

PE3 - Stargard Crescent Planning Proposal

PE3

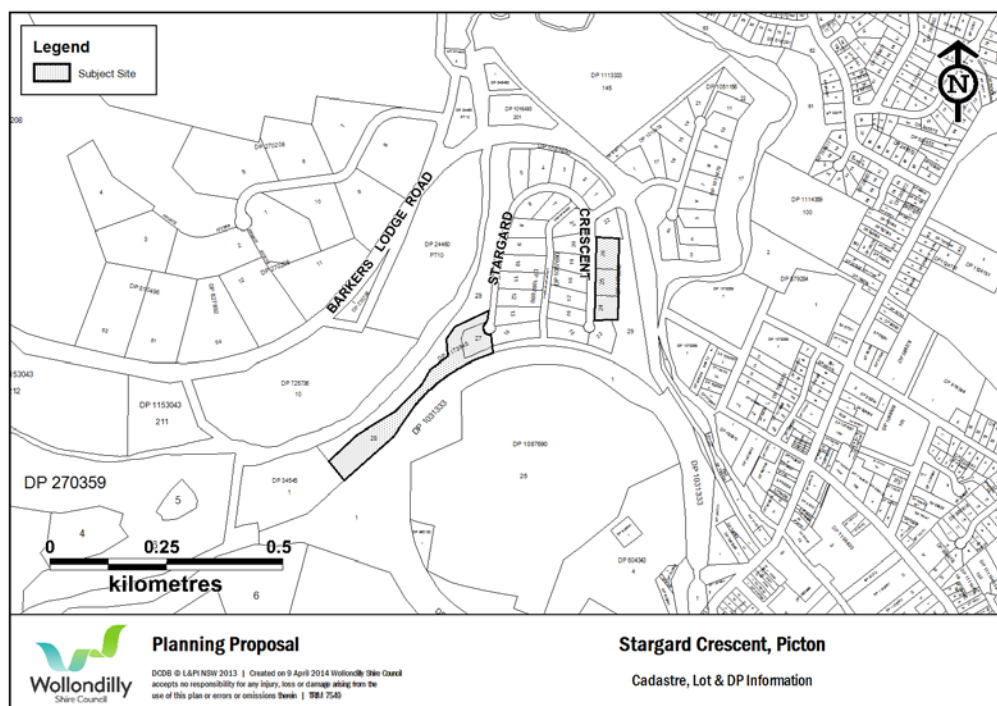
Stargard Crescent Planning Proposal

41

TRIM 7549

Applicant: J & R Corbett
Owner: Various

Planning & Economy



Stage	Completed
Preliminary notification	July 2013
Gateway Determination	10 December 2013
Consultation with Public Agencies	Not required
Specialist Studies	Not required
Public exhibition/community consultation	23 July 2014 - 20 August 2014
Referred to Minister for Publication	Not yet completed

EXECUTIVE SUMMARY

- This Planning Proposal was last reported to Council at its Ordinary meeting held on Monday 13 October 2014.

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- This report has been prepared to rectify an issue with the proposed minimum lot size adopted by Council and to add a maximum height of building to the land currently zoned RE1 Public Recreation and proposed to be zoned R5 Large Lot Residential.
- Accordingly this planning proposal seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lots 24, 25, 26, 27 and 28 DP 1173845, Nos 1, 3, 23, 25 & 27 Stargard Crescent Picton to:
 - Change the zoning of the land to R5 Large Lot Residential
 - Change the minimum lot size to 4,000m² for Lots 24, 25, 26 and; 27 DP 1173845 and to 1.5ha for Lot 28 DP 1173845
 - Change the maximum height of building to 9m on land currently zoned RE1 Public Recreation in Lot 28 DP 1173845.
- It is recommended:
 - That Council adopt the Draft Local Environmental Plan in the form subject to community consultation as detailed
 - That the Draft Local Environmental Plan be made by Council as the delegated responsible planning authority and be forwarded to Parliamentary Council and the Department of Planning for drafting and notification on the NSW Legislation website
 - That the applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

