues. There are existing conditions of consent in place to restore all disturbed areas.
Filling in of third dam and associated water quality issues	Concern was raised about the dam. No consent is required to fill in a dam as long as the material from the dam wall is used. Amended/additional plans were submitted to Council after a site inspection to address water quality and quantity issues. Council's engineers are satisfied with the additional information and it is considered that there will be no impact upon water quality.
Shed location - closer to boundary	This application proposes to reduce the setback to the site's common boundary with Bargo Road (approximately 96.5 metres), formerly 100 metres. Council supported the previous variation based on there being no issues with the odour, noise and rural land use conflicts concerns. A minor encroachment as now proposed is considered acceptable based on the comments from Council's Environmental Health Officer and based on compliance with conditions, it is considered that the encroachment will not result in any adverse impacts.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Submitter Issue	Assessor Comment
The development being contrary to the Egg Board's Guidelines	Under the provisions of Section 79C of Environmental Planning and Assessment Act 1979, the guideline documents produced by Department of Primary Industries, the Australian Egg Corporation Limited and other industry bodies are not an environmental planning instrument, a Development Control Plan or a regulation to be considered by Council. They are documents and guidelines that an operator of a poultry farm that must abide by for external regulators. However, for consistency, an advisory note is recommended for the persons or entity having the benefit of this consent to, wherever practical, the operation of the development shall have regard to the Department of Primary Industries and Egg Board's Codes of Practice for egg production.
A water supply line runs through the property. The development may damage the pipe	An advisory note is already in place whereby the persons or entity having the benefit of this consent shall "Dial before you Dig" so infrastructure can be located onsite and in this case, Sydney Water can advise as to what is needed to be undertaken to prevent damage to the pipe.

Planning & Economy

ATTACHMENTS INCLUDED IN SEPARATE BOOKLET

1. Proposed Plans of development

RECOMMENDATION

That, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, Council grant approval to the Modification Application No. 010.2009.00000827.003 and amend the subject Development Consent 010.2009.00000827.001 as follows:

1. Condition 1(1) is amended to read as follows:

"1(1) Development Consent is granted for the erection of four (4) poultry sheds to be used for egg production at Lot 222 DP 1206433, 430 Arina Road, Bargo.

2. Condition 1(3) is amended to read as follows:

"1(3) Development shall take place in accordance with the following plans

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE6 - Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 430 Arina Road, Bargo

Plan Title	Author/Drawn By	Plan Number	Dated
Sect 96 Proposed Site Plan	GWH BUILD	A002 REV No. A	13.04.2015
Existing Dams	GWH BUILD	A003 REV No. A	06.01.2016
Existing Dwellings	GWH BUILD	A004 REV No. A	06.01.2016
Proposed Shed Layout (Elevation and Floor Plan)	CJ McKenzie from CJ McKenzie Engineering	10745-2	28.08.2009
Site Plan and Stormwater Calculations	MPC Consulting Engineers	C02 Issue 3	2.08.16
Stormwater Plan	MPC Consulting Engineers	C03 Issue 4	2.08.16
Platform Sections	MPC Consulting Engineers	C04 Issue 2	2.08.16
Vehicle Turning Circles	MPC Consulting Engineers	C08 Issue 3	2.08.16

submitted in respect of Development Application No. 010.2009.00000827.001 including amendments and where varied by the following conditions:"

3. Condition 1(4) is amended to read as follows:

"1(4) Development shall take place in accordance with the findings, recommendations and mitigation and management measures of the following reports:

- *Pirovic Poultry Farm Odour Impact Assessment, 430 Arina Road, Bargo prepared by Parsons Brinckerhoff Australia Pty Ltd dated November 2009.*
- *Noise Impact Assessment Prepared for Pirovic Family Farms, 430 Arina Road, Bargo NSW prepared by Benbow Environmental dated November 2015.*
- *Odour and Dust Impact Assessment Prepared for Pirovic Family Farms, 430 Arina Road, Bargo NSW prepared by Benbow Environmental dated November 2015.*

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

submitted in respect of Development Application No. 010.2009.00000827.001 except where modified by those report and documents submitted with Application to Modify Development Consent 010.2009.00000827.0032, except where varied by the following conditions:"

4. Condition 1(4)(a) be added as follows:

"1(4)(a) The design of the vegetation barriers recommended by Benbow Environmental shall be submitted for Councils approval prior to construction.

5. Condition 1(4)(b) be added as follows:

"1(4)(b) A site management plan shall be submitted for Council's approval prior to construction reflecting the requirements for environmental management as per condition 1(4).

6. Condition 5(1) is amended to read as follows:

"5(1) The applicant shall provide an all-weather gravel standard access road as shown on the concept plans by MPC Consulting Engineers Job No. 15-410 Sheet Nos. C02 Issue 3, C03 Issue 4, C04 Issue 2, C05 Issue 2, C06 Issue 3, C07 Issue 3 and C08 Issue 3 dated 2 August 2016. Details of this shall be submitted with building plans for approval prior to the issue of the Construction Certificate."

7. Condition 6(2) is amended to read as follows:

"6(2) The applicant shall provide stormwater drainage as shown on the concept plans by MPC Consulting Engineers Job No. 15-410 Sheet Nos. C02-C08 (inclusive) dated 2 August 2016.

Details shall be submitted to Council or the nominated Accredited Certifier for approval with the building plans prior to the issue of a Construction Certificate.

8. Condition 1(9) is added to read as follows:

"1(9) At all times, birds shall remain wholly within the sheds. This consent does not grant and/or imply that external areas of the sheds can be used.

(Reason: as detailed in the Statement of Environmental Effects that accompanied Development Application 010.2009.00000827.001).

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

9. Condition 1(10) is added to read as follows:

"1(10) All areas of the site, external of any sheds (currently operating and proposed), being used for scratch, roosting and/or nesting shall must cease and the land restored (grassed) within three (3) months of the date of the approval of Application to Modify Consent 010.2009.00000827.003.

(Reason: development consent has not been granted for any external areas of the sheds to be used for scratching, roosting and/or nesting).

10. Condition 1(11) is added to read as follows:

"1(11) The 1.8 metre perimeter cyclone fence shall be removed and either restored to either post and wire or post and rail in accordance with Sections 2.35 and 2.36 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(Reason: no development consent has been granted for the erection of a cyclone material fence and as such, fencing is to be restored).

11. Condition 6(4) is to be added to read as follows:

"6(4) Engineer's certification shall be provided for the design and construction of proposed Energy Dissipater and basin prior to occupation of poultry sheds."

12. Condition 7(4) is to be added to read as follows:

"7(4) 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.

13. Condition 12(5) is to be amended to read as follows:

"12(5) The total stocking rate for the Farm shall not exceed 96,000 birds at any time."

(Reason: as identified in the report titled "Odour and Dust Impact Assessment Prepared for Pirovic Family Farms, 430 Arina Road, Bargo NSW prepared by Benbow Environmental dated November 2015).

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
17 October 2016

**PE6 - Development Application No.010.2009.00000827.003 - Modification
of Consent 010.2009.00000827.001 430 Arina Road, Bargo**

14. Condition 12(22) is added to read as follows:

"12(22) Wherever practical, the operation of the development shall have regard to the Department of Primary Industries guidelines and/or subsequent documents produced by the authority."

15. Condition 20(12) is added to read as follows:

"20(2) A Site Environmental Management Plan incorporating an Odour Management Plan is to be submitted and approved by Council or an nominated Accredited Certifier prior to the issue of a Construction Certificate."

From: Helen Sheppard <hs@gwhbuild.com.au>
Sent: Tuesday, 1 November 2016 11:10 AM
To: Daniel Lukic; Council External Incoming
Cc: Franko Pirovic
Subject: DA-2009-827-3 at 430 Arina Road, Bargo NSW 2574
Attachments: Original DA Consent (21.06.10).pdf; Council Recommendations.pdf; Engineering Report 19.10.16.pdf; Environmental Statement 20.10.16.pdf; Civil Plan C03.pdf

Categories: Red Category

RE: DA-2009-827-3 at 430 Arina Road, Bargo NSW 2574

ATTN: Daniel Lukic

Hi Daniel,

I am writing to you to discuss my concerns with Councils recommended additional/modified Conditions of Consent for DA-2009-827-3 and also Councils decision on the 17th of October 2016 to have our Section 96s Modification of Consent Determination deferred.

I have attached the Original DA Consent, Councils proposed additional/modified Conditions, a Statement from our Environmental Consultant, a Statement from our Engineering Consultant and the latest revised Civil Plan as previously discussed with Council.

Issues of Concern:

Nature of Use:

You will see that conditions did not exist in the Original DA Consent to the use of land external to the sheds. The Original DA Consent is for 4 additional sheds for "EGG PRODUCTION", Free Range is a form of Egg Production and the operators have been carrying out this activity on their Farm at 430 Arina Road, Bargo for approximately 27 years and also at their Pheasants Nest Farm for approximately 17 years.

Councils Decision to Deferred the S96 Consent Determination:

Councillor Ray Law requested a deferral because of a residents complaint regarding road flooding across Bargo Rd during the major rains and consequently major flooding in the Wollondilly Shire earlier this year. This matter was addressed by yourself and Councils Engineer onsite on the 14th of July. At your request a meeting was held onsite on the 14th of July with yourself, Councils Engineer, Mr Franko Pirovic (owner) and Mr Peter March (Pirovic's Engineer). A tour of the site was undertaken and any issues were discussed. It was agreed to that revised civil plans would be provided showing an additional retention basin to be designed and constructed to further slowdown any water and have additional capacity to retain water and impurities coming from the approved site before passing through two large holding dams on site, then exiting at the spillway near to Bargo Rd. The site meeting continued at the piped road crossing in question at Bargo Road, adjacent to the exit of the spillway from the site dams at the rear of the subject property. Both yourself & Councils Engineer agreed that the pipe is considerably undersize to handle the unusual rain events such as the event earlier this year and also noted that the piped crossing and road was constructed with a swale in the roadway to allow for water to pass over the road, in an unusual event such as the one earlier this year. Council's conclusion was that the road flooding that

occurred earlier this year was not through any fault of the subject site and that the development would not increase any additional flooding but that with the additional retention basin that had been discussed it would actually slow the volume of water by retaining it on the property and releasing the volume of water with a reduced flow rate. The discussed revised Civil Plans were lodged with Council on the 3rd of August 2016.

Requested Amended and/or Deleted Proposed Conditions:

Conditions No 4 & 5 – Amended:

The Original DA has an approved landscaping plan and there are Conditions in the Original DA for the landscaping to be at the perimeter of the original site as per the plan, also stating size, type and quantity of trees and shrubs to be planted. I believe that this was already covered off in the original landscaping plan & Conditions of Consent. I propose that the original landscaping plans & Conditions be accepted and adopted but extended to the new perimeter of the property now known as Lot 222, 430 Arina Road, Bargo in line with the Original DA Consent and an amended landscaping plan be submitted to reflect the new site.

Conditions No 8 & 9 – Deleted:

Pirovic Family Farms have been operating as a Free Range Farm for approximately 27 years at the 430 Arina Road, Bargo site. These Conditions would place restrictions on the use of the current farm and/or the expansion of the egg production facility at 430 Arina Road, Bargo. If these Conditions of Consent are adopted by Council, these Conditions alone would place in jeopardy the viability and the future of the farms in the Wollondilly Shire and would restrict practises that would with no doubt stop or close down operation at the site. Barns/Sheds: the nesting, egg collection systems, scratch areas & roosting are conducted and the equipment for these purposes are kept inside the barns and/or sheds at all times. The ranging of the hens/chickens after egg collection and depending on weather conditions, is a social activity for the hens/chickens hence the terminology Free Range. Please note: that *All Councillors* attended a site meeting & visits at the Bargo Farm in 2009 in relation to the determination & approval of the Original DA Consent and at this meeting they were given a tour of the Free Range Farm facility.

Condition No 10 – Deleted:

The fence on the original property known as Lot 22 Arina Road Bargo has been in existence on the original site for at least 25 years. At the time of the additional fencing surrounding the newly formed property known as Lot 222 Mr Pirovic had general discussions with the neighbours. Discussions as late as October this year took place with one of the neighbours stating they were happy that the owners have cleaned up the street scape along Bargo Road & Hinkler Avenue and they did not voice any issues with the current fencing.

Condition No 13 – Amended:

The Original DA Consent is approved for a capacity of 105,000. This should not be reduced to a 96,000 capacity considering that the modified development did not increase any capacity and made a number of significant improvements to the original development.

General Conditions Regarding Curfews – Amended:

The Original DA Conditions and I expect the Modification of Consent Conditions impose curfews. The owners always endeavour to manage these curfews however at times such as public holiday's and Sundays whilst attempting to avoid bird pickups & delivery they are sometimes unavoidable. Pirovic Family Farms are highly respectful of their neighbours and have managed to avoid any Feed Deliveries to their sites on these days and limit bird pickups and deliveries to a rarity. We request a

review of these curfews or perhaps a rewording of the curfews to make allowances for access to the sites if required on unavoidable occasions.

Industry Leader:

Over the years Pirovic Family Farms in the Wollondilly Shire have been at the forefront of the industry and used as an example in developing standards, guidelines and best practices, along with developing and assisting the Government and Industry Stakeholders understanding the ever changing requirements by Consumers, Animal Welfare Organisations, Human Health Experts, Veterinarian Science and Governments to provide a viable high protein, secure food source for the future. Below is a small snapshot of some of the more high profile visits since the Original DA Approval. These visitors and stakeholders are from all parts and all levels of Government and associated Government and Industries National and International representatives, and Council itself in the July 2015 Wollondilly Farming and Future Land Use Workshop which the owners also attended.

Stakeholder Site Visits: (Reason: to Determine the Original DA Application)

- Councils determining planner and various Council personal involved in the Original DA Application in 2008/2009.
- All Councillors attended a site meeting & visits at the Bargo Farm in 2009 in relation to the Determination & Approval of the Original DA Consent and at this meeting they were given a tour of the Free Range Farm facility at 430 Arina Road Bargo.

Collative Stakeholders Site Visit: (Reason: Free Range Standards & Guidelines tour of modern Free Range Farm & Free Range Farming Practices now and into the Future – August 2012 - visiting the modern state of the art Free Range Egg Production facility to assist with future regulatory requirements for all stakeholders)

- Polly Bennett – CEO of NSW Food Authority.
- Raquel Bonnar – Policy & Programme Officer - NSW Food Authority.
- Steve Colman – CEO of NSW RSPCA.
- Dr Richard Sheldrake – Director General – Department of Primary Industries.
- James Kellaway – CEO of AECL – Australian Egg Corporation Limited.

University & Research: (Reason: visiting the modern state of the art Free Range Egg Production facility to assist with future research into Free Range Farming – Feb & Oct 2015)

- Dr Isabelle Ruhnke – Researcher – University of New England - Poultry Science Department.

Government Officials: (Reason: Free Range Egg Industry Matters & Support)

- State MP Jai Rowell & MP Staff (visit in relation to matters surrounding the Free Range Egg Industry and support for the Expansion Plans of Pirovic Free Range Farms in the Wollondilly Shire – March 2012 & July 2015).
- John Dunn – NSW Farmers – Policy Director – Intensive Livestock (visit in relation to matters surrounding the Free Range Egg Industry and matters and support for the Expansion Plan of Pirovic Free Range Farms in the Wollondilly Shire – Nov 2015).
- Federal MP Angus Taylor & MP Staff (visit in relation to matters surrounding the Free Range Egg Industry and matters and support for the Expansion Plan of Pirovic Free Range Farms in the Wollondilly Shire – Nov 2015).
- Federal MP Fiona Scott & Staff (visit in relation to matters surrounding the Free Range Egg Industry – Nov 2015).

Federal Treasury Site Visit: (Reason: site visit for the purposes of an economic evaluation on the Free Range Industry in Australia – conducted by Federal Treasury for a Regulatory Impact Statement (RIS) – Feb 2016).

- John Dunn – NSW Farmers – Policy Director – Intensive Livestock.
- Rowan Mc Monnies – NSW Farmers – Legal Advisor.
- Peta Dixon – Federal Treasury.
- Kathryn McCrea – Federal Treasury.
- Nisha Dutta – Federal Treasury.

The above snap shot identifies the Pirovic Family Farms in the Wollondilly Shire and the Egg Industry as a vital part of the current and future of Wollondilly’s Economic Farming for the Future.

At this stage I have not heard anything from Council in relation to the proposed additional/amended conditions and the deferral of the Consent. I would appreciate your response and assistance in addressing these issues to allow determination at Council’s next meeting.

Please feel free to contact me directly on 0412 775 952.

Kind Regards
Helen Sheppard
Town Planner

40 Glenwood Drive Thornton NSW 2322
PO BOX 3081 Thornton NSW 2322
mob. 0412 775 952 tel. 02 4966 3766 fax. 02 4966 3866
email. hs@gwhbuild.com.au
www.gwhbuild.com.au



CELEBRATING 20 YEARS

An advertisement for SOHO CENTRAL featuring a modern apartment interior with a red 'NOW SELLING' banner. Text includes 'THE BEST INNER CITY APARTMENTS NEWCASTLE HAS TO OFFER' and 'SOHOCENTRAL.COM.AU'.

An advertisement for WATERVIEW APARTMENTS - BELMONT BAY featuring a lakeside apartment interior with a red 'NOW SELLING' banner. Text includes 'LIVE THE LIFE LAKESIDE', '02 4954 8833', and 'ENQUIRE NOW >'.

An advertisement for Greenside PORT STEPHENS featuring a resort-style living area with a red 'NOW SELLING' banner. Text includes 'RESORT STYLE LIVING FOR OVER 55'S', '0401 744 927', and 'ENQUIRE NOW >'.

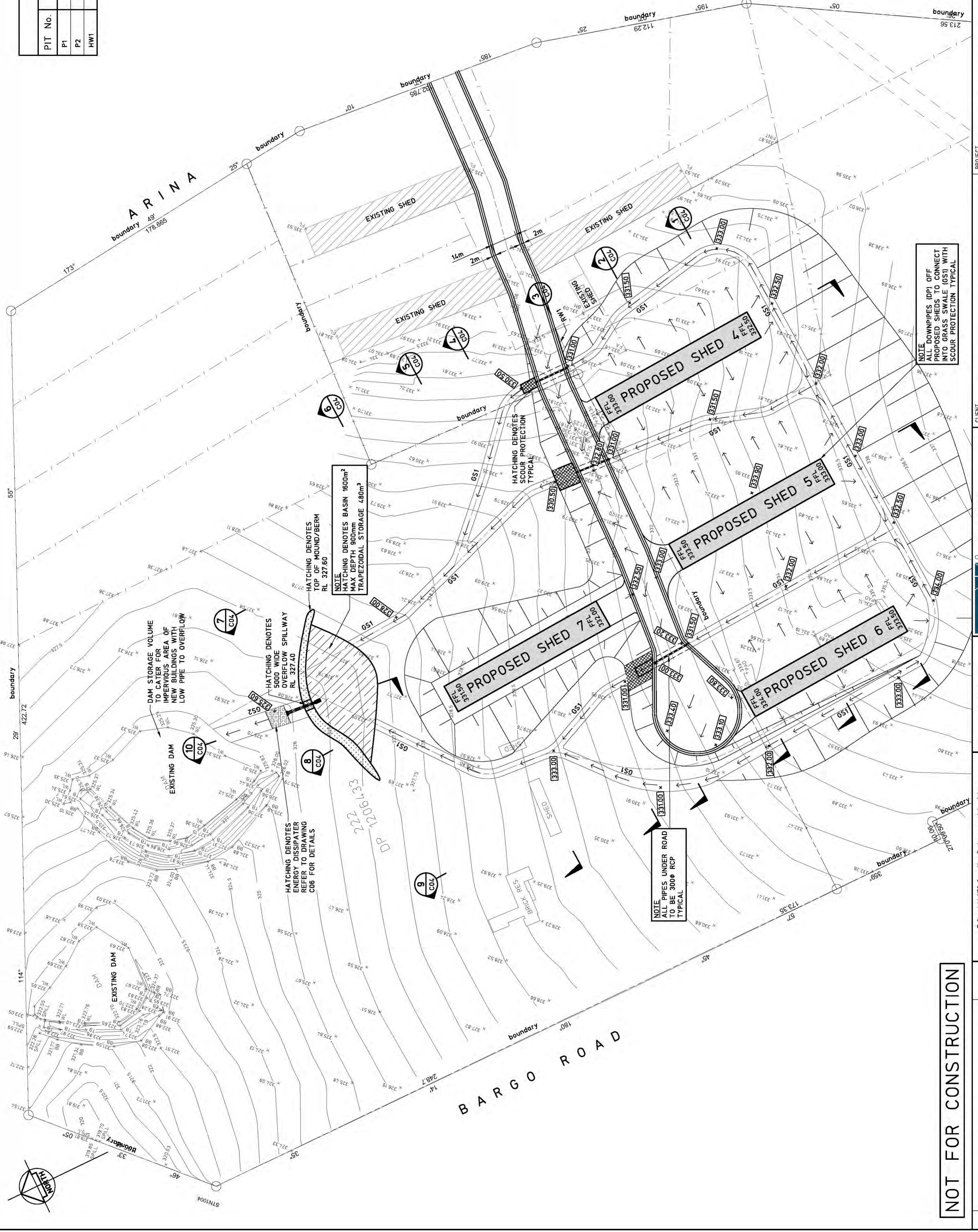
PIT SCHEDULE			
PIT No.	SIZE	TYPE	INVERT LEVEL I.L.
P1	1200x1200	GRADED PIT	326.50
P2	1200x1200	GRADED PIT	326.90
HW1	27525*	HEADWALL	325.60

STORMWATER PLAN

SCALE 1:1000
STORMWATER NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH AS3500.3.
2. ALL PIPES TO HAVE A 1% MINIMUM FALL UNO.
3. EXACT LOCATION OF DOWN PIPES TO BE SPECIFIED BY ARCHITECT. FOR REFER TO ARCHITECTURAL DRAWINGS.
4. ALL PIPES TO BE UPVC UNO.
5. ALL UPVC PIPES TO BE SEWER GRADE AND TO AS1260.
6. ALL REINFORCED CONCRETE PIPES (RCP) TO BE SPIGOT AND SOCKET TYPE WITH RUBBER RINGS CLASS 2 TO AS4058.
7. PITS TO BE C/D REINFORCED PRE-CAST CONCRETE PITS OR EQUIVALENT PROPRIETARY PITS.
8. ALL LIDS AND GRATES TO BE PROPRIETARY HEAVY DUTY IN AREAS OF VEHICULAR TRAFFIC.
9. LIGHT DUTY ELSEWHERE, IN ACCORDANCE WITH AS3986.
10. MINIMUM COVER TO STORMWATER PIPES TO BE AS FOLLOWS UNO:
 PIPES LOCATED IN TRAFFICABLE AREAS - 300mm
 PIPES LOCATED IN TRAFFICABLE AREAS - 300mm
 PIPES OBTAINED BY TRAFFICABLE AREAS
 REFER TO CLAUSE 3.8 AS3500.3 ALTERNATIVELY USE UPVC SEWER GRADE PIPES UNDER ROAD AND BUILDINGS.
 10. PROVIDE 100% AG DRAINS IN FILTER SOCKS TO ALL LANDSCAPED AREAS, PLANTER BEDS AND STORMWATER PIPE TRENCHES. ALL AG DRAINS TO BE BEDDED IN COARSE AGGREGATE AND TO BE CONNECTED TO STORMWATER SYSTEM.
 11. ALL PITS, DETENTION TANKS AND PROPRIETARY POLLUTION CONTROL DEVICES TO BE CLEANED OF SEDIMENT AT 3 MONTH MAXIMUM INTERVALS.
 12. ALL EXISTING SERVICES TO BE LOCATED PRIOR TO COMMENCEMENT OF WORKS TO BE REINSTATED TO CURRENT COUNCIL REQUIREMENTS
 13. ANY EXISTING KERB AND GUTTER OR ROADWAY DISTURBED BY WORKS TO BE REINSTATED TO CURRENT COUNCIL REQUIREMENTS
 14. PROVIDE ACCESS LADDER TO TANK AS REQUIRED, REFER TO AS1657.

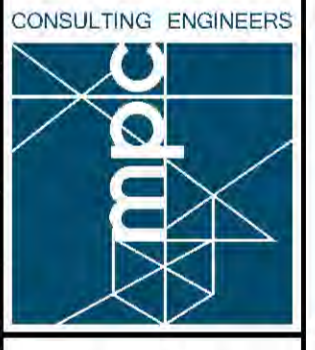
LEGEND	DESCRIPTION
	DENOTES STORMWATER PIPE
	DENOTES EXISTING CONTOUR
	DENOTES DESIGN SPOT LEVELS
	DENOTES 5000 WIDE x 300 MIN DEEP GRASS LINED SWALE, 1% MIN FALL, UNO
	DENOTES 10000 WIDE x 1000 MIN DEEP GRASS LINED SWALE, 1% MIN FALL, UNO



NOT FOR CONSTRUCTION

DATE	REASON FOR ISSUE	DATE OF RELEASE	RESPONSIBLE PRINCIPAL SIGNATURE	ISSUE
2.8.16				
28.07.15				
28.05.15				
28.05.15				
17.4.15				

© Copyright MPC Consulting Engineers as date of issue
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS ENDORSED BELOW



CONSULTING ENGINEERS
 Suite 3, Level 1
 15 Trafalder Street
 NEWCASTLE EAST, NSW 2300
 PO BOX 553
 THE JUNCTION, NSW 2291
 Tel: (02) 4927 5577
 Fax: (02) 4927 5577
 Email: admin@mpceng.com.au
 Web: www.mpcconsultingengineers.com.au
 A.C.N. 008 542 575

CLIENT
GWH BUILD
 TITLE
STORMWATER PLAN

PROJECT
**PROPOSED BUILDINGS AT:
 LOT 2, DP 235598 AND
 LOT 22, DP 778748, ARINA ROAD,
 BARGO**

DO NOT SCALE DRAWING			
DRAWN	ENGINEER	No in SET	SHEET
K.K.	P.M.		A1
SCALES	JOB No	DRAWING No	ISSUE
1:1000	15-4-10	C03	4

FULL SIZE ON ORIGINAL 15 cm

Attachments

1. Co-existence agreement guidelines
2. Draft Amendment to Land Zoning Map
3. Draft Amendment to Lot Size Map
4. Draft Amendment to Height of Building Map
5. Draft Amendment to Natural Resources Biodiversity Map
6. Draft Amendments to Wollondilly Development Control Plan 2016

Monday 19 December 2016

PE2 – Planning Proposal – Bronzewing Street, Tahmoor

Cost Considerations

Predicting the costs associated with;

- subsidence damages to houses and other urban development (pools, sheds, garages, driveways, retaining walls, landscaping etc)
- subsidence damages to public infrastructure (road repairs, telecommunication lines, water infrastructure etc)
- third party consequences of damage to public infrastructure
- A robust surveying plan
- Independent engineering consultants to assist in determining claims
- Temporary housing when major rebuilds are required
- Removalists when temporary housing is required or when a house is damaged it is no longer habitable
- Purchasing properties that damaged to a point they become uninhabitable
- Demolition
- Conveyancing
- Legal fees
- Resources to manage claims
- Community offices and overheads
- Social impacts
- Development of site specific or development specific standards for building construction, maintenance and replacement
- Development of information for prospective purchasers, future landowners, tenants and operators of infrastructure
- Consultation with the owner, development of a scope of work, tendering and contract management of the repairs or rebuild.
- Post construction management, including defect repairs.
- Prolonged claim negotiations and disputes
- Public relations and counseling of disaffected residents
- Availability of sufficient building resources to economically complete repairs.

Common Assumptions

- Lot plan layout
- Lot development type;
 - Type (eg. residential, commercial, industrial)
 - Location,
 - Maximum dimensions (*footprint and height*),
 - Typical building materials,
 - Extent of underground structures (*foundation types, basements, pools, retaining walls, etc*),
 - \$-value for each,
 - Standard / mandatory mine subsidence design mitigation measures.
- Utility development type;
 - Type (eg. power, telecom, water, sewer, drainage, roads, gas, etc),
 - Location, (in particular grade dependent utilities such as sewer, and drainage.
 - Dimensions / material type / construction type,
 - Access issues for repair,
 - \$-value for each,
 - Standard / mandatory mine subsidence design mitigation measures.
- Agreed method for determining Mine subsidence parameters (suggest peer review)
- Mine subsidence parameters for *systematic* behaviour (Vertical subsidence, horizontal strain, Tilt, curvature).
- Likelihood and allowance for *non-systematic* mine subsidence behaviour (eg. Dependent on geological structure: faults, dykes, slip planes, topography, cuttings, etc)
- The minimum category of damage requiring repairs and appropriate methods of rectification (eg, fill crack rather than replace element, or replace part tiles).
- The minimum category of damage requiring temporary repairs, before final repairs are undertaken.
- Agreed methods of damage assessment.
- Timing of development and mining (ie. The extent of development impacted by mine subsidence ; directly and indirectly undermined)
- The extent and timing of residual subsidence following mining.
- Foundation geology.
- Likelihood and location of flooding / drainage issues requiring rectification.
- Likelihood and extent of reactive soil movement (identify classification).
- The extent of pre-mining inspections.
- The extent and regularity of survey / satellite monitoring during mining activities (eg. 1D or 2D, building foundations, roadways, etc) .
- Provision and cost of temporary housing to relocate during major repairs/ rebuild.
- Time frame for repairs following damage.
- Consequential costs if damage to utility structure occurs.

