

# Ordinary Meeting Of Council

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## Wollondilly Shire Council

### Minutes

**Monday 19 February 2018**

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The meeting commenced at 6.31pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

<b>RECORDING OF MEETING</b>	<b>4</b>
<b>WEBCAST NOTICE</b>	<b>4</b>
<b>PRESENT</b>	<b>4</b>
<b>ALSO PRESENT WERE</b>	<b>5</b>
<b>NATIONAL ANTHEM</b>	<b>5</b>
<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>5</b>
<b>APOLOGIES AND LEAVE OF ABSENCE REQUESTS</b>	<b>5</b>
<b>DECLARATION OF INTEREST</b>	<b>6</b>
<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
<b>ITEMS TABLED</b>	<b>7</b>
<b>MAYORAL MINUTE</b>	<b>8</b>
<b>Sustainable and Balanced GROWTH</b>	<b>23</b>
GR1 Development Application No. 010.2016.00000590.001 – Multi Dwelling Housing (5 units) – 23 Burragorang Street, The Oaks	23
GR2 Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland – Continued use of extensions to existing Poultry Sheds No. 5 & 6; Construction of Poultry Sheds No. 7-12; and filling of Land in three (3) Stages	44
GR3 Development Application No. 010.2011.00000568.002 – Modification of Consent – 294-296 Pheasants Nest Road, Pheasants Nest	45
GR4 Development Application No. 010.2016.00000014.001 – Four (4) Lot Torrens Title Subdivision and Ancillary Works at 78 Taylors Road and 61 St Heliers Road, Silverdale	58
GR5 Public Exhibition of Wilton (North West Precinct)	85
GR6 Picton East Planning Proposal	86
GR7 Station Street, Menangle Planning Proposal – Development Control Plan Provisions	88
GR8 Development Control Plan Provisions for Menangle Landscape Conservation Area	89
GR9 Public Exhibition of Draft Planning Agreement – 1-41 Marsh Road, Silverdale	90
<b>Management and Provision of INFRASTRUCTURE</b>	<b>91</b>
IN1 Cubbitch Barta Reserve Embellishment Plan	91
IN2 Lease – Lot 12 DP 531898 Cawdor Rd, Cawdor – Rural Fire Station	93
<b>Looking after the COMMUNITY</b>	<b>94</b>
CO1 Communications and Engagement Strategy	94
<b>Efficient and Effective COUNCIL</b>	<b>95</b>
EC1 Post Project Review – Broughton Pass Project	95
EC2 Code of Conduct Reviewers	96
EC3 Adoption of Fraud and Corruption Control Policy	97
EC4 Adoption of the Councillors Fees, Expenses and Facilities Policy	98
EC5 Adoption of Councillors Fees	99
EC6 Appointment of the Independent Hearing and Assessment Panel	100
EC7 Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017	101
EC8 Investment of Funds as at 30 November 2017 and 31 December 2017	102

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

<b>NOTICE OF MOTION .....</b>	<b>103</b>
NOM 1 Notice of Motion No. 1 submitted by Cr Michael Banasik on 31 January 2018 regarding the removal of abandoned cars in public and private places .....	103
NOM 2 Notice of Motion No. 2 submitted by Cr Michael Banasik on 13 February 2018 regarding Thirlmere Hall .....	104
NOM 3 Notice of Motion No. 3 submitted by Cr Matthew Deeth on 14 February 2018 regarding the establishment of a Wilton Executive Steering Group.....	105
NOM 4 Notice of Motion No. 4 submitted by Cr Matthew Deeth on 14 February 2018 regarding the Land Dedication Policy.....	108
NOM 5 Notice of Motion No. 5 submitted by Cr Matt Smith on 14 February 2018 regarding point to point speed cameras and Appin Road .....	109
NOM 6 Notice of Motion No. 6 submitted by Cr Matt Gould on 14 February 2018 regarding Mermaids Pool .....	110
<b>QUESTIONS FOR NEXT MEETING .....</b>	<b>112</b>
QNM1 Question for Next Meeting No. 1 submitted by Cr Matt Gould on 14 February 2018 regarding Dwelling Statistics across the Shire .....	112
<b>CLOSED REPORTS .....</b>	<b>113</b>
IN3 Amendment to Existing Lease – Waste Management Facility – Wonga Road, Picton.....	115
IN4 Interest in Council Owned Land – Purchase and Right of Way – Menangle & Colden Streets, Picton .....	115
<b>CLOSING .....</b>	<b>116</b>

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

---

## **RECORDING OF MEETING**

The Mayor stated that in accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. It was requested that mobile phones be placed on silent.

## **WEBCAST NOTICE**

The Mayor advised members of the public present, that tonight's meeting is webcast live and requested that as both video and audio transmission is being publically broadcast to please remain quietly seated in the public gallery.

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live, all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The webcasts are publically available for viewing on Council's website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain in the public gallery. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided.

The webcasts and webcast recordings are protected by copyright and owned by Council. No part of the proceedings of a meeting of the Council may be recorded, copied or made available to others by members of the public without the authority of the Council.

Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

## **PRESENT**

Councillors: Hannan (Mayor), Landow, Gould, Khan, Lowry, Banasik, Deeth Briggs and Smith.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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#### **ALSO PRESENT WERE**

General Manager, Executive Director Corporate and Community, Director Planning, Director Infrastructure and Environment, Assistant Director People, Legal and Governance, Chief Financial Officer, Manager Governance and one Governance Officer.

#### **NATIONAL ANTHEM**

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

#### **ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional Custodians of the Land:

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

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

TRIM 88-13

There were no apologies noted for this meeting.

## DECLARATION OF INTEREST

TRIM 9156

Cr Hannan declared a Non-Pecuniary (significant) Conflict of Interest in Item GR9 relating to the Public Exhibition of the Draft Planning Agreement – 1-41 Marsh Road, Silverdale. The reason being she is a member of the Planning Panel. Cr Hannan advised she would leave the meeting during discussion of this Item and not vote on the matter.

Cr Banasik declared a Pecuniary Conflict of Interest in Item IN4 relating to Interest in Council Owned Land - Purchase and Right of Way - Menangle Street, Picton. The reason being that he owns a business in Picton. Cr Banasik advised that he would leave the meeting during discussion of this Item and not vote on the matter.

Cr Khan declared a Pecuniary Conflict of Interest in Item IN4 relating to Interest in Council Owned Land - Purchase and Right of Way - Menangle Street, Picton. The reason being he owns a business in Picton and the applicant in the matter is his landlord. Cr Khan advised that he would leave the meeting during discussion of this Item and not vote on the matter.

Cr Landow declared a Pecuniary Conflict of Interest in Item IN4 Interest in Council Owned Land - Purchase and Right of Way - Menangle Street, Picton. The reason being that his mother owns a commercial building in Picton. Cr Landow advised that he would leave the meeting during discussion of this Item and not vote on the matter.

Cr Gould declared a Pecuniary Conflict of Interest in Item IN2 relating to the Rural Fire Station Lease in Cawdor. The reason being that he is employed by the NSW Rural Fire Service and this item relates to a brigade station. Cr Gould advised that he would leave the meeting during discussion of this Item and not vote on the matter.

The Assistant Director declared a perceived Pecuniary Conflict of Interest in Item GR4 - Development Application Taylors Road and St Heliers Road Silverdale. The reason being he has purchased land within the adjoining St Heliers Subdivision which is next to the proposed Development Application. He stated that he does not have control or authority over planning matters in his position of Council however he believes that there is a perceived conflict of interest. He advised he would leave the room when this matter is considered.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

---

The Assistant Director declared a Non-Pecuniary (less than significant) Conflict of Interest in GR9 relating to the Public Exhibition of the Draft Planning Agreement – 1-41 Marsh Road, Silverdale. The reason being he has relatives who have purchased land in the adjoining subdivision at 65 Marsh Road Silverdale (which is a separate development application). The Assistant Director stated that he does not have control or authority over planning matters in his position at Council. He advised that he proposed to remain in the room when this matter is considered.

Cr Deeth declared Pecuniary Conflicts of Interest in Items GR7 and GR8 relating to DCP provisions in Menangle. The reason being that he lives in Station Street, Menangle. Cr Deeth advised that he would leave the meeting during discussion of these Items and not vote on the matters.

The General Manager declared a Pecuniary Conflict of Interest in an Item within the Mayoral Minute relating to the General Manager's Contract. The reason being he is the General Manager so the matter relates directly to him. The General Manager advised that he would leave the meeting during consideration of this Item.

## CONFIRMATION OF MINUTES

TRIM 88-12

**1/2018      Resolved on the Motion of Crs Khan and Briggs:**

**That the Minutes of the Ordinary Meeting held on Monday 11 December 2017, as circulated, be adopted as true and correct.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

## ITEMS TABLED

TRIM 88-12

- 449 Return Register 2017/18
- EC7 – Current List of Projects comprising the Capital Works Program.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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## MAYORAL MINUTE

TRIM 531

General Manager left the meeting due to a previously declared Conflict of Interest in an Item within the Mayoral Minute. The Executive Director took the General Manager's chair.

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

Tuesday 12 December 2018 Thirlmere Primary School End of Year Presentation attended by Councillor Michael Banasik

Tuesday 12 December 2018 The Oaks Public School End of Year Presentation attended by myself

Tuesday 12 December 2018 Citizenship Ceremony

Wednesday 13 December 2018 Buxton Public School End of Year Presentation attended by Councillor Michael Banasik

Wednesday 13 December 2018 Yanderra Public School End of Year Presentation attended by Councillor Robert Khan

Wednesday 13 December 2018 Mayor's Volunteer Christmas Function

Thursday 14 December 2018 Christmas Lights Presentation

Thursday 14 December 2017 Tourism After 5 Christmas Style

Tuesday 19 December 2017 Farewell to Mandy Perrie leaving Macarthur Chronicle after 33 Years serving Macarthur which I attended

Wednesday 20 December 2017 MACROC CEO Breakfast

Tuesday 23 January 2018 Presentation of Certificates to Volunteers at the Nursery

Thursday 25 January 2018 Dinner with Australia Day Ambassador Pepe Sayer

Friday 26 January 2018 Australia Day Celebrations

Friday 26 January 2018 Western Sydney Australia Day Community Reception with Premier of NSW

Thursday 8 February 2018 HSC High Achievers Mayoral Function



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Saturday 17 February 2018 Council hosted Lachlan Regional Transport Committee Meeting

Saturday 17 February 2018 Launch of 2018 Anthology, Writers of Wollondilly and Book Launch

In January 2018 Council received 1 application for a Donation.

- Application from Jaime Quinn for \$250 to attend the Cheerleading Summit in the USA in May 2018.

The request has been assessed against the program criteria's and deemed eligible to receive funding through the Donation Program.