Council resolved at its Ordinary meeting held on Monday 13 October 2014 as follows:

1. *That Council support the planning proposal for land being Lots 24, 25, 26, 27, 28 DP 1173845, Stargard Crescent Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:*

Amend the Land Zoning Map 008F for Lots 24, 25, 26, 27 and Lot 28 DP 1173845 from Zone RE2 Private Recreation and Zone RE1 Public Recreation to Zone R5 Large Lot Residential; and

Amend the Lot Size Map 008F for Lots 24, 25, 26 and 27 DP 1173845 from no minimum lot size to a minimum lot size of 3000m² and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5 ha.

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2. *That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to Parliamentary Counsel and the Department of Planning & Environment under delegated authority with a request to make arrangements for the drafting of the Amending Local Environmental Plan and that the plan in the form as detailed in the Planning Proposal be made.*
3. *That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.*

The previous report to Council is attached.

It is requested that consideration be given to changing the above resolution as there is a problem with incorporating the 3000m² minimum lot size into the current map legend. This would also result in the need for recreating every zone map sheet within the LEP. It is considered that it would be more practical and less confusing to give the four subject lots (24, 25, 26 and 27) affected, a minimum lot size of 4,000m².

The current lots zoned R5 Large Lot Residential (R5) within the Stargard Crescent estate have an actual lot size of approximately 3,000m² but are within the 4,000m² minimum lot size category on the Lot Size Map. Most R5 lots within the Shire have this minimum lot size. The subject land has been subdivided into rural residential lots and has no further potential for subdivision. A 4,000m² minimum lot size would have no effect on development of the lots.

The RE1 Public Recreation (RE1) land proposed to be rezoned to R5 has no maximum height of building. Although the slivers of land have limited development potential a maximum height of building of 9m in line with adjoining land is considered appropriate.

It should be noted that both the proposed 4,000m² lot size and proposed 9m height of building map were both exhibited during the community consultation undertaken in July-August 2014 and therefore the statutory requirements in terms of community consultation have been met. Since the last report in October 2014, we have been attempting to resolve the mapping issue but have found that the only solution is a new resolution.

1.1 SITE DESCRIPTION

The site has an area of 3.1372 hectares and is located west of the Picton Town Centre in the Stargard Estate. It is situated south and west of Barkers Lodge Road, adjacent to Stonequarry Creek and north of the main southern railway line. The site surrounds current large lot residential properties in Stargard Estate and comprises a number of smaller lots (24-27) around 3000m² in size on the eastern side and Lot 28 which is around 1.8ha in size and is a long narrow piece of land on the western side of the site.

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Neighbouring properties to the north and south are rural landholdings. The site is heavily vegetated along Stonequarry Creek with the remainder mainly consisting of grassed land.

1.2 DESCRIPTION OF PROPOSAL

It is proposed to rezone land from Zone RE2 Private Recreation to R5 to conform to the adjoining zone and allow residential development on the subject land. The planning proposal is also proposing to change the minimum lot size to 4,000m² to be in conformity with the minimum lot size on adjoining land. Lot 28 is proposed to have a larger minimum lot size of 1.5ha to prevent further subdivision. The RE1 land proposed to be rezoned R5 is proposed to have a maximum building height of 9m.

1.3 GATEWAY DETERMINATION

The proposed changes from a 3000m² lot size to a 4000m² lot size will not result in any departure from the conditions of the Gateway Determination. The proposed height limit is also satisfactory under the Gateway Determination.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

The following comments on the Planning Proposal were received from the Property section during the finalising of the planning proposal in relation to the Lot Size Map:

Property (Mapping)

There is no current provision within the Lot Size Map legend for a 3,000m² lot size and to insert this provision would require both a change to the 4,000m² lot size category and the relabelling of maps.