Map Series to be Amended:
Land Zoning

Map Sheets to be Amended:
8400_COM_LZN_008D_020_20150731

Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN3	Heavy Industrial
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU4	Primary Production Small Lots
SP1	Special Activities
SP2	Infrastructure

Cadastre

Cadastre bas data 01/08/2014 © Land and Property Information (NSW)
Addendum data 24/08/2016 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

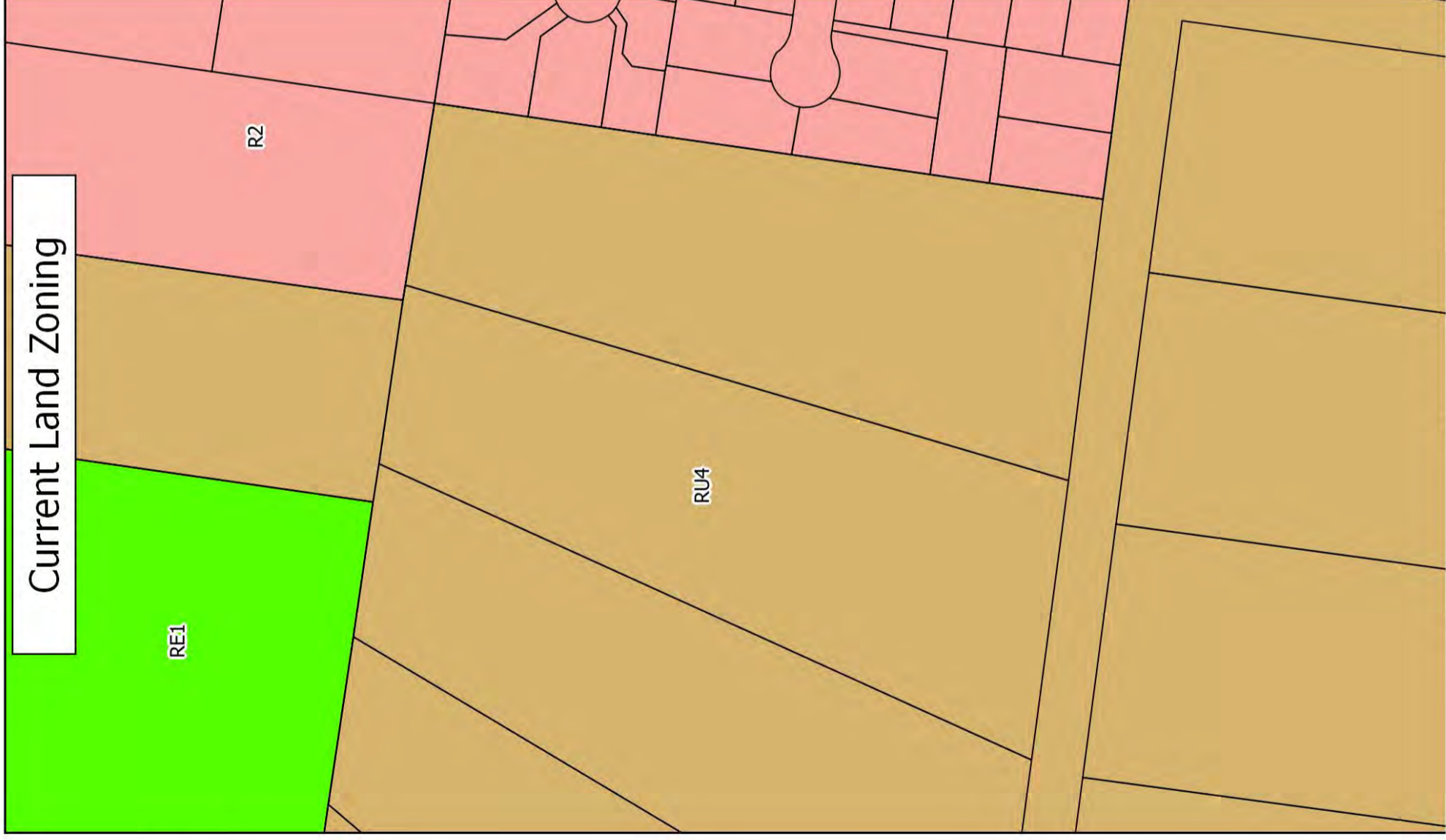
Map Produced: 24-08-2016



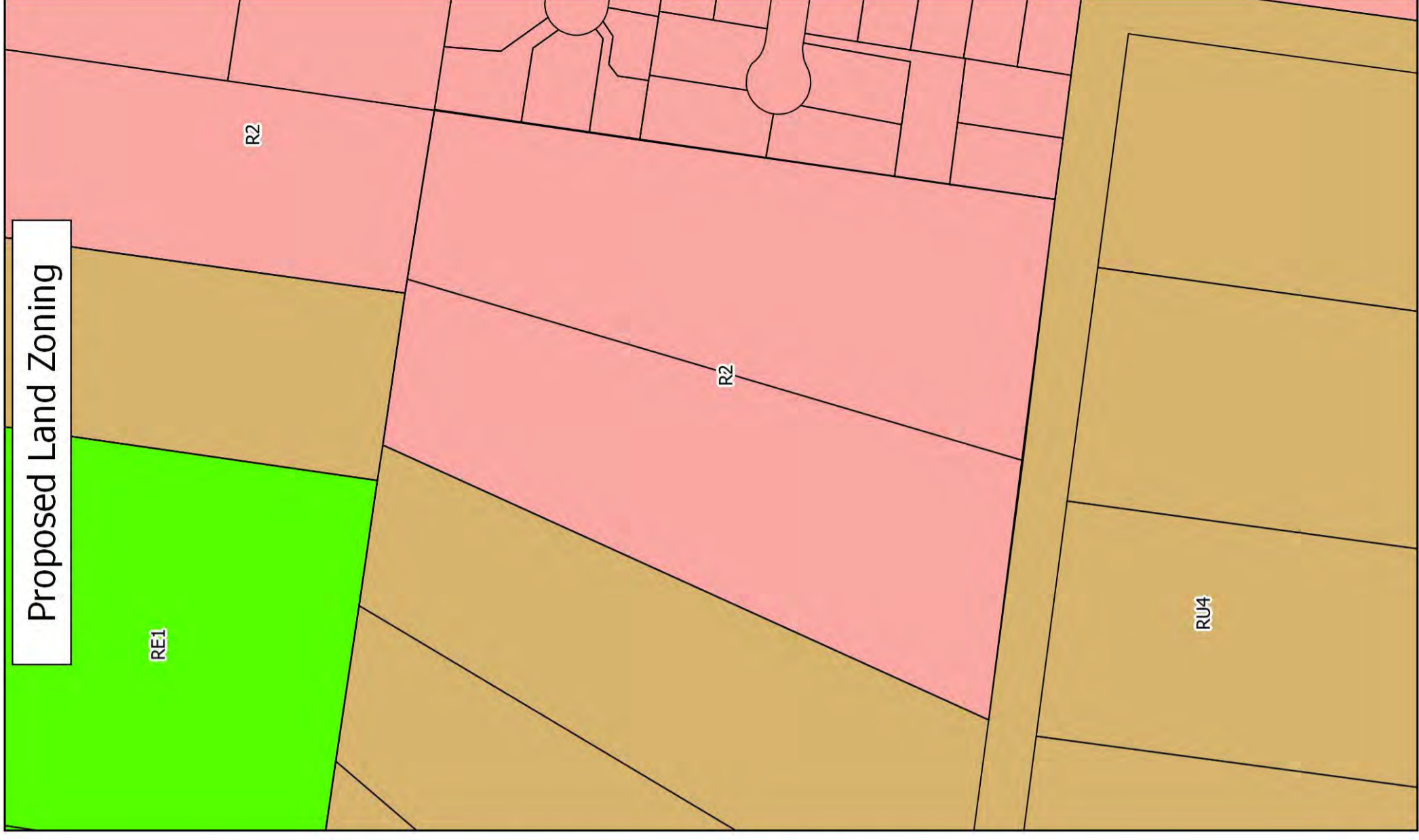
Projection GDA 1984
MGA Zone 56

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/mq/index.cfm?type=ep&year=2011&no=85>

Current Land Zoning



Proposed Land Zoning



Map Series to be Amended:
Lot Size Map

Map Sheets to be Amended:
8400_COM_LSZ_008D_020_20150731

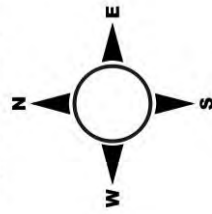
Minimum Lot Size (sq m)

B	230
C	250
G	450
Q	700
T	975
U1	1250
U2	1500
V	2000
W	4000
X	5000
Y1	1ha
Y2	1.5ha
Z1	2ha
Z2	3ha
Z3	4ha
Z4	4.5ha
AA1	5ha
AA2	7ha
AB1	16ha
AB2	20ha
AB3	30ha
AB4	35ha
AB5	40ha
AC	60ha
AD	100ha

Cadastral


 Cadastral base data 01/09/2014 © Land and Property Information (NSW)
 Addendum data 24/08/2016 © Wollondilly Shire Council

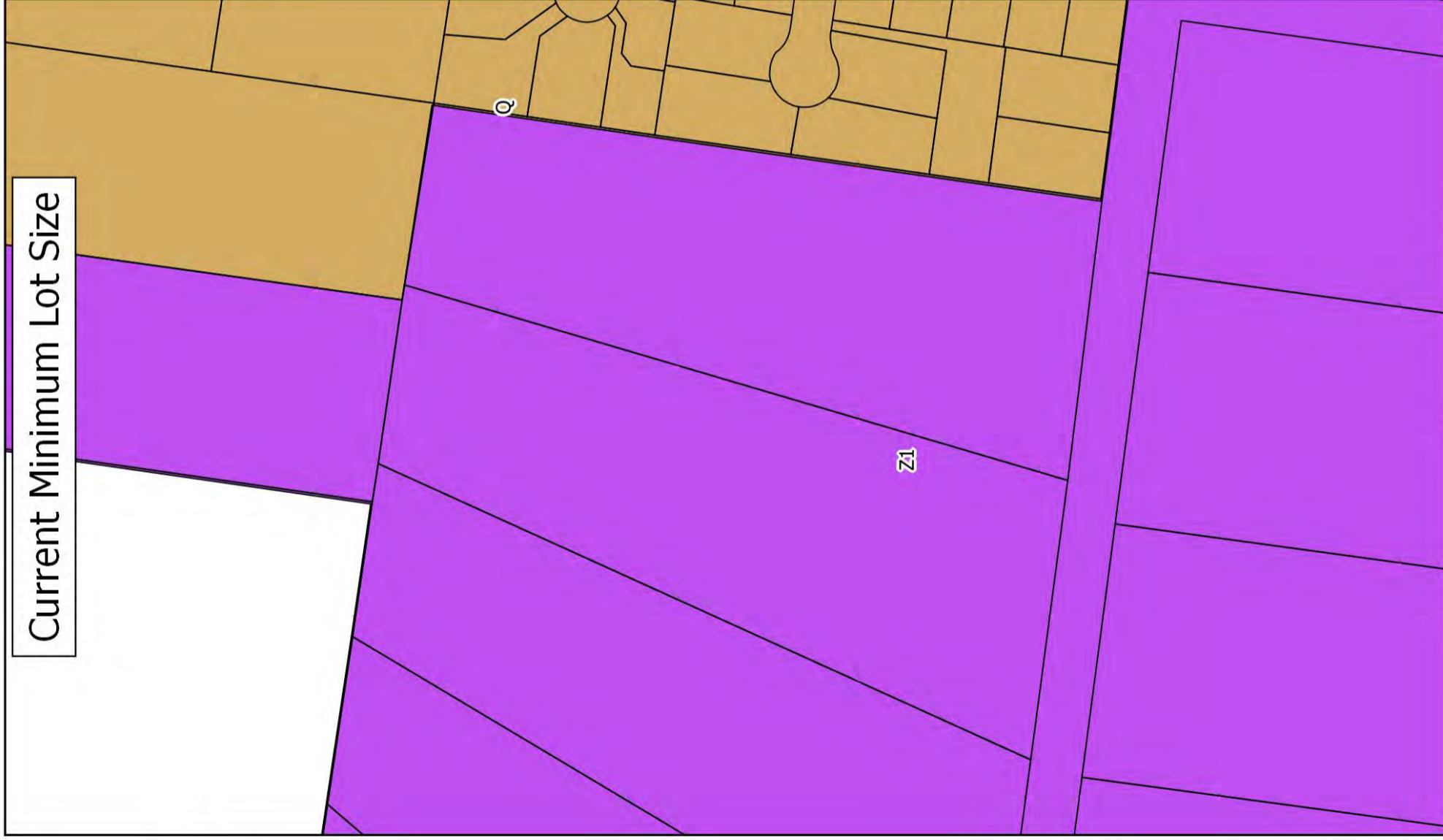
Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.



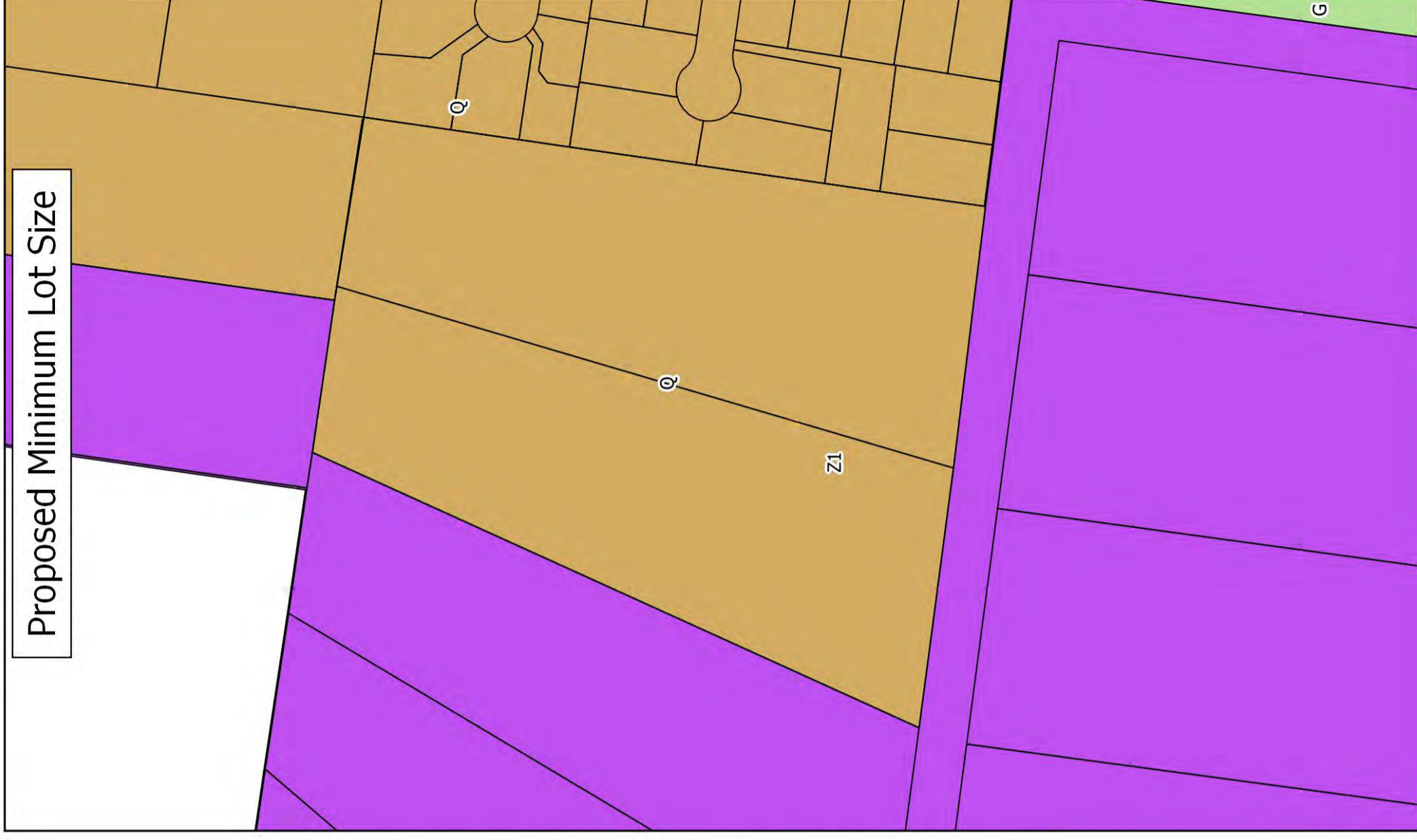
Projection GDA 1984
 MGA Zone 56
 Map Produced: 24-06-2016

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/mq/index?ctype=ep&year=2011&no=85>

Current Minimum Lot Size



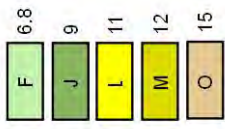
Proposed Minimum Lot Size



Map Series to be Amended:
Height of Buildings

Map Sheets to be Amended:
8400_COM_HOB_008D_020_20150731

Maximum Building Height (m)

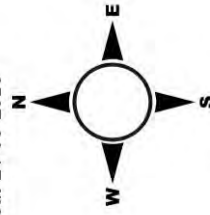


Cadastral

Cadastral bas data 01/08/2014 © Land and Property Information (NSW)
Addendum data 24/08/2016 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Councils LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 24-08-2016



Projection: GDA 1984
MGA Zone 56

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/mapi/index?type=ep&year=2011&no=65>

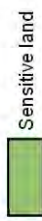
Current Maximum Building Height



Proposed Maximum Building Height



Sensitive Land



Sensitive land

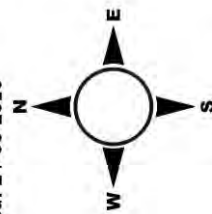
Cadastral



Cadastral base data 01/09/2014 © Land and Property Information (NSW)
Addendum data 24/08/2016 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 24-08-2016



Projection GDA 1984
MGA Zone 56

Visit the website below to view the published map sheets listed above.
<http://www.legislation.nsw.gov.au/index?type=ep&year=2011&no=85>

Current NRB



Proposed NRB



Draft Amendments for Bronzewing Street Planning Proposal

Volume 3 – Subdivision of Land

Part 3 Controls for Specific Locations

3.11 Bronzewing Street Planning Proposal

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 potential archaeological heritage is assessed.
3. To improve road efficiency and permeability between residential areas.
4. To protect large native trees to achieve connectivity for native animals.
5. To ensure local indigenous vegetation is used for landscaping.
6. To ensure asset protection zones do not impact on native vegetation
7. To minimise rural land use conflict.

Attachments

1. Map showing subject land.
2. Map showing vegetation communities.
3. Gateway Determination.
4. Proposed amendments to Additional Permitted Uses maps.
5. Land use zoning map showing existing unformed road.

Monday 19 December 2016

PE3 – Planning Proposal to enable an additional permitted use at 7 Bronzewing Street, Tahmoor

MAP SHOWING SUBJECT LAND (SHOWN OUTLINED IN RED):



Vegetation Communities



Legend

- Study Area
- Vegetation Communities**
 - Shale Sandstone Transition Forest
 - Acacia Regrowth
 - Weeds and Exotics

0 5 10 20
Metres
GDA 1994 MGA Zone 56

eco logical AUSTRALIA
www.ecoaus.com.au
Prepared by: BH Date: 23/08/2016

Figure 1: Vegetation mapping of the subject site (ELA 2016)



Contact: James Sellwood
Phone: (02) 9860 1559
Email: james.sellwood@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2016_WOLLY_002_00 (16/08892)
Your ref: 9030 MR:MR

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

WOLLONDILLY SHIRE COUNCIL	
TRIM NO.	9030
PROP. No.	
- 2 AUG 2016	
AUTH. No.	
ASSIGNED TO:	Mark. R.

Dear Mr Johnson

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Wollondilly Shire Council's letter dated 24 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend *Wollondilly Local Environmental Plan 2011* to allow car parking as an additional permitted use at 7 Bronzewing Street, Tahmoor.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, and 3.4 Integrating Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office at least 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr James Sellwood in the Department's Sydney Region West team to assist you. Mr Sellwood can be contacted on (02) 9860 1559.

Yours sincerely

26/07/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:
Gateway determination
Written authorisation to exercise delegation
Reporting template for delegated Local Environmental Plan amendments

Gateway Determination

Planning proposal (Department Ref: PP_2016_WOLLY_002_00): for Bronzewing Street Car Parking

I, the Director, Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Wollondilly Local Environmental Plan 2011* to allow car parking as an additional permitted use at 7 Bronzewing Street, Tahmoor should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to include a Flora and Fauna study which addresses the impact of the proposal on the Shale Sandstone Transition Forest which is present on site.
2. Community consultation is required under sections 56(2) and 57 of the Act as follows:
 - a) the planning proposal must be made publicly available for 14 days; and
 - b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.
3. Consultation is required with the following public authority under section 56(2)(d) of the Act:
 - Office of Environment and Heritage.

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

Should the public authority require any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

5. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway determination.

Dated 26th day of July 2016

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission




WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollondilly Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WOLLY_002_00	Planning proposal for Bronzewing Street Car Parking

In exercising the Minister's functions under section 59, the Council must comply with the Department's 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Dated 26th July 2016


Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Planning Proposal for Bronzewing Street Car Parking under *Wollondilly Local Environmental Plan 2011*

Reporting template for delegated Local Environmental Plan amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2016_WOLLY_002_00
Date Sent to Department under s56	29/06/2016
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department


Stage	Date/Details
Notification Date and details	

Additional relevant information:

Map Series to be Amended:
Additional Permitted Uses

Map Sheets to be Amended:
8400_COM_APU_008D_020_20110204

Additional Permitted Uses

 Refer to schedule 1

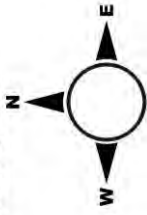
Cadastral



Cadastral data 01/08/2014 © Land and Property Information (NSW)
 Addendum data 05/10/2016 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Councils LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

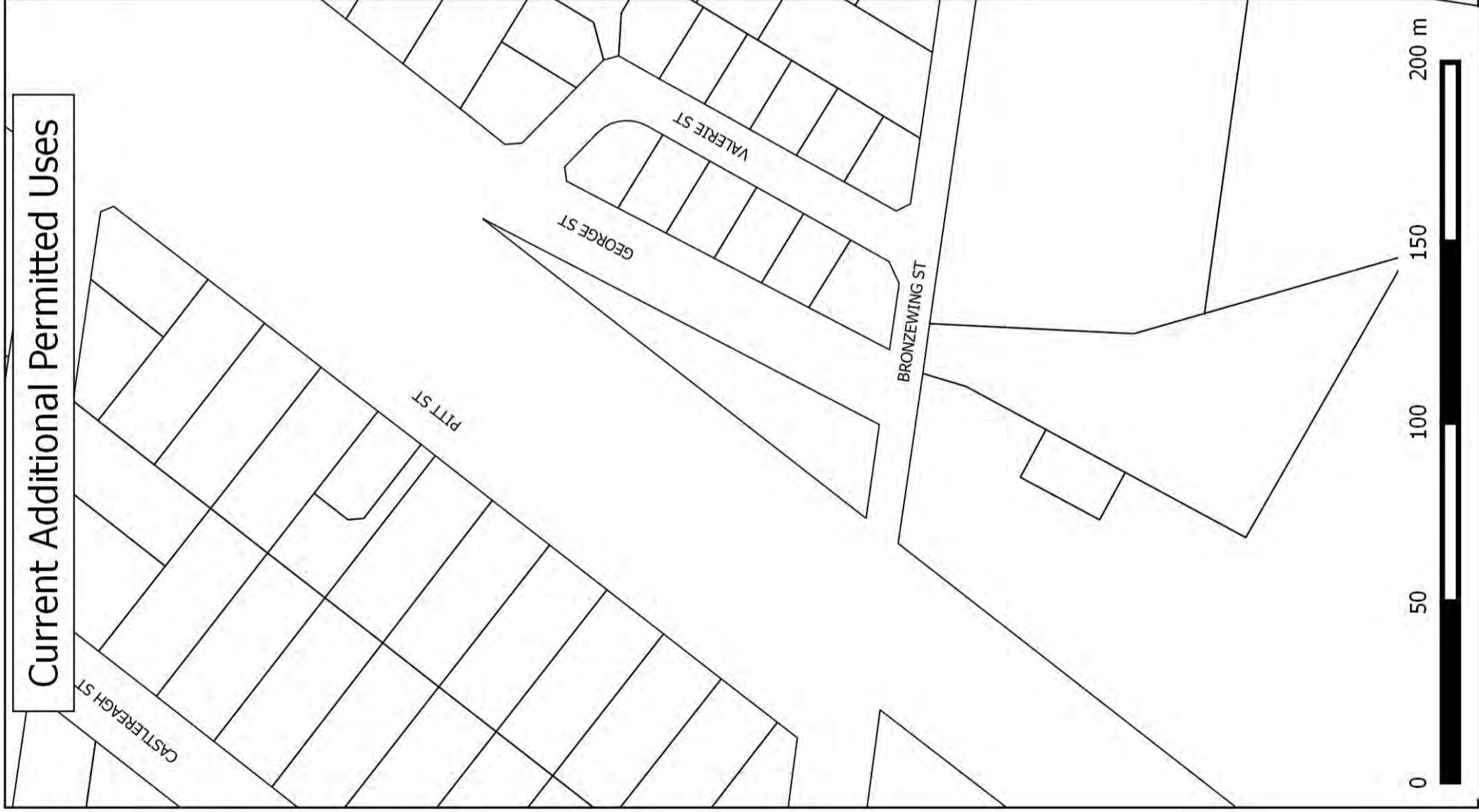
Map Produced: 05-10-2016



Projection GDA 1984
MGA Zone 56

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/mapprod/type=ep/plan=2011&no=85>

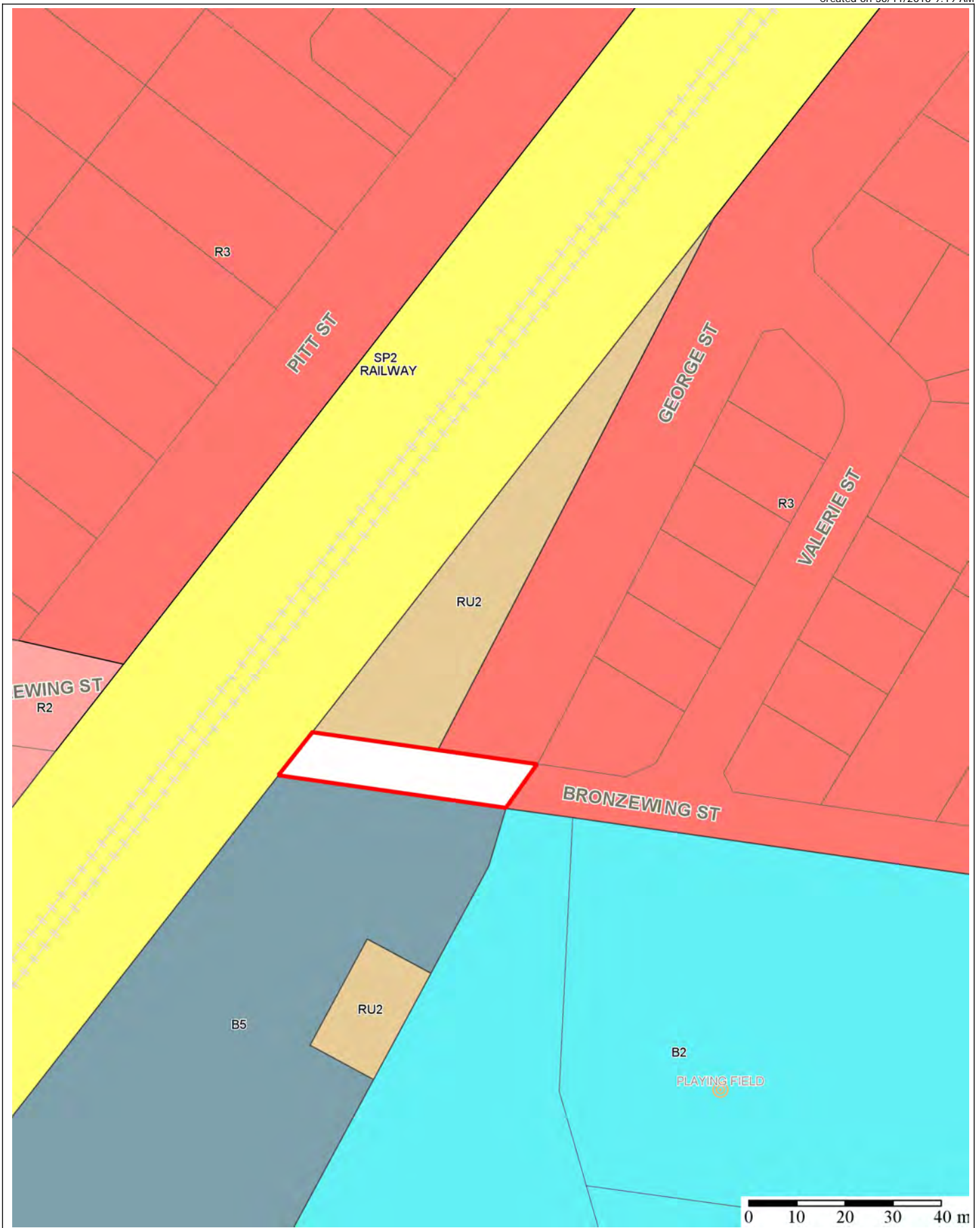
Current Additional Permitted Uses



0 50 100 150 200 m

Proposed Additional Permitted Uses





Wollondilly Shire Council
 PO Box 21
 PICTON NSW 2571
 Ph: (02) 4677 1100
 Fax: (02) 4677 2339
 Web:
www.wollondilly.nsw.gov.au

© Wollondilly Shire Council.
 © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795. www.lpi.nsw.gov.au.
 While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Created By: Mark Ruddiman

Projection: GDA94 / MGA zone 56

Date: 30/11/2016 9:19 AM

Attachments

1. Map showing Planning Proposal Site.
2. Indicative Zone Layout Plan
3. Map showing vegetation communities on the site
4. Gateway Determination (October, 2014) and Altered Gateway Determination (June, 2015)

Monday 19 December 2016

PE4 – Planning Proposal – 95 Great Southern Road, Bargo

CROWN LAND



DP 751 242

DP 257510 252

DP 571589 1

DP 596515 2

DP 656709 14

DP 257510 251

0.25 0.5 kilometres

DP 208944 2

DP 751250 44

DP 134468 45

DP 996286 1

DP 10336

DP 10336

DP 10336

DP 10336

DP 208944

DP 160455

DP 9803

DP 956345

DP 868173

DP 736032

DP 770851

DP 157493

DP 388199

Legend



Subject Site

Great Southern Road, Bargo

Cadastre, Lot & DP Information

Planning Proposal

DCDB © L&P NSW 2013 | Created on 30 September 2013
Wollondilly Shire Council accepts no responsibility for any injury, loss or damage arising from the use of this plan or errors or omissions therein | TRIM 7696

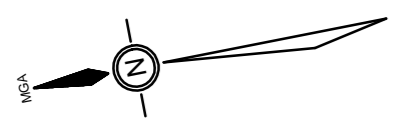


Wollondilly
Shire Council

ZONING CONCEPT PLAN

MGA GRID BOUNDARY CO-ORDINATES

1:	E: 277 180.050	N: 6 204 416.164
2:	E: 277 182.770	N: 6 204 405.667
3:	E: 277 214.134	N: 6 204 321.096
4:	E: 277 261.670	N: 6 204 184.572
5:	E: 277 279.753	N: 6 204 127.524
6:	E: 277 638.587	N: 6 204 199.697
7:	E: 278 179.885	N: 6 204 306.592
8:	E: 278 121.253	N: 6 204 602.437



WELLERS ROAD

64

DP 736032

63

DP 736032

1

DP 770601

61

DP 157493

ANTHONY ROAD

1

DP 996286

28.28 Ha

ROAD

GOVERNMENT ROAD

DP 571569

2

DP 596515



REV.	DATE	DESCRIPTION	BY
C	9/11/16	AMEND ZONING	BW
B	7/09/16	AMEND ZONING	BW
A	23/07/16	INITIAL ISSUE	PB

FEATURES LEGEND

- E2 ENVIRONMENTAL CONSERVATION ZONE
- R2 LOW DENSITY RESIDENTIAL ZONE WITH 700m² MINIMUM LOT SIZE
- R5 LARGE LOT RESIDENTIAL ZONE WITH 5000m² MINIMUM LOT SIZE

SIS
Swinney land surveyors
Consulting Surveyors
Ph (02) 9967 0511
152 Sailors Bay Road
Northbridge NSW 2063

Australian Survey Solutions
PO Box 488
BOWRAL 2576 NSW
T: 1300 48 39 79
M: 0417 49 39 79
enquiry@aussurveys.com.au
www.aussurveys.com.au

IN ASSOCIATION WITH:

Common Ground Property NSW
PROJECT ADDRESS:
95 Great Southern Road, Bargo

L.G.A: Wollondilly
Datum: A.H.D.

Drawing Title:
**CONCEPT ZONING PLAN OVER
LOT 1 DP 996286**

Surveyed: PB/RL Drawn: PB Approved: PB
Date Of Survey: 23 JULY 2016

Drawing Number:
190713

Rev: C Size: A1
Scale: 1:1 500
Sheet: 1 Of 1



Figure 3.5: Validated vegetation at subject site (Ecoplanning 2016).



Contact: Mato Prskalo
Phone: (02) 9860 1534
Email: mato.prskalo@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: 14/14743
Your ref: 7696 DS:KF

Attention: Mr David Smith

Dear Mr Johnson

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 18 August 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), in respect of the planning proposal to rezone part of Lot 1 DP 996286, No. 95 Great Southern Road, Bargo, for the purpose of residential development.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 1.2 Rural Zones is generally consistent with the Draft South West Subregional Strategy. No further approval is required in relation to this Direction. Council may still need to obtain the Secretary's agreement to satisfy the requirements of relevant section 117 Directions.

The Minister delegated plan making powers to councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. I have considered the circumstances of the planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

I have noted that Council has requested that the Gateway determination include a requirement to undertake an open space study. I have decided that it would not be appropriate for the Gateway determination to include such a requirement. However, this does not prevent Council from undertaking such a study separately.

The amending local environmental plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's submission of the finalised planning proposal to the Department should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete local environmental plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frame outlined in this determination is not met.

Should you have any queries in regard to this matter, please contact Mr Mato Prskalo of the Regional Office of the Department on 02 9860 1534.

Yours sincerely,

2/10/19

Simon Manoski
**A/ General Manager, Metropolitan
Planning Services**

Gateway Determination

Planning proposal (Department ref: PP_2014_WOLLY_005_00): to rezone part of Lot 1 DP 996286, No. 95 Great Southern Road, Bargo, from Zone RU2 Rural Landscape to Zone R2 Low Density Residential and amend associated development controls for the entire site.

I, the Acting General Manager, Housing, Growth & Economics, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the Act, that an amendment to the Wollondilly Local Environmental Plan 2011 to facilitate the above proposal, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act, for a period of 28 days;
2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination;
3. Delegation is not to be given for Council to exercise the Minister's plan making powers; and
4. The Secretary's delegate approves the inconsistency with section 117 Direction 1.2 Rural Zones on the basis that the proposal is generally consistent with the Draft South West Subregional Strategy.

The matters in conditions 5 to 12 below are to be addressed prior to undertaking community consultation.

5. Council is to amend the proposal as follows:
 - the eastern part of the site is to be rezoned from RU2 Rural Landscape to Zone R5 Large Lot Residential and a minimum lot size of 1,500sqm is to apply, and
 - the western part of the site is to include the following minimum lot sizes:
 - 1500sqm to the immediate west of the watercourse,
 - 700sqm lots fronting Anthony and Great Southern Roads as well as the middle third of the site, and
 - 450sqm for the remainder, except for the area around a locally heritage listed homestead in the northwestern corner of the site, which requires a larger lot to provide an appropriate curtilage;
6. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required:

- Department of Health,
- Transport for NSW,
- Roads and Maritime Services,
- Office of Environment and Heritage, and
- Department of Education and Communities.

A copy of all responses should be returned to the Department's Regional Office;

7. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly;
8. Council is to amend the proposal to update references to the status of the recently approved waste transfer station;
9. Council is to prepare the following studies:
 - flora and fauna
 - European and Aboriginal heritage
 - flooding
 - traffic
 - preliminary contamination investigation
 - drainage.
10. Council is to provide certainty in regard to the provision of a reticulated sewerage scheme to service the development and, where that scheme is not part of the Sydney Water sewerage scheme for Bargo, details of the location and capacity of the sewerage scheme have been provided for inclusion in the documents for public exhibition;
11. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant section 117 directions:
 - Department of Trade & Investment - Resources & Energy (Direction 1.3 Mining, Petroleum Production and Extractive Industries),
 - Office of Environment and Heritage (Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation, including consultation specifically under section 34A of the Act),
 - Greater Sydney Local Land Services (formerly known as the Hawkesbury-Nepean Catchment Management Authority) (Direction 2.1 Environment Protection Zones),
 - Mine Subsidence Board (Direction 4.2 Mine Subsidence and Unstable Land), and
 - Rural Fire Service (Direction 4.4 Planning for Bushfire Protection);
12. Council is to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land after undertaking the above flood study;

13. Council is also to consult with Sydney Water and Roads and Maritime Services; and
14. Council is to undertake an acoustic assessment prior to exhibition of the planning proposal, detailing the minimum level of acoustic treatment required for future housing, having regard to the potential operation of the waste transfer station to the north east of the site. The acoustic assessment shall also detail the proposed means of ensuring the installation of such controls.

Dated this second day of October 2014.

Simon Manoski
A/General Manager, Metropolitan
Planning Services.

Delegate of the Minister for Planning



Mr Marcello Chiodo
Acting Deputy General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

WOLLONDILLY SHIRE COUNCIL
7696
26 MAY 2015
ASSIGNED TO: Grant

Attention: Mr Grant Rokobauer

Dear Mr Chiodo

Planning Proposal No. PP_2014_WOLLY_005_00 – Request for Alteration of Gateway Determination

I refer to your letter dated 25 November 2014, requesting an Alteration of Gateway Determination for the planning proposal relating to land at No. 95 Great Southern Road, Bargo (PP_2014_WOLLY_005_00).

Following an internal, independent review, I have determined, as delegate of the Minister for Planning, in accordance with Section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination with the following amendments:

1. Increase the minimum lot size west of the natural watercourse to 700m². This area to continue to be rezoned to R2 Low Density Residential.

This is to ensure future development more consistently reflects the surrounding area.