Unfortunately one of our 1979 Razorback Blockade Legends has passed away. Ted "Greendog" Stevens passed away on 11 February 2018. Ted was very well known as the "voice" of the Blockade, but his passion to improve the transport industry back then was truly an outstanding accomplishment. Ted with Spencer Watling, Colin Bird, Barry Grimson and Jack Hibbert pulled their trucks across the Hume Highway at 5.00pm 2 April 1979, much to the surprise of the then Wran Government. This was a very amazing moment in our local history....which we are forever proud of.

I would like the following report tabled in regards to the General Managers Contract Renewal and Remuneration

**Report of the Mayor – General Manager Contract Renewal and Remuneration**

270678

5236

<b>EXECUTIVE SUMMARY</b>
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- The purpose of this report is to finalise arrangements relating to the General Manager Contract Renewal.
- The General Manager Performance Review Committee has finalised contractual negotiations.
- In accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers, the agreed total remuneration package is now being reported back to an open meeting of the Council.
- It is recommended that the information in this report be received.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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<b>REPORT</b>
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Council at its meeting on 11 December 2017 resolved the following:

- That in accordance with Clause 5.2 of the General Manager's contract of employment, the Council offer to Mr Johnson a new four (4) year contract from 21 July 2018 and a report be brought forward to the next Council meeting on the conditions of employment which will apply to the renewal.
- That the General Manager Performance Review Committee be authorised on behalf of the Council to conduct negotiations with Mr Johnson on the contract conditions which shall apply to the contract renewal and report to the Council meeting in February 2018 so the Council can finalise the offer.
- That the General Manager be advised of Council's decision in confidence by the Mayor.

The General Manager Performance Review Committee has now finalised contractual negotiations.

In accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers, the total remuneration package agreed to is to be reported back to an open meeting of the Council.

An independent review of the Total Remuneration Package was undertaken to ensure the package agreed to aligns with Councils of a similar size, complexity to Wollondilly, agreed performance objectives and Key Performance Indicators (KPI's) and also in recognition of the challenges associated with growth pressure. Stephen Blackadder from Blackadder Associates undertook the review.

The total remuneration is comprised of salary, motor vehicle and compulsory superannuation contributions.

The total agreed remuneration package is \$349,250.00 which will take effect from 21 July 2018.

Under the new contract, the General Manager's title will change to Chief Executive Officer (CEO) to reflect Council's desire for continuous and business improvement within Council's operations and to strengthen our ability to respond to growth pressures.

As part of the finalisation of this arrangement, it is noted that the Chief Executive Officer's contract will commence from 21 July 2018 for a period of four years concluding 20 July 2022.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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**CONSULTATION**

- General Manager Performance Review Committee
- Blackadder Associates

**FINANCIAL IMPLICATIONS**

The financial projections adopted in Council's Long Term Financial Plan include estimates for the General Manager's annual salary. There is not expected to be any additional budgetary implications should Council resolve to adopt this report's recommendations.

**ATTACHMENTS**

Nil

<b>RECOMMENDATION</b>
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That the information in this report be received.

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Tuesday 12 December 2018 I officiated at a Citizenship Ceremony for one new resident who has come from Canada.

It is a real privilege to welcome our new residents as Australian Citizens following their reading of the pledge.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Wednesday 13 December 2018 the Mayor's Volunteer Christmas Function was held in the Picton Shire Hall.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Thursday 14 December 2017 the 2017 Christmas Lights Presentation evening was held in the Picton Bowling Club.

The following winners were announced:

Best Lit Small House & Garden (Sponsored by House Warehouse) Sarah Anderson, Silverdale;  
Best Lit Large House & Garden (Sponsored by CPE Tree Services) Andrew Kelly, Wilton;  
Best Lit House, Senior Citizen (Sponsored by Bendigo Bank) Trevor Hughes, Tahmoor;  
Best Novelty Theme (Sponsored by Picton Bowling Club) Ken and Joy Rope, Bargo;  
Best Commercial/Retail Premises (Sponsored by Alted Printing) Picton Valley Motel;  
Best Street (Sponsored by the District Reporter) Beatty Street Wilton;  
Judges Award (Sponsored by Picton Bowling Club) Chris Hunt, Appin;  
Judges Award (Sponsored by Picton Bowling Club) Melissa Sneddon, Tahmoor;  
Judges Award (Sponsored by Bendigo Bank) Ryan and Melissa Tague, Picton;  
Judges Encouragement Award (Sponsored by Bendigo Bank) Andrew and Teresa, Bargo;  
Grand Champion (Sponsored by The MAC) Andrew Kelly, Wilton

The Christmas Lights Competition is a highlight in the Wollondilly calendar, with many residents driving around with their families to admire the beautiful displays around the Shire.

Pictured below Grand Champion Winner Andrew Kelly's house at Wilton.





Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Thursday 14 December 2017 I attended the Tourism After 5 Christmas Style event held at Mowbray Park. This event was attended by 46 guests including fellow Councillors Blair Briggs, Michael Banasik, Noel Lowry, Matt Deeth and General Manager, Luke Johnson.

A presentation was provided relating to a Trip Planner app enabling you when you arrive at a site or pick up a brochure you will be able to scan the QR code with your mobile phone and gain extended information.

Photo below of Mayor Judith Hannan; David Soo and General Manager, Luke Johnson.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Wednesday 20 December 2017 I attended the MACROC CEO Breakfast held at Campbelltown Arts Centre. Guest Speaker was Premier Gladys Berejiklian.

I would like to thank fellow Councillors, Executive Staff and Managers for attending this event.

Photo below:





Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Tuesday 23 January 2018 I had the pleasure to present Certificates of Appreciation to Volunteers at the Wollondilly Community Nursery.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Council held it's Australia Day celebrations in the Botanic Gardens with this years Australia Day Ambassador Pepe Saya. Pepe is one of Australia's leading butter producers with the Pepe Saya Butter Company and it was a real pleasure to have him as this year's Australia Day Ambassador.

As part of the Australia Day celebrations I officiated our Citizenship Ceremony and welcome 11 new residents as Australian Citizens. These new residents originated from the United Kingdom, France, South Africa and the Netherlands.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

---

Wollondilly's Australia Day Awards winners were announced at Council's Australia Day Awards ceremony held in the Picton Botanical Gardens.

Dane Coulter has been announced as the 2018 Citizen of the Year, in recognition of his work with the local Rural Fire Service and his commitment to keeping the Wollondilly Shire safe. Mr Coulter first became involved with the Thirlmere RFS during the bushfires of 2001 and progressed to Crew Leader in 2014 and then Senior Deputy Captain in 2016.

- Young Citizen of the Year – Max Noakes
- Achiever of the Year – Dr Timothy Rankin
- Sportsperson of the Year – Cameron Gill
- Local Hero of the Year – Les Harvey
- Local Hero Organisation of the Year – Black Cockatoos Aboriginal Corporation

Pictured below Dane Coulter.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Thursday 8 February 2018 the HSC High Achievers Mayoral Function was held at Council. Congratulations to these students who achieved a Band 6 in any subject in the 2017 Higher School Certificate.





Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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On Saturday 17 February 2018 I attended the Book Launch for the Wollondilly Branch Fellowship of Australian Writers (FAW) in Picton Library.

The members of FAW launched their 2018 anthology 'Writers of Wollondilly' while one of the members, Jean Mills will also be launching her book 'The Wollon Dill & Dilly Dot Documents'.



Judith Hannan  
**Mayor**  
February 2018

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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**2/2018      Resolved on the Motion of Crs Hannan and Deeth:**

**That the Mayoral Minute be accepted.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
         and Smith

The General Manager returned to the meeting at 6.43pm.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

SUSTAINABLE AND BALANCED GROWTH

GR1      Development Application No. 010.2016.00000590.001 – Multi Dwelling Housing (5 units) – 23 Burragorang Street, The Oaks  
269974      010.2016.00000590.001

3/2018      **Resolved** on the Motion of Crs Lowry and Banasik:

*That Development Application 010.2016.00000590.001 for demolition of an existing dwelling and construction of a multi dwelling housing development (five units) at 23 Burragorang Road, The Oaks (Lot 1 in DP 542003) be approved subject to the following deferred commencement conditions:*

1.      **DEFERRED COMMENCEMENT CONDITIONS:**

*This consent will become valid and may be acted upon subject to meeting the following requirements:*

- (i)      *Amended plans being provided to Council showing a vehicle wash bay at the rear of the property, and*
- (ii)      *A small scale Stormwater Quality Modelling Certificate (S3QM) being provided to Council to demonstrate the NorBE can be achieved, and*
- (iii)      *Concurrence being received from Water NSW to the proposed development.*

**NOTE:**

- 1.      *Nothing in this deferred commencement consent permits the commencement of any works or development as proposed in this application until the receipt of confirmation of valid development consent from Council.*
- 2.      *This deferred commencement consent will lapse if the above requirement has not been satisfied within five (5) years of the date of the deferred commencement consent.*
- 3.      *Following compliance with the above conditions of Deferred Commencement Consent, written confirmation of Consent will be forwarded to you from Council.*
- 4.      *Once the consent is valid, the development will also be subject to the following conditions outlined below.*

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

**OPERATIONAL CONDITIONS:**

**1. COMPLIANCE**

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

- (1) Development Consent is granted for the Demolition of Structures and Construction of five (5) Multi Dwelling Houses at Lot: 1 DP: 542003, No. 23 Burragorang Street, The Oaks.
- (2) Development shall take place in accordance with the following plans:

Description	Drawn by	Drawing No:	Revision No	Date
Site Plan	Reggie's Residential Design and Drafting	1968	Issue E	28.07.2016
Elevations, unit 1 to 2	Reggie's Residential Design and Drafting	1968-3	Issue C	28.07.2016
Upper Floor Plan, units 1 to 2	Reggie's Residential Design and Drafting	1968-2	Issue C	21.07.2016
Elevations, units 3 to 5	Reggie's Residential Design and Drafting	1968-6	Issue E	28.07.2016
Upper Floor Plan, unit 3 to 5	Reggie's Residential Design and Drafting	1968-5	Issue E	28.07.2016
Landscape plan	Reggie's Residential Design and Drafting	1968-9	Issue C	28.07.2016
Lower Floor Plan, unit 1 to 2	Reggie's Residential Design and Drafting	1968-1	Issue C	28.07.2016



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

Description	Drawn by	Drawing No:	Revision No	Date
Lower Floor Plan, units 3 to 5	Reggie's Residential Design and Drafting	1968-4	Issue E	28.07.2016

Growth

Submitted in respect of Development Application No. 010.2016.00000590.001 lodged on 16 August 2016, except where varied by the following conditions.

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

## 2. DEMOLITION

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

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

Sustainable and Balanced GROWTH

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

Sustainable and Balanced GROWTH

- Induction training for onsite personnel
- Management of asbestos, contamination and other hazardous materials
- Dust control
- Disconnection of gas and electrical supply
- The demolition shall not hinder pedestrian or vehicle mobility in the locality
- Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

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

### 3. DRINKING WATER CATCHMENTS

These conditions are imposed to protect the integrity of the drinking water catchment in which the subject land is located.