Comment

The Department of Planning and Environment was consulted and has advised that Council would be able to change one map tile with the new labelling. However it is considered that this could prove confusing for those using GIS mapping systems looking up lot sizes throughout the Shire as different labels would apply to the same lot size category. In the longer term all maps would need to be relabelled requiring additional mapping work. It is also considered that there is no need to add a 3,000m² minimum lot size category to the Lot Size Map as the current lot sizes are considered to provide an adequate range of sizes for most development scenarios.

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2.14 FINAL FORM OF PLANNING PROPOSAL

2.14.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

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

- Amend the Land Zoning Map from Zone RE2 Private Recreation and Zone RE1 Public Recreation to Zone R5 Large Lot Residential as shown in Attachment 1
- Amend the Lot Size Map from a minimum lot size category of no minimum lot size to 4,000m² as shown in Attachment 2
- Amend the Height of Buildings Map for the land zoned RE1 Public Recreation from no Maximum Building Height to a Maximum Building Height Category of 9 metres.

FINANCIAL IMPLICATIONS

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

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

ATTACHMENTS:

1. Ordinary report of Council Monday 13 October 2014.
2. Land Zoning Map.
3. Lot Size Map.
4. Height of Buildings Map.

RECOMMENDATION

1. That Council as the delegated responsible planning authority adopt and make the draft Local Environmental Plan for land being:

Lots 24, 25, 26, 27 and 28 DP 1173845 being Nos 1, 3, 23, 25 and 27 Stargard Crescent, Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:

- amend the Land Zoning Map 008F for Lots 24, 25, 26, 27 and 28 DP 1173845 from RE2 Private Recreation and RE1 Public Recreation to R5 Large Lot Residential

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- amend the Lot Size Map 008F for Lots 24, 25, 26 and 27 DP 1173845 from no minimum lot size to a minimum lot size of 4,000m² and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5ha
 - amend the Height of Building Map 008F for the land zoned RE1 Public Recreation on Lot 28 DP 1173845 from no maximum height of building to a maximum height of 9m.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 Council makes the plan as outlined above and requests Parliamentary Counsel and the Department of Planning and Environment to make arrangements for the drafting and notification of the amended Local Environmental Plan.
 3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 13 October 2014

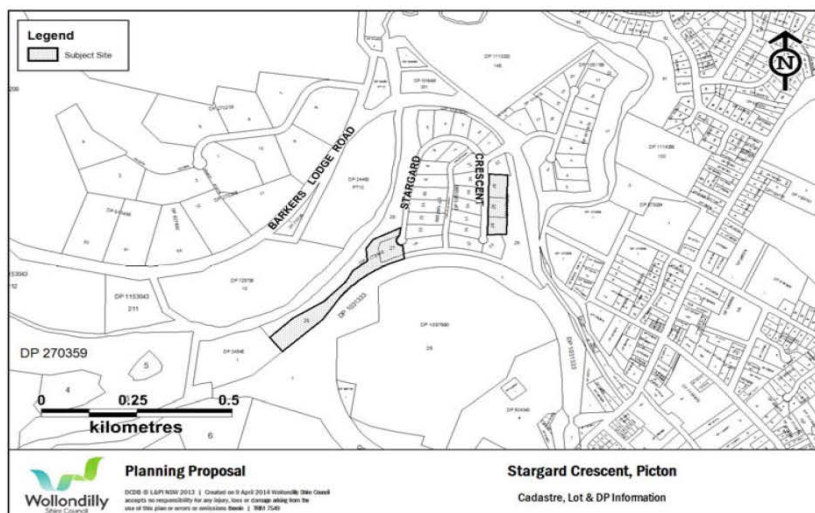
PE2 – Planning Proposal – Stargard Crescent, Picton.