2. Insert a condition requiring an on-site effluent disposal report to be prepared to demonstrate the minimum lot size capable of on-site effluent disposal. This report is to then be used to inform an appropriate minimum lot size for the area east of the natural watercourse. This area to continue to be rezoned to R5 Large Lot Residential.

This is to address environmental health concerns raised by Council over on-site wastewater disposal and ensure an evidence based approach is implemented.

I would now encourage Council, as the relevant planning authority to continue its role in proceeding with the planning proposal in accordance with the Gateway determination dated 2 October 2014.

If you have any questions in relation to this matter, please contact Ms Rachel Cumming of the Department's Metropolitan (Parramatta) Office on (02) 9860 1174.

Yours sincerely

Marcus Ray 
Deputy Secretary
Planning Services

22/05/2015

Attachments

1. Proposed Amendments to the Wollondilly DCP 2016
2. Report and Minutes from Ordinary Meeting of Council which relates to Draft Planning Proposal for Lot Boundary Adjustments - 20 June 2016

Monday 19 December 2016

PE5 – Boundary Adjustments in certain residential, environmental protection and rural zones
– DCP Provisions

Draft Amendment to Wollondilly Development Control Plan, 2016

Volume 3 – Subdivision of Land

PART 2 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

2.11 Boundary Adjustment to certain residential, environment protection and rural zones

Note 1: Clause 4.2B of the Wollondilly Local Environmental Plan 2011 applies to Boundary Adjustments in rural, environmental protection zones and large lot residential. Clause 4.B sets out where boundary adjustments can be considered and what must be considered before determining a development application.

Note 2: Only controls under this part (i.e. Part 2.11) will apply to boundary adjustments. Other controls within Part 2 do not apply.

Application

This part applies when a boundary adjustment is carried out and no additional lots are created under clause 4.2B of WLEP 2011

Objectives

- a) To ensure access points for rural subdivisions are located at safe locations within the road network
- b) To ensure regular and practical allotments that will encourage the orderly and economic use of land.
- c) To ensure the land is not fragmented and degraded by inappropriate subdivision
- d) To indirectly define a boundary adjustment

Controls

1. The boundary adjustment must:
 - a. not result in a significant reconfiguration of the lots and
 - b. bear some resemblance to the lots which existed before the adjustment and
 - c. not result in a consolidation of the lots and
 - d. result in an orderly and logical lot pattern and
 - e. not fragment or degrade land

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE4 – Draft Planning Proposal – Lot Boundary Adjustments

PE4

Draft Planning Proposal – Lot Boundary Adjustments

259421

TRIM 9019

Stage	Completed
Preliminary notification	None required
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not Yet completed
Referred to Minister for Publication	Not yet completed

Planning & Economy

EXECUTIVE SUMMARY

- This report seeks to initiate a planning proposal to enable boundary adjustments with development consent between adjoining lots zoned Rural, Environmental Living and Large Lot Residential where one or both of the lots will not meet the minimum lot size.
- The proposal will involve amending the Wollondilly Local Environmental Plan, 2011 by inserting a new clause under *Part 4 Principal development standards*.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends 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.
- It is recommended that Council initiate a planning proposal to amend the Wollondilly Local Environmental Plan 2011 by including a new clause to enable boundary adjustments between adjoining lots in all rural land use zones, E4 Environmental Living and R5 Large Lot Residential.

REPORT

1.1 LAND TO WHICH THIS PLANNING PROPOSAL WOULD APPLY

The planning proposal would apply to all land within the Shire which has a rural land use zone as well as land zoned E4 Environmental Living and R5 Large Lot Residential.

1.2 BACKGROUND & CURRENT OPTIONS FOR BOUNDARY ADJUSTMENTS

A 'boundary adjustment' is a form of subdivision which involves a minor realignment of boundaries between 2 or more lots. There is not an existing definition as to what constitutes a boundary adjustment and a definition is not proposed as part of this proposal.

PE4 – Draft Planning Proposal – Lot Boundary Adjustments

There are a number of NSW Land and Environment Court cases which have considered this issue and these have established the following principles:

- a boundary adjustment does not include any and all alterations of a boundary
- a boundary adjustment is generally taken to mean alteration of a boundary by correction or regularisation to reflect actual conditions (such as the physical features of land) or for example to make the use of land feasible or more practical
- the resulting lots should bear some resemblance to the lots which existed before subdivision

It is important to note that the intention of this proposal is not to enable a 'boundary change' (i.e. any change) but rather a 'boundary adjustment' in the form of a minor realignment of lot boundaries.

There are a number of benefits to boundary adjustments, including:

- To facilitate improved land management outcomes;
- To address issues when a property is sold;
- Rectifying encroachments;
- To enable larger agricultural production units;
- Enabling the creation of more logical property boundaries
- Reducing land conflict.
- Consolidation of lots

A boundary adjustment will generally have minor effects, particularly as a new lot is not being created. At present the following options are available for boundary adjustments:

- As exempt development (i.e. don't need planning or building approval) under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP);
- With development consent under the *Wollondilly Local Environmental Plan 2011* (WLEP 2011)

Exempt Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP)

At present there is limited scope to undertake boundary adjustments as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. In order to meet the exempt requirements the boundary adjustment must not result in any lot that is smaller than the minimum lot size. If the lot is already smaller than the minimum lot size then it must increase in size as a result of the boundary realignment. The minimum lot size for land in Wollondilly is specified in the *Wollondilly Local Environmental Plan 2011* (WLEP 2011).

PE4 – Draft Planning Proposal – Lot Boundary Adjustments

Due to the historical pattern of subdivision within Wollondilly there are a significant number of rural lots which are smaller than the minimum lot size specified in the WLEP 2011. Subsequently the exempt development provisions under the SEPP are not applicable to most rural zoned land in the Shire.

Development Consent under the Wollondilly Local Environmental Plan 2011 (WLEP 2011)

The only other opportunity to realign boundaries is by lodging a development application to Council. The WLEP 2011 sets out the statutory provisions for subdivision in Part 4 Principal development standards.

The WLEP 2011 provides 2 opportunities for consideration of subdivision which could apply to a boundary adjustment.

Clause 4.1 Minimum subdivision lot size - subdivision under this clause can only be permitted where both lots, after subdivision, would be not less than the minimum lot size. It therefore does not provide a flexible option for boundary adjustments for rural zoned land.

Clause 4.2 Rural subdivision - this clause provides flexibility by allowing rural zoned land to be subdivided to create lots which are smaller than the minimum lot size where these are subdivided for the purpose of primary production. The focus of this clause is where additional lots result from a subdivision and dwellings are not permitted on the newly created lots. While, it provides some flexibility to subdivision it is not an effective mechanism for enabling boundary adjustments as it does not allow rural landholders who wish to legitimately realign lot realign boundaries to do so while retaining dwelling entitlements.

What this means is that there is no current mechanism for certain landowners to undertake boundary adjustments.

1.3 DESCRIPTION OF PROPOSAL

The proposal would involve inserting a new clause within Part 4 Principal development standards of the WLEP 2011 to enable boundary adjustments on lots which are smaller than the minimum lot size identified on the Lot Size Map.

The new clause would have the following characteristics:

- the objectives of the land use zone can still be achieved
- the boundary adjustment will not result in the creation of additional lots
- the boundary adjustment will not result in a lot that could then be subdivided

PE4 – Draft Planning Proposal – Lot Boundary Adjustments

- the boundary adjustment will not result in the number of dwellings or potential for additional dwellings being increased
- the natural and physical constraints of the land should be considered
- the clause should not apply to strata plan of community title schemes.

It is also considered beneficial to extend the flexibility proposed by this proposal so that it also applies to land zoned 'E4 Environmental Living' and 'R5 Large Lot residential'.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

No formal comments have been sought from Council staff across Council at this point in time.

However, as planning staff frequently receive enquiries from landowners interested in making boundary adjustments to their land preliminary comments have been sought on the scope of the proposed new clause.

In particular, the following points are noted for incorporation into the proposal:

- Ambiguous terms which require further explanation should be avoided to ensure clarity around the future application of the clause. For example, basing the suitability on the agricultural viability of the lots to be created.
- A provision based on a percentage change in lot size in order to define 'minor' was considered inappropriate for rural land (for example that the change in the area of any lot by more than x%). This is due to the potential size of lots which have a rural or environmental protection land use zone.
- there was an interest in making boundary adjustments exempt development. However, after a review of the approach taken by a number of other local government authorities in NSW there are very few local environmental plans which include an exempt provision for boundary changes and of these even fewer, if any, were relevant to the Wollondilly situation. Given most Councils have approached boundary adjustments through a clause in Part 4 it is considered that this is the best approach initially.
- In order to protect biodiversity on land zoned E2 Environmental Conservation, E2 land will not be subject to the proposed boundary adjustments clause.

PE4 – Draft Planning Proposal – Lot Boundary Adjustments

2.2 CONSULTATION WITH PUBLIC AGENCIES

Consultation with public agencies would normally occur when and if a Gateway Determination has been issued.

It is noted that restrictions around boundary adjustments and the provisions within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP) has been an ongoing issue in Wollondilly for some time now. Council staff has corresponded at various times with the NSW Government Department of Planning & Environment on this issue and had understood changes to the SEPP were being considered.

The most recent advice from the Department has been to suggest that Council consider introducing a clause within the WLEP 2011 to enable boundary adjustments similar to that introduced by other Councils around the state to address similar issues.

2.3 COMMUNITY CONSULTATION

No community consultation has been held to date. However, based on anecdotal evidence, Council receives frequent enquiries from landholders wishing to undertake logical boundary adjustments which involve undersized lots and are therefore prohibited. Subsequently, it is considered that there is likely to be community support for the introduction of a clause within the WLEP 2011 to enable boundary adjustments on undersized lots.

If a Gateway Determination is issued by the Minister, or their delegate, it is more than likely to require a formal period of community consultation.

2.4 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the proposal, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

Council's options are:

1. Resolve to support the proposal and prepare a Planning Proposal accordingly. Matters can be more fully investigated as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the proposal. Matters can be more fully investigated as determined by the Gateway process.
3. Resolve not to support the Planning Proposal.

Option 1 is the recommendation of this report.

PE4 – Draft Planning Proposal – Lot Boundary Adjustments

3.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- Amend Part 4 Principal development Standards by introducing a clause to permit boundary adjustments with consent in rural zones (RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots), E4 Environmental Living and R5 Large Lot Residential.

3.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016 (WDCP 2016)

There may be a need to provide further guidance within WDCP 2016 on the application of any new clause relating to boundary adjustments.

The need for controls to support the proposal will be considered after a Gateway Determination has been issued and would be based on the outcomes of consultation with public agencies, internal staff and the community.

FINANCIAL IMPLICATIONS

Funding for the maintenance of Council's suite of planning instruments is part of the ongoing operational budget for Strategic Planning and no additional funding sources are required. This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

1. Nil.

RECOMMENDATION

1. That Council support the preparation of a Planning Proposal to amend Part 4 of Wollondilly Local Environmental Plan 2011 by inserting a new clause to permit boundary adjustments with consent in all rural land use zones (RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots), E4 Environmental Living and R5 Large Lot Residential.
2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 June 2016, commencing at 6.34pm

Planning and Economy

PE4 Draft Planning Proposal – Lot Boundary Adjustments TRIM 9019
259421

104/2016 Resolved on the motion of Crs Hannan and Gibbs:

1. That Council support the preparation of a Planning Proposal to amend Part 4 of Wollondilly Local Environmental Plan 2011 by inserting a new clause to permit boundary adjustments with consent in all rural land use zones (RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots), E4 Environmental Living and R5 Large Lot Residential.
2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.

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

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

Attachments

1. List of implementation and monitoring actions, productivity actions, liveability actions and sustainability actions.

Monday 19 December 2016

PE6 – Draft South West District Plan

South West District: Priorities and actions

This draft District Plan identifies priorities and actions to realise the vision for the District. This section lists the overarching priorities that will inform strategic planning and summarises the actions outlined in each chapter.

Action tables in this section identify outcomes, lead agencies and partner agencies (partners). Further detail on the priorities is included throughout this draft District Plan in terms of implementation and monitoring priorities (Chapter 1) and productivity, liveability and sustainability priorities (Chapters 3, 4 and 5 respectively).

Key:

AA	Aboriginal Affairs
CCNSW	Cemeteries and Crematoria NSW
CHPs	Community Housing Providers
DoE	Department of Education
DoI	Department of Industry
DPE	Department of Planning and Environment
EPA	Environment Protection Authority
GSC	Greater Sydney Commission
INSW	Infrastructure NSW
OEH	Office of Environment and Heritage
OGA	Office of Government Architect
TfNSW	Transport for NSW

Implementation and monitoring actions (Chapter 1)

Action	Outcome	Lead agency	Partners
IM1: Align land use planning and infrastructure planning	Inform the NSW Government's infrastructure decision-making	GSC	INSW, TfNSW, NSW Health
IM2: Develop a framework to monitor growth and change in Greater Sydney	Inform the ongoing actions and infrastructure investments of Government required to deliver <i>A Plan for Growing Sydney</i> and the District Plans	GSC	-
IM3: Develop an interactive information hub - the Greater Sydney Dashboard	Enhance the community's understanding of the performance and characteristics of Greater Sydney	GSC	-
IM4: Report on local planning	Improve the understanding of the effectiveness of District Plans in delivering on the stated priorities and actions	GSC	Councils

Productivity priorities and actions (Chapter 3)

The proposed priorities and actions for a productive South West District draw significantly from the once-in-a-lifetime opportunity of the Western Sydney Airport and the development of the Western City. This will significantly influence land use patterns, and associated investment will drive jobs growth. Liverpool and Campbelltown-Macarthur will be the focus as health and education super precincts, with both providing a mix of retail and civic uses. The overarching priorities are:

- Creating a framework to deliver the Western City
- Integrating land use and transport planning to drive economic activity
- Planning for job target ranges for strategic and district centres
- Growing and diversify the economic opportunities of the District's strategic centres
- Growing jobs in the health and education sectors
- Coordinating infrastructure planning with population growth - enhancing local access
- Strengthening the diversity of employment choice

Productivity Actions

Action	Outcome	Lead agency	Partners
P1: Establish the Western Sydney City Deal	Increase in total jobs	Australian and NSW Governments	Councils
P2: Develop and implement an economic development strategy for the Western City	Increase total jobs and proportion of health and education and knowledge and professional services jobs	DoI	GSC, Jobs for NSW, AA
P3: Develop and implement a centres framework for the District	Increased investment, increased jobs, reduced retail escape expenditure	GSC	Councils
P4: Review the role and staging of the Leppington town centre in the context of the Western Sydney Airport and Western Sydney City Deal	Investor certainty	GSC, Camden Council	DPE, Liverpool & Campbelltown Councils
P5: Develop and implement a Framework for the Enterprise corridor	Increased investment, increased jobs	DPE	GSC, Councils
P6: Identify transport improvements which deliver east west and north south connectivity	Improved transport connectivity	TfNSW	-
P7: Build the Badgally transport connection, including an active transport link	Improved transport connectivity	TfNSW	-
P8: Prioritise the planning of Spring Farm Parkway	Improved transport connectivity	TfNSW	-
P9: Develop a threshold for greenfield dwelling numbers based on transport provision	Development linked to infrastructure	DPE	-

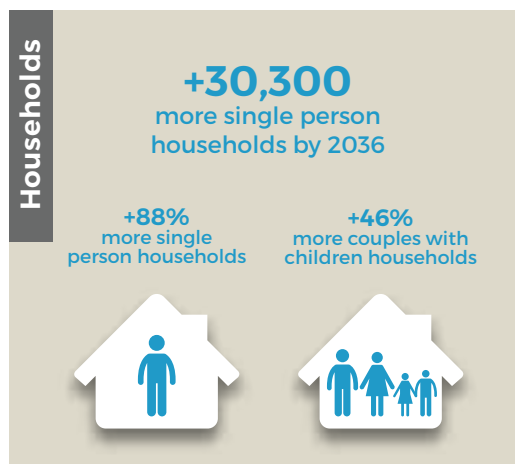
Action	Outcome	Lead agency	Partners
P10: Encourage and support the use of public transport	Increased public transport patronage	TfNSW	-
P11: Develop specific guidelines to inform the planning of new communities in land release areas	Improved integrated land use, transport and environmental planning and improved productivity, liveability, and sustainability outcomes	DPE	-
P12: Develop a South West Priority Growth Area land use and infrastructure plan	Improved infrastructure decision making and investor certainty	DPE	Councils, TfNSW, GSC
P13: Designate Liverpool as a Collaboration Area	Increase in total jobs and increase in total health and education and knowledge and professional services jobs	GSC	TfNSW
P14: Support the development and delivery for the Campbelltown-Macarthur strategic centre of a CBD transformation plan	Increase in total jobs and increase in total health and education and knowledge and professional services jobs	GSC	Campbelltown Council
P15: Plan for the Liverpool health and education super precinct as part of the Liverpool Collaboration Area	Increase in health and education jobs	GSC	NSW Health
P16: Work with State agencies, especially Sydney Water, to enable the timely delivery of infrastructure for employment and urban services land	Timely land release / land development	DPE, utility providers, Councils	-
P17: Set parameters for the delivery of local jobs as a condition of approval for rezoning in new release areas	Increase in total local jobs	DPE	GSC
P18: Plan for and facilitate the attraction of new jobs in Wilton New Town	Increase in total local jobs	DPE	Wollondilly Council
P19: Identify and plan for efficient movement of freight to, from and within the District, with least impact on residents' amenity	Improved freight transport connectivity	NSW Government	-
P20: Provide adequate access to and from the Moorebank Intermodal Terminal	Improved freight transport connectivity	TfNSW	-
P21: Leverage the South West District's potential as a visitor destination	Increased visitation	Destination NSW, Councils	GSC
P22: Developing better understanding of the value and operation of employment and urban services land	Increase in total jobs	GSC	Councils

Liveability priorities and actions (Chapter 4)

The proposed priorities and actions for a liveable South West District recognise significant population growth must be accompanied by high quality urban design and a diversity of homes, streetscapes, jobs and things to do. Historic country towns such as Camden and Picton and multicultural hubs like Cabramatta will be protected. Planning for new communities will be supported with coordinated planning for social infrastructure and public transport.

The overarching priorities are:

- Improving housing choice
- Improving housing diversity and affordability
- Coordinating and monitoring housing outcomes and demographic trends
- Creating great places
- Fostering cohesive communities
- Responding to people's need for services



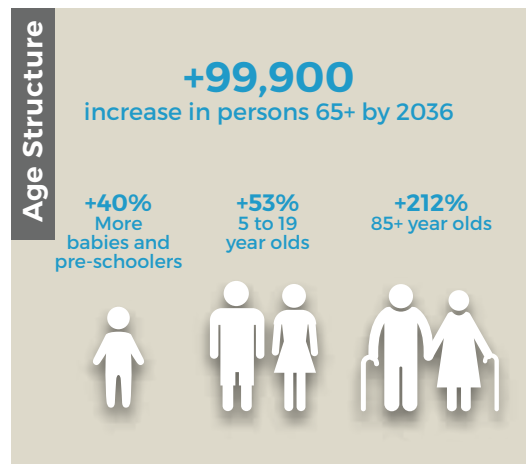
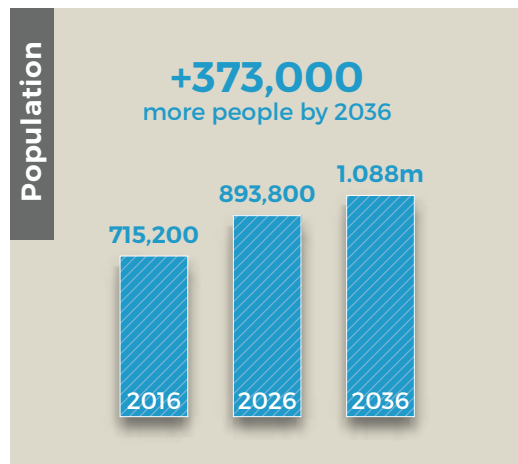
Liveability Actions

Action	Outcome	Lead agency	Partners
L1: Prepare local housing strategies	Increase in diversity of housing choice	Councils	-
L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets	Creation of housing capacity	GSC	Councils, DPE
L3: Councils to increase housing capacity across the District	Creation of housing capacity and increase in diversity of housing choice	Councils	-
L4: Encourage housing diversity	Increase in diversity of housing choice	DPE	-
L5: Independently assess need and viability	Increase in affordable rental housing	GSC	Industry, CHPs, DPE
L6: Support councils to achieve additional affordable housing	Increase in affordable housing	GSC	Councils, DPE
L7: Provide guidance on Affordable Rental Housing Targets	Increase in affordable rental housing	GSC	DPE, Councils, State agencies, CHPs
L8: Undertake broad approaches to facilitate affordable housing	Increase in affordable housing	GSC	Councils, including CHPs.
L9: Coordinate infrastructure planning and delivery for growing communities	Change in industry perceptions (surveyed)	GSC	DPE
L10: Provide data and projections on population and dwellings for local government areas across Greater Sydney	Contribute to more informed infrastructure investment decisions, strategic planning and plan making	DPE	-
L11: Provide design-led planning to support high quality urban design	Contribute to improved sustainability, productivity and liveability outcomes	OGA	GSC
L12: Develop guidelines for safe and healthy built environments	Contribute to improved health outcomes and increased walking and cycling	GSC	DPE
L13: Conserve and enhance environmental heritage including Aboriginal, European and natural	Identification and protection of heritage elements	OEH, DPE, AA	GSC, Councils
L14: Develop a South West District sport and recreation participation strategy and sport and recreation facility plan	Contribute to informed decision making for sport and recreation infrastructure and increased participation	Office of Sport	Councils
L15: Support planning for shared spaces	Increase in the provision of community facilities, including open space	GSC	State agencies, organisations, providers
L16: Support planning for school facilities	Improved education infrastructure decision making	DPE	NSW Property, DoE
L17: Support the provision of culturally appropriate services	Improved decision making with the aboriginal community	GSC, AA	-
L18: Support planning for emergency services	Contribute to improved decision making for emergency services operators	DPE	-
L19: Support planning for cemeteries and crematoria	Improved decision making for new cemeteries	CCNSW	-

Sustainability priorities and actions (Chapter 5)

The proposed priorities and actions for a sustainable South West District will focus on the District's many waterways, including the Nepean River, Georges River and South Creek, and the many vistas, landscapes and ridgelines that shape the District's environment. Areas of native vegetation, biodiversity and ecological communities will be protected, as will the Metropolitan Rural Area - rural land in areas like Wollondilly and Camden that includes transitional land between urban and rural areas, land use for food production and landscapes with highly valued scenic views. The overarching priorities are:

- Enhancing the South West District in its landscape
- Protecting the natural beauty of District's visual landscape
- Protecting the District's waterways
- Protecting and enhancing biodiversity
- Delivering Sydney's Green Grid
- Managing the Metropolitan Rural Area
- Creating an efficient South West District
- Planning for a resilient South West District
- Managing flood hazards in the Hawkesbury-Nepean Valley



Sustainability Actions

Action	Outcome	Lead agency	Partners
S1: Protect the qualities of the Scenic Hills landscape	Protection through statutory controls	GSC	DPE, Councils
S2: Review criteria for monitoring water quality and waterway health	Improved water quality and waterway health	OEH	GSC
S3: Protect the South Creek environment and development approaches to achieve excellent environment performance	Improved water quality and waterway health, and integration of South Creek into land use planning	GSC	EPA
S4: Improve the management of waterways in Priority Growth Areas	Improved water quality and waterway health	DPE	-
S5: Monitor water levels and water quality in Thirlmere Lakes	Improve water quality and waterway health	OEH	-
S6: Develop a Strategic Conservation Plan for Western Sydney	Protection and management of areas of high environmental value	OEH, DPE	GSC
S7: Update information on areas of high environmental value	Protection and management of areas of high environmental value	OEH, DPE	Councils
S8: Use funding priorities to deliver the South West District Green Grid priorities	Delivery of the green grid priorities	GSC, TfNSW, OEH	Councils
S9: Develop support tools and methodologies for local open space planning	Improved utilisation of open space and increased provision of open space	GSC	-
S10: Update the Urban Green Cover in NSW Technical Guidelines to respond to solar access to roofs	Protection of solar access to roofs	OEH, DPE	-
S11: Identify land for future waste reuse and recycling	Identification of land for waste management	EPA, DPE	Councils
S12: Embed the NSW Climate Change Policy Framework into local planning decisions	Contribute to energy efficiency, reduced emissions and improve environmental performance	GSC	Councils, OEH
S13: Support the development of initiatives for a sustainable low carbon future	Contribute to energy efficiency, reduced emissions and improve environmental performance	GSC, Councils, DPE	-
S14: Support the development of environmental performance targets and benchmarks	Contribute to improved environmental performance	GSC	NSW Climate Council, Australian Government, utility providers
S15: Incorporate the mitigation the of urban heat island effect into planning for urban renewal projects and Priority Growth Areas	Contribute to reductions in ambient temperatures	DPE	-
S16: Review the guidelines for air quality and noise measures for development near rail corridors and busy roads	Improved land use and transport decision making	EPA, DPE	-
S17: Identify and map potential high impact areas for noise and air pollution	Improved land use and transport decision making	EPA	DPE, Councils
S18: Address flood risk issues in the Hawkesbury-Nepean Valley	Protection of life and property	DPE, INSW	GSC, Councils

Attachments

1. Background summary
2. Option 1: Original concept endorsed by Council December 2012
3. Option 2: Initial revision proposed moving town centre slightly south.
4. Option 3: Relocated to corner of Picton Road and Hume Highway.
5. Draft Macarthur Strategy Plan
6. Option 4: Governor's Hill and DPE Preferred Option
7. Option 1: Density Analysis
8. Option 2: Density Analysis
9. Option 3: Density Analysis
10. Option 4: Density Analysis
11. Letter from Department of Planning & Environment
12. Draft Revision Governance Plan

Monday 19 December 2016

PE7 – Wilton New Town

BACKGROUND

The NSW Government's Potential Homesites Program in 2011 called for owners of significant landholdings to nominate their projects for priority rezoning to escalate housing supply.

In response to the program sites nominated included Bingara Gorge, Wilton South and Wilton West.

At its meeting of 20 February 2012, Council resolved that release of these sites for urban development should be undertaken as part of a coordinated master plan for the entire Wilton area.

In May 2015, the four major landowners and Council agreed to sign a memorandum of understanding to work cooperatively to prepare a high level master plan for Wilton Junction.

On 15 May 2012 Council resolved to write to the Minister for Planning to advise that a MOU had been signed with the landowners to prepare a master plan that would:

- Include all lands generally in the vicinity of the Picton Road/Hume Highway interchange at Wilton
- Deliver a new town at Wilton to provide housing, employment, all supporting infrastructure and services, and a full range of complimentary land uses to support liveability and sustainability
- Provide an overall structure and staging plan
- Identified all infrastructure requirements and an infrastructure funding strategy, to ensure timely and cost-effective delivery of all infrastructure.

A steering committee of landowners, their consultants and Council staff was formed to oversee the preparation of the draft master plan. The landowners group engaged consultants to prepare a draft high level master plan and to prepare background studies covering traffic and transport, infrastructure, employment and retail, and community facilities.

This draft high level master plan was presented to Council at its meeting on 15 October 2012 where Council resolved to:

- Consult with the community regarding the master plan
- Engage consultants to undertake a peer review of the master plan
- Consider a further report after community consultations and a peer review had occurred
- Require an infrastructure plan be provided to Council as soon as possible detailing the infrastructure required and its funding.

The draft master plan was placed on public exhibition from 22 October 2012 until 16 November 2012 and a Community Forum was held at Wilton on 5 November 2012. In total, 43 submissions were received up to 23 November 2012.

In addition, a number of agencies were consulted including the following:

- Roads and Maritime Services
- South West Sydney Local Health District
- Office of Environment and Heritage
- Transport for NSW
- Industry (Resources & Energy)

- Department of Primary Industries
- Endeavour Energy
- Sydney Catchment Authority
- NSW Rural Fire Services
- Sydney Water
- NSW Ambulance Service
- Department of Education and Training
- Mines Subsidence Board
- Police
- NSW Fire Brigades
- State Emergency Service
- Department of Family and Community Services
- Environment Protection Authority.

Council commissioned an independent review of the draft master plan and community consultations in accordance with the October resolution. The independent review found that the concerns of the community generally related to provision of open space and recreation facilities and should proceed subject to further detailed investigations being undertaken.

At its meeting of 17 December 2012, Council resolved to 'support in principle' the Wilton new town high level master plan prepared on behalf of the major landowners.

Amongst a number of matters, Council's support of the master plan was conditional on the following:

- The inclusion of land west of the study area along Wilton Park Road in the master plan
- The NSW Government coordinating the rezoning and state infrastructure agencies and resolution of mining related issues
- Identifying designs and funding for the upgrade of Picton Road and the Hume Highway to accommodate the development
- Creating 1 job for each lot created through the master plan
- The NSW Government building a new hospital to service the new town and the broader Shire
- A number of issues relating to flora and fauna and indigenous heritage be investigated in the master plan process

Council wrote to the Minister for Planning & Infrastructure in January 2013 to inform the Minister of Council's support for the Wilton new town project. Council also requested that the NSW Government coordinate the statutory planning process to implement the draft high level master plan with Council's ongoing involvement.

The NSW Department of Planning and Infrastructure (DP&I) agreed to work with Council on the project and a steering committee was established which first met on 16 January 2013. At this meeting, the Director - General of DP&I outlined a planning pathway which involved a draft State Environmental Planning Policy similar to other 'Urban Activation Precincts'. This was subject to infrastructure requirements and a State Infrastructure Levy being developed and approved by Cabinet in addition to mining co-existence issues being resolved.

The DP&I issued Study Requirements for the Wilton Junction Precinct SEPP on 2 May 2013. This set out requirements for further detailed investigations to be undertaken to support the SEPP based rezoning of the land and covered the following 19 areas:

- Strategic context

- Land uses and planning controls
- Demographic profile and social infrastructure
- Economic development and employment generation
- Ecologically sustainable development
- Mine subsidence
- Topography, soils and geology
- Biodiversity
- Water and air quality
- Heritage
- Roads, traffic and transport
- Bushfire
- Contamination
- Noise
- Agricultural land suitability
- Utilities
- Emergency services
- Infrastructure and housing delivery
- Planning agreements and developer contributions

Following this, a Community Reference Group (CRG) was established by consultants acting for the landowner's group which included state and local government representatives and community representatives.

The purpose of the CRG was to "ensure community views are heard, and to play an ongoing part in planning for Wilton Junction".

The Community Reference Group met on the following occasions:

- 24 July 2013
- 7 August 2013
- 11 September 2013
- 3 June 2014
- 9 April 2015
- 15 October 2015

Separate to the CRG, the Interagency Working Group continued to meet throughout 2013 to work through and resolve issues surrounding mining co-existence. In August 2013, DP&I indicated that unless these issues could be resolved quickly, any development west of the Hume Highway may need to be deferred until mining activities had concluded.

Council, wrote to the then Premier for NSW, Barry O'Farrell on 12 August 2013 and 20 August 2013 to express its disappointment with the NSW Government's position and reaffirm its view that urban development and mining could co-exist at Wilton. Council also emphasised its strong view that the development of Wilton should proceed as an integrated master planned community as opposed to dormitory suburbs lacking access to employment and services.

The Hon. Brad Hazzard MP, Minister for Planning and Infrastructure, replied to Council on 9 September 2013 giving assurance that the NSW Government was still investigating mining co-existence options for Wilton.

The NSW Government engaged Ms Robyn Kruk AM to undertake an independent review (the Kruk Report) into the potential for mining co-existence. Ms Kruk liaised with Council staff on several occasions to discuss these issues in compiling her report which has since been handed to the NSW Government but remains Cabinet-in-Confidence.

It is generally understood however that the Kruk Report found that coexistence is technically possible and that urban development and mining at Wilton Junction can proceed in tandem. A number of potential planning pathways available to progress urban development are also identified.

On 13 May 2014, the landowner's consortium met with Council staff and requested that the town centre be relocated to the immediate junction of Hume Highway and Picton Road. The reason for the proposed relocation was based on discussions with major retailers which suggested that the Highway exposure would potentially result in the early presence of some retailers.