#### (1) AWAITING INFORMATION FROM - Water NSW

### 4. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

Sustainable and Balanced GROWTH

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and/or match those of the existing development.
- (2) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.

**5. BASIX CERTIFICATES**

These conditions have been imposed to ensure that the BASIX affected development fulfils the commitments listed in each relevant BASIX Certificate issued for the development.

- (1) In accordance with clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No.748823M are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
    - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
    - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
  - b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.
- (2) All construction works, including any insulation requirements or other specific requirements shall comply with the relevant BASIX Certificate prior to the issue of any Occupation Certificate.

**6. CONSTRUCTION GENERAL**

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

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- (1) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:30am and 10:30am Monday to Friday on 02 4677 1100 if further clarification is required.
- (2) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated accredited Certifier.
- (3) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
  - (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

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

- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.**
- (6) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.**
- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.**
- (8) The doors with direct access into the garage attached to the dwelling shall comply with the following:**
  - (a) The door leaves shall swing into the dwelling and not into the garage or parking area; and**
  - (b) No sliding or concertina door of any type shall be used; and**
  - (c) The door leaves shall be fitted with a hydraulic self-closing fixture that is a minimum size 2 spring strength in accordance with AS4145.5; and**
  - (d) Any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and**
  - (e) Any bolt or function that could, in normal usage, render a door leaf non-self-latching shall not be incorporated; and**
  - (f) Door leaves shall include a selective sequence closing device.**

**7. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

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

Sustainable and Balanced GROWTH

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted design and Construction Specifications.
- (2) Engineering design plans for driveway, car parking, and stormwater drainage shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Building Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) The Engineering Design Plans for the Civil Works must be approved prior to the issue of a Building Construction Certificate with the approved plans of the Civil Engineering Works also incorporated into the Building Plans.
- (4) In accordance with Section 138 of the Roads Act, a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum of 7 days prior to commencement of work. A fee is payable for issue of this consent.
- (5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".
- (6) Prior to any occupation of the development or the issue of any Occupation Certificate.
- (7) Engineer's Certification shall be provided to the nominated Accredited Certifier for all civil works (driveway, car parking, drainage etc.) carried out within the private property.

**8. DRAINAGE/STORMWATER**

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.



Sustainable and Balanced GROWTH

- (2) **Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. A detailed drainage design shall be provided on the Engineering design plans.**
- (3) **The applicant shall provide drainage generally as shown on the submitted plans by D & M Consulting Pty Ltd plan No. 16642 sheets C1 and C2 dated 10/08/16, stormwater discharge to the kerb in Burragorang Street shall not exceed 25lt/sec. Details shall be included on the engineering plans for approval by Council or the nominated Accredited Certifier prior to issue of the Building Construction Certificate.**

**9. CARPARKING/LOADING/ACCESS**

These conditions have been imposed to:

- (1) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (2) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry facilities.**
- (3) **Provision shall be made for vehicles to access and leave the site in a forward direction. A suitable manoeuvring area within the site shall be provided. Details, including turning paths for delivery vehicles, shall be shown on the Engineering design plans for approval.**
- (4) **The development is to be provided with car parking as generally shown in the plans by Reggie's Residential Design and Drafting Plan No. 1968 dated 20/04/16. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.**

**10. PUBLIC ROADS**

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



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- (1) Provision of vehicular access 5 metres wide, through the construction of layback gutter crossings/concrete footpath crossings in accordance with Council's Design Specification. All redundant vehicular crossings must be reconstructed as kerb.
- (2) Note: Any adjustment to services shall be at the expense of the applicant. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.
- (3) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (4) All damaged kerb on the frontage of the development shall be replaced with barrier kerb. Details shall be included on the engineering plans.

**11. EROSION AND SEDIMENT CONTROL**

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

**12. INSPECTIONS**

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

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

- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Structural steel work before covering
- Stormwater drainage before backfilling
- Floor, wall and roof framing before any internal cladding or lining is fixed
- Completion of building work before occupation or use.

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

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
- When drainage lines have been laid, jointed and bedded, prior to backfilling.
- Prior to pouring of the drainage pits, when the formwork and steel is in place.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

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

### 13. SERVICES

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

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- (1) Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:
  - (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or Department of Planning and Environment – Planning Circular PS 17-005 2 / 3 may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
  - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. (Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra or NBN Co. In this regard, written confirmation from Telstra Australia or NBN Co. that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.
- (4) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post.
- (5) All power and services provided to the development within the site shall be underground.

Sustainable and Balanced GROWTH

- (6) All of the letter boxes for the development shall be contained in the one structure which shall be constructed from materials that are complimentary to those used in the buildings on the site. The letter box structure shall be to the satisfaction of Australia Post and shall be positioned so that it does not obstruct sight lines for vehicles entering or leaving the site or adjoining land. A concrete or other pathway constructed from materials complementary to the development shall link the letter box structure to the rest of the development.
- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place.
- (8) The proposed dwelling shall be connected to the reticulated sewerage system prior to the release of the Subdivision Certificate.

**14. OCCUPATION & USE**

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

- (1) The dwellings shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.

**15. LANDSCAPING**

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

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council or a nominated Accredited Certifier prior to the release of the Construction Certificate. This plan must include the following:
  - (a) All existing and proposed site structures.
  - (b) All existing vegetation.
  - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
  - (d) Location, number and type of proposed plant species.
  - (e) Details of planting procedure and maintenance.
  - (f) Details of drainage and watering systems.

Sustainable and Balanced GROWTH

- (g) Provision of only native species that are endemic to the region.
- (h) Details of compliance with the landscaping requirements of other conditions of this consent.

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

- (2) Landscaping within the front setback shall be installed with a mixture of shrubs and trees. All trees shall have a minimum pot size of 150 litres and the nominated trees shall have a minimum height of 1.5 metres (5 foot).
- (3) Landscaping is to be installed in accordance with the Approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

#### 16. FENCING

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

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

#### 17. SECTION 94 CONTRIBUTIONS

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

- (1) Payment of a Contribution for 5 dwellings in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Construction Certificate.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

Growth

The developer contributions payable are:

Open Space, Shire,	\$161 x 3.3 =	\$531
Open Space, Precinct,	\$1499 x 3.3 =	\$4947
Library/Community, Shire	\$759 x 3.3 =	\$2505
Library/Community, Precinct,	\$83 x 3.3 =	\$274
Transport & Traffic, Roads/Inter,	\$4693 x 3.3 =	\$15,487
Traffic & Traffic, Cycleway,	\$113 x 3.3 =	\$373
Bushfire Protection,	\$19 x 3.3 =	\$63
Companion Animal,	\$0 =	\$0
Stormwater Drainage,	\$0 =	\$0
Plan Admin,	\$366 x 3.3 =	\$1208
<b>Total</b>		<b>\$25,388</b>

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

#### 18. STREET ADDRESSING

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

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

#### 19. SUBDIVISION PLANS

These conditions have been imposed:

To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.

To submit the required documentation for the creation of property restrictions and easements as specified.

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.

Sustainable and Balanced GROWTH

- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

20. PRESCRIBED CONDITIONS

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

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
  - (a) For the purposes of [section 80A](#) (11) of [the Act](#), the following conditions are prescribed in relation to a development consent for development that involves any building work:
    - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
    - (ii) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
  - (b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
  - (c) This clause does not apply:
    - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
    - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.

Sustainable and Balanced GROWTH

- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (ii) construction certificate, in every other case.

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

**(2) Erection of signs**

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



Sustainable and Balanced GROWTH

- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

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

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

Sustainable and Balanced GROWTH

- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (b) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

**21. ADVICES**

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
  - Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443
  - Endeavour Energy (electricity) 131 081
  - AGL (gas) 131 245
  - Sydney Water (water & sewer) 132 092.
- (3) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

Growth

- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.
- (6) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

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

Vote for: Crs Khan, Briggs, Banasik, Lowry and Hannan  
Vote against: Crs Deeth, Smith, Gould and Landow

## Growth

**4/2018 Resolved on the Motion of Crs Hannan and Smith:**

***That this matter be deferred for further consideration at the Extraordinary Council meeting to be held on 26 February 2018.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
and Smith

Cr Landow made a public declaration that he has never done any work for the Bartolo or Buttigieg families.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

**GR3**      **Development Application No. 010.2011.00000568.002 – Modification of Consent – 294-296 Pheasants Nest Road, Pheasants Nest**  
269974      010.2011.00000568.002

**5/2018**      **Resolved on the Motion of Crs Briggs and Gould:**

That the modification request to vary DD010.2011.0000568.002 for Intensive Agriculture on Nos. 294-296 (being Lot 5 DP1214896) Pheasants Nest Road, Pheasants Nest be approved subject to the following conditions:

**1. COMPLIANCE**

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

- (1) Development Consent is granted for the extension of three (3) poultry egg producing sheds and the construction and use of seven (7) additional poultry egg producing sheds at Lot 5 DP 1163566 – No. 294 -296 Pheasants Nest Road, Pheasants Nest.
- (2) The development shall be undertaken in accordance with the endorsed plans submitted in respect of Development Application No. 010.2011.00000568.002 (amended plan ref: 9159 sheet 1 of 1 prepared by Apex Surveying) except as varied by the following conditions:
- (3) A Construction Certificate shall be approved by the nominated Principal Certifying Authority prior to the commencement of any works authorised by this consent.
- (4) The sheds shall not be occupied prior to the issue of an Occupation Certificate by the nominated Principal Certifying Authority.
- (5) The person having benefit of Development Consent No. 010.2010.00000339.001 shall surrender that consent in accordance with the Environmental Planning and Assessment Act, 1979, prior to the release of any Construction Certificate for Development Consent No. 010.2011.00000568.001.

Growth

Sustainable and Balanced GROWTH

## **2. BUILDING DESIGN**

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and match those of the existing development.

## **3. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council with the Engineering Plans.
- (3) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before the issue of a Construction Certificate for development.
- (4) Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

## **4. DRAINAGE/STORMWATER**

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



Sustainable and Balanced GROWTH

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) The applicant shall provide drainage generally as shown on the concept drainage plans *by MPC Consulting dated the 19 of December 2016, job No 17-216*. Details of this shall be shown on the plan for approval by the Principal Certifying Authority.
- (3) Stormwater runoff from the site for storm events up to the 1 year ARI are to be treated to the water quality standards as identified in the "Australian Runoff Quality – A guide to Water Sensitive Urban Design" published by Engineers Australia. Litter and sediment pollution is to be treated to Upper Nepean River Catchment Management Plan 1999 standards. Evidence that the proposed stormwater treatment system will achieve these guidelines is to be provided prior to the issue of the Construction Certificate.

5. ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
  - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.
- (1) *The Proponent shall engage a suitably qualified persons to complete a Road Safety Audit along the transport route of Dwyers, Mockingbird and Nightingale Roads. The Audit shall recommend works including any road narrow signs, speed limit repeater signs, line marking, guideposts, curve advisory signage (CAMS) and RPM's.*

*Any required work within the public roads must be prepared by a suitably qualified professional in accordance with Council's Design and Construction Specifications. These plans must be submitted to Council with a 138 application for approval prior to the issue of a Building Construction Certificate. Any checking or inspection fees will be advised for payment prior to the issue of the approved plans and a 138 Consent. All works to be completed at the Proponent's expense.*

Sustainable and Balanced GROWTH

- (2) **Accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.**
- (3) **The proposed access located between the proposed sheds shall be constructed to an all-weather gravel standard. Details shall be included on the engineering plans for approval.**

**6. EARTH DAMS**

**These conditions have been imposed to ensure all works are carried out in accordance with Development Control Plan 2011.**

- (1) **The applicant shall construct an earth dam generally as shown on the concept drainage plan by Technibuild Consulting dated August 2011. Details of this shall be shown on the plan for approval by the Principal certifying Authority.**
- (2) **No part of the dam embankment is to encroach within 3.0m of the property boundary.**
- (3) **The crest width is indicated as 3.0. For this crest width, the height of the dam wall is to be restricted to a maximum of 3.0 from natural ground level. The crest of the dam is to be slightly rounded to prevent water ponding.**
- (4) **A minimum of 1.0 is to be established for freeboard for a 3.0m high dam, in accordance with Volume 2, clause 3.4 of Council's Development Control Plan 2010.**
- (5) **The slope of the embankment batter is to conform with the ratio of 3H:1V for both the upstream and downstream slopes.**
- (6) **The dam bywash is not to direct flows onto the downstream toe.**
- (7) **The bywash cut batter is to have a minimum steepness of 1.5:1.**
- (8) **The bywash is to be excavated 200mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu or couch. No trees or shrubs are to be planted in the bywash area.**

Sustainable and Balanced GROWTH

- (9) Any excess water from the dam is not to have an adverse effect on neighbouring properties. All excess water is to be contained on the property which contains the dam, before meeting with a downstream watercourse.
- (10) The earth dam is to have a cut off trench which is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.
- (11) Upon completion of construction, the works shall be certified by a Geotechnical Engineer, and a copy of all documents shall be submitted to the Principal Certifying Authority.

**7. EROSION AND SEDIMENT CONTROL**

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

**8. EARTH FILL**

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

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.
- (2) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

## **9. INSPECTIONS**

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

- (1) The works shall be inspected by the Principal Certifying Authority at the mandated critical stages of construction, and at any other staged deemed necessary by that authority, to ensure they comply with the Building Code of Australia.**
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of Construction to ensure they comply with Council's Construction Specification and associated approvals.**
  - **Joint inspection with Contractor and Council prior to commencement of road reserve work**
  - **After erosion and sediment control and traffic control measures are in place**
  - **When road works have been excavated to subgrade, prior to placing of pavement**
  - **During the roller test, which is to be carried out using a three point roller or approved equivalent**
  - **Prior to sealing of access road**
  - **At completion of works**
  - **At final completion of works (minimum of 12 months after date of issue of practical completion certificate).**

## **10. CONSTRUCTION GENERAL**

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

- (1) All construction/building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Saturday inclusive, with no work to be carried out on Sundays or public holidays unless written approval to vary the hours of work is granted by Council.**
- (2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**

**Each toilet provided:**

- (a) Must be a standard flushing toilet; and**
- (b) Must be connected:**
  - (i) to a public sewer, or**
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or**
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.**
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.**
- (d) In this clause:**

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

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

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

- (3) There shall be no burning of builder's rubble, felled trees or other material on site.**

**11. WASTE MANAGEMENT**

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

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- (1) A Waste Management plan is to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Wollondilly Development Control Plan, 2010 and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved in accordance with Condition 11(1).

## 12. LANDSCAPING

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

- (1) This consent does not authorise the removal of any trees outside of a radius of 3 metres from the approved sheds or access driveways.
- (2) *A detailed landscape plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate, this plan shall be in accordance with the Site plan submitted on the 22 of December 2017, by APEX Surveying, reference number 9159 and shall be in accordance with Volume 8 part 3.3.5 of DCP 2016.*
  - All existing site structures,
  - All existing vegetation,
  - Location of proposed planting,
  - Details of growth and maintenance,
  - *All site boundaries shall be vegetated with a vegetative windbreak (i.e. 3 rows of vegetation along all boundaries),*
  - Suitable clearances from existing easements.
- (3) All species used in landscaping shall be native vegetation of local providence.

## 13. OCCUPATION & USE

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



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- (1) The total stocking rate for the Farm shall not exceed 162,000 birds at any time.
- (2) No manure or spent litter is to be stored external to the sheds.
- (3) 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.
- (4) At no stage shall spent litter be retained on the property.
- (5) Prior to the release of any Occupation Certificate the applicant shall provide the Principal Certifying Authority with a plan of management for any proposed agricultural chemicals to be used on the site. Only chemicals listed on this plan and approved by the Principal Certifying Authority may be used on the site unless Council subsequently approves an amended plan of management in which case only chemicals on the most recent amended plan may be used.
- (6) Night-time pick up of birds shall not take place between the hours of 10:00pm and 7:00am.
- (7) The proposed sheds shall incorporate dust and odour mitigation measures consistent with the existing sheds on the property.
- (8) All deliveries and collections for the site shall take place between 7am and 5pm Monday to Saturday inclusive. No deliveries or collections shall occur on Sundays or Public Holidays.
- (9) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" or "offensive odour" as defined in the Protection of the Environment Operations Act, 1997.

**Offensive noise means noise:**

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or

Sustainable and Balanced GROWTH

- (ii) **interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or**
  - (b) **that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.**
- (10) A Farm Management Plan, detailing the following shall be provided to Council for approval before being submitted to the Principal Certifying Authority for approval prior to the release of any Occupation Certificate for the development.**
  - (a) **Details of satisfactory operational practices and procedures to mitigate odour, noise, and dust;**
  - (b) **Details of satisfactory operational practices and procedures to ensure that no water used in the sheds is discharged to the stormwater system;**
  - (c) **Compliance with the conditions of this consent;**
  - (d) **Compliance with all relevant guidelines of the NSW Government Department of Industry and Investment (Primary Industries); and**
  - (e) **Compliance with the provisions of Clauses 2.5.3 to 2.5.6 (inclusive) of Wollondilly Development Control Plan 2010, Volume 2 – Primary Agricultural and Rural Uses.**

**14. ODOUR MANAGMENT**

**This condition is imposed to protect the amenity of the area with respect of odour and to ensure that the development will not result in increased odour impacts.**

- (1) Within six months of the commencement of use of the subject sheds odour monitoring shall be undertaken during a week in which the birds are at maximum size. If this monitoring finds that the post development odour level at any dwelling is higher than 5 OU and is also higher than the predevelopment odour level, a plan of odour management shall be prepared to the satisfaction of Council and implemented within twelve (12) months.**

Sustainable and Balanced GROWTH

- (2) If Council receives three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of odour from the subject property or three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of dust from the subject property and such complaints are verified by Council in accordance with applicable and acceptable industry standards and practices to have arisen from the use of the subject property, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts. The one exception to this condition is where such complaints arise from or in circumstances which can only be attributed to natural disasters and the like beyond the control of the owners.

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

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

- (1) Compliance with Building Code of Australia and Insurance Requirements under the Home Building Act 1989.

For the purpose of Section 80A (11) of the Act, the following condition is prescribed in relation to a Development Consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia;
- (b) this condition does not apply:
- (i) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4); or
  - (ii) to the erection of a temporary building.

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**(2) Signs to be Erected on Building, Subdivision and Demolition Sites.**

**(a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:**

- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and**
- (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and**
- (iii) Stating that unauthorised entry to the work site is prohibited.**

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

**(c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.**

**16. DEVELOPMENT (SECTION 94A) CONTRIBUTIONS**

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

- (1) Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November, 2006), a contribution of \$15,450 shall be paid to Council.**

**The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.**

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

Growth

**The contribution is to be paid before release of and Construction Certificate in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.**

**17. ADVICES**

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.**
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:**
  - **Telstra (telephone)**
  - **Integral Energy (electricity)**
  - **AGL (gas)**
  - **Sydney Water (water & sewer).**

**NOTE: This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

## Growth

The Assistant Director People, Legal and Governance left the meeting at 7.11pm.

**That Development Application No. 010.2016.00000014.001 for the four (4) lot Torrens title subdivision and the re-alignment of Scotcheys Creek at Lot 39 DP 236542 and Lot 32 DP 1057932 No's 78 Taylors and 61 St Heliers Road Silverdale be approved subject to conditions, subject to resolution of the following matters to the satisfaction of the Manager Development Services:**

- 1. General Terms of Approval are received from Department of Primary Industries Water *(including the works proposed on lot 276 DP 1217816)*.**
- 2. A bush fire safety authority is received from NSW Rural Fire Services.**
- 3. *Sufficient details and any required approvals (including owners consent) are submitted for the works proposed within lot 276 DP 1217816 to demonstrate they are possible. Alternatively, an amended lot layout is submitted for approval that makes allowance for the existing position of Scotcheys Creek within lot 276 DP 1217816.***

### Conditions of Consent Without Prejudice

## 1. COMPLIANCE

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

- (1) Development Consent is granted for a four (4) lot Torrens title subdivision at Lot 32 DP 1057932, 61 St Heliers Road SILVERDALE and Lot 39 DP 236542, 78 Taylors Road SILVERDALE.**



Sustainable and Balanced GROWTH

- (2) Development shall take place in accordance with the following plans submitted in respect of Development Application No. 010.2016.0000014.001, except where varied by the following conditions.

- Plan of proposed subdivision, ref no. 19917-P3, prepared by Vince Morgan (Surveyors) Pty Ltd, sheet 1 of 1, dated 13 October 2017;
- Alternate concept plan, plan no. 9948SK04, prepared by J. Wyndham Prince, issue E, dated 17 October 2017\*;
- Engineering and stormwater management plan, sheet 1, ref no. 9948DA01, prepared by J. Wyndham Prince, issue B, dated 17 October 2017;
- Engineering and stormwater management plan, sheet 2, ref no. 9948DA02, prepared by J. Wyndham Prince, issue B, dated 17 October 2017;
- Soil and water management plan, ref no. 9948DA05, prepared by J. Wyndham Prince, issue B, dated 17 October 2017.

**\*Note:** prior to the issue of any construction certificate, Alternate concept plan prepared by J. Wyndham Prince (plan no. 9948SK04, issue E, dated 17 October 2017) is to be amended to remove the blue line bisecting proposed lot 4 east-west (at the end of the access handle).

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

- Statement of Environmental Effects, prepared by J. Wyndham Prince, document no. 9948, issue A, dated December 2015.
- Bushfire Protection Assessment report, prepared by Eco Logical Australia Pty Ltd, project no. 15SYDBUS-2374, version 1, dated 10 December 2015.
- Flora and Fauna Assessment report, prepared by Eco Logical Australia Pty Ltd, project no. 2374, version 1, dated 10 December 2015.