PE2

Planning Proposal - Stargard Crescent, Picton.
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TRIM 7549

APPLICANT: J & R Corbett
OWNERS: J & R Corbett, D & A Kosub, B & L Jones



Stage	Completed
Preliminary notification	July 2013
Gateway Determination	10 December 2013
Consultation with Public Agencies	Not required
Specialist studies	Not required
Public exhibition / community consultation	23 July 2014 – 20 August 2014
Referred to Minister for Publication	Not yet completed

REPORT

EXECUTIVE SUMMARY

- This Planning Proposal has been prepared and publicly exhibited by Wollondilly Shire Council. It seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lots 24, 25, 26, 27 and 28 DP 1173845 (No's 1, 3, 23, 25 and 27 Stargard Crescent, Picton) to:

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- Change the zoning of the land to Zone R5 Large Lot Residential; and
- Change the minimum lot size for Lots 24-27 to 3,000m² and for Lot 28 to 1.5ha.
- One (1) submission objecting to the planning proposal was received in response to public exhibition
- There have not been any disclosures of political donations made in regard to this application
- It is recommended:
 - That Council support the Planning Proposal and submit all relevant information to the Department of Planning & Environment and request the Minister to make amendments to Wollondilly LEP 2011
 - That the applicant and persons who made submissions be notified of Council's decision.

BACKGROUND

This planning proposal was last considered by Council at its Ordinary Meeting held on the 19 May 2014. The report to this meeting recommended a change to the planning proposal which was to remove Lot 29 DP 1173845. Council resolved to support this recommendation as follows:

1. *That Council support the planning proposal for Lots 24, 25, 26, 27, 28 DP 1173845, Stargard Crescent Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:*
 - *Amend the Land Zoning Map 008F for Lots 24, 25, 26, 27 and Lot 28 DP 1173845 from Zone RE2 Private Recreation and Zone RE1 Public Recreation to Zone R5 Large Lot Residential, and*
 - *Amend the Lot Size Map 008F for Lots 24, 25, 26 and 27 DP 1173845 from no minimum lot size to a minimum lot size of 3000m² and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5 ha.*
2. *That the planning proposal in its amended form be placed on public exhibition for a period of 28 days.*
3. *That the applicant and landowners be notified of Council's Resolution.*

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PE2 – Planning Proposal – Stargard Crescent, Picton.

1.1 Site Description

The site has an area of 3.1372 hectares and is located west of the Picton Town Centre in the Stargard Estate. It is situated south and west of Barkers Lodge Road, adjacent to Stonequarry Creek and north of the main southern railway line. The site surrounds current large lot residential properties in Stargard Estate and comprises a number of smaller lots (24-27) around 3000m² in size on the eastern side and Lot 28 which is around 1.8ha in size and is a long narrow piece of land on the western side of the site.

Neighbouring properties to the north and south are rural landholdings. The site is heavily vegetated along Stonequarry Creek with the remainder mainly consisting of grassed land.

1.2 Description of Proposal

It is proposed to rezone land from Zone RE2 Private Recreation to Zone R5 Large Lot Residential to conform to the adjoining zone and allow residential development on the subject land. The planning proposal is also proposing to change the minimum lot size to 3000m² to also be in conformity with the minimum lot size on adjoining land. Lot 28 is proposed to have a larger minimum lot size of 1.5ha to prevent further subdivision.

1.3 Gateway Determination

A Gateway Determination was issued dated 10 December 2013. The Determination permitted the proposal to proceed. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

Gateway Condition	Addressed by:
1. Council is to amend the planning proposal to: <ul style="list-style-type: none"> i. Clarify that the property description of the subject land includes only 'part' of Lots 28 and 29 DP 1173845, rather than the whole of these allotments; ii. Clarify that, in addition to retaining the part of Lot 29 zoned Public Recreation this will also apply to part of Lot 28; 	<ul style="list-style-type: none"> i. The property description is as follows: the planning proposal applies to Lots 24-28 DP 1173845. Lot 29 DP 1173845 was removed from the proposal. The proposal applies to all of Lot 28 as it now includes the small slivers of land zoned RE1 Public Recreation. ii. It is not proposed to retain the RE1 Public Recreation zone. It is proposed to rezone the part of Lot 28 DP 1173845 which is zoned RE1 Public Recreation to Zone R5 Large Lot Residential as this land is currently used for domestic purposes. This amendment was supported by Council resolution on the 19 May 2014