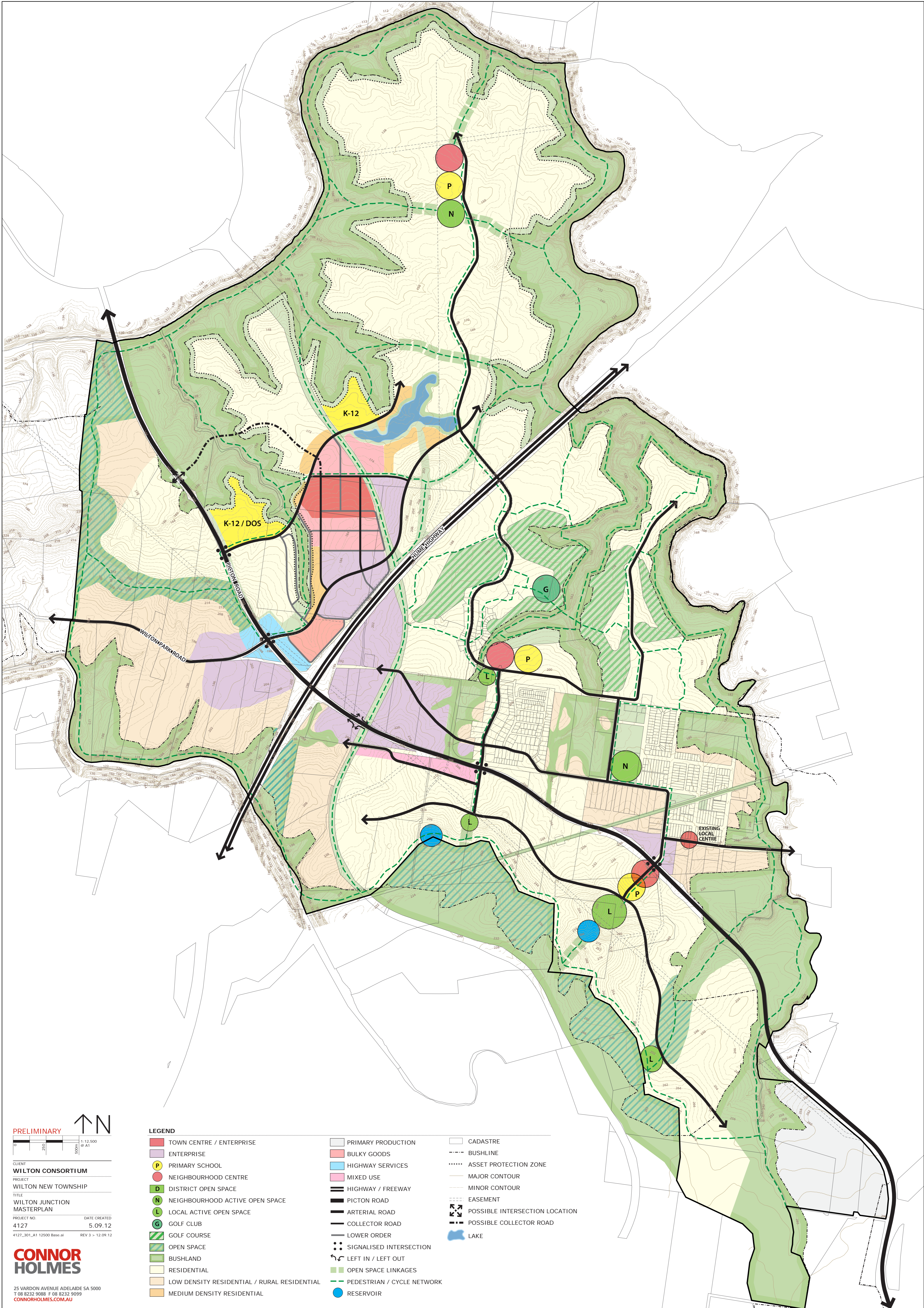
This revised master plan concept is a significant departure from the concept adopted by Council in December 2012 and has not been endorsed by Council. A detailed discussion of the revised master plan concept is contained later in this report.

On 30 July 2014, DP&E referred to Council a complete updated study requirements report prepared by consultants for the landowner's consortium for review and comment on its adequacy.

Council replied to DP&E on 2 October 2014 advising that an assessment of the study package found that ecological assessment and biodiversity offset arrangements were inadequate. The landowner's consortium has been made aware of additional requirements but have yet to formally address these issues and re-submit to government.

On 22 September 2015, DP&E released the Greater Macarthur Preliminary Land Release Strategy for public comment. A draft SEPP was also placed on public exhibition proposing amendments to the Growth Centre SEPP to identify two new growth centres at Menangle Park / Mount Gilead and Wilton.

Council made a submission to the exhibition of the Strategy dated 7 December 2015 highlighting the significant increases in dwelling yields and commercial floor space provision within the Wilton new town master plan area. Council sought for the increased development scenarios to be recognised in the Strategy to ensure that planning for infrastructure provision and contributions rates could be levied based on the likely high development yields.



PRELIMINARY

1:12,500
 0 250 500
 METRES

CLIENT
WILTON CONSORTIUM

PROJECT
WILTON NEW TOWNSHIP

TITLE
**WILTON JUNCTION
 MASTERPLAN**

PROJECT NO. DATE CREATED
 4127 5.09.12

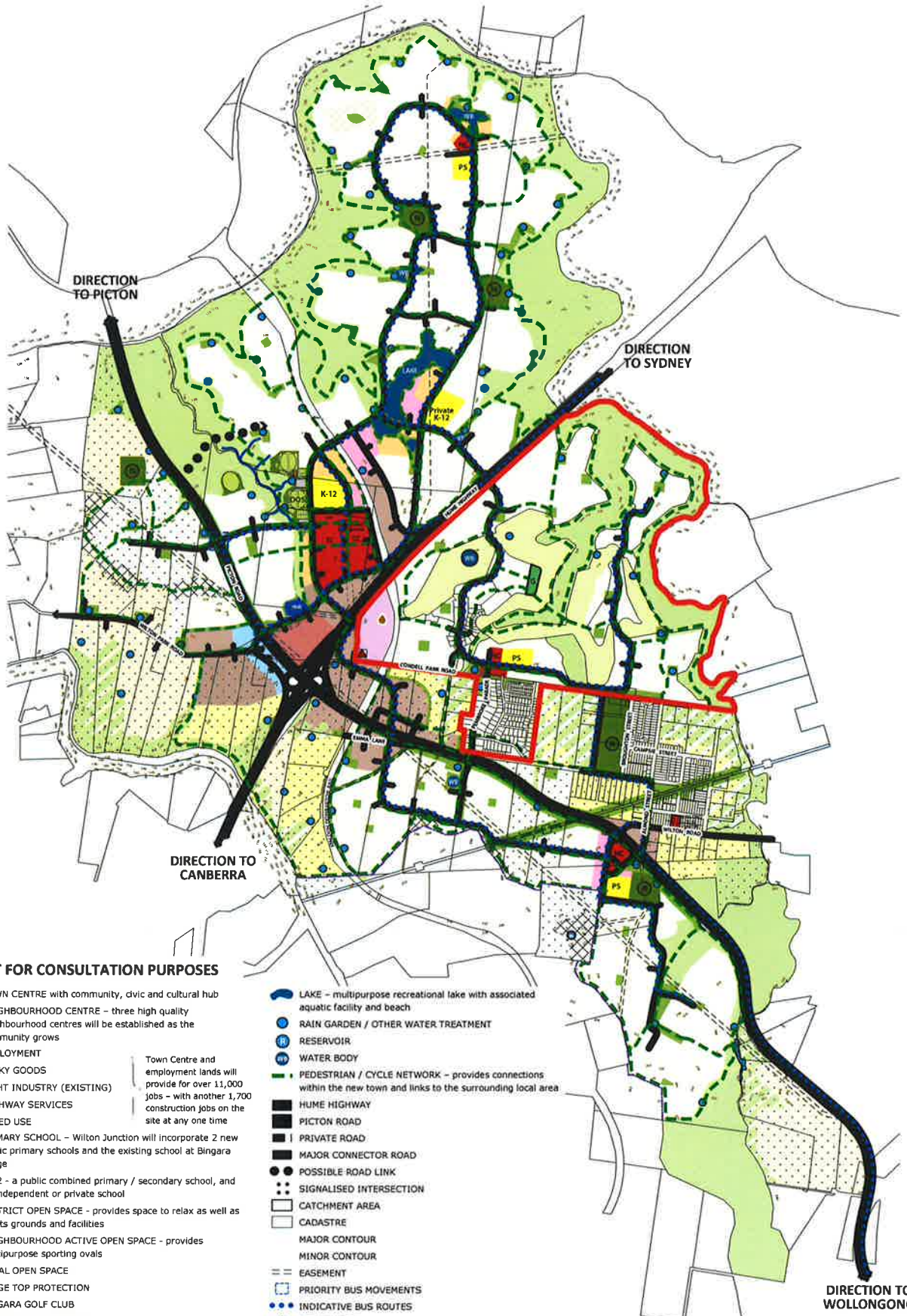
4127_301_A1 12500 Base.pl REV 3 > 12.09.12

LEGEND

- | | | |
|---|---|---|
| TOWN CENTRE / ENTERPRISE | PRIMARY PRODUCTION | CADASTRE |
| ENTERPRISE | BULKY GOODS | BUSHLINE |
| PRIMARY SCHOOL | HIGHWAY SERVICES | ASSET PROTECTION ZONE |
| NEIGHBOURHOOD CENTRE | MIXED USE | MAJOR CONTOUR |
| DISTRICT OPEN SPACE | HIGHWAY / FREEWAY | MINOR CONTOUR |
| NEIGHBOURHOOD ACTIVE OPEN SPACE | PICTON ROAD | EASEMENT |
| LOCAL ACTIVE OPEN SPACE | ARTERIAL ROAD | POSSIBLE INTERSECTION LOCATION |
| GOLF CLUB | COLLECTOR ROAD | POSSIBLE COLLECTOR ROAD |
| GOLF COURSE | LOWER ORDER | LAKE |
| OPEN SPACE | SIGNALISED INTERSECTION | |
| BUSHLAND | LEFT IN / LEFT OUT | |
| RESIDENTIAL | OPEN SPACE LINKAGES | |
| LOW DENSITY RESIDENTIAL / RURAL RESIDENTIAL | PEDESTRIAN / CYCLE NETWORK | |
| MEDIUM DENSITY RESIDENTIAL | RESERVOIR | |

CONNOR HOLMES

25 VARDON AVENUE ADELAIDE SA 5000
 T 08 8232 9088 F 08 8232 9099
 CONNORHOLMES.COM.AU



DRAFT FOR CONSULTATION PURPOSES

- TOWN CENTRE with community, civic and cultural hub
- NEIGHBOURHOOD CENTRE - three high quality neighbourhood centres will be established as the community grows
- EMPLOYMENT
- BULKY GOODS
- LIGHT INDUSTRY (EXISTING)
- HIGHWAY SERVICES
- MIXED USE
- PRIMARY SCHOOL - Wilton Junction will incorporate 2 new public primary schools and the existing school at Bingara Gorge
- K-12 - a public combined primary / secondary school, and an independent or private school
- DISTRICT OPEN SPACE - provides space to relax as well as sports grounds and facilities
- NEIGHBOURHOOD ACTIVE OPEN SPACE - provides multipurpose sporting ovals
- LOCAL OPEN SPACE
- RIDGE TOP PROTECTION
- BINGARA GOLF CLUB
- BINGARA GOLF COURSE
- BUSHLAND / EXISTING VEGETATION
- RURAL RESIDENTIAL
- LARGE LOT RESIDENTIAL
- LARGER RESIDENTIAL LOTS
- RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL

Town Centre and employment lands will provide for over 11,000 jobs - with another 1,700 construction jobs on the site at any one time

Residential areas will provide for a range of housing types

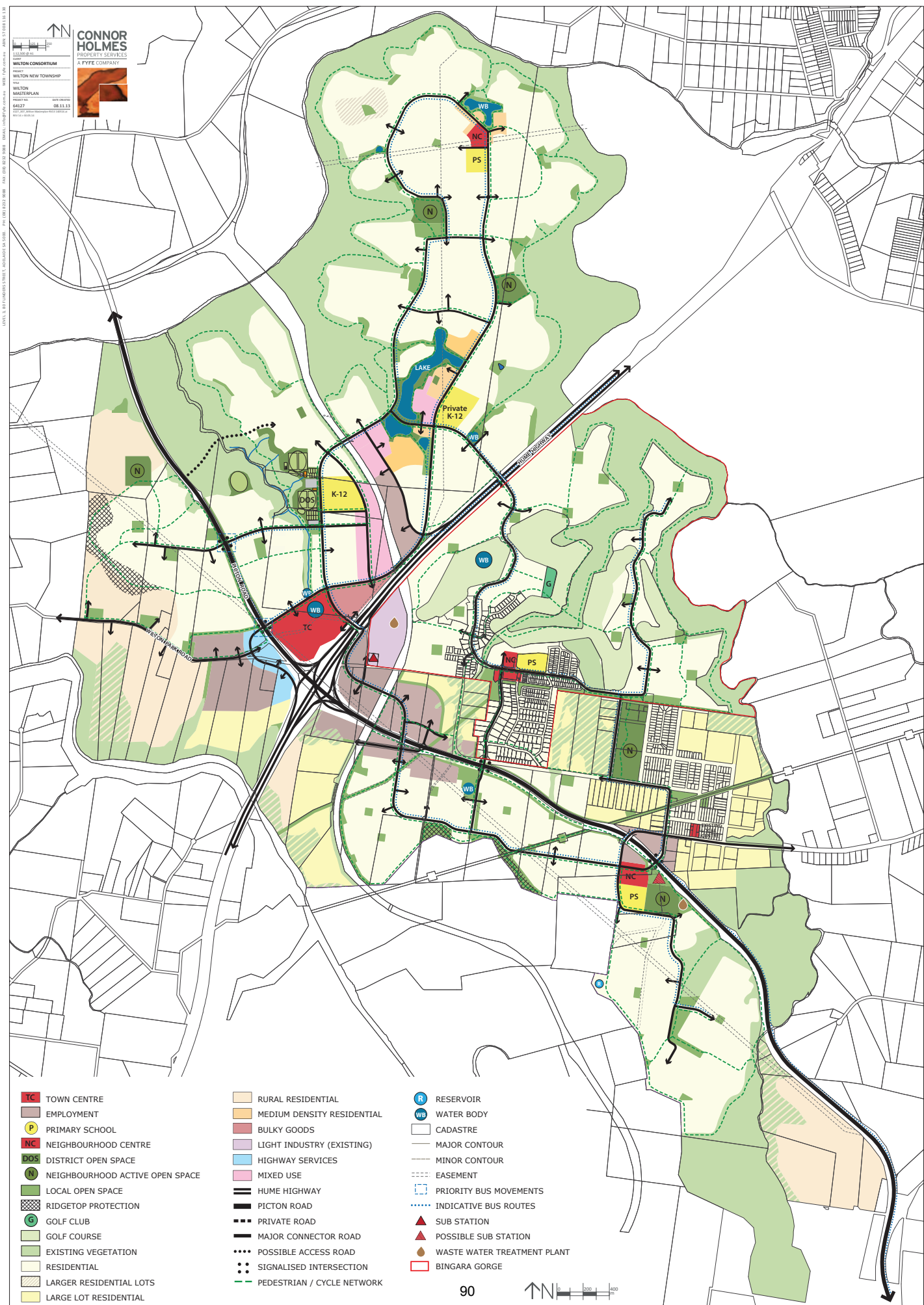
- LAKE - multipurpose recreational lake with associated aquatic facility and beach
- RAIN GARDEN / OTHER WATER TREATMENT
- RESERVOIR
- WATER BODY
- PEDESTRIAN / CYCLE NETWORK - provides connections within the new town and links to the surrounding local area
- HUME HIGHWAY
- PICTON ROAD
- PRIVATE ROAD
- MAJOR CONNECTOR ROAD
- POSSIBLE ROAD LINK
- SIGNALISED INTERSECTION
- CATCHMENT AREA
- CADASTRE
- MAJOR CONTOUR
- MINOR CONTOUR
- EASEMENT
- PRIORITY BUS MOVEMENTS
- INDICATIVE BUS ROUTES
- SUB STATION
- WASTE WATER TREATMENT PLANT
- LAND NOT IN THE OWNERSHIP OF THE MAJOR LANDOWNERS - possible land uses for discussion
- EXISTING VEGETATION - requires further consideration
- BOUNDARY SECURITY FENCE
- BINGARA GORGE - rezoned and currently under construction

DIRECTION TO WOLLONGONG

0 100 200 300

metres

CONNOR HOLMES
ARCHITECTS & PLANNERS
A PIPRE COMPANY



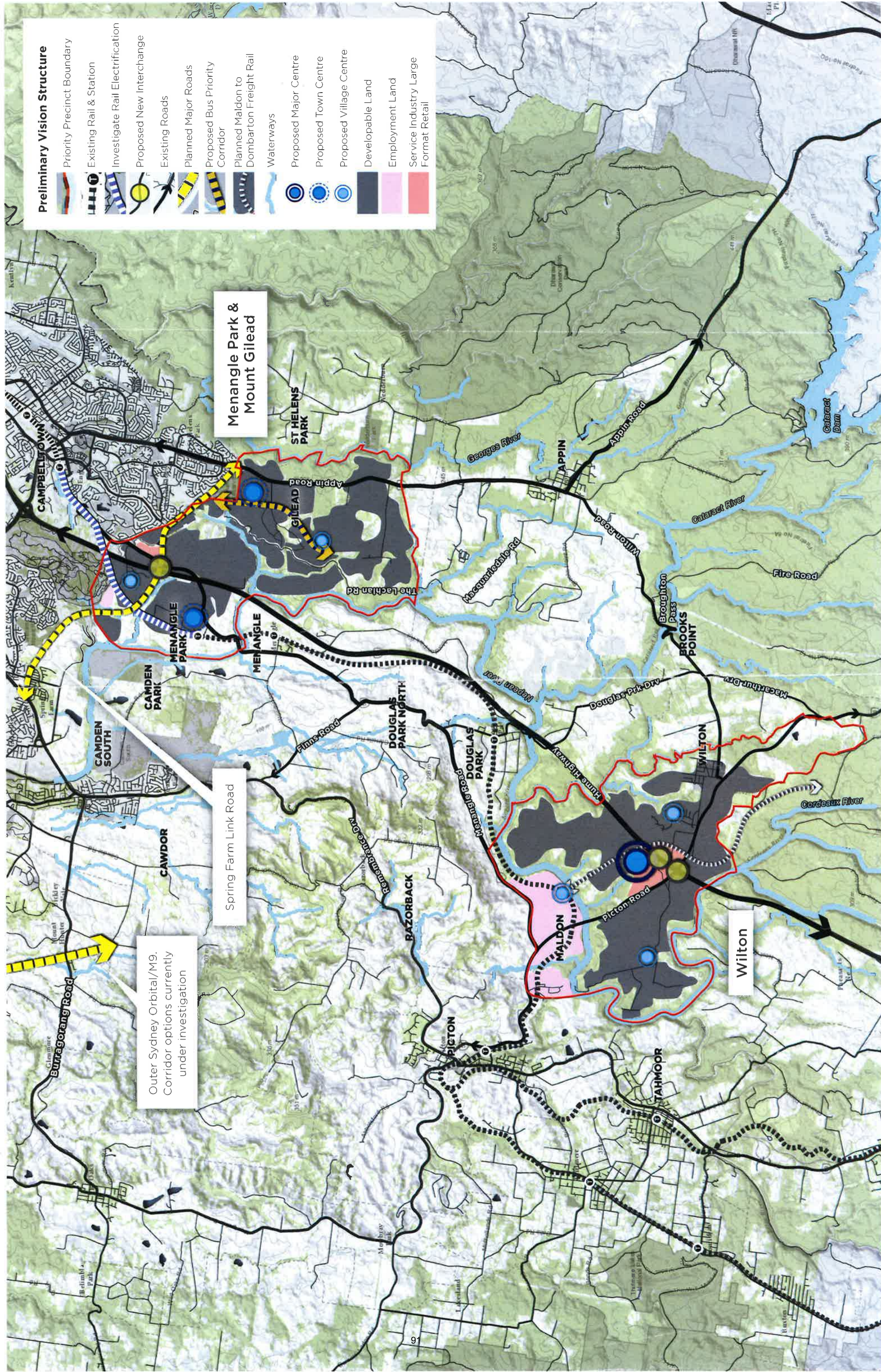
10/13, 10/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

CONNOR HOLMES
 PROPERTY SERVICES
 A FYFE COMPANY
 WILTON CONSORTIUM
 WILTON NEW TOWNSHIP
 WILTON MASTERPLAN
 6427
 08 13 13

- | | | |
|---------------------------------|----------------------------|-----------------------------|
| TC TOWN CENTRE | RURAL RESIDENTIAL | RESERVOIR |
| EMPLOYMENT | MEDIUM DENSITY RESIDENTIAL | WATER BODY |
| PRIMARY SCHOOL | BULKY GOODS | CADASTRE |
| NEIGHBOURHOOD CENTRE | LIGHT INDUSTRY (EXISTING) | MAJOR CONTOUR |
| DISTRICT OPEN SPACE | HIGHWAY SERVICES | MINOR CONTOUR |
| NEIGHBOURHOOD ACTIVE OPEN SPACE | MIXED USE | EASEMENT |
| LOCAL OPEN SPACE | HUME HIGHWAY | PRIORITY BUS MOVEMENTS |
| RIDGETOP PROTECTION | PICTON ROAD | INDICATIVE BUS ROUTES |
| GOLF CLUB | PRIVATE ROAD | SUB STATION |
| GOLF COURSE | MAJOR CONNECTOR ROAD | POSSIBLE SUB STATION |
| EXISTING VEGETATION | POSSIBLE ACCESS ROAD | WASTE WATER TREATMENT PLANT |
| RESIDENTIAL | SIGNALISED INTERSECTION | BINGARA GORGE |
| LARGER RESIDENTIAL LOTS | PEDESTRIAN / CYCLE NETWORK | |
| LARGE LOT RESIDENTIAL | | |



Greater Macarthur Preliminary Land Release Strategy



Preliminary Vision Structure

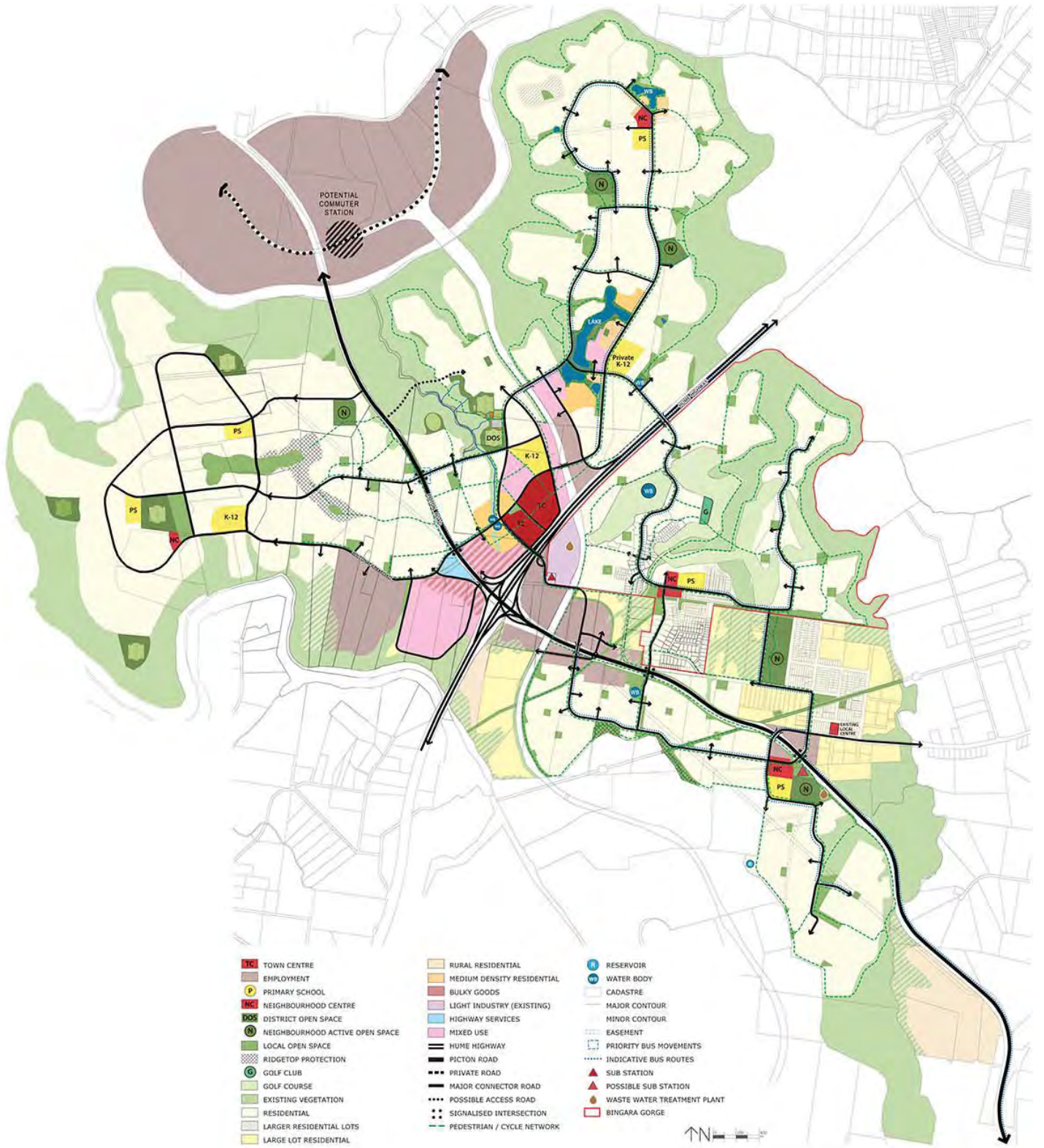
- Priority Precinct Boundary
- Existing Rail & Station
- Investigate Rail Electrification
- Proposed New Interchange
- Existing Roads
- Planned Major Roads
- Proposed Bus Priority Corridor
- Planned Maldon to Dombarton Freight Rail
- Waterways
- Proposed Major Centre
- Proposed Town Centre
- Proposed Village Centre
- Developable Land
- Employment Land
- Service Industry Large Format Retail

Menangle Park & Mount Gilead

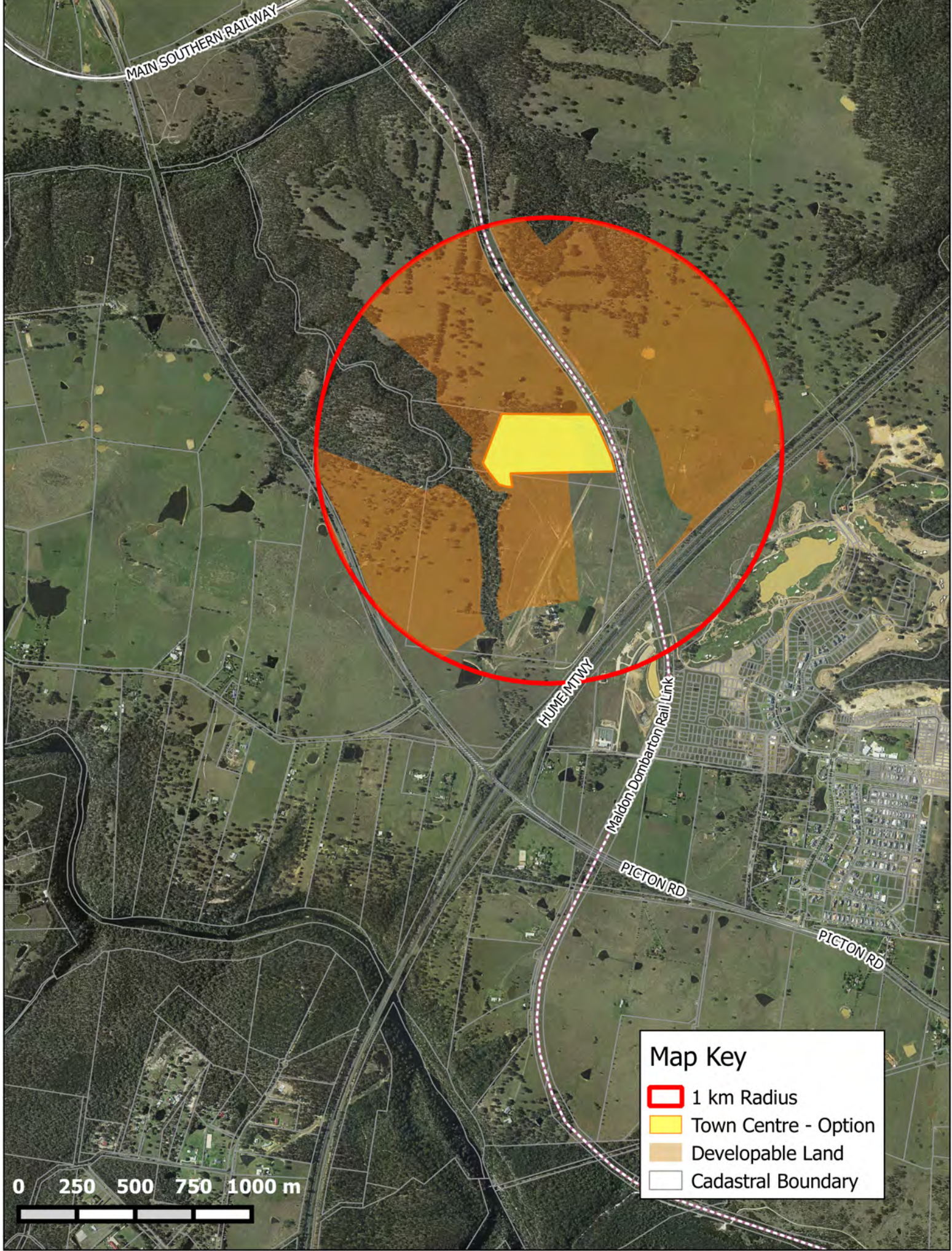
Outer Sydney Orbital/M9 Corridor options currently under investigation

Spring Farm Link Road

Wilton



- | | | |
|--|--|---|
| <ul style="list-style-type: none"> ■ TOWN CENTRE ■ EMPLOYMENT ■ PRIMARY SCHOOL ■ NEIGHBOURHOOD CENTRE ■ DISTRICT OPEN SPACE ■ NEIGHBOURHOOD ACTIVE OPEN SPACE ■ LOCAL OPEN SPACE ■ RIDGETOP PROTECTION ■ GOLF CLUB ■ GOLF COURSE ■ EXISTING VEGETATION ■ RESIDENTIAL ■ LARGER RESIDENTIAL LOTS ■ LARGE LOT RESIDENTIAL | <ul style="list-style-type: none"> ■ RURAL RESIDENTIAL ■ MEDIUM DENSITY RESIDENTIAL ■ BULKY GOODS ■ LIGHT INDUSTRY (EXISTING) ■ HIGHWAY SERVICES ■ MIXED USE — HUME HIGHWAY — PICTON ROAD — PRIVATE ROAD — MAJOR CONNECTOR ROAD — POSSIBLE ACCESS ROAD — SIGNALISED INTERSECTION — PEDESTRIAN / CYCLE NETWORK | <ul style="list-style-type: none"> ■ RESERVOIR ■ WATER BODY ■ CADASTRE ■ MAJOR CONTOUR ■ MINOR CONTOUR ■ EASEMENT ■ PRIORITY BUS MOVEMENTS ■ INDICATIVE BUS ROUTES ▲ SUB STATION ▲ POSSIBLE SUB STATION ● WASTE WATER TREATMENT PLANT ■ BINGARA GORGE |
|--|--|---|

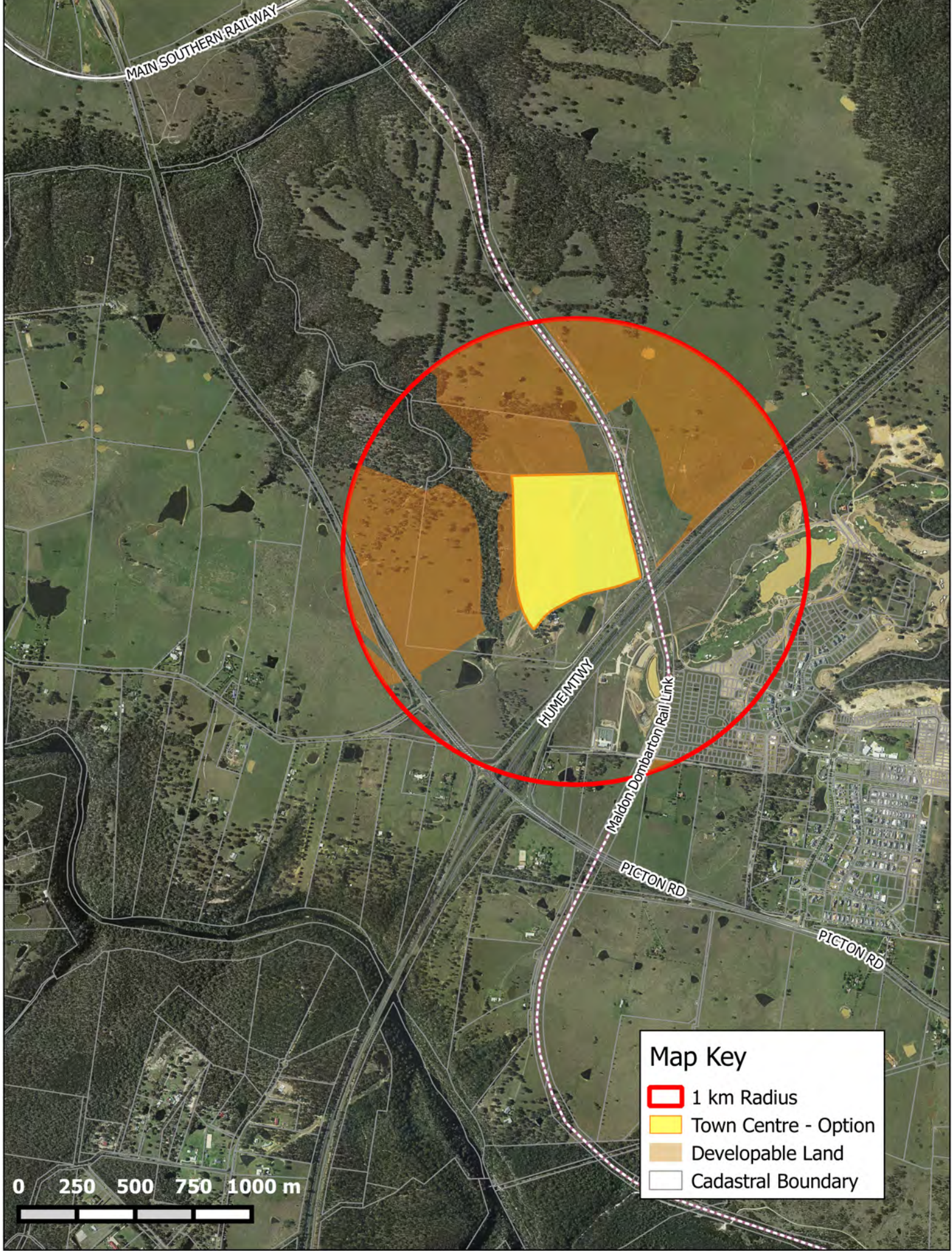


Wilton Junction Town Centre - Option 1







© Wollondilly Shire Council. © VEKTA Imagery 2012
 © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795, www.lpi.gov.au.
 While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.