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

- (5) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, access driveway or other structure; or

Sustainable and Balanced GROWTH

- (b) Within three (3) metres of the footprint of an approved building; or
- (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

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

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

## 2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) Awaiting General Terms of Approval from Department of Primary Industries Water, and awaiting issue of bush fire safety authority from NSW Rural Fire Service.

## 3. BUSHFIRE

- (1) Bushfire hazard shall be managed in accordance with the recommendations of the Bushfire Protection Assessment Report submitted with the Development Application (prepared by Eco Logical Australia Pty Ltd, project no. 15SYDBUS-2374, version 1, dated 10 December 2015).

## 4. CONSTRUCTION – GENERAL

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

Sustainable and Balanced GROWTH

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
  - (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

Sustainable and Balanced GROWTH

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

- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.**
- (6) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.**
- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.**
- (8) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:**
  - (i) Payment of Road Damage Inspection Fee**
  - (ii) Payment of a Road Opening Fee**
  - (iii) Payment of Damage Bond.**

**The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.**

**5. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.**

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- (2) **Engineering Design plans and stormwater drainage calculations for all Civil Works associated with this development including road works, access driveways, drainage, works within the watercourse, retaining walls and earth cut and fill shall be submitted to Council or nominated Accredited Certifier for approval prior to the issue of a Construction Certificate. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.**
- (3) **Engineering Design plans for all infrastructure to be vested in Council, including roads and road drainage, shall be submitted to Council, as the roads and drainage authority, for approval prior to the issue of the Construction Certificate.**
- (4) **Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council or Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.**

**Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.**
- (5) **A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as Public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.**
- (6) **A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically in a XML format to Council or the Principal Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.**

Sustainable and Balanced GROWTH

- (7) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (8) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Principal Certifying Authority. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or Principal Certifying Authority with the Engineering Plans.
- (9) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council or nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the "Traffic Control at Work Sites" manual (as published by the RTA). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification and provided to Council or nominated Accredited Certifier before the issue of a Construction Certificate for development.

**6. FLOOD PRONE AREAS**

These conditions have been imposed to reduce the risk and implications of flooding for development works that are carried out in flood affected areas within the Shire.

- (1) The development site has been identified as being liable to inundation by flooding or overland stormwater flows. The proposed subdivision civil works shall be designed to ensure there is no adverse impact on the flood extent and flood potential on the adjoining properties and over Taylors Road. There shall be no increase in the risk to road users in Taylors Road during any overtopping event.
- (2) Prior to issue of any Construction Certificate, flood analysis modelling for the pre and post development condition shall be submitted to Council, as the roads authority for Taylors Road, and the nominated Accredited Certifier for the design as shown in the Engineering Design plans.



Sustainable and Balanced GROWTH

- (3) Lot filling shall be undertaken to ensure future building areas on lots adjacent to the watercourse re-alignment are above the 1% AEP plus dam break scenario level as calculated in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd.
- (4) A Flood Planning Level (FPL) shall be nominated for lots 3 and 4 and submitted to the Principal Certifying Authority for approval prior to issue of Subdivision Certificate. Flood Planning Level (FPL) shall be determined as follows:
  - (a) Lot 3 – 500mm above the 1% AEP plus dam break scenario level as calculated in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd.
  - (b) Lot 4 – the Probable Maximum Flood (PMF) level as calculated in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd.
- (5) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan creating a Restriction on the Use of Land over Lots 3 and 4 preventing the erection of any habitable building with a floor level below the Flood Planning Level (FPL) as nominated by the flood conditions contained within this consent.

General terms of restriction are as follows:

No habitable building shall be erected unless:

- (a) The minimum finished floor level is RL <insert nominated FPL> A.H.D. and;
  - (b) where AHD refers to the Australian Height Datum a certificate from a Registered Surveyor verifying compliance with these levels must be submitted to the Principal Certifying Authority prior to placing the concrete slab or timber floor.
- (6) Prior to issue of any Construction Certificate, flood analysis modelling for the pre and post development condition shall be submitted to Council, as the roads authority for Taylors Road, and the nominated Accredited Certifier for the design as shown in the Engineering Design plans.

Sustainable and Balanced GROWTH

- (7) **A Risk Assessment shall be undertaken to determine the appropriate level of public safety measures to be provided for properties and public areas adjacent to the watercourse. All public safety measures shall be shown on the Engineering Design plans for approval by Council, as the roads authority for Taylors Road, and the nominated Accredited Certifier prior to issue of any Construction Certificate.**
- (8) **Public Safety measures identified on the approved Engineering Plans are to be satisfactorily installed or be in place prior to issue of Certificate of Practical Completion.**

**7. DRAINAGE/STORMWATER**

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

- (1) **Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.**
- (2) **Calculations and modelling for all stormwater drainage and flood analysis must be submitted to the nominated Accredited Certifier with the Engineering Design plans prior to the issue of any Construction Certificate.**
- (3) **The natural watercourse traversing the development lot shall be re-aligned and restored to a natural watercourse condition as generally outlined in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd. Detail design of all watercourse works including vegetation works must be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to the issue of any Construction Certificate.**
- (4) **Watercourse re-alignment works required within adjoining properties shall be done concurrently with the proposed watercourse works within the development lot. Details of works within adjoining properties must be shown on the Engineering Design plans for approval prior to the issue of any Construction Certificate.**
- (5) **Prior to issue of any Construction Certificate, written acceptance, by the owner(s) of adjoining properties, for any proposed watercourse re-alignment and vegetation works must be provided to the nominated Accredited Certifier.**

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- (6) The existing road culvert under Taylors Road, adjacent to the development lot, must be extended, at no cost to Council, to the proposed watercourse re-aligned invert as generally shown in the plans by J. Wyndham Prince Pty Ltd.
- (7) A pipe extension, at no cost to Council, shall be provided from the existing road drainage pipe outlet from the end of St Heliers Road to within the bank of the proposed watercourse re-alignment as generally shown on the plans by J. Wyndham Prince Pty Ltd. A defined overland flow path shall be constructed to safely convey overland flows from storm events up to and including the 1% AEP, from the road drainage pit at the end of St Heliers Road to the proposed re-aligned watercourse.
- (8) Road drainage, associated with kerb and road widening works, in the form of standard kerb inlet pit and stormwater pipe shall be provided on the southern side of Taylors Road to direct road waters into the road culvert under Taylors Road.
- (9) Stormwater runoff from all impervious surfaces on all lots shall be collected and conveyed to a point suitable for integration with the realigned watercourse drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Stormwater drainage shall be shown on the Engineering Design plans for approval prior to the issue of any Construction Certificate.
- (10) An interallotment drainage system shall be provided for all lots to enable future drainage of impervious services to the watercourse. The piped drainage system shall extend to within the bank of the watercourse and be provided with adequate outlet protection. This system, including scour protection works, shall be located within an appropriate drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (11) Stormwater discharge to the watercourse shall be controlled by the creation of adequate scour protection to prevent erosion and scour to the banks of the watercourse. Details of scour protection shall be shown on the Engineering Design plans.
- (12) Prior to the issue of any Construction Certificate, a copy of a Controlled Activity Permit issued by Department of Primary Industries Water is to be provided to Council and the nominated Accredited Certifier.

Sustainable and Balanced GROWTH

- (13) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan creating the following:
- (a) Easement to Drain Water Variable Width benefiting lots 1, 2, 3, Wollondilly Shire Council and lot 33 in DP1057932 over the re-aligned watercourse.
  - (b) Easement to Drain Water 3 Wide benefiting Wollondilly Shire Council on the tile of lots 1, 2 and 3 over the road drainage from the end of St Heliers Road to the watercourse.
  - (c) Restriction on the Use of Land on the tile of lots 1, 2 and 3 over the overland flowpath from the end of St Heliers Road to the watercourse that prevents the alteration of any surface levels, placement of any structures, landscaping and fencing, unless such fencing is of open style construction, within the area that restricts surface flows along the overland flow path.
  - (d) Easement to Drain Water 1.5 Wide over the interallotment drainage line along the rear of lots 1, 2 and 3.
- (14) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan releasing the Easement to Drain Water 3 wide Vide DP1057932 traversing the development lot.

8. ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
  - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.
- (1) The applicant shall provide a coloured concrete driveway within lot 4 from Taylors Road to the building area on lot 4. The driveway shall have a minimum width of 3.0 metre. A detailed design of the driveway including associated stormwater drainage shall be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to the issue of any Construction Certificate.

Sustainable and Balanced GROWTH

- (2) Provision of vehicular access from St Heliers Road to proposed lots 2 and 3 shall be provided through the construction of a shared coloured concrete driveway, and associated drainage, a minimum 4.0 metres wide along the full length of the access handles. The driveway shall be covered by appropriate Reciprocal Rights of Carriageway. Details of the driveway and associated drainage shall be provided on the Engineering Plans for approval.

*Reason: To prevent multiple access points at the St Heliers Road cul-de-sac bulb, lots 2 and 3 shall share a common driveway access from St Heliers Road.*

- (3) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan creating the following:
- (a) A Restriction on the Use of Land on the Title of lots 2 and 3 preventing vehicular access to St Heliers Road unless access is along the common shared driveway.
  - (b) A Restriction on the Use of Land on the Title of lots 2 and 3 preventing the erection of any garage, carport or other designated parking space unless provision has been made for a hard stand vehicle turning area that allows vehicles to manoeuvre to and from the parking areas and exit to St Heliers Road in a forward direction.
  - (c) A Restriction on the Use of Land on the Title of lot 4 preventing the erection of any garage, carport or other designated parking space unless provision has been made for a hard stand vehicle turning area that allows vehicles to manoeuvre to and from the parking areas and exit to Taylors Road in a forward direction.
- (4) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.

## 9. PUBLIC ROADS

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

Sustainable and Balanced GROWTH

- (1) **Barrier profile kerb and gutter, including associated road drainage works, and road pavement widening from the edge of existing bitumen to the lip of the gutter shall be constructed along the full frontage of Taylors Road. Kerb alignment shall be consistent with the existing kerb line.**
- (2) **All works shall be to Council's Design & Construction Specifications and detailed in the Engineering Plans for approval. Pavement widening shall be full depth pavement and include a 40mm asphaltic concrete wearing course. The verge shall be reshaped in accordance with Council Design Specification.**
- (3) **All new roadworks, road drainage and footway crossing shall be approved by Council, as the Roads Authority, prior to the issue of any Construction Certificate by the nominated Accredited Certifier.**
- (4) **Provision of Vehicular Access to the site through the construction of layback gutter crossings/concrete footpath crossings in accordance with Council's Design & Construction Specifications.**

**Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council.**

- (5) **Street Lighting shall be provided using LED LIGHTING at the end of the St Heliers Road Cul-de-sac bulb to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.**
- (6) **In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate. Engineering Design plans shall be provided with the application for approval of works within the road reserve.**

**10. EROSION AND SEDIMENT CONTROL**

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

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

Sustainable and Balanced GROWTH

- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

**11. EARTH FILL**

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

- (1) A Cut and Fill plan shall be submitted with the Engineering Design plans that details the exact extent and depth of proposed cut and fill.
- (2) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (3) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (5) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.