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Gateway Condition	Addressed by:
<p>iii. Show the correct boundary of the subject land shown on the site map in Figure 1 on page 3;</p> <p>iv. Clarify whether the proposal is likely to result in additional development of the subject land; and</p> <p>v. Include a map of the proposed minimum lot size</p>	<p>iii. The revised boundary of the subject land is indicated on the attached site plan.</p> <p>iv. The proposal is unlikely to result in additional development of the subject land as Lot 28 is proposed to have a larger minimum lot size to prevent further subdivision.</p> <p>v. A map of the proposed minimum lot size is attached.</p>
<p>2. Council is to consider rezoning small residue areas to Zone RE1 Public Recreation, where they adjoin land in this zone.</p>	<p>2. The rezoning of small residue areas to Zone RE1 Public Recreation was not supported by Council as it will create an unnecessary future liability for land that is considered to have no value for public recreation uses. In addition most of this residue land is in Lot 29 which is no longer included within this planning proposal.</p> <p>Council's Land and Property Panel also has concerns in relation to the stability and possible contamination of the zoned RE1 land.</p>
<p>3. Council is to undertake a Flora and Fauna Assessment for Lots 28 and 29, if they are considered to have potential for resubdivision and/or additional development, and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones.</p>	<p>3. A Flora and Fauna Assessment is not necessary as there will be no potential for further subdivision as Lot 28 will now have a minimum lot size equivalent to its current size. Additionally a building envelope and effluent disposal area on the registered subdivision plan for Lot 28 will ensure a small area of remnant vegetation will not be impacted. Lot 29 has been removed from the planning proposal so Condition 3 no longer applies to this land. It is considered that the planning proposal is able to demonstrate consistency with Direction 2.1 Environment Protection Zones as outlined above.</p>
<p>4. Community consultation requirements required a minimum of 14 days.</p>	<p>4. The planning proposal was exhibited for 28 days in accordance with Council resolution from its May 19 2014 meeting.</p>

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Gateway Condition	Addressed by:
5. A public hearing is not required unless a submission or reclassification of land is required.	5. No submission requesting a public hearing has been received and the small slivers of land zoned RE1 Public Recreation in Lot 28 are in private ownership and therefore do not require reclassification.
6. No consultation is required with public authorities.	6. Noted
7. The timeframe for completing the LEP is 9 months from 10 December 2013.	7. An extension to this timeframe of 12 months was recently granted and therefore the planning proposal now needs to be finalised by the 10 December 2014.

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CONSULTATION

2.1 Consultation with Council staff

Council staff had no further comment on the proposal during the public exhibition period.

2.2 Consultation with Public Agencies

The Gateway Determination did not require consultation with Public Agencies:

2.3 Community Consultation

The Gateway Determination specified a 14 day period of community consultation and public exhibition but this was increased to 28 days to allow the community adequate time to review the changes to the proposal. During this time the Planning Proposal was made available for public viewing on Council's website and at Council's Administration Building and in the Picton library. A public notice was placed in the local newspaper. Letters were sent to those who made previous submissions.

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

Issue Raised	Assessment Comment
Stargard Crescent is a very narrow street and should be widened because of the additional traffic and lack of parking.	Stargard Crescent meets the requirements in Council's design code for the level of traffic including the additional 5 residential lots. Additional road verge was provided for the subject lots to allow for pedestrian movement.

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Issue Raised	Assessment Comment
Trucks should not park in the street when homes are constructed.	Truck drivers and builders would need to ensure they park safely and so as not to inconvenience residents.
Safety is an issue with children playing and people walking their dogs.	All motorists in every road situation need to be aware of residents' activities and drive cautiously and in accordance with road conditions.
The land was zoned private recreation and the land was bought in good faith on this basis and we feel cheated of what we thought was genuine.	The original subdivision of Stargard Crescent was within a rural zone with the RE2 Private Recreation zone being applied under WLEP 2011. Under the previous WLEP 1991 the land was able to be subdivided further to allow for rural residential development. The RE2 zone will still apply to Lot 29 which surrounds the whole subdivision.