Map Key

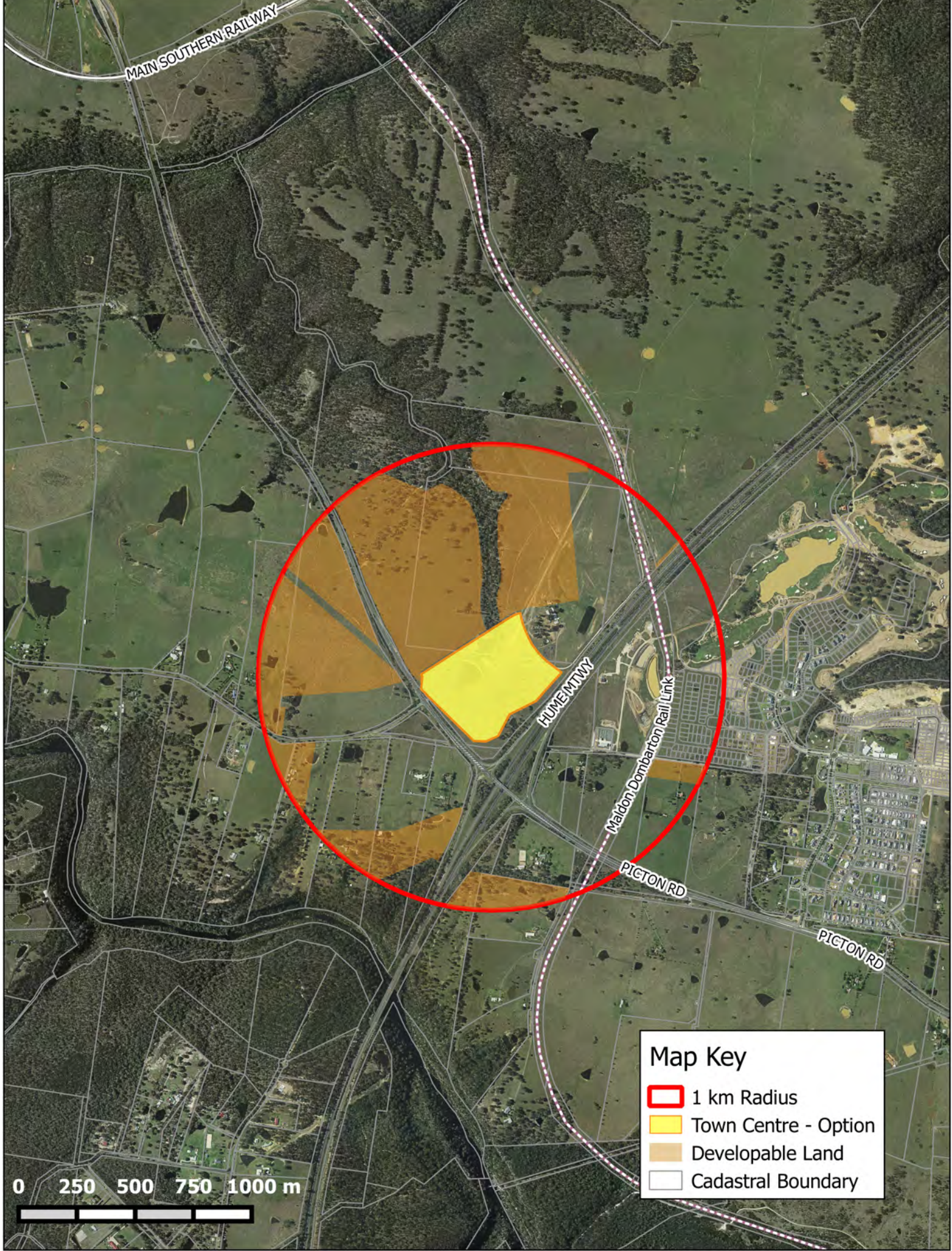
-  1 km Radius
-  Town Centre - Option
-  Developable Land
-  Cadastral Boundary

Wilton Junction Town Centre - Option 2



© Wollondilly Shire Council. © VEKTA Imagery 2012
 © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795, www.lpi.gov.au.
 While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.





Map Key

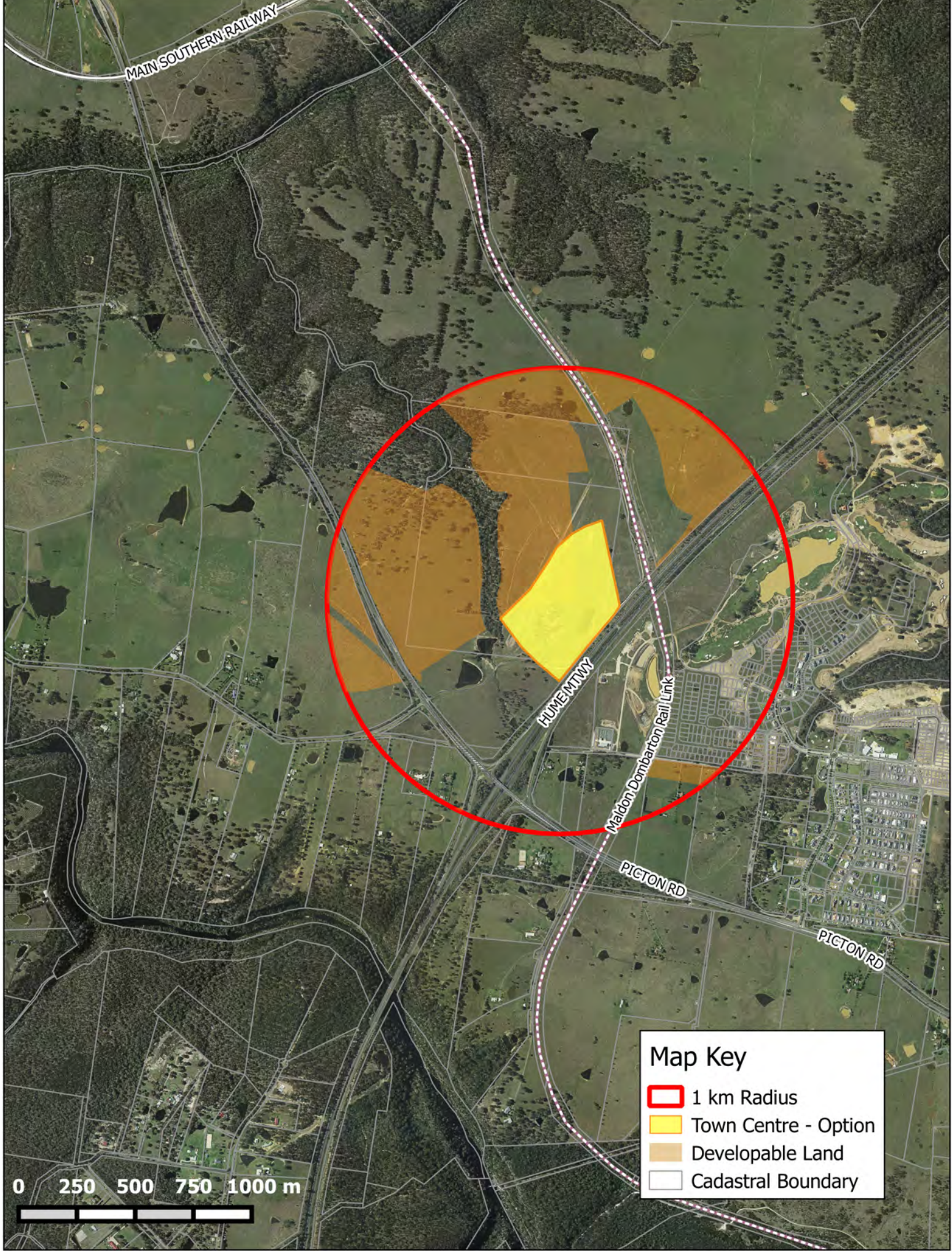
- 1 km Radius
- Town Centre - Option
- Developable Land
- Cadastral Boundary

Wilton Junction Town Centre - Option 3



© Wollondilly Shire Council. © VEKTA Imagery 2012
 © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795. www.lpi.gov.au.
 While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.





Map Key

- 1 km Radius
- Town Centre - Option
- Developable Land
- Cadastral Boundary

Wilton Junction Town Centre - Option 4



© Wollondilly Shire Council. © VEKTA Imagery 2012
 © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795, www.lpi.gov.au.
 While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.





WOLLONDILLY SHIRE COUNCIL	
TRIM no.	6930-5
PROP no.	
25 JUL 2016	
AUTH no.	
ASSIGNED TO:	P. Hunt

16/09254

Luke Johnson
General Manager
Wollondilly Shire Council
Menangle Street
PICTON NSW

Dear Mr Johnson

Thank you for your letter of 26 June 2016 regarding Wilton New Town. As discussed at the Wilton Steering Group the Department of Planning and Environment is committed to working with Wollondilly Council to achieve your vision of an integrated Wilton New Town.

As outlined to Councillors at the workshop on 23 May 2016 we are developing a Land Use and Infrastructure Strategy and Special Infrastructure Contributions (SIC) Framework in collaboration with Council. The Steering Group and Working Group are important mechanisms to agree shared goals and refine the vision for Wilton. We are aiming to release the Strategy as soon as practical and the SIC Framework by the end of 2016.

We have invited proposals from individual proponents for sub-precincts so that we can accelerate early delivery of the first stages of the new town. Any planning proposal for a sub-precinct must demonstrate consistency with the overarching Strategy.

We have agreed with your Director of Planning that Council officers will participate in meetings to consider and provide feedback on concepts tabled by proponents. This will help us to achieve planning outcomes that are supported by Wollondilly and consistent with Council's original vision.

Maximising local employment opportunities is an important planning outcome for the new town. Key to this will be defining thresholds for the delivery of employment linked to housing supply, informed by technical studies currently underway. This will ensure that the phased growth of the new town is in general proportion to the ultimate desired outcome.

Thank you for initiating the proposed strategic planning for the Wilton Park Road Precinct. The Department would be pleased to work with Council to better define the strategy for this part of Wilton New Town. We will meet with your officers to define a program and budget for work which could occur in parallel with the development of the broader Strategy.

In terms of the statutory pathway for rezoning, as discussed with Councillors on 23 May, there are a number of alternatives. These include:

- Led by State Environmental Planning Policy (SEPP)
- Planning proposal (Council)
- Planning proposal (Proponent)

These processes supersede the SEPP pathway that was initiated in 2013 in response to the proponent's masterplan proposal. The Director General's Study Requirements issued in May 2013 have been superseded by the Greater Macarthur Land Release Investigation. We are working with our consultants to use and refer to technical studies prepared by proponents. However, they do not in all cases represent the contemporary position on some planning issues. With your officers, we have identified where proponent's studies may need to be updated before a planning proposal could be endorsed. We will write to proponents to clarify the current planning pathway options and status of the previous tests of adequacy.

We expect to receive individual planning proposals from Walker Corporation and Bradcorp in the coming months. In anticipation of the SEPP to be declared in coming weeks we will determine the most appropriate pathway to rezone land in consultation with you. We will only progress a rezoning when strategic issues of significance have been resolved. These include the encumbrance of existing mining leases and approvals on some parts of Wilton.

Thank you for having each of your officers work with us to ensure the probity of this important project. It is essential that the terms of the confidentiality agreements signed are respected and each interaction with developers or stakeholders continue to be documented and reported to the Steering Group. We will directly brief proponents and their representatives on a milestone as necessary basis.

Please contact Mr Bruce Colman on 9860 1529 if you would like any further information about this letter.

Yours sincerely

✓ **Brendan O'Brien**
Executive Director, Infrastructure, Housing and Employment

[INSERT COUNCIL'S LOGO]

Wilton New Town

Governance and Probity Plan

November 2016

Contents

Glossary	4
1 Introduction	5
1.1 Purpose.....	5
1.2 Legislative and planning framework.....	6
1.3 Other relevant instruments.....	6
1.4 Studies	6
1.5 Study Area	7
1.6 Planning framework	7
1.7 Related documents.....	8
1.9 Conduct requirements.....	9
1.10 Amendment.....	10
2 Project governance	11
1. Overview.....	11
2.2 NSW Department of Planning and Environment	11
2.3 Wollondilly Shire Council.....	12
2.4 The Proponent.....	12
2.5 Wilton New Town Steering Group.....	13
2.6 Wilton New Town Team	14
2.7 Technical working groups.....	14
2.8 Landowners Working Group.....	15
2. Participating in good faith	16
3 Procedures	17
3.1 Communication Protocol.....	17
3.2 Maintaining accountability and transparency.....	18
3.3 Ensuring an impartial and fair process	19
3.3 Maintaining confidentiality	19
3.4 Conflict of interest management	20
3.5 Media enquiries.....	21
3.6 Record keeping.....	21

Appendix 1	Study area.....	23
Appendix 2	Planning pathways.....	25
	SEPP Rezoning Process	26
	Planning Proposal Process.....	26
Appendix 3	Governance structure.....	28
Appendix 4	Confidentiality deed and conflict of interest register	30
	CONFIDENTIALITY DEED	31
	CONFLICT OF INTEREST DECLARATION	33

Glossary

Term	Definition
'the Council'	Refers to Wollondilly Shire Council.
'the Department'	Refers to the NSW Department of Planning and Environment.
'the Project'	Refers to the Wilton New Town Project.
'the DPE Project Director'	Refers to the Department's lead representative for the Project.
'Principal Officer'	Has the same meaning provided in the <i>Government Information (Public Access) Act 2009</i> .
'Probity Advisor'	Refers to a probity advisor appointed separately by the Department or Council to advise them on governance and probity matters.
'Project participant'	Refers to any individual who is involved in the Project. This includes representatives from the Department, Council, other NSW Government agencies and the Proponent.
'the WSC Project Director'	Refers to the Council's lead representative for the Project.
'the Proponent'	Refers to proponents of the Wilton New Town Masterplan, being Bradcorp Holdings Pty Ltd, Walker Corporation Pty Ltd and Governors Hill Pty Ltd collectively. Section 11 provides an overview of the Proponent's role.
'the Proposal'	Refers to the Wilton Junction Masterplan jointly prepared by Lend Lease, Bradcorp Holdings Pty Ltd, Walker Corporation Pty Ltd and Governors Hill Pty Ltd.
'the Sydney Region West team'	Refers to the Department's regional planning under the leadership of the Regional Director, Sydney West Region.
'other landowners'	Refers to all landholders within Wilton Priority Growth Area, excluding the Proponent.
Wilton New Town Steering Group or 'Steering Group'	The Steering Group consists of representatives from Transport for NSW, the Department and Council. Section 2.5 provides an overview of the Group's role.

1 Introduction

1.1 Purpose

This Probity Plan has been jointly drafted by the Department and Council, as the government organisations responsible for considering and assessing the Wilton New Town land development proposal. Together, the Department and Council will steer the Project by developing a planning framework to enable the self-sustaining community consistent with the Wilton Junction Masterplan endorsed by Council in December 2012.

This Probity Plan applies to all Project participants during the strategic planning, precinct planning and rezoning stages. It will assist in ensuring an open, transparent and accountable planning process that meets Government objectives to support population growth, job creation, infrastructure delivery and service provision and is in the public interest.

Once the planning framework is established and endorsed by Council and the Minister, landowners may lodge their Precinct Plans and Planning Proposals through either a State Environmental Planning Policy (SEPP) or Local Environmental Plan (LEP) in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). Planning will occur collaboratively between the Department, Council, Transport for NSW and other NSW Government agencies. The draft planning framework will be negotiated through the Wilton New Town Steering Group, which comprises representatives from the Department, Council and Transport for NSW.

The identification of Wilton New Town as a Priority Growth Area follows the release of the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan (the Preliminary Strategy) in September 2015. The process took into account the Wilton Junction Masterplan proposal (the Proposal) jointly developed and submitted by Lend Lease, Bradcorp Holdings Pty Ltd, Walker Corporation Pty Ltd and Governors Hill Pty Ltd in relation to landholdings referred to as Wilton. The Priority Growth Area includes additional private land to the west of the Wilton Junction proposal. **Appendix 1** shows the landholdings within the area covered by the Wilton Junction proposal.

Within this Probity Plan, Bradcorp Holdings Pty Ltd, Walker Corporation Pty Ltd and Governors Hill Pty Ltd are referred collectively as the Proponent.

The Minister for Planning and Environment announced the proposed inclusion of Wilton in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP) in September 2015. This is expected to contribute to the supply of land for homes and employment.

This Governance and Probity Plan sets out the governance arrangements to apply, and the procedures and controls required to promote the integrity of the planning and assessment process. This Plan supersedes the July 2013 Probity Plan to take into account changes to the planning pathways and governance arrangements since then.

1.2 Legislative and planning framework

The legislative and policy framework guiding the assessment of land use proposals of state or regional environmental planning significance primarily consists of:

- EP&A Act
- A Plan for Growing Sydney
- State Environmental Planning Policies (SEPPs)
- Wollondilly Growth Management Strategy (currently under review)
- Wollondilly Local Environmental Plan 2011
- Wollondilly Development Contributions Plan 2016
- Section 117 Directions
- Major Project Approval – Bulli Seam Operations Project and associated mining approvals
- Planning approvals for Bingara Gorge
- Land Use and Infrastructure Strategy
- Special Infrastructure Contributions (SIC) Scheme
- Voluntary Planning Agreements
- Growth Centres Development Code (forthcoming)
- Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan

1.3 Other relevant instruments

The obligations and roles under other instruments that are relevant to this Probity Plan will not be repeated herein. It is sufficient to state that Council, and the Department where relevant, will comply with the following instruments:

- The *Government Information (Public Access) Act 2009* (**GIPA Act**)
- The *State Records Act 1998* (**SR Act**);
- Council's Code of Conduct.
- Council's Corruption and Fraud Control Policy.
- Council's Customer Service Charter
- Council's Interaction with Developers, Lobbyists & Submitters Policy

1.4 Studies

The Preliminary Strategy identified Wilton New Town, Menangle Park and Mount Gilead (Priority Precincts) as providing immediate opportunities to deliver up to 35,000 homes. Since September 2015, the Department has continued to plan for the release and rezoning of land for homes and employment. The Preliminary Strategy was underpinned by a suite of strategic studies including transport, social and physical infrastructure, ecology, heritage, water quality, housing supply and employment and economic development.

The Department is completing a number of statutory and strategic planning steps to enable the delivery of homes and jobs at Wilton New Town, Menangle Park and Mount Gilead.

During 2016 and 2017 the Department will take steps to:

- Declare Wilton New Town in the Growth Centres SEPP
- Update Greater Macarthur wide strategic planning studies
- Prepare a Land Use and Infrastructure Strategy for Wilton New Town
- Establish a Special Infrastructure Contributions (SIC) Scheme framework for Wilton New Town
- Prepare a Development Code

These steps will support the progression of precinct planning and planning proposals once mining, environmental and other matters are resolved.

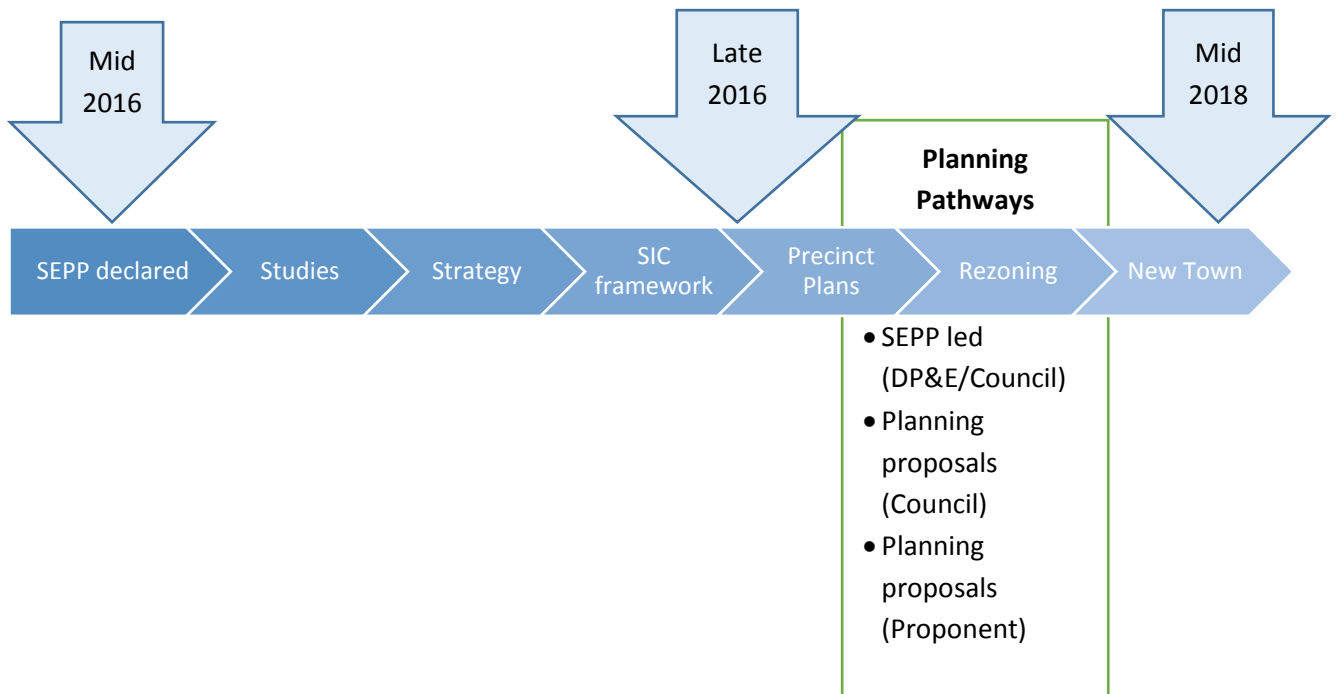
The Proponent also commissioned and provided an extensive suite of studies in support of a SEPP-based rezoning process to implement the Wilton Junction Masterplan. These studies were informed by study requirements issued by the Department in May 2013. Some of these study requirements have now been superseded by legislative or policy change of Government. Where policy or assumptions within these studies remain unchanged they will be accepted as a basis for decision making for precinct planning and planning proposals.

1.5 Study Area

The Wilton New Town Study Area is generally shown in the map at **Appendix 1**. It includes the landholdings of Bradcorp Holdings Pty Ltd, Walker Corporation Pty Ltd and Governors Hill Pty Ltd. The Proponent is seeking to rezone land within the Study Area. The Study Area is part of the Wilton Priority Growth Area (**Appendix 1**).

1.6 Planning framework

The delivery of a planning framework to enable release of land for Wilton New Town is being undertaken in accordance with the steps outlined below.



In May 2013, the Department committed to lead the preparation of a SEPP to rezone land within the Wilton Junction Study Area. In July 2016, the Department advised Council that other planning pathways to enable rezoning in response to the outcomes of the Greater Macarthur Land Release Investigation would be considered. To deliver Wilton New Town, rezoning may occur through either a SEPP or the planning proposal process. The appropriate pathway will be determined by each individual landowner or WSC.

Assessment of precinct plans and planning proposals will be undertaken in accordance with relevant legislation and Department policy requirements; the Government’s commitment to an efficient, integrated process; and the considerable activity already undertaken in relation to the Proposal.

Key steps for each of these processes is outlined in **Appendix 2**.

1.7 Related documents

The key documents guiding the Project are:

- Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan.
- Wilton Junction Masterplan Proposal (endorsed by Council in December 2012).
- Terms of reference for Steering Group and, where they are established, technical working groups and ad hoc working groups with the Proponent.
- This Probity Plan.

1.8 Probity fundamentals

The Project is being coordinated by the Department in consultation with Council in a manner that accords with the following probity fundamentals:

- Obtaining value for money (for example to ensure the procurement of services and consultants commissioned by the Department provide professional and timely advice on Wilton)
- Maintaining impartiality to ensure that the Department and Steering Group provide impartial advice to the Minister and external consultants provide honest and professional advice in accordance with the study requirements
- Managing any actual or perceived conflicts of interest
- Maintaining accountability and transparency (for example to ensure that all officers of the Department and Steering Group and technical working groups act within their delegations and operate in accordance with Government guidelines)
- Maintaining confidentiality.

This Probity Plan has been developed to assist in ensuring that the probity fundamentals are met by the Department and Council and specific risks that could undermine them are identified and appropriately managed.

1.9 Conduct requirements

All Council officers will comply with Council's adopted Code of Conduct. In the event and to the extent of any conflict between this Plan and Council's Code of Conduct, Council's Code of Conduct will prevail for managing Council staff conduct. This section outlines the conduct requirements that apply to other Project participants.

Project participants have a responsibility to ensure that their personal behaviour does not adversely impact on the integrity of the Project. Each person is to:

- Act in accordance with the Probity Plan and other approved plans guiding the process and their role
- Be transparent in relation to personal interests potentially impacting on or impacted by the Project
- Behave impartially, honestly and fairly
- Treat others with respect in meetings and at all other times
- Maintain the confidentiality of confidential information
- Act at all times in a professional manner
- Not to offer, seek or accept any gifts, hospitality or other benefits that may, or may be perceived to, affect the integrity of the Project

The Department, Council and NSW Government agency staff are also required to:

- Not engage in an assessment or decision making role where there is any real, perceived or potential conflict of interest that could be seen to undermine that role, and declare such interests immediately to the Project Director and Council's General Manager.
- Only make public comment about the Project with appropriate authorisation from their own agency.
- Report any breaches of the Probity Plan, or other probity concerns, promptly to the Project Director, or Council's General Manager.
- Maintain appropriate records in relation to activities, deliberations and decision making concerning the Project
- For state agency representatives, observe the requirements of their organisations' code of conduct
- For Council representatives, ensure that the requirements of the local government code of conduct are observed
- The Proponent and their representatives are also required to ensure that the requirements of their code of conduct/ethics (or the like) are complied with.
- Comply with the Communication Protocol at paragraph 3.1.

1.10 Amendment

The Department's Project Director and Council's General Manager are to approve any amendment to this Governance and Probity Plan with the reasons for amendment clearly documented.

2 Project governance

1. Overview

The Wilton New Town project has evolved through several State, landowner and Council led initiatives involving, masterplanning, investigation, planning framework development and subsequent assessment stages. Good governance procedures need to be adopted to clarify the roles and responsibilities of a number of government agencies and major landowners through the life of the project.

To ensure the integrity of the process, it is important that the roles of all involved are clearly defined and delineated. In particular, the role of the Department and state agencies in working with the Proponent to identify and resolve issues early on, needs to be clearly understood and distinguished from their role in advising on and/or assessing the final Proposal.

Appendix 3 outlines the Governance structure for the Project which incorporates key consultative mechanisms and processes.

The roles and responsibilities of the individuals and entities involved are explained below.

2.2 NSW Department of Planning and Environment

The following deliverables are managed by and the responsibility of the Department:

1. Procurement of technical specialists to prepare a suite of studies to underpin the development and adoption of a Land Use and Infrastructure Strategy
2. Formulation of a Special Infrastructure Contributions (SIC) Scheme framework
3. Declaration of Priority Growth Area via a State Environmental Planning Policy
4. Preparation of a Development Code in accordance with the EP&A Regs 2000
5. Preparation a 117 Direction to require planning proposals to be consistent with the Land Use and Infrastructure Strategy
6. Securing early involvement from key state government agencies to:
 - a. liaise and consult with the Proponent
 - b. provide advice on key issues
 - c. inform the preparation of a Land Use and Infrastructure Strategy
 - d. contribute to and obtain agency sign-off on a SIC Framework
 - e. resolve outstanding issues with relevant NSW Government agencies i.e. mining.
7. Undertake its functions as relevant planning authority under Part 3 of the Act and Regulations for precinct plans and planning proposals made in relation to land within the Wilton Priority Growth Area.

2.3 Wollondilly Shire Council

Council has a key role to play in managing sustainable growth and in ensuring that community interests are considered during the process. Council's responsibilities are to:

1. Participate on the Steering Group, technical working group and provide input to the development of the Land Use and Infrastructure Strategy and to ensure that community interests are taken into account.
2. Provide input into studies and investigations undertaken, review material and provide advice on Council's position when such material is properly and formally referred by the Department.
3. Ensure that the vision for Wilton New Town as self-sustaining new community is achieved through the timely and coordinated delivery of housing, employment, open space, public transport and health services.
4. Support the Department's community engagement programme as required in relation to the Greater Macarthur Preliminary Investigation Strategy and Land Use and Infrastructure Strategy and SIC Levy.
5. Undertake its functions as relevant planning authority under Part 3 of the Act and Regulations for precinct plans and planning proposals made in relation to land within the Wilton Priority Growth Area.
6. Undertake its functions as consent authority under Part 4 of the Act and Regulations in the assessment of development applications on land within the Wilton Priority Growth Area.

2.4 The Proponent

The Proponent comprises the three major landowners in the Wilton Junction Study Area being Walker Corporation Pty Ltd, Bradcorp Holdings Pty Ltd and Governors Hill Pty Ltd. Precinct planning is a key element to the delivery of the Wilton New Town vision as endorsed by Council. The Proponent's role in the process is to:

1. Provide studies from the preliminary phase of the Project and other information as requested by the Department
2. Respond to feedback from the Department, Council, Project Director and other stakeholders in a timely and open manner
3. Participate in ad hoc working groups, exchange information and work cooperatively with NSW Government agencies and Council to clarify/resolve issues, consider infrastructure, servicing, staging and costing requirements and to inform the above process.

The Proponent's involvement in the planning process will be via the Landowners Consultative Group and the Technical Working Group which are aimed at facilitating early consideration and resolution of key issues to ensure an efficient and informed process.

While the Proponent comprises three distinct and separate commercial entities it is accepted that there will be occasions for each of these entities will address and be addressed by the Department and Council separately. The manner, frequency and timing of these addresses will be managed in accordance with the relevant agency's policies and at the discretion of the agency's Principal Officer.

2.5 Wilton New Town Steering Group

This Steering Group consists of representatives from the Department, Council and Transport for NSW. Its role is to consider the interagency issues arising from the Wilton New Town planning process, in light of the Government's intention to integrate growth, housing and infrastructure strategies. The Steering Group will also confirm the planning framework for the Project but will not be responsible for decision making for precinct plans or planning proposals.

The **Terms of Reference** for the Steering Group are:

The Steering Group will support the land use and infrastructure planning to deliver the vision of a new town at Wilton.

Objectives

The Steering Group will:

- Develop a shared land use and infrastructure framework for a sustainable new town at Wilton that will increase our capacity to provide new homes and jobs for Sydney's growing population.
- Ensure appropriate mechanisms are in place to secure funding for the timely delivery of necessary transport, social and service infrastructure to support sustainable growth, at no additional cost to Government.
- Support the timely implementation of the vision for the Wilton Priority Growth Area.
- Work collaboratively to resolve mining co-existence, biodiversity and transport infrastructure issues.

Activities

The Steering Group will:

- Guide the preparation of a Land Use and Infrastructure Strategy for the Wilton Priority Growth Area within the agreed Project delivery program, having regard to stakeholder and community feedback on the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan.
- Facilitate negotiations with the aim of resolving co-existence issues and environmental impacts, including those related to approved mining.
- Feed into the Department for Planning and Environment's development of a no additional cost to Government Special Infrastructure Contributions (SIC) Scheme, or equivalent mechanism.
- Investigate the implementation of a biodiversity certification strategy for the priority growth area.
- Review and provide feedback on the consistency of planning proposals and infrastructure funding proposals/agreements from the private sector with the vision for the priority

growth area and the emerging Land Use and Infrastructure Strategy.

Membership

- The Steering Group will comprise representatives from the Department of Planning and Environment, Transport for New South Wales (including Roads and Maritime Service), and Wollondilly Shire Council.
- Other relevant agencies will be invited to attend meetings as needed.
- The Proponent and other landowners will not be represented on the Steering Group. However, Steering Group member organisations will continue to meet with the Proponent and other landowners to concurrently progress private sector proposals in the context of the Preliminary Strategy and the Land Use and Infrastructure Strategy.
- The Steering Group will agree parameters for the concurrent progression of private rezoning proposals and agreements for the funding and delivery of infrastructure in the context of the overall strategy.

Meeting frequency

- Thursday every six weeks. More frequent or less frequent meetings may be required at different stages of the planning process.

2.6 Wilton New Town Team

The Wilton New Town Team will be led by the Director Land Release who reports through to the Executive Director, Infrastructure, Housing and Employment, Growth Design and Programs. Staff from the Sydney Region West team will also be involved where rezoning is progressed through the planning proposal process.

Key roles and responsibilities of the Wilton New Town Team are to:

- Provide secretariat and support services to the Steering Group and any working groups
- Act as the key Department contact for state agencies, Council and Minister's Office
- Prepare a Land Use and Infrastructure Strategy and SIC framework for the Wilton New Town
- Issue rezoning study requirements and review studies that have been submitted, seeking comment from relevant agencies as required
- Consult with relevant state agencies, Council and other stakeholders as required
- Consult with landowners, the community and other stakeholders relevant to Wilton New Town
- Prepare Wilton New Town draft rezoning instrument, where rezoning will be through a SEPP or oversee the planning proposal process, where such a pathway is used
- Place draft SEPP, Land Use and Infrastructure Strategy and SIC framework on public exhibition
- Review public and agency submissions
- Liaise with the Department's Legal Branch/Parliamentary Counsel to finalise SEPP instruments
- Monitoring progress and preparing reports to the Minister and Government.

2.7 Technical working groups

Technical working groups may be established to investigate and advise on specific issues, such as mining co-existence, biodiversity and infrastructure funding and delivery. These groups are not

decision making bodies but will inform relevant studies, provide advice to the Steering Group and assist the Department and Council in the preparation of a Land Use and Infrastructure Strategy, SIC framework and its consideration of rezoning proposals.

Technical working groups will consist of representatives from relevant stage agencies, with input from independent experts, Council and the Proponent.

The Terms of Reference below are generic and may be amended by the Department and Council for specific technical working groups as required.

The **General terms of Reference** for Technical Working Groups are to:

- Facilitate open communication between the parties
- Investigate and provide advice on key issues identified by the Steering Group and Department
- Resolve technical details and other inputs required to undertake relevant studies, such as traffic modelling, employment targets, staging, land use, housing density, biodiversity and open space
- Provide technical advice to the Steering Group, the Department and Council to assist in the preparation of a Land Use and Infrastructure Strategy, SIC framework and its consideration of precinct plans, local plans and planning proposals.