## 12. INSPECTIONS

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

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

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
- When drainage lines have been laid, jointed and bedded, prior to backfilling
- Prior to pouring of the drainage pits, when the formwork and steel is in place
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
- After shaping and prior to topsoil/turf placement of overland flow paths
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

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

## 13. HERITAGE

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

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

**14. STREET ADDRESSING**

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

- (1) Prior to the issue of a Construction Certificate for the subdivision an application for street addresses for all lots within the subdivision shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

**15. SERVICES**

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

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

Sustainable and Balanced GROWTH

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or Department of Planning and Environment – Planning Circular PS 17-005 2 / 3 may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
  - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. (Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

- (4) All power and services provided to the development within the site shall be underground.

#### 16. WASTE MANAGEMENT

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

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council’s Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to condition 16(1) of this consent.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

Growth

## 17. SECTION 94 CONTRIBUTIONS

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

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

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$554.00
(ii) Open Space, Sport & Recreation (Precinct)	\$15,472.00
(iii) Library & Community Facilities (Shire)	\$2,614.00
(iv) Library & Community Facilities (Precinct)	\$4,090.00
(v) Transport & Traffic (Roads & Intersections)	\$6,208.00
(vi) Bushfire Protection	\$66.00
(vii) Plan Administration	\$1,450.00

<b>TOTAL</b>	<b>\$30,454.00</b>
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These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

## 18. FENCING

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

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

## 19. ENVIRONMENTAL REQUIREMENTS AND VEGETATION MANAGEMENT

These conditions have been imposed to protect significant vegetation on the subject land and ensure positive environmental outcomes.

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- (1) Prior to the issue of any subdivision certificate, the design for the treatment of stormwater flow generated by the proposal must include measures consistent with Water Sensitive Urban Design Principles. These measures must be designed to require minimal maintenance requirements and recommended to include appropriate measures such as swales on internal roads.
- (2) Design measures outlined in 19(1) above must be consistent with the General Terms of Approval, plans required by the consent, as well as requirements of a Controlled Activity Approval.
- (3) No portion of any building envelope is to be permitted within 10m of the top bank of the adjusted location of the creek line or any alternate distance required by the Department of Primary Industries.
- (4) A Vegetation Management Plan (VMP) shall be prepared and submitted to Council or the principal certifying authority prior to the issue of any subdivision certificate. The VMP applying to the defined riparian corridor must be prepared by a suitably qualified ecological consultant and be of a satisfactory standard. The VMP must be consistent with current best practice for such documents as well as the attached specific requirements of Council.
- (5) No works are to be undertaken within 5m radius of the drip zone of the tree(s) or vegetation nominated for retention.
- (6) Earthworks are not permitted within a 5 metre radius of the drip zone of nominated or significant trees.
- (7) The development is to be carried out in accordance with the Flora and Fauna Assessment report approved as part of this consent (prepared by Eco Logical Australia Pty Ltd, project no. 2374, version 1, dated 10 December 2015). In particular, the development must be carried out in accordance with the following recommendations, unless modified by any conditions of this consent:

**Prior to construction**

- The boundaries of impact areas should be clearly delineated using fences or similar means to prevent encroachment of the works into bushland located to the south.
- Vegetation for removal should be used on-site for habitat features or mulched for soil erosion control.

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- Establishment of a riparian corridor along the waterway running north-south through the site in accordance with DoPI - Water requirements (Figure 2). Species chosen should not create a bushfire hazard, should be riparian species and should be native and characteristic of SSTF. The riparian corridor is anticipated to contain mostly low level riparian vegetation. Species may include *Carex appressa*, *Juncus usitatus*, *Lomandra fififormis*, *Microlaena sfipoides* var. *stipoides* and *Themeda australis* among others. In terms of maintaining a low bushfire hazard within the riparian vegetation, the presence of a few shrubs or trees is acceptable provided that they are well spread out and do not form a continuous canopy between the hazard and the building, and are located far enough away from the building so that they will not ignite the building by direct flame contact or radiant heat emission.

During construction

- Construction located near Scotcheys Creek should be completed during dry periods.
- Storage areas should be located away from the drainage line to minimise risk of pollution and adverse impact to aquatic ecosystems.
- Installation of sediment and runoff control measures to prevent runoff entering adjacent bushland areas.
- Ongoing weed control should be undertaken along the length of the works to reduce the impacts of edge effects or adjacent vegetation.

Post construction

- Ongoing inspection / management of weeds within the study site to prevent the spread of weeds within adjacent vegetation.

## 20. LANDSCAPING

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

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council or a nominated Accredited Certifier prior to the release of the Construction Certificate.

**This plan must include the following:**

- (a) All existing and proposed site structures.**
- (b) All existing vegetation.**
- (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.**
- (d) Location, number and type of proposed plant species.**
- (e) Details of planting procedure and maintenance.**
- (f) Details of drainage and watering systems.**
- (g) Provision of only native species that are endemic to the region.**
- (h) Details of compliance with the landscaping requirements of other conditions of this consent.**
- (i) List of at least two canopy species, ten shrub and ten groundcover SSTF diagnostic species currently on the site which will be planted on the site.**

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

- (2) The detailed landscape plan required by condition 20(1) must also include provision for landscaping between the edge of the driveway pavement and the property boundary for any proposed access handles. The minimum width of such landscaping shall be 1m at all points. The landscaping shall be provided with an automatic watering system, a mix of ground covers and shrubs that are appropriate for the width of the handle, and a mulched or rocked garden bed with permanent edging.**

## **21. SUBDIVISION PLANS**

**These conditions have been imposed:**

- (a) To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.**
- (b) To submit the required documentation for the creation of property restrictions and easements as specified.**
- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.**



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- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) A building envelope shall be nominated and indicated on the Linen Plan for proposed lot 4. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as any waste water irrigation area, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lot shall be submitted with the linen plan. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.
- (5) Submission of a Section 88B Instrument indicating an appropriate restriction on the use of the land with respect to the Building Envelopes indicated on proposed lot 4. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.
- (6) Existing and proposed easements and natural watercourses are to be marked on the Linen Plan of Subdivision.

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

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

**(1) ERECTION OF SIGNS**

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

Sustainable and Balanced GROWTH

- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

**23. ADVICES**

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

Sustainable and Balanced GROWTH

- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443
  - Endeavour Energy (electricity) 131 081
  - AGL (gas) 131 245
  - Sydney Water (water & sewer) 132 092.
- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.
- (6) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au) or at Council's offices at 62-64 Menangle St, Picton.
- (7) Prior to the commencement of works you are required to obtain the approval of Sydney Water to commence construction.

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- (8) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

**Offensive noise means noise:**

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
    - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
    - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
  - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (9) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council’s Building Services Section for building works or Council’s Infrastructure Planning Section for subdivision works.

Should you require further information regarding the above matter, please contact Mr A Golden, Acting Development Assessment Team Leader on phone (02) 46771100 or Fax (02) 4677 1831 in Council’s Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 010.2016.00000014.001.

**Broad Requirements for the Vegetation Management Plan**

**Section 1: Introduction**

- Context of the Plan in relation to the Proposal.
- Plan purpose and objectives.
- Relationship with other documents.

**Section 2: Site features**

- Topography and watercourse
- Vegetation communities and condition
- Riparian vegetation and conditions
- Management of drainage and stormwater (existing and proposed).

### **Section 3: Defining and description of Management Zones**

- Mapping showing the location of identified management zones
- Description of the features of each management zone in tabular format.

### **Section 4: Management actions**

- Management tasks should be divided into Stormwater, weed management, sediment and erosion control, Asset Protection Zones as well as other management actions (such as litter) categories.
- Management tasks should be prescriptive and be divided into short-term (1 to 5 years) and longer term (5 years plus).
- Actions should address indirect impacts from the adjoining development (such as stormwater influences and edge effects) as well as direct impacts (such as stormwater discharges).
- The VMP should contain as an attachment a subsidiary Weed Management Plan which contains the following:
  - An inventory of noxious weeds as well as high priority environmental weeds to be targeted.
  - The intended method of treatment (i.e. mechanical and herbicide use)
  - Intended primary and secondary weed removal techniques to achieve the identified targeted control rates (e.g 80% removal of woody weeds)
  - The timing of intended primary and secondary treatments.
  - Annual on-going maintenance program.
  - Details of any methods for the disposal of weed material occurring on site.

The actions with associated performance targets within this subsidiary Plan should be duplicated in the main body of the VMP.

### **Section 5: Procedures to monitor the implementation of each action within the VMP**

- Performance indicators need to accompany each management action and be easily measurable
- The indicators accompany weed control management actions need to be directly linked to the targeted control rates.

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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**Section 6: Costings**

**Costings should be divided into 1-5 years and 5 plus years and adequately reflect the management actions.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

The Assistant Director People, Legal and Governance returned to the meeting.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

**GR5      Public Exhibition of Wilton (North West Precinct)**  
272723

TRIM 6930-7

Cr Gould left the meeting at 7.13pm and returned at 7.15pm.  
Cr Lowry left the meeting at 7.37pm and returned at 7.39pm.

**7/2018      Resolved on the Motion of Crs Deeth and Briggs:**

1. That Council makes a submission to the NSW Department of Planning and Environment in response to the public exhibition of the Wilton North West Precinct seeking for all outstanding matters to be addressed and that a revised Interim Land Use and Infrastructure Implementation Plan, SIC Levy, Voluntary Planning Agreements and Development Control Plan and all three planning proposals be re-exhibited.
2. That a copy of the final submission be sent to:
  - Jai Rowell MP – Member for Wollondilly
  - The Hon. Angus Taylor – Member for Hume
  - The Hon. Lou Amato MLC
  - The Hon. Anthony Roberts – Minister for Planning
  - The Hon. Andrew Constance – Minister for Transport and Infrastructure.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

**GR6**                    **Picton East Planning Proposal**  
41

TRIM 6842

Cr Briggs left the meeting at 8.03pm and returned at 8.05pm.