2.8 Landowners Working Group

The Landowners Working Group will meet monthly to assist with open communication and transparency. The Landowners Working Group will be provided Project updates and offered the opportunity to discuss specific issues with the Department and Council that affect each Proponent.

The Landowners Working Group is aimed at facilitating early consideration and resolution of key issues to ensure an efficient and informed process. Meetings will be held jointly with representatives from the Department, Council and the Proponent. Further detail regarding the meeting procedure is located at the Communication Protocol.

The **Terms of Reference** for the Landowners Working Group are:

Objectives

The Landowners Working Group will:

- Be a regular forum to facilitate and promote openness and transparency through frank communication between landowners, Council, and the Department.
- Work collaboratively to resolve any issues appropriately raised for discussion through the Communication Protocol.

Activities

The Landowners Working Group will:

- Provide all landowners subject to the Project the opportunity to be fully informed.
- Facilitate negotiations with the aim of resolving co-existence issues that are common amongst the Proponents.

Membership

- The Landowners Working Group will comprise representatives from the Department, Council, the Proponent and any other landowners effected by the Project.
- Other relevant agencies will be invited to attend meetings as needed.
- The Landowners Working Group will be chaired by the Department. Council will provide the venue and secretarial support in the form of a minute-taker displaying live minutes.

Meeting frequency

- [First Monday] every four weeks. More frequent or less frequent meetings may be required at different stages of the planning process.

2. Participating in good faith

Both the Department and Council recognises that each organisation serves the best interests of their constituents, the people of New South Wales and the Wollondilly Shire respectively. In doing so, both parties recognise that each is entitled to pursue their organisational objectives.

The Department recognises and respects the vital and often difficult role that Council plays in the Project.

The Department understands and will assist Council fulfil its obligation under the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

The Department and Council will treat one another with respect, openness, honesty and fairness.

The Department and Council will not deal with the Proponent in any material way without the other's knowledge and involvement.

The Department and Council will comply with this Probity Plan.

3 Procedures

3.1 Communication Protocol

This Communication Protocol provides a process where Council and the Department can be assured that correct communication practices are in place to facilitate transparency and openness, while protecting sensitive and confidential information.

Meeting procedure:

1. Council or the Department may request meetings of the Wilton New Town Steering Group and the Technical Working Groups. It is the responsibility of the Agency calling a meeting to compile and distribute an agenda. The Department will call meetings of the Landowners Working Group.
2. The Agency that calls the meeting must correspond with all potential attendees of the meeting, calling for agenda items and inviting them to attend by notifying them of the venue, date and time.
3. Such agenda must be distributed in its final form (inclusive of attachments) no less than three working days prior to the meeting.
4. The Agency that calls the meeting is responsible for taking the minutes, distributing same for comment, and finalising them. Both agencies may take minutes if they choose.
5. Unless otherwise stated herein, or as otherwise agreed, the Agency that calls the meeting will Chair the meeting.
6. All avenues must be exhausted before cancelling an arranged meeting. If a meeting is cancelled it is the responsibility of the Agency calling the meeting to notify everyone invited to attend.
7. Either Council or the Department may call other meetings to discuss any issue with each other or with the Proponent. The venue, frequency and form of these meetings will be conducted in accordance with the relevant agency's policies and at the Principal Officer's discretion.
8. Neither the Department nor Council will hold meetings, either in person or over the telephone, with the Proponent or any other party involved in the Project without the other Agency duly being made aware of such meeting.

Correspondence:

9. When deemed necessary by the Principal Officer of the Agency, the Agency will issue briefing notes, file notes, memorandums, emails and any other correspondence to the other Agency or any other party.
10. Such correspondence and any reply will be stored in the Agency's own record-keeping system.

Records and files:

11. It is the responsibility of Council and the Department to ensure compliance with the SR Act and the GIPA Act.
12. Council and the Department will ensure that full records are made, secured and maintained in their own record-keeping system.
13. Council and the Department will consider and decide requests for government information that they each hold pursuant to the GIPA Act. There is no requirement, other than a statutory obligation to consult, for either Agency to deal with each other in when determining requests for information.

3.2 Maintaining accountability and transparency

The Department and Council are committed to an open, transparent and accountable planning process that meets Government objectives to support economic and population growth and is in the public interest. To achieve this, the following measures will be undertaken:

- Meetings of the Steering Group and any working groups will be documented and identify information that is confidential and/or to be communicated to the Proponent.
- All interactions with the Proponent will be documented and meetings will include at least two representatives of the Department and one Council representative.
- Briefings will be held with the Proponent at regular intervals to apprise it of the progress of studies and related activities.
- Studies will be procured in accordance with the Department's procurement policy and procedures.
- The community and all stakeholders will be afforded the opportunity to have input throughout the process.

There will be a strong emphasis on public consultation and opportunity for community input:

- The Department will maintain information about the process on its website and update it when significant developments occur.
- Information sessions and consultative forums to be jointly hosted by the Department and Council during any public exhibition period.

3.3 Ensuring an impartial and fair process

To maintain impartiality in the planning and decision making process it is important that the review and assessment of any plans or studies produced by the Proponent and that decisions are merit-based, consistent with Government objectives and the strategic planning framework, and not designed to improperly benefit any particular party at the expense of outcomes in the public interest. It is also imperative that due process is followed and that there is no improper influence, or the perception of such, as the result of lobbying those with a role in the assessment and decision making process.

Impartiality in the planning and decision making process will be maintained by the Department by:

- Ensuring that analysis and investigations contributing to the process are rigorous, evidence-based and undertaken or provided by suitably qualified persons
- Ensuring that the planning process is appropriately informed by input from Council, other landowners, relevant state and Commonwealth agencies and community representatives, and that a publicly available register of all consultative activities is maintained
- Ensuring strict adherence to confidentiality requirements so that no party is able to advantage itself via access to information not available to others
- Providing equal access to non-confidential information through placement of key material on the Department's website (see section 3.1)
- Requiring that clear and accurate written records are maintained in relation to meetings, deliberations, interactions and consultative forums concerning the Project. Meetings, emails and telephone communication with landowners and their representatives must be in accordance with the Department's Records Management Policy (available at www.planning.nsw.gov.au)
- Ensuring that dealings with lobbyists are in accordance with the NSW Government Lobbyist Code of Conduct and the procedures implemented by the Department to regulate and document all contact between Departmental officers and lobbyists.

3.3 Maintaining confidentiality

Council will comply with the SR Act, GIPA Act and its Code of Conduct in relation to creating and maintaining records, and handling confidential information. Nothing in this Probity Plan affects or overrides Council's obligation and intention to comply with the SR Act, GIPA Act and its Code of Conduct.

Maintaining confidentiality as required is fundamental to probity and is the responsibility of each Project participant with access to confidential information. Sensitive information regarding proposed land uses or infrastructure staging and provision may provide an advantage, or be perceived to provide an advantage, if able to be accessed by some stakeholders ahead of others or its wider availability. This could undermine the integrity of the overall planning process. The Principal Officer of each agency (or delegate) is responsible for ensuring that confidentiality procedures are adhered to and that all confidential information is securely stored.

Project participants must ensure the control and security of confidential documents in their possession. Electronic information of a confidential nature must be stored on a secure IT storage system. Care should be taken with the emailing of confidential information.

Where practicable, and for particularly sensitive information, hand delivery, registered post or couriers should be used. Documents are to be securely packaged and marked “confidential”.

All members of the Steering Group, any future technical working groups, Proponent, Council and the Wilton New Town Team as well as specialist advisors appointed to the Project are to sign the confidentiality deed at **Appendix 4**.

The DPE Project Director is to maintain a register of persons who have signed the confidentiality deed.

3.4 Conflict of interest management

Council’s Code of Conduct defines Conflict of Interests and governs how Council officials are to manage such conflicts. Council’s Code of Conduct is mandatory and has legal force. Nothing in this Probity Plan affects or overrides Council’s obligation and intention to comply with its Code of Conduct.

The ICAC defines a conflict of interest as:

A conflict between the public duty and private interests of a public official where the public official has private interests which could improperly influence their official duties and responsibilities.

Note that perceptions of conflict of interest may be as damaging as actual conflicts.

Project participants are personally responsible for identifying, assessing, declaring and actively managing any conflicts of interest (including actual, reasonably perceived or potential conflicts) that arise in the course of their work. Participants must complete a *Declaration of Conflicts of Interest Form* and must ensure the declaration stays current. Participants must ensure that the Project Director or a probity advisor is aware of any declared conflicts of interest and agrees on the actions to manage them.

Any private interests that may appear to create a conflict of interest must also be brought to attention in order that these matters may be appropriately managed in a transparent and accountable manner. The extent to which private interests adversely affect the process will depend on the role of the participant in question.

Breaches of this Probity Plan, including a failure to declare and actively manage conflicts of interest, will be dealt with proportionate to the seriousness of the matter. Serious matters may be addressed by the DPE Project Director and Council’s General Manager.

The following arrangements will apply to manage and minimise conflicts of interest:

No decision making role for Proponent

The Proponent’s involvement in the planning process will be via the Landowners Working Group which is aimed at facilitating early consideration and resolution of issues to ensure an efficient and informed process. The Proponent and its representatives will not play a role in decision making

nor have access to decision makers or input into the assessment process, except when requested to provide additional information and/or clarification. Any interaction between the Proponent and those involved in assessment or decision making will be clearly documented and may be made public.

Conflict of interest declaration and register

The DPE Project Director is responsible for ensuring that Project participants sign the Conflict of Interest Declaration at **Appendix 4** before being involved in the Project and its deliberations.

The DPE Project Director will maintain a register of those who have signed the Conflict Of Interest Declaration form and all interests reported by the Department staff during the Project. All entries in this register will be discussed with the probity advisor and the action taken to resolve the issue documented. Council's General Manager will take any necessary action in relation to Council staff pursuant to Council's Code of Conduct and any relevant industrial instruments. Nothing in this Probity Plan affects or overrides Council's Code of Conduct.

Project participants will be asked to confirm on a regular basis that they do not have any conflicts of interest.

A separate **Probity Risk and Management Actions Plan** has been prepared for the Project (**Appendix 5**).

3.5 Media enquiries

The DPE Project Director will nominate a media contact to coordinate media management for the Department's investigation of Wilton New Town. The Department media contact will respond to all media enquiries received by the Department concerning the Department's investigation of the Wilton New Town. The Department media contact should reasonably endeavour to alert Council of all media enquiries received by the Department. Media releases issued by the Department and/or the Minister for Planning and Environment will be provided to Council, the Steering Group and the Proponent.

The Proponent and Council are also to nominate and advise of their respective media contacts for the Wilton New Town investigation. The Department will circulate this media contact list within the Wilton New Town Team and to the Proponent.

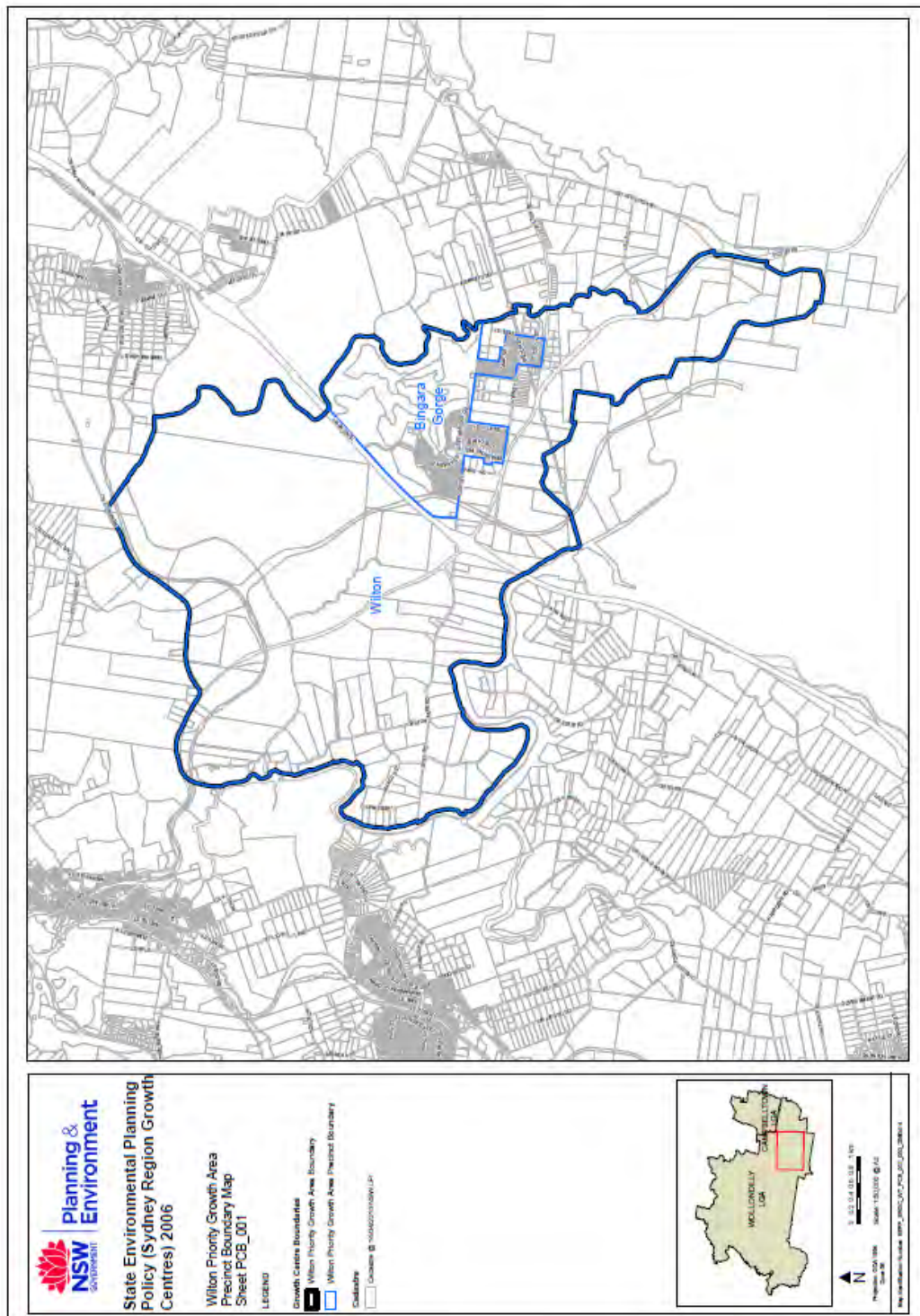
The Proponent and Council should reasonably endeavour to alert the Project Director of media enquiries and requests for media interviews that are received by the Proponent and Council and to provide the Project Director with copies of media releases to be issued by the Proponent and Council, prior to issue, on the Wilton New Town.

3.6 Record keeping

Comprehensive records of the planning process must be maintained in accordance with the SR Act. The maintenance of appropriate records increases the accountability and transparency of the process. The DPE Project Director, with assistance from administration staff, is to maintain the records for the Department. Council will manage its own records.

Appendix 1 Study area

Wilton Priority Growth Area



Appendix 2 Planning pathways

SEPP Rezoning Process

Rezoning through a State Environmental Planning Policy will follow the following steps:

1. **Release of Precinct:** Minister releases precinct for rezoning under clause 276 of the Environmental Planning and Assessment Regulations 2000.
2. **Initial Consultation and Study Requirements:** Department consults formally in writing with Council and subsequently with Steering Group and key state agencies to identify broad areas for investigation and requirements for technical studies.
3. **Study Preparation:** Proponent prepares relevant planning, infrastructure, environmental, economic, social planning studies, development code and precinct plan. This includes preparation of necessary studies to support a Biodiversity Certification application by the Department.
4. **Community Engagement:** Public exhibition of draft SEPP for a minimum of 28 days and consultation with Council, state agencies and local community (including section 34A consultation with OEH and DPI, if required).

Draft Biodiversity Certification Strategy and proposed arrangements for the provision of necessary infrastructure should be exhibited concurrently with the rezoning proposal.

5. **Submission Review:** Public submissions placed on Department's website. Prepare submissions report and recommend response. Parliamentary Counsel then prepares a draft local environmental plan. A recommendation is made to the Minister following this process.
6. **Determination by the Minister:** The Minister for Planning makes a recommendation to the Governor on the making of the SEPP to rezone the land.

After considering the advice from OEH, the Minister for the Environment will either confer biodiversity certification on the specified land or refuse it.

Note: Ongoing community and stakeholder consultation is undertaken throughout the SEPP rezoning process.

Planning Proposal Process

The five steps in the process are:

1. **The planning proposal** - the relevant authority prepares the planning proposal. The relevant authority is usually the local council, however the Minister can appoint the Secretary of the Department of Planning and Environment or a joint regional planning panel to be the relevant planning authority.
2. **Gateway** - the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken,

public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature.

The conditions are then complied with and if necessary, the proposal is changed.

Necessary studies will need to be prepared to support a Biodiversity Certification application by the planning authority.

3. **Community consultation** - the proposal is publicly exhibited as required by the Minister. A person making a submission may also request a public hearing be held.

Draft Biodiversity Certification Strategy and proposed arrangements for the provision of necessary infrastructure should be exhibited concurrently with the rezoning proposal.

4. **Assessment** - the relevant planning authority reviews public submissions. Parliamentary Counsel then prepares a draft local environmental plan.

5. **The making of the LEP** - with the Minister's (or delegate's) approval the local environmental plan is published on the NSW legislation website and becomes law.

6. After considering the advice from OEH, the Minister for the Environment will either confer biodiversity certification on the specified land or refuse it.

Review of decisions

In the interests of fairness and accountability, two review mechanisms were introduced in October 2012 for the gateway process. These reviews provide fairness and accountability to the process by allowing an independent body to review some decisions by councils and the department.

Pre-Gateway reviews: may be requested by a proponent if a council has not supported, or made a decision within 90 days, on a planning proposal. These reviews are informed by advice from joint regional planning panels (or the Planning Assessment Commission in the City of Sydney council area).

Gateway reviews: may be requested by a council or proponent following a gateway determination by the Department before community consultation on the proposal has commenced.

Appendix 3 Governance structure

Figure 2 Governance structure chart



Appendix 4 Confidentiality deed and conflict of interest register

CONFIDENTIALITY DEED

Wilton New Town Project

Name:
Position:
Organisation:
Date:

Matters and documents to remain confidential

Project participants and consultation stakeholders must:

- Ensure the control and security of Confidential Information and documents provided to them in the course of their involvement in the Project.
- Protect and safeguard Confidential Information against unauthorised publication or disclosure
- Not distribute project-related information to another party without the written approval of the Project Executive. Any such distribution, subject to approval from the Project Executive, should be on a 'need to know' basis.
- Not use, copy or reproduce Confidential Information for any reason or purpose except as directed by the Project Executive.
- Ensure that electronic information of a confidential nature is stored on a secure IT storage system, and take particular care with the emailing of confidential information.
- Return to the Department all confidential information when requested by the Project Executive to do so.

Definition

For the purposes of this Project, Confidential Information is any information or documents (including in electronic form) that relate to the Project, are not in the public domain, are identified by the Project Executive (or delegate) as Confidential and/or are referred to below. This includes:

- Draft and final Structure Plans, discussion papers, and accompanying reports
- Technical reports, briefings and expert advice prepared or provided to inform the Structure Plan development
- Material or information prepared for the purposes of briefing the Director General, the Minister, Cabinet, or local Councillors
- Any other information or material, as identified by the Project Executive.

I hereby agree to the confidentiality requirements set out above in relation to the Wilton New Town Project and commit to observe and implement them.

.....

.....

.....

.....

Signature (Recipient)

Signature and Name (Witness)

Date / /

Date / /

CONFLICT OF INTEREST DECLARATION

Name:
Position:
Organisation:
Date:

Definition

A conflict of interest is defined as:

A conflict between the public duty and private interests of a public official where the public official has private interests which could improperly influence their official duties and responsibilities.

Note that perceptions of conflict of interest may be as damaging as actual conflicts.

Either section 1 – You have no interests to declare

I do not have any private interest to declare that may create, or be perceived to create, a conflict of interest in relation to my involvement in the Wilton New Town Project.

Or section 2 – You have interests to declare

I have the following private interest/s to declare.

Description of private interest/s
--

Description of possible conflict with my involvement in the Wilton New Town Project.

--

Action to avoid a conflict of interest

The following action/s is/are proposed in order to avoid a conflict of interest:

I hereby declare that the above details are correct to the best of my knowledge and I make this declaration in good faith and commit to the implementation of any agreed management action/s.

.....

Signature (Recipient)

Date / /

I hereby declare that I have received and appropriately noted this declaration and confirm the agreed management action/s.

.....

Signature (Project Executive)

Date / /



Attachment

Ordinary Meeting of Council

Monday 19 December 2016

GO2 – Investment of Funds as at 31 October 2016

INVESTMENTS AS AT 31 October 2016

Reporting Period: 1-Oct-16 to 31-Oct-16

Investment Institution	Rating	Face Value 31-Oct-16	Value at 31-Oct-16	Percentage Holding	Interest/ Capital Growth		Maturity
					%p.a.	Accrued	
CASH & CASH PLUS FUNDS							
National Australia Bank			(1)				
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>							
		491,079	491,079				
11AM At call	A-1+	3,155,000	3,155,000	6.09%	1.55	5,479	At Call
National Australia Bank (<i>Matured</i>)	A-1+					919	12-Oct-16
Commonwealth Bank of Australia (<i>Matured</i>)	A-1+					1,445	19-Oct-16
Bank of Queensland	A-1+	1,000,000	1,022,729	1.93%	3.05	2,590	02-Nov-16
Bendigo & Adelaide Bank	A-2	500,000	513,899	0.96%	2.85	1,210	09-Nov-16
National Australia Bank	A-1+	1,000,000	1,025,149	1.93%	3.07	2,607	07-Dec-16
National Australia Bank	A-1+	1,000,000	1,017,045	1.93%	3.08	2,616	14-Dec-16
National Australia Bank	A-1+	1,000,000	1,020,018	1.93%	3.07	2,607	10-Jan-17
Suncorp Bank	A-1	1,000,000	1,011,615	1.93%	3.05	2,590	18-Jan-17
National Australia Bank	A-1+	1,000,000	1,015,967	1.93%	3.10	2,633	25-Jan-17
ME Bank	A-2	2,000,000	2,045,458	3.86%	3.05	5,181	01-Feb-17
ME Bank	A-2	1,000,000	1,021,827	1.93%	3.10	2,633	16-Feb-17
ME Bank	A-2	1,000,000	1,021,028	1.93%	3.12	2,650	28-Feb-17
ME Bank	A-2	1,000,000	1,020,942	1.93%	3.12	2,650	01-Mar-17
National Australia Bank	A-1+	750,000	757,866	1.45%	2.90	1,847	19-Apr-17
Bank of Queensland	A-1+	1,000,000	1,001,518	1.93%	2.77	1,518	26-Apr-16
Bendigo & Adelaide Bank	A-2	2,000,000	2,026,995	3.86%	3.12	5,011	17-May-17
Bank of Queensland	A-1+	1,000,000	1,005,677	1.93%	2.80	2,378	24-May-17
Bendigo & Adelaide Bank	A-2	1,000,000	1,012,366	1.93%	2.95	2,505	31-May-17
National Australia Bank	A-1+	1,000,000	1,006,904	1.93%	2.85	2,378	05-Jun-16
Bank of Queensland	A-1+	1,000,000	1,004,660	1.93%	2.70	2,293	14-Jun-17
National Australia Bank	A-1+	1,000,000	1,009,214	1.93%	2.85	2,421	05-Jul-17
National Australia Bank	A-1+	1,000,000	1,006,904	1.93%	2.80	2,378	02-Aug-17
Bendigo & Adelaide Bank	A-2	1,000,000	1,004,930	1.93%	2.95	2,505	29-Aug-17
Westpac Group	AA-	1,000,000	1,005,014	1.93%	3.00	2,548	13-Sep-17
Westpac Group	AA-	500,000	502,795	0.96%	3.00	1,274	27-Sep-17
Westpac Group	AA-	1,000,000	1,004,932	1.93%	3.10	2,548	23-Aug-18
Westpac Group	AA-	1,000,000	1,003,945	1.93%	3.00	2,548	04-Oct-17
Westpac Group	AA-	1,000,000	1,005,945	1.93%	3.10	2,629	23-Aug-18
Bendigo & Adelaide Bank	A-2	1,000,000	1,005,599	1.93%	3.05	2,590	27-Aug-18
Westpac Group	AA-	1,000,000	1,005,181	1.93%	3.10	2,633	12-Sep-18
Westpac Group	AA-	1,000,000	1,007,364	1.93%	3.20	2,718	09-Aug-19
TOTAL CASH PLUS INVESTMENTS		32,905,000	33,268,484	63.48%		82,534	
INVESTMENT SECURITIES							
Corporate Bond			(1)				
National Australia Bank	AA-	1,000,000	1,023,865	1.93%	6.00	5,054	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,941,620	3.86%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	502,854	0.96%	2.98	1,265	28-Nov-16
Westpac Banking Corporation	AA-	500,000	505,308	0.96%	3.38	1,433	20-Feb-17
Macquarie Bank	A	1,000,000	1,006,686	1.93%	4.63	3,928	09-Mar-17
CUA Snr FRN	BBB+	500,000	502,847	0.96%	3.33	1,423	01-Apr-19
Westpac Banking Corporation	AA-	1,000,000	1,012,923	1.93%	2.77	2,354	10-May-19
AMP Snr FRN	A+	750,000	754,288	1.45%	2.83	1,803	11-Jun-19
Members Equity Bank Pty Ltd	BBB+	1,000,000	1,001,227	1.93%	3.20	2,811	18-Jul-19
Bendigo Bank Senior FRN	A-	1,000,000	1,000,584	1.93%	2.66	2,259	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,007,062	1.93%	2.61	2,212	11-Nov-19
Westpac Banking Corporation	AA-	1,000,000	1,001,190	1.93%	2.65	2,341	22-Jan-20
Macquarie Bank	A	1,000,000	1,005,264	1.93%	2.82	2,395	03-Mar-20
CBA Snr FRN	AA-	1,000,000	1,001,129	1.93%	2.65	2,338	17-Jul-20
Bendigo Bank Senior FRN	A-	1,000,000	1,007,346	1.93%	2.85	2,416	18-Aug-20
Suncorp Senior FRN	A+	1,000,000	1,008,456	1.93%	3.00	2,639	20-Oct-20
CBA Snr FRN	AA-	500,000	504,616	0.96%	2.90	1,278	18-Jan-21
Bendigo Bank Senior FRN	A-	500,000	505,823	0.96%	3.21	1,409	20-Apr-21
Westpac Banking Corporation	AA-	1,000,000	1,012,053	1.93%	2.89	2,455	03-Jun-21
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	600,690	1.93%	2.29	2,038	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	679,163	539,412	1.31%	2.18	1,255	22-Aug-22
Total-Other Investments		18,929,163	18,445,243	36.52%		43,853	
TOTAL INVESTMENTS		\$51,834,163	\$51,713,727	100%	2.76	\$126,386	
Benchmark (90 day Ausbond Bank Bill Index)					1.73		
(1) Current Market Value							

Summary of Investment Holdings by Investment Type as at 31 October 2016

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,965,485.45	6.78
Cash	3,155,000.00	3,155,000.00	1.55
Floating Rate Note	14,250,000.00	14,339,655.40	3.00
Mortgage Backed Security	1,679,162.57	1,140,101.99	2.24
Term Deposit	29,750,000.00	30,113,484.12	2.99
	51,834,162.57	51,713,726.96	3.10

Application of Invested Funds- 31 October 2016

Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	16,674,054
	Domestic Waste Management	6,598,002
	Unexpended Grants held in Restricted Cash	1,241,636
Internally Restricted Funds	Funds held in Restricted Cash for future projects and operations	18,655,442
	Funds allocated to meet current budgeted expenditure	8,665,029
		51,834,163



Attachments 1 to 6

1. Summary of Changes to Investment Policy
2. Summary of Changes to Borrowing Policy
3. Summary of Changes to Overdraft Policy
4. Revised Investment Policy (GOV0024)
5. Revised Borrowing Policy (GOV0061)
6. Revised Overdraft Policy (GOV0060)

Ordinary Meeting of Council

Monday 19 December 2016

GO3 – Revised Financial Policies (Investment, Borrowing & Overdraft Policies)

SUMMARY OF CHANGES – INVESTMENT POLICY – GOV0024

Location	Previous Wording	New Wording	Reasoning
Page 1, Item 2.1	Division of Local Government	Office of Local Government	The "Division of Local Government" is now known as the "Office of Local Government".
Page 2, Item 4.1 (f)	Division of Local Government	Office of Local Government	The "Division of Local Government" is now known as the "Office of Local Government".
Page 4, Item 4.5.3	Term to Maturity Framework The investment portfolio is to be invested within the following maturity constraints. (see 4.5.3 (a) Previous Table (attached))	Term to Maturity Framework The investment portfolio is to be invested within the following maturity constraints. (see 4.5.3 (b) New Table (attached))	The table has been revised to include a sub-limit of the category "Portfolio % > 1 year". Note that Council's investments have remained within the limits under the new scenario and that the proposed amendment to the policy is to provide clearer guidelines.
Page 6, Item 10.4	Division of Local Government	Office of Local Government	The "Division of Local Government" is now known as the "Office of Local Government".
Page 12 Appendix C	DLG NSW Division of Local Government	OLG NSW Office of Local Government	The "Division of Local Government" is now known as the "Office of Local Government".

4.5.3 Term to Maturity Framework

(a) Previous Table

Category Description	Minimum	Maximum
Portfolio % < 1 Year	40%	100%
Portfolio % > 1 Year	0%	60%
Portfolio % > 3 Years <= 5 Years	0%	30%

(b) New Table

Category Description	Minimum	Maximum
Portfolio % < 1 Year	40%	100%
Portfolio % > 1 Year <=5 Years	0%	60%
Portfolio % > 3 Years <= 5 Years	0%	30%

SUMMARY OF CHANGES – BORROWING POLICY – GOV0061

Location	Previous Wording	New Wording	Reasoning
Page 4 Item 8.3 (Paragraph 2)	Council is required to complete the Division of Local Government's Proposed Borrowing Return detailing the projects to be funded by any borrowings.	Council is required to complete the Office of Local Government's Proposed Borrowing Return detailing the projects to be funded by any borrowings.	Minor change to wording as the "Division of Local Government" is now known as the "Office of Local Government".



SUMMARY OF CHANGES – OVERDRAFT POLICY – GOV0060

Location	Previous Wording	New Wording	Reasoning
Page 2 , Item 10.3	Division of Local Government "Promoting Better Practice Review Checklist"	Office of Local Government "Promoting Better Practice Review Checklist"	Minor change to wording as the "Division of Local Government" is now known as the "Office of Local Government".

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 Office 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.

- (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
 - (f) Office 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.
 - (c) Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

- (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.
- (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%

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 <= 5 Years	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 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;
- 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 Office 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	21 December 2015
12.3	Next Review Date	21 December 2018
12.4	Responsible Officer	Manager Financial Services

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.

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.

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.

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.

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 use 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.

OLG

NSW Office 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.

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.

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.
- 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.
- 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.
 - 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.

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?

A 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 Office 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.

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.

12. POLICY HISTORY

- | | |
|---------------------------|----------------------------|
| 12.1 Date First Adopted | 21 June 2010 |
| 12.2 Most Recent Adoption | 21 December 2015 |
| 12.3 Next Review Date | 21 December 2018 |
| 12.4 Responsible Officer | Manager Financial Services |

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

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 Office 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.

12. POLICY HISTORY

12.1 Date First Adopted	21 June 2010
12.2 Most Recent Adoption	21 December 2015
12.3 Next Review Date	21 December 2018
12.4 Responsible Officer	Manager Financial Services

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au



Attachment

Ordinary Meeting of Council

Monday 19 December 2016

GO9 – Internal Reporting Policy – Review of Existing Protocol
and Change of Classification

1. POLICY OBJECTIVES

- 1.1 The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Wollondilly Shire Council [Council], what can be reported and how reports of wrongdoing will be dealt with by Council.
- 1.2 This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act).
- 1.3 This policy is just one in the suite of Council's complaint handling policies. Other relevant policies include the Customer Service Charter, the Complaint Handling Protocol, the Unreasonable Customer Conduct Protocol. Copies of these policies can be found on Council's intranet or web page.
- 1.4 The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through your supervisor or directly with the Manager Executive Services. If a staff member makes a report under this Policy which is substantially a grievance, the matter will be referred to Employee Relations to be dealt with in accordance with the provisions under the Local Government State Award 2014.

2. BACKGROUND

- 2.1 Council does not tolerate any form of wrongdoing. Council encourages staff to come forward and report any wrongdoing to help promote integrity, accountability and good management within Council. The Internal Reporting Policy provides a system for the disclosure of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local pecuniary interest contravention that relate to Council and its staff.
- 2.2 This system will:-
 - create a climate of trust, where people are comfortable and confident about reporting wrongdoing
 - encourage individuals to come forward if they are aware of wrongdoing within the council
 - keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
 - protect the person from any adverse action resulting from them making a report
 - deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
 - keep the individual who makes a report informed of their progress and the outcome

- encourage the reporting of wrongdoing within the council, but respect any decision to disclose wrongdoing outside the council that is made in accordance with the provisions of the PID Act
- ensure managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- review the policy periodically to ensure it is relevant and effective
- provide adequate resources, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports and the benefits of internal reports to the council and the public interest generally
 - properly assess and investigate or otherwise deal with allegations
 - properly manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems.

3. APPLICABILITY

3.1 This policy will apply to:

- both council staff and councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees, apprentices or trainees
- consultants
- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

3.2 The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Council.

4. GUIDELINES

4.1 What should be reported?

You should report any suspected wrongdoing within the Council, or any activities or incidents you see within the Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according

to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This includes:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

c. Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

d. Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation

- directing another person to make a decision that is contrary to the legislation.

e. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council Committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior staff member recommending a family member for a Council contract and not declaring the relationship
- a Councillor participating in consideration of a development application [DA] for a property they or their family have an interest in.

4.2 Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

4.3 When will a report be treated as a public interest disclosure?

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the General Manager or, for reports about the General Manager, the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

4.4 Who can receive a report within the Wollondilly Shire Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

a. General Manager

The General Manager can be contacted using the internal phone directory.

b. Mayor (for reports about the General Manager only)

The Mayor can be contacted using the internal phone directory.

c. Disclosures Coordinator

The Disclosures Coordinator is the Public Officer who can be contacted using the internal phone directory.

The Alternate Disclosures Coordinator is the Principal Governance Officer who can be contacted using the internal phone directory.

d. Disclosures Officers

The Disclosures Officer is the Executive Director Community Services and Corporate Support who can be contacted using the internal phone directory.

4.5 Who can receive a report outside of the Wollondilly Shire Council?

Staff and Councillors are encouraged to report wrongdoing within the Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities for the Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct
- the NSW Ombudsman — for reports about maladministration
- the Privacy and Information Commissioner — for disclosures about a breach of the GIPA Act

- the Office of Local Government— for disclosures about local Councils.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with the Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy, including the Mayor for reports about the general manager
- an investigating authority.

Also, the Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

c. Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

4.6 How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Council's [Internal Reporting Form](#) is also available for staff or councillors to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

4.7 Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

4.8 Feedback to staff who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

a. Acknowledgement

When you make a report, the Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

b. Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by the Council not to proceed with the matter

- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

c. Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified.
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

4.9 Maintaining confidentiality

The Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the general manager, the disclosures coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

4.10 Managing the risk of reprisal and workplace conflict

When a staff member or councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Wollondilly Shire Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

4.11 Protection against reprisals

The Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.

a. Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the general manager, you can alternatively report this to the Mayor.

All supervisors must notify the disclosures coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the general manager, the Mayor can alternatively be notified.

If the Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue.
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff.
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter.
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.
- refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this Policy.

b. Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

4.12 Support for those reporting wrongdoing

The Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

Details of Council's Employee Assistance Provider are available on Council's intranet or by contacting your supervisor or staff in the Employee Relations team.

4.13 Sanctions for making false or misleading statements

It is important all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Council will not support staff or councillors who wilfully make false or misleading reports.

Such conduct may also be a breach of Council's Code of Conduct resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

4.14 The rights of persons the subject of a report

The Council is committed to ensuring staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

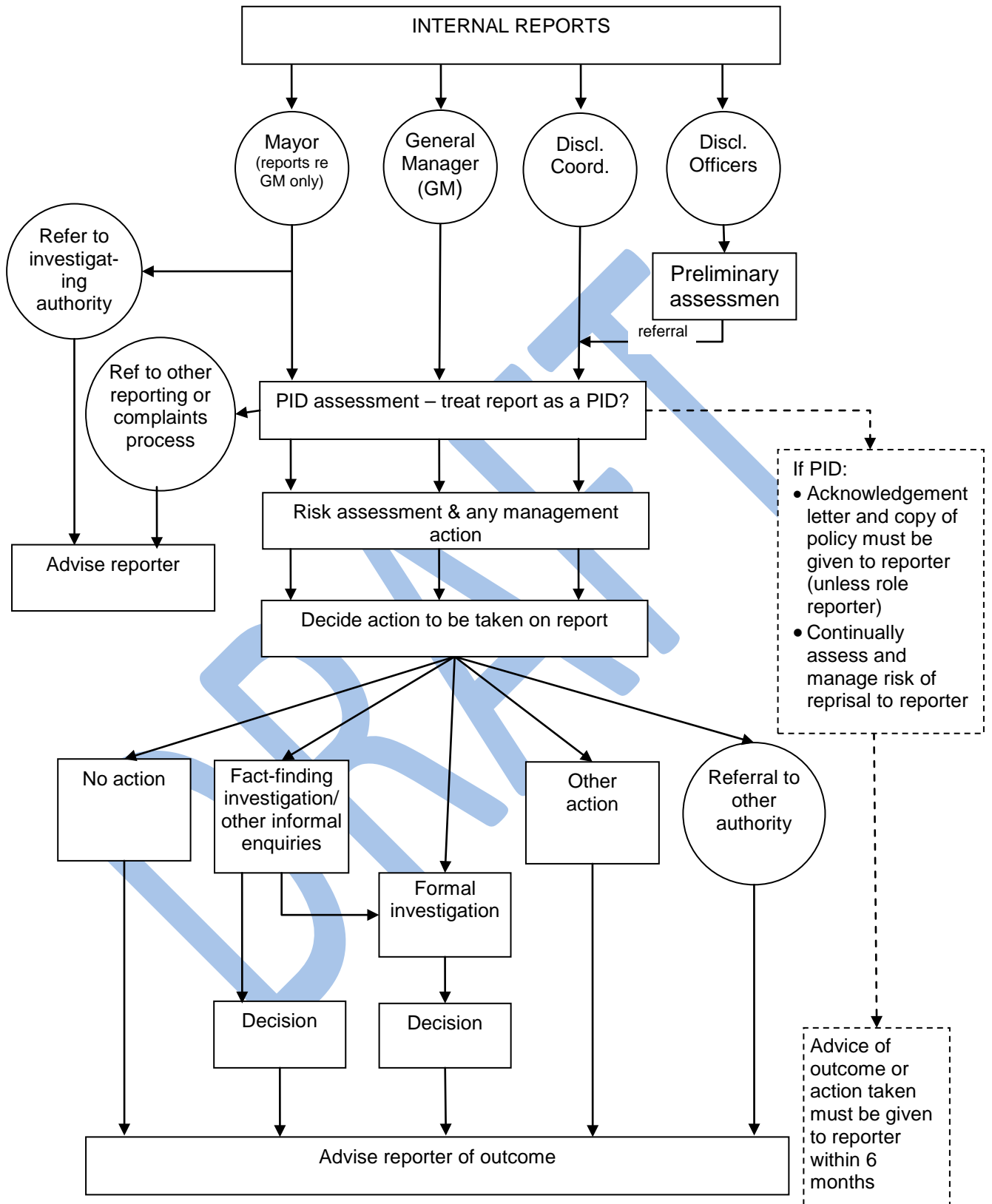
4.15 Review

This policy will be reviewed by the Council every three years.

4.16 More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

4.17 Flow chart of internal reporting process



4.18 Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 472 679
Facsimile: 02 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

For disclosures about local councils:

Office of Local Government
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 The role of council staff and councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- wilfully make any false statement to mislead or attempt to mislead Council, the General Manager or the person appointed to investigate the matter
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code could result in disciplinary action.

a. The role of the Council

Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

b. Roles of key positions

General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act.

The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Procedures for the Administration of the Code of Conduct
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)

- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator

The Disclosures Coordinator has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Procedures for the Administration of the Code of Conduct
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures Officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the disclosures coordinator or general manager for full assessment.

Mayor

The Mayor can receive reports from staff and councillors about the General Manager.

Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Procedure for the Administration of the Code of Conduct
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Directors, Managers and Supervisors

Directors, Managers and Supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Directors, Managers and Supervisors should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

6. RELATED POLICIES/PROTOCOLS

- 6.1 Code of Conduct
- 6.2 Harassment Protocol

7. RELATED PROCEDURES

- 7.1 Internal Reporting Procedure
- 7.2 Procedures for the Administration of the Code of Conduct
- 7.3 Complaints Handling Procedures

8. RELATED LEGISLATION

- 8.1 Public Interest Disclosures Act 1994
- 8.2 Independent Commission Against Corruption Act 1988

9. ATTACHMENTS

Nil

10. RESOURCES

10.1 NSW Ombudsman – Model Internal Reporting Policy 2016

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 A procedure document to compliment this policy and assist Wollondilly Shire Council employees has been developed.
- 11.1.2 Information for staff and Councillors at induction.
- 11.1.3 Hard copies of presentations sent to all outdoor staff.
- 11.1.4 Use of Council's website and Intranet to promote policy and procedures.
- 11.1.5 Hard copies of the policy contained within the policy folders located in the Customer Services area.
- 11.1.6 Statement of Commitment from the General Manager/Mayor – signing of this policy

12. POLICY HISTORY

12.1	Date First Adopted	26 February 2001
12.2	Most Recent Adoption	17 August 2015 – Res No. 145/2015 [Policy revised as Administrative Protocol]
12.3	Next Review Date	17 August 2018
12.4	Responsible Officer	Manager Governance

GENERAL MANAGER

MAYOR

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au



Attachments 1 to 2

1. Summary of Changes Table
2. Draft Code of Meeting Practice

Ordinary Meeting of Council Monday 19 December 2016

GO10 – Review of the Code of Meeting Practice

SUMMARY OF CHANGES – CODE OF MEETING PRACTICE

Location	Previous Wording	New Wording	Reasoning
Page 4 – Commencement	Fifth Code	Sixth Code	New Version
Page 6 – Minutes of the Meeting (c)	Passed	Carried	Updated to the same terminology as used in the Minutes Document.
Page 6 – Minutes of the Meeting (k)	Minutes	Closed Minutes	To add further clarity that this point relates to Closed Minutes
Page 7 – Public Access to Agendas and Associated Agenda(1)	<p>...will be furnished</p> <p>Shall</p> <p>Friday</p> <p>These copies are available for viewing at no charge. Copies to be taken away will be available, at no charge, from the customer service centre in reasonable numbers.</p>	<p>Additional Commas</p> <p>...will be available to...</p> <p>...will...</p> <p>...on Council's website...</p> <p>...Monday...</p> <p>Hard copies will be available free of charge from Councils Administration Building in reasonable numbers.</p>	<p>Punctuation</p> <p>Plain English</p> <p>Plain English</p> <p>Reflects current practices</p> <p>Reflects current practices</p> <p>Plain English</p>
Page 7 – Public Access to Agendas and Associated Agenda(2)	...shall....	...will.....	Better reflects the Act which states reasonable access must be allowed

<p>Page 14 – Order of Business</p>	<p>24. (1) The order of business for meetings of the Council shall be:-</p> <ol style="list-style-type: none"> 1. Opening 2. National Anthem 3. Welcome/Acknowledgement of Country 4. Apologies and Leave of Absence Request 5. Declaration of Pecuniary or Conflict of Interest 6. Confirmation of Previous Minutes 7. Mayoral Minute 8. Reports: <ul style="list-style-type: none"> - Wollondilly Shire and Its Economy - Wollondilly Shire and Its Governance - Wollondilly Shire and Its Environment - Wollondilly Shire and Its Community - Wollondilly Shire and Its Infrastructure 9. Notices of Motion/Rescissions 10. "Closed Meeting" Items 11. Questions for Next Meeting 	<p>24. (1) The order of business for meetings of the Council shall be:</p> <ol style="list-style-type: none"> 1. Opening 2. National Anthem 3. Welcome/ Acknowledgement of Country 4. Webcast Notice 5. Apologies and Leave of Absence Request 6. Declaration of Pecuniary or Conflict of Interest 7. Confirmation of Previous Minutes 8. Items to be Tabled 9. Mayoral Minute 10. Reports: <ul style="list-style-type: none"> - Planning and Economy - Governance - Environment - Community - Infrastructure 11. Notices of Motion/Rescissions 12. "Closed Meeting" Items 13. Questions for Next Meeting 	<p>Added Items to be tabled to account for the 449 Register etc</p> <p>Added Public Notice regarding Webcasting</p> <p>Updated references to reports to reflect current practice and Plain English practices</p> <p>Renumbered the list</p>
<p>Page 19 clause 38(9)</p>	<p>(9) If it is wished to stop any resolution being put into effect, a notice of motion to rescind or alter a resolution should be given to the General Manager by 11.00am the day following the meeting in which the resolution was carried.</p>	<p>(9) If it is wished to stop any planning resolution being put into effect, a notice of motion to rescind or alter a planning resolution must be given to the General Manager by 11.00am the day following the meeting in which the resolution was carried. In all other matters a motion to rescind will not be accepted if a resolution has been acted upon.</p>	<p>Greater clarity regarding Rescission Motions</p>

<p>Starting on page 32 Recording of Meetings of Council or Committee clause (68)</p>	<p>Recording of Meeting of Council or Committee Prohibited</p> <p>68.(1) In accordance with this code Council or Committee meetings, or other components of Council meeting functions will not be taped or film recorded in any medium.</p> <p>This includes but is not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tape recording devices <input type="checkbox"/> Video recording devices <input type="checkbox"/> Computer Laptop/Notebook <input type="checkbox"/> Mobile Telephone <p>In this clause, tape recording includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.</p> <p>(2) A person may not use a recording device (see cl. 66(1)) of this code, to record the proceedings of a meeting of the Council or a Committee of the Council without the authority of the Council or Committee.</p> <p>(3) A person may, as provided by s. 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a recording device.</p>	<p>RECORDING, WEBCASTING AND RECORDING, WEBCASTING AND PHOTOGRAPHY AT MEETINGS OF COUNCIL</p> <p>68. (1) Council will record and webcast live on Council's website the Ordinary or Extraordinary Meetings of Council held in open session. Confidential meetings of Council will not be recorded or webcast. The purpose of the webcast and recordings is to facilitate community access to meetings.</p> <p>(2) Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that the Ordinary/Extraordinary Meeting is live webcast and is publically available. By attending a Council Meeting personal information may be recorded, publicly broadcast and archived.</p> <p>(3) Speakers addressing the Council do not have absolute privilege in respect of opinions expressed or comments made or material presented. Council accepts no responsibility for any defamatory comments in this regard.</p>	<p>Added new guidelines regarding the Webcasting of Ordinary Meetings.</p> <p>Clause further amended to provide the opportunity permit recording/ photography by Media or public in special circumstances as approved by the Council.</p>
--	---	---	---

	<p>(4) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.</p> <p>(cl.273)</p>	<p>(4) At the start of each Meeting that will be webcast, the Chairperson must advise the Meeting room that the Meeting will be webcast.</p> <p>(5) The General Manager must ensure that persons in the Meeting room are advised that the Meeting may be webcast by providing notification on signs in the Meeting room, in the Ordinary Meeting Agenda and such other notices as required in relation to sub-clauses 2 and 3.</p> <p>(6) Webcasting is terminated if the General Manager or the Chairperson are of the opinion that continued webcasting may prejudice the Meeting or infringe the rights or safety of an individual.</p> <p>(7) Webcast recordings will be made available to the public for viewing on Council's website for 12 months an archive of webcast recordings will also be kept.</p> <p>(8) Written transcripts of proceedings will not be available.</p> <p>(9) The webcasts and recordings of proceedings are not an official record of the meeting nor do they convey the official</p>	
--	--	---	--

		<p>Minutes of a Council meeting or the position of Council. Recordings are not to be used except in accordance with this Code.</p> <p>(10) The electronic transmissions (webcasts) and webcast recordings are protected by copyright and owned by Wollondilly Shire Council. No part of the proceedings of a meeting of the Council may be recorded, copied or made available to others without the authority of the Council.</p> <p>(11) Photograph y at Meetings of Council will generally be permitted with the authority of the Council.</p> <p>(12) A person may be, as provided by section 10(2) (a) or (b) of the Act, expelled from a meeting of the Council for using or having used a recording device or taken photographs in contravention of this clause.</p> <p>(13) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held,</p>	
--	--	---	--

		<p>a Police Officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.</p> <p>(14) For the purpose of this clause a recording device includes a video camera, sound recorder, mobile phone, laptop, tablet or any electronic device capable of recording speech and/or images.</p>	
--	--	---	--

CODE OF MEETING PRACTICE

PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
DX: 26052 Picton Ph: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au
www.wollondilly.nsw.gov.au

CODE OF MEETING PRACTICE

INDEX

Part 1 – Preliminary	4
Citation	4
Commencement	4
Definitions	4
Part 2 – Convening of, and Attendance at Council and Committee Meetings	6
Council Meetings	6
Minutes of Meetings	6
Who is Entitled to Attend	7
Public Access to Agendas and Associated Agenda	7
Extraordinary Meetings	8
Notice of Meeting	8
Quorum	8
Quorum is Not Present	8
Presence at Council	9
Declarations of Interest	9
Absence from Council Meeting	10
Attendance of Staff at Council and Council Committee Meetings	10
Absence of the Mayor	11
Part 3 – Conduct of Council Meetings	12
Voting Entitlements	12
Decision of the Council	12
Certain Circumstances do not Invalidate Decisions	12
Chairperson to have Precedence	12
Chairperson’s duty with Respect to Motions	12
Length of Meetings	13
Agenda for Council	13
Order of Business	14
Giving Notice of Business – Ordinary Meetings	14
Questions for Next Meeting	15
Extraordinary Meetings – Agenda	15
Mayoral Minutes	15
Notice of Motion	16
Notice of Motion – Unopposed	16
Notice of Motion – Absence of Mover	17
Recognising a Mover of a Motion	17
Motions to be Seconded	17
Amendments and Subsequent Amendments	17
Motions Put Without Debate	17
Motions of Dissent	18
Motions of Adjournment of a Meeting	18
Rescinding or Altering	18
Recommittal for Discussion	20
Questions may be put to Councillors and Council Employees	20
Addressing Each Other	20
Limitation as to Number of Speeches	20
Voting at Council Meetings	21
Resolutions Passed at Closed Meetings to be Made Public	22
Caretaker Role During Elections	22
Part 4 – Keeping Order at Meetings	22
Questions of Order	22

Acts of Disorder.....	23
How Disorder at a Meeting may be dealt with.....	23
Power to Remove Persons from Meeting after Expulsion Resolution	24
Part 5 – Committees	24
Council may establish Committees.....	24
Functions of Committees.....	25
Notice of Committee Meetings to be Given.....	25
Non-members entitled to attend Committee Meetings	25
Procedure in Committees	26
Minutes of Committee.....	26
Chairperson and Deputy of Committees.....	26
Absence from Committee Meetings.....	27
Reports of Committees.....	27
Disorder in Committee.....	27
Committee May Exclude Certain Persons from its Meetings.....	28
Part 6 –Confidential Matters.....	28
Closed Meeting of Council.....	28
Exclusion of Press and Public	28
Closed Meeting Agenda	29
Disclosure and Misuse of Information.....	29
Part 7 – Workshops	30
Part 8 – Miscellaneous.....	31
Inspection of the Minutes of the Council	31
Access to Records	32
Recording, Webcasting and Photography at Meetings of Council or Committee.....	32
Defamation, Offence and Embarrassment.....	34
Petition	34
Mayoral Actions.....	34
Amendments to this Meetings Code.....	35

PART 1 – PRELIMINARY

CITATION

1. This code has been developed in accordance with The Local Government Act 1993 (as amended from time to time) and Local Government (General) Regulation 2005 and may be cited as the “Code of Meeting Practice” and applies to all meetings of Council and any Committees of Council.

COMMENCEMENT

2. This code will come into force after its formal adoption by Wollondilly Shire Council. It is the **sixth** code and supersedes the version previously adopted.

DEFINITIONS

3. In this code:-

Amendment

An amendment is a change to the motion before the Council, and takes place while that motion is being debated. An amendment to a motion must be put forward in a motion itself.

The amendment may propose that some words be omitted from the original motion or that some words be added but it must not contradict the original motion. It would be unacceptable that the word “not” be inserted or omitted.

Chairperson

- (a) In relation to a meeting of the Council – means the person presiding at the meeting as provided by s. 369 of the Act, and
- (b) In relation to a meeting of a Committee of the Council – means the person presiding at the meeting as provided by clause 54 of this code.

Committee

In relation to the Council, means a Committee appointed or elected by the Council as set out in Clause 50 of this code.

Councillor

Is an elected member of the Council.

Foreshadowed Amendments

A Councillor may foreshadow an amendment to be moved when anticipating that the current amendment is not successfully carried.

Foreshadowed Motion:

A Councillor may foreshadow a motion when it is desired to have a motion opposite to that proposed in the motion currently before the meeting, or when it is desired to alter a motion more drastically than is possible by amendment.

Laid on the Table

Means a matter is held in abeyance; and can be resumed at any time. This is done by resolution and is less concluding than a resolution that “no action be taken”.

This motion is for disposing of the matter before the chair in such a way that the debate can be resumed if and when the body desires. It is in effect an adjournment.

There can be no discussion, amendments, or right of reply. The motion to take the original motion off the table is similarly not open to discussion or amendment.

Motion

A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.

Resolution

A resolution is a motion that has been passed by a majority of Councillors at the meeting.

Record

Means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disk, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council.

Tabled (Tabling of Documents)

Means to introduce a document or material to a meeting for it to be added to the records of the Council and for it to be accessible to the Councillors, press and public.

This is usually done when the document is unusually long or if it is relatively unimportant, or if its nature prevents it from being read – for example, graphs, tables of statistics, photographs. No motion is necessary, persons tendering documents merely saying as they do so that they are tabling such and such document. The tabling should, however, be recorded in the minutes, with appropriate details sufficient to identify the documents concerned.

The Act

This means the Local Government Act 1993 (as amended from time to time).

This “Code of Meeting Practice” is made pursuant to Section 360(2) of the Local Government Act 1993. It incorporates relevant provisions of the Regulations and Act. In the event of any inconsistency between the Code and the Act or Regulations, the Act or Regulations (as the case may be) prevails to the extent of the inconsistency.

Where a clause or subclause contains a reference such as (s.365) at the end of the clause or subclause, this is a reference to the relevant section of the Local Government Act, 1993.

Where a clause or subclause contains a reference such as (cl.233) at the end of the clause or subclause, this is a reference to the relevant clause in the Local Government (General) Regulation 2005.

PART 2 – CONVENING OF, AND ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

COUNCIL MEETINGS

4. Council shall meet in accordance with Section 365 of the Local Government Act, 1993 (as amended from time to time) and the adopted Meeting Calendar and as resolved by Council and must be at least 10 times each year, each time in a different month.
- (s.365)

MINUTES OF MEETINGS

5. (1) The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council. The following matters must be included in the minutes of Council meetings:
- (a) Details of each motion moved at a Council meeting and of any amendments.
 - (b) The names of the mover and seconder of each motion and amendment and that voting be recorded for every motion of Council.
 - (c) Whether each motion and amendment is **carried** or lost.
 - (d) The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present.
 - (e) The dissenting vote of a Councillor, if requested
 - (f) The names of the councillors who voted for a motion in a division and those who voted against it. A division is always required when a motion for a planning decision is put at a meeting of the Council.
 - (g) A report of the proceedings of the Committee of the whole, including any recommendations of the Committee.
 - (h) The grounds for closing part of a meeting to the public.
 - (i) The report of a Council Committee leading to a rescission or alteration motion.
 - (j) The disclosure to a meeting by a Councillor of a pecuniary interest.
 - (k) **Closed** Minutes must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions and amendments are passed or lost at a closed part of a Council meeting.
- (2) To ensure the integrity of the minutes the minute taker/s, at their discretion, may call a halt to proceedings and request the Chair clarify the contents of resolutions.
- (3) The Minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at the subsequent meeting.
- (s.375)
- (4) Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:
- (a) That the business as recorded in the minutes was transacted at the meeting, and
 - (b) That the meeting was duly convened and held.
- (s.703)

- (5) If a Councillor has a concern regarding the wording of the minutes of any meeting the Councillor should contact the Mayor or Chairperson, General Manager or relevant Senior Officer prior to the meeting at which the minutes are to be adopted.

WHO IS ENTITLED TO ATTEND

6. (1) Except as provided by the Act
- (a) Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors.
 - (b) A Council must ensure that all meetings of the Council and of such committees are open to the public.
 - (c) Councillors must sign the attendance/declaration of interest register documentation/when attending a meeting of Council.
 - (d) Council staff must sign the meeting attendance register when attending meetings in Councils Administration Building.
- (2) A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or such a Committee if expelled from the meeting.
- (a) By a resolution of the meeting; or
 - (b) By the person presiding at the meeting, if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.
- (s.10)

PUBLIC ACCESS TO AGENDAS AND ASSOCIATED AGENDA

7. (1) Copies of the agenda, not being a confidential agenda prepared for business of a type determined in accordance with clause 62, which has been prepared to a meeting of the Council or a Committee of the Council will be available to the press and the public at or before the opening of the meeting. Copies of the agenda will also be available at Council libraries, on Council's website and at the customer service centre by 3.00pm on the Monday two weeks prior to the meeting. Hard copies will be made available free of charge from Councils Administration Building in reasonable numbers.
- (2) Subject to subclause (3), the press and the public will, during or at the close of a meeting of the Council or a Committee of the Council be allowed reasonable access to the correspondence and reports tabled at or submitted to the meeting.
- (3) The Council or a Committee of the Council may withhold access to the correspondence and reports referred to in subclause (2):
- (a) Where the correspondence and the reports relate to any matter dealt with at a time when the press and the public were excluded from the meeting of the Committee, or
 - (b) In any case where the Committee so decides on the ground that publicity may prejudice the Council's interests in threatened or pending litigation.
- (4) Annual subscription to the Council and Committee agenda and minutes is available at a charge determined each year in the Council's Business Plan.

- (5) Councils Business Papers are available from Councils Administration Building; Library; Website and upon request in electronic or hardcopy format. Nothing in this code shall be construed as limiting the means of distributing information to any one medium.

EXTRAORDINARY MEETINGS

8. (1) If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. (s.366)
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency by the Mayor.

NOTICE OF MEETING

9. (1) The General Manager must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency and the reasons for the emergency shall be defined. Emergency meeting advice shall stipulate the venue, date and time.
- (3) Notice of and the Agenda for and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form. (s.367)
- (4) Proceedings at a meeting of a Council or a Council Committee are not invalidated because of a failure to give notice of the meeting to any Councillor or Committee member. (s.374 Pt b)
- (5) Council must give public notice of the times and places of its meetings and those of its Standing Committee meetings of which all the members are Councillors. (s.9)

QUORUM

10. The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. (s.368)

QUORUM IS NOT PRESENT

11. (1) A meeting of the Council must be adjourned if a quorum is not present:
 - (a) Within half an hour after the time designated for the holding of the meeting.
 - (b) At any time during the meeting.

- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) By the Chairperson.
 - (b) In his or her absence – by the majority of the Councillors present.
 - (c) Failing that, by the General Manager.
- (3) The General Manager must record in the Council's minutes or records the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- (cl.233)

PRESENCE AT COUNCIL

12. (1) A Councillor cannot participate in a meeting of the Council unless personally present at the meeting and within the physical confines of the room, in which the meeting is being held.
- (cl.235)

DECLARATIONS OF INTEREST

13. (1) A Councillor or a member of a council committee who declares a pecuniary conflict of interest in any matter before the council and who is present at a meeting where the matter is being considered, must:
- (a) Submit to the General Manager a written declaration of Interest prior to the meeting
 - (b) Disclose and identify the nature of the interest to the meeting as soon as practicable
 - (c) Vacate the Council meeting room and not be within visual or hearing range of the debate on the item, for which the interest has been declared, both as a Councillor and a member of the public.
- (2) There are three types of non-pecuniary conflicts of interests. They are 'significant', 'less than significant' and 'political donations'. Council's code of conduct describes the procedures that need to be followed in respect of each type (Clauses 7.13 – 7.26).

A Councillor or a member of a council committee who declares a non-pecuniary conflict of interest in any matter before the council and who is present at a meeting where the matter is being considered, must:

- (a) Submit to the General Manager a written Declaration of Interest prior to the meeting
- (b) Disclose and identify the nature of the interest to the meeting as soon as practicable
- (c) Take part in debate and vote on the item

However, if the Councillor chooses to not take part in the item of conflict, then the Councillor must leave the meeting room.

(s.442)

ABSENCE FROM COUNCIL MEETING

14. (1) A civic office becomes vacant if the holder is absent without prior leave of the Council from 3 consecutive meetings of the Council. (s.234 (d))
- (2) Leave of absence may only be granted by a Council resolution. A Councillor may attend a Council meeting during the period of which the leave has been granted, however, the leave is taken to be rescinded as regards any future Council meeting. The Act requires a Councillor who wishes to attend a Council meeting while on leave to provide the General Manager a minimum of two days notice of the intention to attend and participate in a meeting of Council, however, failure to give such a notice does not prevent a Councillor from attending the meeting or voting at it and any business conducted at the meeting would not be invalidated because of that failure to give notice.
- (3) There is nothing to prevent a Councillor from seeking the leave of the Council for a further period of absence however any further leave of absence will require Council to make another resolution.
- (4) A Councillor, whenever possible, should provide to the Council a proposed date of return when seeking leave for an extended period of time. (s.234)
- (5) The tendering of an apology is a form of courtesy to those attending the meeting from the person tendering the apology that they will not be attending. It aids the efficient conduct of meetings by informing the chairperson as to who will not be attending and avoids delaying the opening of a meeting.

The acceptance of an apology is a positive acknowledgement of the courtesy of the person who tendered it.

It does not amount to a grant of a leave of absence and although recognised as a component of good meeting practice has no recognition in either the Act or the Regulations.

ATTENDANCE OF STAFF AT COUNCIL AND COUNCIL COMMITTEE MEETINGS

15. (1) The General Manager is entitled to attend, but not vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
- (2) The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- (3) However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. (s.376)
- (4) Other Council officers may attend Council and Committee meetings as Council and the respective Committees and/or the General Manager shall determine as appropriate from time to time.

- (5) The role of those Council officers attending will be to offer advice and to answer questions within their individual fields of expertise and experience. With the exception of special standing Committees outlined elsewhere, Council staff are not permitted to vote, nor take part in debate (unless specifically invited by the Chairperson of the Committee). It is not appropriate for Council officers to offer opinions not related to their areas of expertise.
- (6) A member of the staff of a Council is not subject to direction by the Council as to the content of any advice or recommendation made by the member.
- (7) Subclause (6) above does not prevent a Council from directing a member of the staff to provide advice or a recommendation.

(s.352)

ABSENCE OF THE MAYOR

- 16. (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
 - (2) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council
- (s.369)
- (3) The election, referred to in subclause (2) must be conducted:
 - (a) By the General Manager or, in his absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) If neither of them is present at the meeting or there is no General Manager or designated employee – by the person who called the meeting or a person acting on his or her behalf.
 - (4) If, at an election of a Chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
 - (5) For the purpose of subclause (3), the person conducting the election must:
 - (a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
 - (6) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

(cl.236)

PART 3 – CONDUCT OF COUNCIL MEETINGS

VOTING ENTITLEMENTS

17. (1) Each Councillor is entitled to one vote.
- (2) A person presiding at a meeting of the Council or any Committee of Council has, in the event of equality of votes, a second or casting vote.
- (s.370)

DECISION OF THE COUNCIL

18. A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- (s.371)

CERTAIN CIRCUMSTANCES DO NOT INVALIDATE DECISIONS

19. Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:
- (1) A vacancy in a civic office.
- (2) A failure to give notice of the meeting to any Councillor or Committee member.
- (3) Any defect in the election or appointment of a Councillor or Committee member.
- (4) A failure of a Councillor or a Committee member to disclose a pecuniary or conflict of interest at a Council or Committee meeting in accordance with s. 451 of the Act.
- (5) A failure to comply with the code of meeting practice.
- (s.374)

CHAIRPERSON TO HAVE PRECEDENCE

20. When the Chairperson rises during a meeting of the Council:
- (1) Any Councillor then speaking or seeking to speak, must, if standing, immediately resume his or her seat, and
- (2) Every Councillor present must be silent to enable the Chairperson to be heard without interruption
- (cl.237)

CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

21. (1) It is the duty of the Chairperson at a meeting of the Council, to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

(cl.238)

LENGTH OF MEETINGS

22. (1) The length of the Council, or a Committee of Council, shall not exceed 4 hours unless Council resolves to extend the time for the meeting by a decision of Council, that the items considered are deemed urgent and warrant consideration at the current meeting.
- (2) In the case of a Council or Committee of Council being particularly lengthy, the Chairperson shall call an adjournment for a rest period of Ten (10) Minutes for the benefit of Councillors and Council staff at approximately 2 hourly increments.

AGENDA FOR COUNCIL

23. (1) The General Manager must ensure that the agenda prepared for a meeting of the Council states:
- (a) All matters to be dealt with arising out of the proceedings of former meetings of the Council.
 - (b) If the Mayor is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting.
 - (c) Any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause an agenda to be delivered to Councillors not later than three days prior to the meeting.

(s.367)

- (4) If, in the opinion of the General Manager, business to be transacted at a meeting of the Council or a Committee of the Council is a kind of business referred to in s. 10A(2) of the Act, the business may be included in a confidential agenda. All other business to be transacted at the meeting must be included in an open agenda.
- (5) If a confidential agenda is prepared for a kind of business referred to in section 10A(2) of the Act, the business must be referred to in the open agenda prepared for the same meeting.
- (6) Nothing in this clause limits the powers of the Chairperson under Clause 28 of this code.

- (7) A Council and each Committee of which all the members are Councillors must have available for the public at its offices at each meeting copies (for inspection or taking away by any person) of the agenda for the meeting. This requirement does not apply to an agenda for the matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, or to any correspondence or reports in an agenda that, in the opinion of the General Manager, are likely to be the subject of a resolution that they be treated as confidential.
- (8) Once the agenda for a meeting has been sent to Councillors an item of business on the agenda should not be removed from the agenda prior to the meeting. If it is proposed that an item of business which is on the agenda not be dealt with at the meeting, Council should resolve to defer that business to another meeting or resolve not to consider the matter, as the case may be.

ORDER OF BUSINESS

24. (1) The order of business for meetings of the Council shall be:
 1. Opening
 2. National Anthem
 3. Welcome/Acknowledgement of Country
 4. Webcast Notice
 5. Apologies and Leave of Absence Request
 6. Declaration of Pecuniary or Conflict of Interest
 7. Confirmation of Previous Minutes
 8. Items to be Tabled
 9. Mayoral Minute
 10. Reports:
 - Planning and Economy
 - Governance
 - Environment
 - Community
 - Infrastructure
 9. Notices of Motion/Rescissions
 10. "Closed Meeting" Items
 11. Questions for Next Meeting
- (2) The order of business fixed under subclause (1) may be altered or suspended if a motion to that effect is carried. Such a motion can be moved without notice.
- (3) Notwithstanding clause 43 of this code only the mover of a motion to alter the order of business referred to in subclause (2) may speak on the motion before it is put.