**8/2018**                    **Resolved on the Motion of Crs Banasik and Khan:**

1. That Council support the preparation of a revised Planning Proposal for land being:

Part Lot 106 DP 1111043 (108 Baxter Lane), Part Lot 2 DP 229679 (108-114 Menangle Street), Picton and Lot 9 DP 233840 (116-118 Menangle Street).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to R2 Low Density Residential, E4 Environmental Living and E2 Environmental Conservation.
  - Amend the Lot Size Map to a minimum lot size of 400sqm, 450sqm, 700sqm and 1500sqm for R2 land, 1500sqm for E4 land and 7ha minimum lot size for E2 land.
  - Amend the Height of Buildings Map to a maximum building height of 9 metres.
  - Amend Part 7 Additional Local Provisions to include a clause entitled "Landslip Risk" and prepare an accompanying map detailing areas of landslip risk on the site that would require further investigation at the development application stage.
2. That the revised Planning Proposal be forwarded to the Greater Sydney Commission requesting an alteration to the Gateway Determination and an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone and amend development provisions at Picton East for residential and environmental purposes and amend the lot size and building height provisions and include a provision for mapping landslip risk.
  3. That subject to a positive Gateway determination and completion of specialist studies and mapping, the revised planning proposal and planning documents be placed on public exhibition for a period of 28 days.
  4. That the applicant and submitters be notified of Council's Resolution.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

5. ***That Council proceed to negotiate a VPA with the landowners to enable the community access to Vault Hill. These negotiations shall be advanced prior to finalisation of any land rezoning.***
6. ***That any future DCP provisions relating to Picton East incorporate a requirement for integrated development applications which detail the proposed subdivision and built form of individual dwellings.***
7. ***That the geotechnical study refer to the entire developable area.***
8. ***That an updated stormwater management report be supplied for public exhibition.***

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

Vote for: Crs Khan, Briggs, Banasik, Deeth, Lowry, Gould and Smith

Vote against: Crs Hannan and Landow

## Growth

## TRIM 6814

Cr Deeth left the meeting at 8.10pm due to previously declared Conflicts of Interest in the next Items.

Items GR7 and GR8 were moved concurrently.

**Resolved on the Motion of Crs Banasik and Smith:**

- 1. That the draft amendments to the Wollondilly Development Control Plan 2016 prepared by Mirvac for the Station Street, Menangle Planning Proposal site be publicly exhibited.**
- 2. That the draft planning controls for the Station Street, Menangle Planning Proposal site be exhibited at the same time as the draft planning controls for the Menangle Landscape Conservation Area.**
- 3. That the outcome of the exhibition along with any changes to the proposed controls considered necessary is reported back to Council.**

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

Vote: Crs Briggs, Banasik, Khan, Lowry, Landow, Hannan, Gould and Smith

## Growth

**10/2018      Resolved on the Motion of Crs Banasik and Smith:**

1. That Council support the *public exhibition of the* draft planning controls for the Menangle Landscape Conservation Area for inclusion in the Wollondilly Development Control Plan 2016.
2. That the draft planning controls for the Menangle Landscape Conservation Area be publicly exhibited at the same time as the draft planning controls for the Station Street, Menangle Planning Proposal site.
3. That the outcome of the exhibition along with any changes to the planning controls considered necessary be reported back to Council.

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

Vote: Crs Briggs, Banasik, Khan, Lowry, Landow, Hannan, Gould and Smith

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Sustainable and Balanced GROWTH

Growth

**GR9                    Public Exhibition of Draft Planning Agreement – 1-41 Marsh Road, Silverdale**  
263081 TRIM 1765

The Mayor vacated the Chair and left the meeting at 8.12pm due to a previously declared Conflict of interest in this matter. The Deputy Mayor took the Chair.

Cr Deeth returned to the meeting at 8.13pm.

**11/2018                Resolved on the Motion of Crs Gould and Landow:**

**That Council move into a Committee of the whole.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Gould and Smith

Cr Banasik left the meeting at 8.13pm and returned at 8.15pm

**12/2018                Resolved on the Motion of Crs Banasik and Gould:**

**That Council move back into open council.**

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

Vote:    Crs Briggs, Khan, Deeth, Lowry, Landow, Gould and Smith

**13/2018                Resolved on the Motion of Crs Banasik and Gould:**

***That the matter be deferred until April and be discussed at a Councillor Workshop with a specific focus on Marsh, Warradale, Silverdale Roads and Production Avenue.***

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Gould and Smith

Cr Hannan returned to the meeting at 8.25pm and resumed the Chair.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Management and Provision of INFRASTRUCTURE

MANAGEMENT AND PROVISION OF INFRASTRUCTURE

IN1 Cubbitch Barta Reserve Embellishment Plan  
272884

TRIM 9753

14/2018 Resolved on the Motion of Crs Banasik and Deeth:

1. That Council note the outcome of the undertakings of the Cubbitch Barta Reserve Steering Committee that was established for the purpose of providing advice on how best to utilise funding associated with the Bridgewater Estate, Camden Park Stockland Voluntary Planning Agreement.
2. *That \$480,000 of the funds previously received in relation to the Bridgewater Estate Stockland Voluntary Planning Agreement (VPA) and held in restricted cash be approved for expenditure for the purpose of providing embellishments to Cubbitch Barta Reserve.*
3. That \$50,000 of the funds approved in recommendation 2 be introduced into the 2017/18 capital works program budget for initial works and design works for:
  - upgrades to the existing playground
  - more park seating
  - outdoor exercise equipment
  - waste bins
  - picnic shelters
  - multi-use courts
  - water filter stations
  - park lighting.
4. That Council note that further funds will be included for consideration in the 2018/19 capital budget, or subsequent budgets, as appropriate subject to the outcomes of the initial works and design processes.
5. *That the construction of a maintenance facility be included in the 2018/19 Capital Program and that funding options, other than the funds from the VPA agreement, for this facility be considered in the formulation of the 2018/19 Budget.*
6. That Council extend its appreciation and thanks to the members of the Cubbitch Barta Reserve Steering Committee for their role and input in achieving these outcomes for the community.
7. *That the Cubbitch Barta Reserve Steering Committee reconvene to meet, as and when appropriate, to discuss the progress of the works and to discuss other items that can be built with the balance of available funds.*

Infrastructure

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Management and Provision of INFRASTRUCTURE

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- 8. *That the residents of the Bridgewater Camden Park Estate be notified of this outcome.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Infrastructure



IN2 Lease – Lot 12 DP 531898 Cawdor Rd, Cawdor – Rural Fire Station  
10845 TRIM 3016

The General Manger left the meeting at 8.42pm.

- 1. That Council enter into a Lease with the owner of the land to secure tenure of the Rural Fire Service Station which provides an important service to the community.**
- 2. That Council enter into a Lease over the property known as Lot 12 DP 531898 Cawdor Road, Cawdor for the NSW Rural Fire Service Station comprising of 911.3m<sup>2</sup>.**
- 3. That the Mayor and General Manager be authorised to execute all documents in relation to the lease, including those requiring the Common Seal of Council.**
- 4. That Council acknowledge that the current site may not be available in the future and that the process of liaising with the NSW Rural Fire Service for a replacement facility continue.**
- 5. *That a report come back to Council regarding future leasing arrangements in 6 months.***

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan and Smith

The meeting resumed at 8.51pm with all present prior to the adjournment except for Cr Deeth. Cr Deeth returned to the meeting at 8.52pm.

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,  
62-64 Menangle Street, Picton, on Monday 19 February 2018

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Looking after the COMMUNITY

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**LOOKING AFTER THE COMMUNITY**

**CO1**            **Communications and Engagement Strategy**            TRIM 10030  
234992

**16/2018**        **Resolved on the Motion of Crs Khan and Briggs:**

**That Council adopt the Communications and Engagement Strategy.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
         and Smith

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Efficient and Effective COUNCIL

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**EFFICIENT AND EFFECTIVE COUNCIL**

**EC1**                    **Post Project Review – Broughton Pass Project**  
238

TRIM 10135

**17/2018**            **Resolved on the Motion of Crs Briggs and Lowry:**

- 1. That Council note the findings in the report and the recommendations for improvement.**
- 2. *That the General Manager report back to Council in six months regarding the enactment of recommendations contained within the report.***

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Efficient and Effective COUNCIL

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**EC2**            **Code of Conduct Reviewers**  
238

TRIM 8639-2

Items EC2 to EC5 were moved concurrently.

**18/2018**        **Resolved on the Motion of Crs Banasik and Smith:**

**That Council endorse the appointment to the Code of Conduct Review Panel for a four (4) year period:**

- **Weir Consulting**
- **Cripps Consulting**
- **Mediate Today**
- **The Centium Group**
- **Strategy Hunter**
- **Oakton**
- **Sinc solutions.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,  
62-64 Menangle Street, Picton, on Monday 19 February 2018

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Efficient and Effective COUNCIL

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**EC3                    Adoption of Fraud and Corruption Control Policy**  
238

TRIM 9087

**19/2018            Resolved on the Motion of Crs Banasik and Smith:**

**That Council adopt the draft Fraud and Corruption Control Policy.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
and Smith

**EC4      Adoption of the Councillors Fees, Expenses and Facilities Policy**  
256

**That the Councillors Fees, Expenses and Facilities Policy be adopted with amendments.**

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
and Smith

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,  
62-64 Menangle Street, Picton, on Monday 19 February 2018

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Efficient and Effective COUNCIL

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**EC5                    Adoption of Councillors Fees**  
256 TRIM 111

**21/2018            Resolved on the Motion of Crs Banasik and Smith:**

**That the Councillor's Fees for 2017/18 financial year be set at \$19,310 per Councillor and the additional fee of \$42,120 be set as the Mayoral Fee.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith



EC6 Appointment of the Independent Hearing and Assessment Panel  
 235 TRIM 10100

**22/2018 Resolved on the Motion of Crs Hannan and Banasik:**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
and Smith

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,  
62-64 Menangle Street, Picton, on Monday 19 February 2018

EC7	<u>Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017</u>
	234777 TRIM 4960-10

**23/2018      Resolved on the Motion of Crs Briggs and Smith:**

***That this matter be deferred to an Extraordinary meeting of Council to be held on 26 February 2018.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould  
and Smith

EC8 Investment of Funds as at 30 November 2017 and 31 December 2017

**That the information and certification in relation to the investment of Council funds as at 30 November 2017 and 31 December 2017 be noted.**

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Notice of Motion

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**NOTICE OF MOTION**

TRIM 6416-7

**NOM 1**      **Notice of Motion No. 1 submitted by Cr Michael Banasik on 31 January 2018 regarding the removal of abandoned cars in public and private places**

**25/2018**      **Resolved on the Motion of Crs Banasik and Khan:**

**That Council *write to the State Government calling for the development of better options to assist council's dealing with illegally dumped cars.* Further this motion be sent to Local Government NSW to be a motion at this year's Conference.**

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

Vote:      Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Notice of Motion

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TRIM 6416-7

**NOM 2**      **Notice of Motion No. 2 submitted by Cr Michael Banasik on 13 February 2018 regarding Thirlmere Hall**

**26/2018**      **Resolved on the Motion of Crs Banasik and Briggs:**

**That a report come back to Council (within 3 months) in relation to the Thirlmere Hall which has been closed for around 5 years, with the report to look at the options for rebuilding the hall on the same site or in another location in Thirlmere.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Notice of Motion

TRIM 6416-7

**NOM 3      Notice of Motion No. 3 submitted by Cr Matthew Deeth on 14 February 2018 regarding the establishment of a Wilton Executive Steering Group**

Cr Gould left at 9.24pm and returned at 9.26pm

**27/2018      Resolved on the Motion of Crs Deeth and Khan:**

1. That Council write to the Minister for Planning, and the Premier expressing appreciation for the establishment of a Wilton Executive Steering Group involving the Department of Planning and Environment and Wollondilly Shire Council.
2. That Council stress to the Minister for Planning and the Premier the unquestionable importance of ensuring the following matters are addressed to the joint satisfaction of both the Council and the Department of Planning and Environment prior to any rezoning taking place:
  - A local structure plan preparation and council *approved* pathway prior to development consent being granted being established (including but not limited to DCP preparation) to enable more meaningful involvement from elected Councillors.
  - A rigorous biodiversity strategy that gives certainty to the community and developers as to what is ecologically sensitive land that will be protected. Arbitrary use of rubber boundary provisions are open to misinterpretation and are not supported.
  - A coherent integrated public transport strategy and delivery plan which clearly specifies the level of public transport infrastructure to be provided over time and thresholds by which greater service provision is necessary to support additional growth. This must bring forward investigation of electrification of rail to Picton as foreshadowed in the Draft Future Transport Strategy 2056 and a new passenger service to the Wilton Priority Growth Area via the existing Maldon-Dombarton Rail Corridor.