(cl.239)

GIVING NOTICE OF BUSINESS – ORDINARY MEETINGS

25. (1) Council must not transact business at a meeting of the Council:
 - (a) Unless a Councillor has given notice of the business in writing within such time before the meeting in accordance with this code.
 - (b) Unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act.

- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) Is already before, or directly relates to a matter that is already before, the Council.
 - (b) Is the election of a Chairperson to preside at the meeting as provided by clause 16 of this code.
 - (c) Is a matter or topic put to the meeting by the Chairperson in accordance with clause 30 of this code.
 - (d) Is a motion for the adoption of recommendations of a Committee of the Council.
- (3) Despite clause 43, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

(cl.241)

QUESTIONS FOR NEXT MEETING

- 26. (1) Council must not transact business at a meeting of the Council:
 - (a) unless a Councillor has given notice of the business in writing within such time before the meeting in accordance with this code, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.
- (2) A Councillor wishing to raise 'Questions for Next Meeting' at a Council meeting must supply to the General Manager a written copy of the Business to be discussed at least three (3) days prior to the meeting.
- (3) The General Manager must send to each Councillor, at least three (3) days before each meeting of Council a notice specifying any 'Questions for Next Meeting' to be raised at each meeting of Council.

(Reg. Clause 241)
- (4) The questions will be placed on the next meeting agenda unless:
 - (a) an answer is given straight away, if it makes sense to do so
 - (b) they do not require research or further investigation.
- (5) 'Questions for Next Meeting' are not open for debate until they are placed on the following Council meeting agenda.

EXTRAORDINARY MEETINGS – AGENDA

- 27. (1) The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

(cl.242)

MAYORAL MINUTES

- 28. (1) If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting, without notice, any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee, so far as adopted by the Council, is a resolution of Council.
(cl.243)
- (4) The Mayoral minute will not introduce, without notice, matters that are routine, not urgent, or need research or consideration by Councillors before coming to a decision.

NOTICE OF MOTION

29. (1) Any Councillor may give notice of any motion for consideration by the Council or a Committee of Council by providing the proposed motion in writing to the General Manager by noon on the Friday or the third (3rd) calendar day prior to the Council Meeting.
- (2) Any changes to a Notice of Motion submitted in accordance with this code must be submitted by 12 noon on the day of the Meeting to the General Manager by the Councillor who submitted the original Notice of Motion to Council.
- (3) Any changes to a Notice of Motion by a Councillor other than the submitting Councillor must be raised during the discussion of the Notice of Motion at the Council Meeting.
- (4) The provision of confidential issues as defined in Section 10A (2) of the Act applies to Notices of Motion.
- (5) The General Manager may only provide factual information on the motion to assist in the discussion of the motion if requested by the Councillor.
- (6) A Notice of Motion must be submitted by the Councillor to noticeofmotion@wollondilly.nsw.gov.au in accordance with part (1) of this clause.
- (7) A councillor may speak to a Notice of Motion for not longer than five (5) minutes at any one time.

NOTICE OF MOTION – UNOPPOSED

30. The Chairperson may call over the Notices of Motion on the agenda, in the order in which they appear thereon, and if objection is not taken to a motion being taken as a formal motion may, without discussion, put the motion to the vote.

NOTICE OF MOTION – ABSENCE OF MOVER

31. In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (1) Any other Councillor may move the motion at the meeting.
 - (2) The Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.
- (cl.245)

RECOGNISING A MOVER OF A MOTION

32. A mover, by rising or by raising a hand, or by speaking, must attempt to get the attention of the chairperson. The Chairperson then must recognise the mover who first caught their attention.

MOTIONS TO BE SECONDED

33. A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 25(2) and 42(5).
- (cl.246)

AMENDMENTS AND SUBSEQUENT AMENDMENTS

34. (1) An amendment may be moved after a motion has been seconded but must be prior to the main motion being put to a vote.
- (2) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than once motion and one proposed amendment can be before the Council at any one time.
- (cl.246) and (cl.247)
- (3) If during discussions one motion and one amendment are already before the Council, any further amendments can only be “foreshadowed” and cannot be considered by the Council until the amendment before the Council has been determined.
- (4) It is permissible to debate a motion and an amendment concurrently.
- (5) The right of reply to any amendment is the mover of the original motion. The right of reply must be related to the current amendment before the Council.

MOTIONS PUT WITHOUT DEBATE

35. Provided there is no objection from any Councillor present, any motion may be put to the vote without discussion or debate.

MOTIONS OF DISSENT

36. (1) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 42, only the mover of a motion of dissent and the Chairperson can speak on the motion before it is put. The mover of the motion does not have a right of reply.

(cl.248)

MOTIONS OF ADJOURNMENT OF A MEETING

37. (1) Debate shall not be permitted on any motion of adjournment of a meeting of the Council.
- (2) If a motion of adjournment is lost, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion of adjournment within half an hour of the previous motion of adjournment being lost.
- (3) A motion of adjournment may specify the time, date and place of the adjourned meeting; however, if a motion of adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.
- (4) The chairperson may adjourn a meeting at any time, based on issues at hand and operation of meeting at the time.
- (5) An adjourned meeting is a continuation of the earlier part of the same meeting, not a new meeting and the Agenda and Business Papers already issued would be the proper documents from which to work.

RESCINDING OR ALTERING

38. (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried:
- (a) The resolution must not be carried into effect until the motion of rescission has been dealt with, or is withdrawn by notice given in accordance with Council's code of meeting practice.
- (b) The rescission may be dealt with at an extraordinary meeting where the motion is on the agenda.

- (3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subs. may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which the section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.
- (7) The provisions of this s. concerning negated motions do not apply to motions of adjournment.

(s.372)
- (8) Generally speaking, the Chairperson should not accept a motion that is inconsistent with a resolution previously adopted. The existing resolution should first be formally rescinded. If however, an inconsistent resolution is passed, the original resolution becomes void to the extent of the inconsistency. This is called rescission by implication or rescission by inference.
- (9) If it is wished to stop any **planning** resolution being put into effect, a notice of motion to rescind or alter a **planning** resolution **must** be given to the General Manager by 11.00am the day following the meeting in which the resolution was carried. **In all other matters a motion to rescind will not be accepted if a resolution has been acted upon.**
- (10) In the case of a motion of alteration, the stay of action provided by subclause 8 above, if it is carried, applies only to the extent that the resolution of Council would be affected by the motion of alteration.
- (11) The General Manager shall advise Councillors of a motion to rescind or alter a resolution within 24 hours of receipt of such a motion or as soon as practicable.
- (12) A notice of motion to alter or rescind a resolution may be withdrawn by notice in writing to the General Manager signed by the same three Councillors who signed the original notice of motion in accordance with subclause (4) above. The withdrawal of the notice of motion to alter or rescind a resolution shall take effect at the time and date of official receipt by the General Manager of the written notice of withdrawal.
- (13) A notice of motion to alter or rescind a resolution shall be accompanied in the agenda by the wording of the adopted resolution which it is intended to alter or rescind.

RECOMMITTAL FOR DISCUSSION

39. (1) If one or more Councillors have second thoughts about a resolution passed earlier in the meeting it may be desired to recommit the matter for further attention. Dependent upon the circumstances and the intent this may be achieved by either:
- (a) A motion of recommitment for discussion purposes only.
 - (b) A motion of rescission either during or after the meeting.
- (2) If, after discussion, the original resolution is no longer supported then a Rescission Motion is necessary to either, remove, replace or alter it; which may be raised in accordance with Clause 38 of this Code.

QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

40. (1) A Councillor:
- (a) May, through the Chairperson, put a question to another Councillor.
 - (b) May, through the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The Councillor must put every such question directly, succinctly and without argument.
- (4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.
- (cl.249)

ADDRESSING EACH OTHER

41. (1) During Council meetings Councillors and staff shall at all times address other Councillors and staff by their official designation, as Mayor, Chairperson or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, may stand when speaking. Staff are not required to stand.
- (2) During Committee meetings a less formal method of address is appropriate and there is no need to rise to speak.

LIMITATION AS TO NUMBER OF SPEECHES

42. (1) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply, to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. A right of reply is limited to three (3) minutes duration.
- (2) A Councillor other than the mover of an original motion has the right to speak once on the motion and once on each amendment to it.

- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), any Councillor may move that a motion or an amendment be now put:
 - (a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it.
 - (b) If at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- (5) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4) a seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

(cl.250)

VOTING AT COUNCIL MEETINGS

43. (1) A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject-matter of the motion.
- (2) If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
 - (3) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and call a division.
 - (4) When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

- (5) Voting at a Council meeting, including voting in an election at such a meeting is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
- (6) Councillors will raise their hands to indicate their voting intent on each item, and their votes will be recorded in the minutes.

(cl.251)

RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

44. If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

(cl.253)

CARETAKER ROLE DURING ELECTIONS

45. (1) The Act does not impose limits on the decisions a council can make before an ordinary election is held, however, like Commonwealth and State Governments, councils are expected to assume a “caretaker” role during election periods to ensure that major decisions are not made which limit the actions of an incoming council.
- (2) Although the decisions of a council do not lapse after an election is held, there will be some opportunities for the new council to review earlier decisions.

PART 4 – KEEPING ORDER AT MEETINGS

QUESTIONS OF ORDER

46. (1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
 - (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
 - (3) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
 - (4) The Chairperson’s ruling must be obeyed unless a motion dissenting from the ruling is passed.
- (cl.255)
- (5) The Chairperson may reject any motion, amendment or other matter which is, in the opinion of the Chairperson, out of order.
 - (6) The chamber is called to order when the Chairperson rises to their feet - the proceedings of the meeting at hand must cease until resumed by order of the Chairperson.

ACTS OF DISORDER

47. (1) Councillors must act honestly and exercise a reasonable degree of care and diligence in carrying out of their functions. (s.439)
- (2) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
- (a) Contravenes the Local Government Act or any regulation in force under the Local Government Act.
 - (b) Assaults or threatens to assault another Councillor or person present at the meeting.
 - (c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee or addresses or attempts to address the Council or Committee, on such a motion, amendment or matter.
 - (d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, or any other person.
 - (e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
 - (f) Makes personal attacks upon staff at meetings. Complaints about a member of staff must be addressed in writing to the General Manager.
- (3) The Chairperson may require a Councillor:
- (a) To apologise without reservation for an act of disorder referred to in subclause (2) (a) or (b).
 - (b) To withdraw a motion or an amendment referred to in subclause (2) (c) and, where appropriate, to apologise without reservation.
 - (c) To retract and apologise for an act of disorder referred to in subclause (2) (d) or (e).
- (4) A Councillor may, as provided by s. 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act or disorder concerned. (cl.256 (3) and s.10 (2))
- (5) Breaches of Council's Code of Conduct during a meeting of Council or Council Committee are deemed to be acts of disorder under the provisions of this Code.

HOW DISORDER AT A MEETING MAY BE DEALT WITH

48. (1) If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

- (2) A member of the public may, as provided by s. 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.
(cl.257)
- (3) Public members who insult or make personal reflections or impute improper motives to Council or Councillors, or do or say anything that is inconsistent with maintaining order will be deemed acts of disorder, or any other behaviour deemed disorderly by the Council.

POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION

49. If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:
- (1) Immediately after the Council has passed a resolution expelling the Councillor or member from the meeting.
 - (2) Where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting.
 - (3) A police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.
(cl.258)

PART 5 – COMMITTEES

COUNCIL MAY ESTABLISH COMMITTEES

50. (1) A Council may, by resolution, establish such Committees as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of a Committee is to be:
- (a) Such number of members as the Council decides.
 - (b) If the Council has not decided a number – a majority of the members of the Advisory Committee.
(cl.260)
- (4) A Committee may appoint sub-Committees or Advisory Groups which report direct to it rather than direct to Council.
- (5) The Council may appoint sunset Committees from time to time to deal with one-off specific issues which have a limited lifespan.

- (6) Local Management Committees which may comprise of Councillors, residents and representatives of user groups, may be appointed to have the care, control and management of specific facilities and Council may delegate its authority to the Committee, to act on its behalf in certain matters.
 - (7) Pursuant to sub-clause 6, a committee can exercise a council's regulatory functions under Chapter 7 of the Act only if all of its members are either Councillors or council employees. A Committee with members of the public on it cannot exercise a regulatory function under Chapter 7 of the Act.
- (s.379(1))

FUNCTIONS OF COMMITTEES

- 51. (1) Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

(cl.261)
- (2) Committees which undertake a role/function of Council shall comply with the provisions of the Act, Regulations and this Code of Meeting Practice.

NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

- 52. (1) The General Manager of the Council must send to each Councillor, at least three days before each meeting of the Committee, a notice specifying:
 - (a) The time and place at which and the date on which the meeting is to be held, and
 - (b) The business proposed to be transacted at the meeting.
- (2) However, notice of less than three days may be given of a Committee meeting called in an emergency.

(cl.262)
- (3) When Committee meetings are held in succession, there will be a 5 minute period between the closing of one meeting and the opening of the next meeting.

NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

- 53. (1) A Councillor who is not a member of a Committee of the Council is entitled to attend and speak at, a meeting of the Committee.
- (2) However, the Councillor is not entitled:
 - (a) To give notice of business for inclusion in the agenda for the meeting.
 - (b) To move or second a motion at the meeting.
 - (c) To vote at the meeting.

(cl.263)

PROCEDURE IN COMMITTEES

54. (1) Subject to Sub-clause (3) each Committee of the Council may regulate its own procedure.
- (2) Without limiting sub-clause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a Committee meeting is to be by open means (such as by voice or by show of hands) (cl.265)
- (4) In the absence of specific procedures for any Committee being adopted, the general provisions of this code apply to meetings of any Committee.

MINUTES OF COMMITTEE

55. (1) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) Details of each motion moved at a meeting and of any amendments moved to it
 - (b) The names of the mover and seconder of the motion or amendment
 - (c) Whether the motion or amendment is passed or lost
 - (d) The names of the Councillors who voted for a motion for a planning decision and those who voted against it. Such voting must be conducted by way of a division.
 - (e) The grounds for closing part of a committee meeting to the public
 - (f) The disclosure to a committee meeting by a councillor of a pecuniary interest
- (2) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting. (cl.266)

CHAIRPERSON AND DEPUTY OF COMMITTEES

56. (1) The Chairperson of each Committee of the Council must be:
- (a) The Mayor, or
 - (b) If the Mayor does not wish to be the Chairperson of a Committee – a member of the Committee elected by the Council, or
 - (c) If the Council does not elect such a member – a member of the Committee elected by the Committee.
- (2) Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- (3) If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

- (4) The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting. (cl.267)
- (5) The Mayor by virtue of holding that office is a member of each Committee of the Council.

ABSENCE FROM COMMITTEE MEETINGS

- 57. (1) A member ceases to be a member of a Committee if the member (other than the Mayor):
 - (a) Has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
 - (b) Has been absent from at least half of the meetings of the Committee held during the immediately preceding year ended 30 June without having given to the Committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply if all the members of the Council are members of the Committee. (cl.268)

REPORTS OF COMMITTEES

- 58. (1) If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) The recommendation shown in the agenda should be the same as the one decided by the Committee.
- (4) If a Committee of a Council makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:
 - (a) Make the recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) Report the recommendation to the next meeting of the Council. (cl.269)

DISORDER IN COMMITTEE

- 59. The provisions of the Act and of this Regulation and Code relating to the maintenance of order in Council meetings apply to meetings of any Committee of the Council in the same way as they apply to meetings of the Council. (cl.270)

COMMITTEE MAY EXCLUDE CERTAIN PERSONS FROM ITS MEETINGS

60. (1) If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with s. 10A(2) of the Act, any person who is not a Councillor may be excluded from the meeting as provided by s. 10(2)(a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction excluding him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any persons authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

(cl.271)

PART 6 –CONFIDENTIAL MATTERS

CLOSED MEETING OF COUNCIL

61. (1) The Council, during a Council meeting, may resolve into “Closed Meeting of Council” closing the meeting to the public only for the receipt or discussion of, and recommendation resolutions upon, any of the matters listed in Section 10A(2) of the Act.
- (2) All provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in a Closed Meeting of Council or a Committee Meeting.
- (3) The General Manager, or in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the business and any resolutions arising from the “Closed Meeting of Council”.
- (4) The Council must ensure that a report of the proceedings (including any resolutions of the Closed Meeting of Council) is recorded in the Council’s Minutes.
- (5) Resolutions made at a closed part of a Council meeting must be made public by the Chairperson of the meeting as soon as practical after the closed part of the meeting has ended.
- (6) Even if the item is listed in a confidential business paper the Council could disagree with this assessment and discuss the matter in an open part of the meeting.
- (7) Council may allow members of the public the opportunity to make a statement as to why part of a meeting should be closed.

(s10A (4)) (cl.252)

EXCLUSION OF PRESS AND PUBLIC

62. (1) A Council or Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
- (a) The discussion of any of the matters listed in subclause (2).
- (b) The receipt or discussion of any of the information so listed.

- (2) The matters and information are the following:
- (a) Personnel matters concerning particular individuals.
 - (b) The personal hardship of any resident or ratepayer.
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - (d) Commercial information of a confidential nature that would, if disclosed
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret.
 - (e) Information that would, if disclosed, prejudice the maintenance of law.
 - (f) Matters affecting the security of the Council, Councillors, Council staff or Council property.
 - (g) Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (s.10A)

CLOSED MEETING AGENDA

63. (1) If, in the opinion of the General Manager, business to be transacted at a meeting of the Council or of a Committee of the Council is a kind of business referred to in s. 10A(2) of the Act, the business may be included in a confidential agenda. All other business to be transacted at the meeting must be included in an ordinary agenda.
- (2) If a confidential agenda is prepared for a kind of business referred to in s. 10A (2) of the Act, the business must be referred to in the ordinary agenda prepared for the same meeting.
- (3) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (4) That period is as fixed by the Council's code of meeting practice or as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.
- (cl.252)
- (5) Nothing in this clause limits the powers of the Chairperson under clause 21 of this code.

DISCLOSURE AND MISUSE OF INFORMATION

64. (1) A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure is made:
- (a) With the consent of the person from whom the information was obtained
 - (b) In connection with the administration or execution of the Act.
 - (c) For the purpose of any legal proceedings arising out of the Act or of any report of any such proceedings.
 - (d) In accordance with a requirement imposed under the *Government Information (Public Access) Act 2009*.
 - (e) With other lawful excuse.

- (2) In particular, if a meeting or part of a meeting of a Council or a Committee of a Council is closed to the public in accordance with s. 10A (1) of the Act, a person must not, without the authority of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.
- (3) Subsection (2) does not apply to:
 - (a) The report of a Committee of a Council after it has been presented to the Council.
 - (b) Disclosure made in any of the circumstances referred to in subs. 1(a)-(e).
 - (c) Disclosure made in circumstances prescribed by the regulations
 - (d) Any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with the *Government Information (Public Access) Regulation 2009*.
- (4) A person acting in the administration or execution of the Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse of de facto partner or a relative of the person.
- (5) A person acting in the administration or execution of the Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) The determination of an application for an approval
 - (b) The giving of an order

(s.664)

PART 7 – WORKSHOPS

- 65. (1) A council can hold a workshop (sometimes called a briefing session) under its general powers as a body politic. Workshops are informal gatherings and can provide useful background information to councillors on issues. A workshop may involve Councillors, council staff and invited participants.
- (2) Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting. Workshops are merely a means which enable councillors to bring an informed mind to the appropriate decision-making forum.
- (3) Workshops must be chaired by the General Manager, Executive Director/ Director or a senior council officer.
- (4) Workshops are for information and training purposes only. Workshop briefing papers will contain no recommendations, and no agreement will be sought from the Councillors or other workshop participants in the course of the workshop.

- (5) Meeting attendance books must be signed by Councillors and other workshop participants.
- (6) Any document produced in relation to a workshop is a document of the council. These documents could be inspected and copied in accordance with the Government Information (Public Access) Act 2009 (GIPAA). The provisions of 664(1) and 664(2) of the Act apply to workshops, but as they cannot be closed under section 10A of the Act, the confidentiality provisions of sections 664(1)(a) and 664(1)(b) do not apply.

PART 8 – MISCELLANEOUS

INSPECTION OF THE MINUTES OF THE COUNCIL

66. (1) Everyone is entitled to inspect the current version of the following documents free of charge:
- Agendas for Council and Committee meetings (but not including “agendas” for matters considered when a meeting is closed to the public).
- Minutes of Council and Committee meetings, but restricted (in the case of any meeting or part of a meeting that is closed to the public).
- (2) The documents may be inspected at the office of the Council; during ordinary office hours.
 - (3) The Council must have copies of the documents available for taking away by anyone who asks for a copy.
 - (4) An inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or a staff member of the Council designated by the General Manager to supervise inspections of those minutes.
 - (5) The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
(cl.272)
 - (6) A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports tabled at, or submitted to, the meeting.
 - (7) Subclause (4) does not apply if the correspondence or reports:
 - (a) Relate to a matter that was received or discussed; or
 - (b) Were tabled at, or submitted to, the meeting, when the meeting was closed to the public.

- (8) Subclause (4) does not apply if the Council or Committee resolved at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in s. 10 A(2) of the Local Government Act, are to be treated as confidential.

(s.11)

ACCESS TO RECORDS

67. (1) The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- (2) If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- (3) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:
- (a) Is produced immediately and laid on the table for inspection by the Councillors, and
 - (b) Is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within one month after the passing of the motion.
- (4) A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports tabled at, or submitted to, the meeting.
- (5) This section does not apply if the correspondence or reports that:
- (a) Relate to a matter that was received or discussed.
 - (b) Were tabled at, or submitted to, the meeting.
- when the meeting was closed to the public.
- (6) This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.
- (7) Where a meeting resolves under subclause 6 that correspondence or reports are to be treated as confidential, the meeting shall also resolve the period during which the correspondence or reports shall remain subject to subclause 5. This resolution shall be an authority of the Council or a Committee.

RECORDING, WEBCASTING AND PHOTOGRAPHY AT MEETINGS OF COUNCIL

68. (1) Council will record and webcast live on Council's website the Ordinary or Extraordinary Meetings of Council held in open session. Confidential meetings of Council will not be recorded or webcast. The purpose of the webcast and recordings is to facilitate community access to meetings.

- (2) Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that the Ordinary/Extraordinary Meeting is live webcast and is publically available. By attending a Council Meeting personal information may be recorded, publicly broadcast and archived.
- (3) Speakers addressing the Council do not have absolute privilege in respect of opinions expressed or comments made or material presented. Council accepts no responsibility for any defamatory comments in this regard.
- (4) At the start of each Meeting that will be webcast, the Chairperson must advise the Meeting room that the Meeting will be webcast.
- (5) The General Manager must ensure that persons in the Meeting room are advised that the Meeting may be webcast by providing notification on signs in the Meeting room, in the Ordinary Meeting Agenda and such other notices as required in relation to sub-clauses 2 and 3.
- (6) Webcasting is terminated if the General Manager or the Chairperson are of the opinion that continued webcasting may prejudice the Meeting or infringe the rights or safety of an individual.
- (7) Webcast recordings will be made available to the public for viewing on Council's website for 12 months an archive of webcast recordings will also be kept.
- (8) Written transcripts of proceedings will not be available.
- (9) The webcasts and recordings of proceedings are not an official record of the meeting nor do they convey the official Minutes of a Council meeting or the position of Council. Recordings are not to be used except in accordance with this Code.
- (10) The electronic transmissions (webcasts) and webcast recordings are protected by copyright and owned by Wollondilly Shire Council. No part of the proceedings of a meeting of the Council may be recorded, copied or made available to others without the authority of the Council.
- (11) Photography at Meetings of Council will generally be permitted with the authority of the Council.
- (12) A person may be, as provided by section 10(2) (a) or (b) of the Act, expelled from a meeting of the Council for using or having used a recording device or taken photographs in contravention of this clause.
- (13) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (14) For the purpose of this clause a recording device includes a video camera, sound recorder, mobile phone, laptop, tablet or any electronic device capable of recording speech and/or images.

(cl.273)

DEFAMATION, OFFENCE AND EMBARRASSMENT

69. The NSW Ombudsman publication *Better Service and Communication for Council's* provides information about defamation. It states:

“A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person”

Councillors, staff and members of the public can seek legal compensation, apology etc if they are defamed.

- (1) Councillors acting within their official capacity at meetings of Council or Council Committees have a defence of ‘qualified privilege’ to actions in defamation. This recognises that Councillors may need to speak freely and publicly in carrying out their duties however qualified privilege needs to be treated with great caution. It only covers statements made at a Council or Committee meeting whilst carrying out the duties and on business relevant to the Council. Statements also need to be made with good intentions, not malice.
- (2) A statement made outside a Council or Committee meeting will not be protected by qualified privilege, but may be protected under the *Defamation Act 1974*. Councillors should be guided by their own legal advice on defamation issues.
- (3) The chairperson of a Council meeting is responsible for making sure that the council carries out its meeting in line with its Meeting Code and any relevant legislation. This may be done by:
 - (a) Maintaining order at meetings.
 - (b) Requiring a Councillor to apologise for insults, personal comments, or implying improper motives with respect to another Councillor.
 - (c) Calling a Councillor to order whenever they believe it is necessary to do so.
 - (d) Ask a Councillor to take back a statement and apologise.
- (4) A Councillor who refuses to comply with cl 3 may be expelled from the meeting for an act of disorder (see 46 (4)) of this Code. This does not prevent legal action from being taken against a Councillor by council or by another Councillor; a member of council staff or a member of the public under the *Defamation Act 1974* or the common law.

(cl.256 (3) & s.10 (2))

PETITION

70. A Councillor may present a petition to the Council. The Chairperson must not permit discussion or debate on the petition.

MAYORAL ACTIONS

71. When necessary the Mayor may exercise the policy-making functions of the Council between meetings. It is not necessary for the Council to formalise this, but good practice for the Mayor to report their actions to the next Council meeting.

(s.226)

AMENDMENTS TO THIS MEETINGS CODE

72. (1) A Council may amend a code adopted in accordance with the Act by means only of a code so adopted. (s.363)
- (2) Before adopting an amendment to this Meetings Code, Council must prepare a draft amendment.
- (3) The Council must give public notice of the draft amendment after it is prepared.
- (4) The period of public exhibition must not be less than 28 days.
- (5) The public notice must also specify a period of not less than 42 days after the date on which the draft amendment is placed on public exhibition during which submissions may be made to the Council.
- (6) With the exception of the provisions of subclause 7, Council must publicly exhibit the draft amendment in accordance with its notice.
- (7) Notwithstanding subclauses 4 and 5, if Council is of the opinion that an amendment is not substantial, it may adopt the amendment following public notice and without public exhibition.
- (8) This Code is to be reviewed annually and addressed quarterly against legislative changes to the Act and the Regulations.



Attachment

Ordinary Meeting of Council

Monday 19 December 2016

CO1 – Review of Community Advisory Committees

.....

Community Committee / Advisory Group

Operational Guidelines and Terms of Reference Trim 7632#13

Contents

Contents	2
Community Committee / Advisory Group - Terms of Reference	3
1. Objective of the Community Committee / Advisory Group	3
2. Links to Community Strategic Plan 2033	3
3. Key Focus Areas for the Community Committee / Advisory Group	3
Community Committee / Advisory Group - Operational Guidelines	4
1. Meeting Frequency, Times and Venue	4
2. Membership.....	4
3. Membership Selection and Tenure	4
4. Other Attendees	4
5. Chairperson.....	5
6. Responsibilities of Members	5
7. Role of the Council Officer	6
8. Quorum & Decision Making	6
9. Minutes, Agendas & Reporting Requirements	6
10. Standing Agenda Items	7
11. Financial.....	7

COMMUNITY COMMITTEE / ADVISORY GROUP - TERMS OF REFERENCE

1. OBJECTIVE OF THE COMMUNITY COMMITTEE / ADVISORY GROUP

To bring together interested community members to (*Broad statement of strategic intent*)

2. LINKS TO COMMUNITY STRATEGIC PLAN 2033

The Community Committee/Advisory Group directly supports Wollondilly Community Strategic Plan 2033 as it enables Council to engage with its community by listening to and responding to their needs and concerns.

The Community Committee/Advisory Group will consider issues and pursue actions and strategies which support Wollondilly Community Strategic Plan 2033.

The Community Committee/Advisory Group will report on its outcomes and achievements annually, in particular identifying how the activities have contributed to the overall outcomes of Wollondilly Community Strategic Plan 2033.

3. KEY FOCUS AREAS FOR THE COMMUNITY COMMITTEE / ADVISORY GROUP

The Community Committee/Advisory Group will pursue specific actions and strategies which relate and contribute to the following key focus areas:

-
-
-
-

COMMUNITY COMMITTEE / ADVISORY GROUP - OPERATIONAL GUIDELINES

1. MEETING FREQUENCY, TIMES AND VENUE

The Community Committee/Advisory Group is to meet (quarterly/bi-monthly etc.). (Include time and venue etc.).

More frequent meetings may be convened as the need arises.

Alternatively, there may be a need in certain circumstances to establish temporary sub-committees or working groups to pursue specific issues / projects etc.

2. MEMBERSHIP

The Community Committee/Advisory Group is to have a minimum of 5 community members and a maximum of..... community members.

3. MEMBERSHIP SELECTION AND TENURE

Community members are to be recruited through a public expression of interest process which will be advertised in the local media and on Council's website.

Selection will be based on set criteria which will be outlined as part of the nomination process.

Membership is to be dissolved/renewed in line with the electoral term of Council. The next dissolution and renewal process would occur after the Council election in 2016.

If a member resigns or is terminated, the position may be filled through a review of earlier Expressions of Interest or a call for new Expressions of interest.

4. OTHER ATTENDEES

A designated Council officer(s) will attend and convene the committee. The role of this officer is to coordinate the Community Committee/Advisory Group and to fulfil secretarial duties (see section 7 below).

Councillor attendance is optional. Community Committee/Advisory Groups can meet without a Councillor present

Guest Speakers may be invited as required and as determined by the Community Committee/Advisory Group

5. CHAIRPERSON

A community member will be nominated by the Community Committee/ Advisory Group as Chairperson for a twelve month period (Calendar year).

Council officers and Councillors will not be eligible to be Chairperson.

If the Chairperson is absent, another member of the Community Committee/Advisory Group will be asked to Chair the meeting.

Training will be available to Chairpersons as required.

6. RESPONSIBILITIES OF MEMBERS

Members will be required to sign a declaration that they have read and understood Council's Code of Conduct and will act in accordance with these Operational Guidelines. This includes communication, representing the Community Committee/Advisory Group, attendance at relevant meetings / forums / conferences and speaking to the media.

Council's Code of Conduct and associated protocols are to be followed by members.

Members will be required to be respectful of the diverse opinions of others during discussions.

Members are not to use the meetings of the Community Committee/Advisory Group as a platform for personal accusations / defamatory statements or as an interrogation of Council business.

Ongoing membership will be dependent on members conducting themselves in a respectful, courteous and constructive manner.

Members will be responsible for their own travel to and from Community Committee/Advisory Group meetings and associated events and activities.

Members will be encouraged to contribute items of interest to the meeting agenda by contacting the Council Officer prior to the meeting. Items may also be raised in General Business.

Members will have no power or delegation to make decisions on behalf of Wollondilly Shire Council or allocate funds.

Members will be expected to actively participate in meetings, working parties (where relevant) and associated activities or events.

In the event that a member cannot attend a meeting, an apology or notification must be made to the Council Officer prior to the meeting.

Consecutive lack of attendance (3 meetings or more) without prior apology may result in the individual member's position being declared vacant by a motion of the Community Committee/Advisory Group.

7. ROLE OF THE COUNCIL OFFICER

The designated Council Officer is responsible for:

- Coordinating the meeting arrangements including calendar notifications.
- Preparation and distribution of agendas, minutes and other reports and communications as required.
- Ensuring that meetings and activities of the Community Committee/Advisory Group are conducted in accordance with these operational guidelines and any associated protocols including Council's Code of Conduct.
- Identifying any decisions which may require further consideration by Council's Executive or the elected Council body.

8. QUORUM & DECISION MAKING

Five community members would need to be present to form a quorum.

Councillor attendance is not a requirement to form a Quorum.

The Community Committee/Advisory Group will make recommendations by consensus. If this is not possible, recommendations may need to be voted upon and a majority vote will be needed for a decision to be recorded.

Council officers and Councillors do not have voting rights but would be able to contribute to consensus decision-making.

At times the Community Committee/Advisory Group may make decisions which require further consideration by Council's Executive or the elected Council body. Any such decisions will be identified by the Council officer and recorded in the minutes. The matter will then be referred for consideration by Executive and/or Council as required.

9. MINUTES, AGENDAS & REPORTING REQUIREMENTS

Meeting date schedules for the coming year are to be placed in the Councillor newsletter, Council's corporate calendar and on Council's website.

Advice of upcoming meetings will be distributed to members and Councillors and posted on Council's webpage at least 7 days prior to the date of the next scheduled meeting (this advice will include an agenda and the previous meeting's minutes).

Minutes are to be taken by the Council officer and distributed to Community Committee/Advisory Group members, placed in the Councillor newsletter and on Council's website within 14 days of the meeting date.

An annual report will be provided to Council outlining the activities of the Community Committee/Advisory Group during the previous year and upcoming 12 month period. This should demonstrate clearly how the work of the Community Committee/Advisory Group has contributed to the Community Strategic Plan 2033 outcomes. The annual report should also outline proposed priorities for the Community Committee/Advisory Group in the upcoming 12 months.

10. STANDING AGENDA ITEMS

Terms of Reference will be developed and tailored to the particular interest area of the group and will outline goals and tasks for the 4 year term of the Community Committee/Advisory Group.

Standing agenda items for all working groups:

- Acknowledgement of Country
- Disclosure of interests
- Attendance & Apologies
- Confirmation of minutes
- Tasks/Actions
- General Business
- WHS

11. FINANCIAL

The operational costs of convening Community Committee/Advisory Groups will be met by Council's budget.

No sitting fees or out of pocket expenses will be paid to members of the Community Committees/Advisory Groups.