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Notice of Motion

- The finalisation of a coherent Integrated Land Use and Infrastructure Implementation Plan that clearly specifies the health and education infrastructure to be provided over time and thresholds by which greater service provision is necessary to support additional growth. The ILUIIP must also provide spatial guidance on the location of this and other state infrastructure as included in the draft State Infrastructure Contribution Plan (SIC).
  - Joint public consultation of the SIC and Voluntary Planning Agreements for the first precinct releases has been undertaken.
  - A response to Council's earlier submissions adopted by Council on 21 August 2017 and 20 February 2017 relating to the South East Precinct and 21 August 2017 relating to the Town Centre Precinct and 18 April 2017 relating to the North West Precinct.
  - The establishment of a more co-ordinated process of considering public submissions relating to the Wilton Priority Growth Area and specific proposals including a more proactive process for holding *further* consultations with the community to explain clearly how their submissions have been addressed and accommodated in the finalised plans. This also must include open and transparent explanation and justification where matters raised in submissions have not been accommodated by Government.
  - The publication of independent analysis that demonstrates how the Department of Planning & Environment has established that the Wilton Priority Growth Area will deliver 15,000 additional jobs and appropriate thresholds to guide delivery of new houses as jobs are delivered.
  - The publication of independent analysis that demonstrates how the Department of Planning & Environment has determined that the Wilton Priority Growth Area will deliver 15,000 additional houses. This analysis should also include a market based assessment of the anticipated likely growth rate and yield at full development.
3. That Council seek a written commitment from the Government that no rezoning of any land within Wilton New Town will occur, prior to these matters being satisfactorily resolved.
  4. That Council implement a communication strategy to ensure the broader community is aware of its position regarding these matters.



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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Notice of Motion

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5. **That Council engage and consult with our neighbouring LGA's to understand the impacts of the development of Wilton New Town.**
6. **That a report be submitted to Council's April meeting advising of the Government's response to these concerns and outlining the necessary resourcing to fund a sustained campaign over the next 12 months should Council's concerns not be adequately addressed.**
7. ***That Wilton New Town be removed from the Mine Subsidence Districts in areas in Wilton where it has been established that mining will not occur.***
8. ***That Council write to the Premier, the Minister for Planning, the opposition leader and Shadow Minister for Planning individually inviting them to discuss these matters with Council.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Notice of Motion

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TRIM 6416-7

**NOM 4      Notice of Motion No. 4 submitted by Cr Matthew Deeth on 14 February 2018 regarding the Land Dedication Policy**

**28/2018      Resolved on the Motion of Crs Deeth and Lowry:**

**That the next review of the Land Dedication Policy includes considering:**

- 1.    The development of a process for assessing the relative value, financial and recreational, of land and recreational infrastructure proposed to be dedicated from developments, including taking into account the objectives of the Open Space, Recreation & Community Facilities Strategy, and any supporting strategies or master plans, to ensure that proposed land and infrastructure will provide meaningful and effective recreational opportunities for the community.**
- 2.    The inclusion of an in perpetuity funding contribution via Voluntary Planning Agreements, similar to that adopted by Council at its Ordinary Meeting held on 16 April 2016 for Infrastructure Lands, for land and any recreation infrastructure that is intended to be dedicated for Community Land (open space, recreational land).**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Notice of Motion

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Notice of Motion

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TRIM 6416-7

**NOM 5      Notice of Motion No. 5 submitted by Cr Matt Smith on 14 February 2018 regarding point to point speed cameras and Appin Road**

**29/2018      Resolved on the Motion of Crs Smith and Deeth:**

1.    That Council write to the NSW Minister for Roads stressing the importance of the NSW Government taking all available measures to reduce the road toll and requesting the urgent consideration of extending point-to-point speed cameras to monitor cars.
2.    That Council write to the RMS and Roads Minister requesting a point-to-point speed camera be installed on Appin Road from the intersection of Appin Road and the Princes Hwy, to the intersection of Narellan Road and Appin Road given that it is a state designated freight corridor.
3.    That Council reaffirms its firm commitment to calling for the urgent upgrade of Appin Road and the planning of an Appin bypass.

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Notice of Motion

TRIM 6416-7

**NOM 6      Notice of Motion No. 6 submitted by Cr Matt Gould on 14 February 2018 regarding Mermaids Pool**

The Assistant Director People, Legal and Governance left the meeting at 10.05pm and returned at 10.08pm.

**30/2018      Resolved on the Motion of Crs Gould and Landow:**

1. That Council note the severe dangers associated with swimming or jumping from rock ledges into the water at Mermaids Pool. Further that Council note the potential of Mermaids Pool as a bushwalking lookout and photography destination within the shire.
2. That Council urgently investigate options for improving access for emergency services in and around Mermaids Pool, and that this investigation include consultation with emergency service agencies and emergency service personnel who have attended incidents at the pools. Further that a councillor workshop be held on the matter at the conclusion of the investigations.
3. That Council investigate the feasibility of establishing an alcohol prohibited area at Mermaids Pool.
4. That signage be erected at Mermaids Pool detailing the number and nature of injuries that have occurred, and the types of activities that have caused these injuries. Further that if possible the signage also include location information (closest street/cross street etc) to facilitate swift emergency response and appropriate first aid information for the types of injuries typically encountered. *That alternate swimming hole information also be displayed.*
5. That an enhanced program of multiple daily ranger patrols be immediately implemented every Saturday and Sunday *and public holidays/school holidays* until the end of daylight savings 2018 of the No Parking/No Stopping zone along Rockford Rd, Tahmoor.
6. That a plan be developed to ensure regular increased patrols over the daylight savings period in the future, for consideration during the annual budgeting process. Further, that council continue to publicise the number of infringements issued each weekend.

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Notice of Motion

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7. **That Council send correspondence to media and/or recreational interest organisations and affiliates promoting Mermaids Pool as a safe swimming location to highlight the dangers of the pool and requesting the removal of content promoting swimming, jumping or entering Mermaids Pool on their online sites. *That further promotional materials be developed to provide other alternate swimming locations in the Shire.***
8. ***That Council write to the State Government requesting the installation of updated no trespassing signage.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

Cr Lowry left the meeting at 10.14pm and returned at 10.16pm.

TRIM 6416-7

**QNM1      Question for Next Meeting No. 1 submitted by Cr Matt Gould on 14 February 2018 regarding Dwelling Statistics across the Shire**

**QUESTION**

1. For each village and locality in the shire please provide the following information in table format:
  - a) The number of dwellings currently in the village/locality.
  - b) The estimated number of dwellings currently proposed as part of planning proposals that have not yet been finalised (both minimum and maximum range estimate).
  - c) The estimated number of future dwellings in sites that have been rezoned but where there is not yet an approved DA (both minimum and maximum range estimate).
  - d) The number of future dwellings in sites that have DA approval but which have not yet been developed.
  - e) The total number of dwellings in point's b, c & d above.
2. For each village and locality please provide the current proposed planning proposals and the estimated number of dwellings in each planning proposal.
3. The number of new dwellings that were identified for each area in the Wollondilly Growth Management Strategy 2011.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

Closed Reports

CLOSED REPORTS

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

**IN3      Amendment to Existing Lease – Waste Management Facility – Wonga Road, Picton**  
10845 TRIM 7408

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

The matters and information are referred under the following:

- Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

The report is referring a request for a variation to a lease and permissibility of use of the subject lands which pertain to the strategic direction of the tenant.

**IN4      Interest in Council Owned Land – Purchase and Right of Way – Menangle & Colden Streets, Picton**  
10845 TRIM 9346

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

The matters and information are referred under the following:

- Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Commercial information of a confidential nature that would, if disclosed:
  - Prejudice the commercial position of the person who supplied it, or
  - Confer a commercial advantage on a competitor of the Council.

The matter pertains to an unsolicited offer to acquire land in the Picton Town Centre that may constrain Council's strategic intent and confer financial advantage to the proponent to the disadvantage of other commercial parties and Council.



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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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Closed Reports

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Pursuant to Section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received.

**31/2018      Resolved on the Motion of Crs Khan and Briggs:**

- 1. That Council move into Closed Session to consider business identified in the closed reports IN3 and IN4.**
- 2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).**
- 3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, Landow, Hannan, Gould and Smith

Council closed its meeting at 10.18pm.

The public and media left the chamber.

The Ordinary meeting re-opened to the public at 10.55pm.

Closing

Closed Reports

The Mayor read the resolutions adopted in respect of Items IN3 and IN4.

**IN3      Amendment to Existing Lease – Waste Management Facility – Wonga Road, Picton**

1. That Council agree in principle to a variation of the lease subject to the applicant being responsible for all costs and disbursements including, but not limited to, for modifying the lease or for any required traffic safety investigation or improvements for public access to the site from Remembrance Driveway as well as any necessary upgrades within the site.
2. That prior to expiry of the lease (30 June 2020), the operations of the facility will be reviewed.
3. That the General Manager and/or Mayor be authorised to *negotiate an increased rental amount, a point of return container machine under the CDS and adopt a road agreement be included in the negotiations and execute all documentation in relation to the lease including those requiring the Common Seal of Council.*
4. *That a further review of the rent be conducted in six months.*

**IN4      Interest in Council Owned Land – Purchase and Right of Way – Menangle & Colden Streets, Picton**

1. *That Council defers consideration of the proposal for a further two months while we obtain further information from the Councillor Strategic Planning meeting.*
2. *That a valuation of the proposed car parking spaces be undertaken.*
3. *That an initial \$50,000 be introduced in the 2017/18 budget to commence initial design development for the new administration building and ancillary services in Picton.*

## WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 February 2018

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### Closing

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#### CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 10.57pm.

This and the preceding 115 pages are the Minutes of the Ordinary Meeting of Council held on Monday 19 February 2018 and were confirmed in the subsequent meeting held on Monday 19 March 2018.

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Mayor

Closing