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RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

Planning Proposals are to be aligned with the strategies of the Wollondilly Community Strategic Plan (CSP). The following CSP strategies have significance for the Planning Proposal as described below.

EC4 - Managing Development and Land Use

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

Comment:

This planning proposal will enable residents to develop housing within a land use framework that allows for residential development and this will result in better management of the land and contribute to achieving a high quality built environment in keeping with adjoining development.

POLICIES & LEGISLATION

- Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979)
- Environmental Planning and Assessment Regulation, 2000 (EP&A Regs, 2000)
- Local Government Act, 1993
- Standard Instrument (Local Environmental Plan) Order, 2006 (SI Order, 2006)
- State Environmental Planning Policies (SEPPs)
- Amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013
- Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)
- Wollondilly Development Control Plan, 2011

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- Wollondilly Contributions Plan, 2011
- Draft Metropolitan Strategy for Sydney to 2031 (Draft Metro 2031)
- Draft South West Sydney Subregional Strategy to 2031
- Draft Planning Proposal Policy (Draft PP Policy)

3.1 Planning Proposal

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

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section 4.9 to this report.
2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the DP&I that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council's refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

RELEVANT CONSIDERATIONS

4.1 Draft Metro 2031

Wollondilly Shire is within Sydney's Metropolitan Rural Area and this planning proposal supports growth around urban centres in accordance with the Draft Metro Strategy.

4.2 Metropolitan Plan for Sydney to 2036

This planning proposal supports this plan as it will provide residential land which is located near town centres.

4.3 Draft South West Subregional Strategy

This strategy is still being prepared in detail.

4.4 Draft South West Subregional Strategy to 2036

The planning proposal supports the location of residential land close to town centres.

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4.5 Section 117 Ministerial Directions

The planning proposal is considered to be consistent with ministerial directions.

4.6 State Environmental Planning Policies

The planning proposal is in accordance with SEPPs.

4.7 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones)

The subject land would be within an exclusion zone in relation to mining for coal seam gas.

4.8 Wollondilly Growth Management Strategy

This planning proposal is in accordance with this strategy.

4.9 Final Form of Planning Proposal

4.9.1 Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)

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

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

- Amend the Land Zoning Map 008F for Lots 24, 25, 26, 27 and Lot 28 DP 1173845 from Zone RE2 Private Recreation and Zone RE1 Public Recreation to Zone R5 Large Lot Residential, and
- Amend the Lot Size Map 008F for Lots 24, 25, 26 and 27 DP 1173845 from no minimum lot size to a minimum lot size of 3000m² and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5 ha.

FINANCIAL IMPLICATIONS

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

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

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CONCLUSION

The Planning Proposal in the form as described in Section 4.9 to this report is consistent with the relevant considerations. It is recommended that Council support the Planning Proposal and submit all relevant information to the DP&E and request the Minister for Planning and Environment to make amendments to WLEP, 2011 and publish the amended Plan.

ATTACHMENTS

1. Proposed Land Zone Map
2. Proposed Lot Size Map

RECOMMENDATION

1. That Council support the planning proposal for land being Lots 24, 25, 26, 27, 28 DP 1173845, Stargard Crescent Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the Land Zoning Map 008F for Lots 24, 25, 26, 27 and Lot 28 DP 1173845 from Zone RE2 Private Recreation and Zone RE1 Public Recreation to Zone R5 Large Lot Residential; and
 - Amend the Lot Size Map 008F for Lots 24, 25, 26 and 27 DP 1173845 from no minimum lot size to a minimum lot size of 3000m² and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5 ha.
2. That in accordance with Section 59 to the *Environmental Planning and Assessment Act, 1979* the Planning Proposal be forwarded to Parliamentary Counsel and the Department of Planning & Environment under delegated authority with a request to make arrangements for the drafting of the Amending Local Environmental Plan and that the plan in the form as detailed in the Planning Proposal be made.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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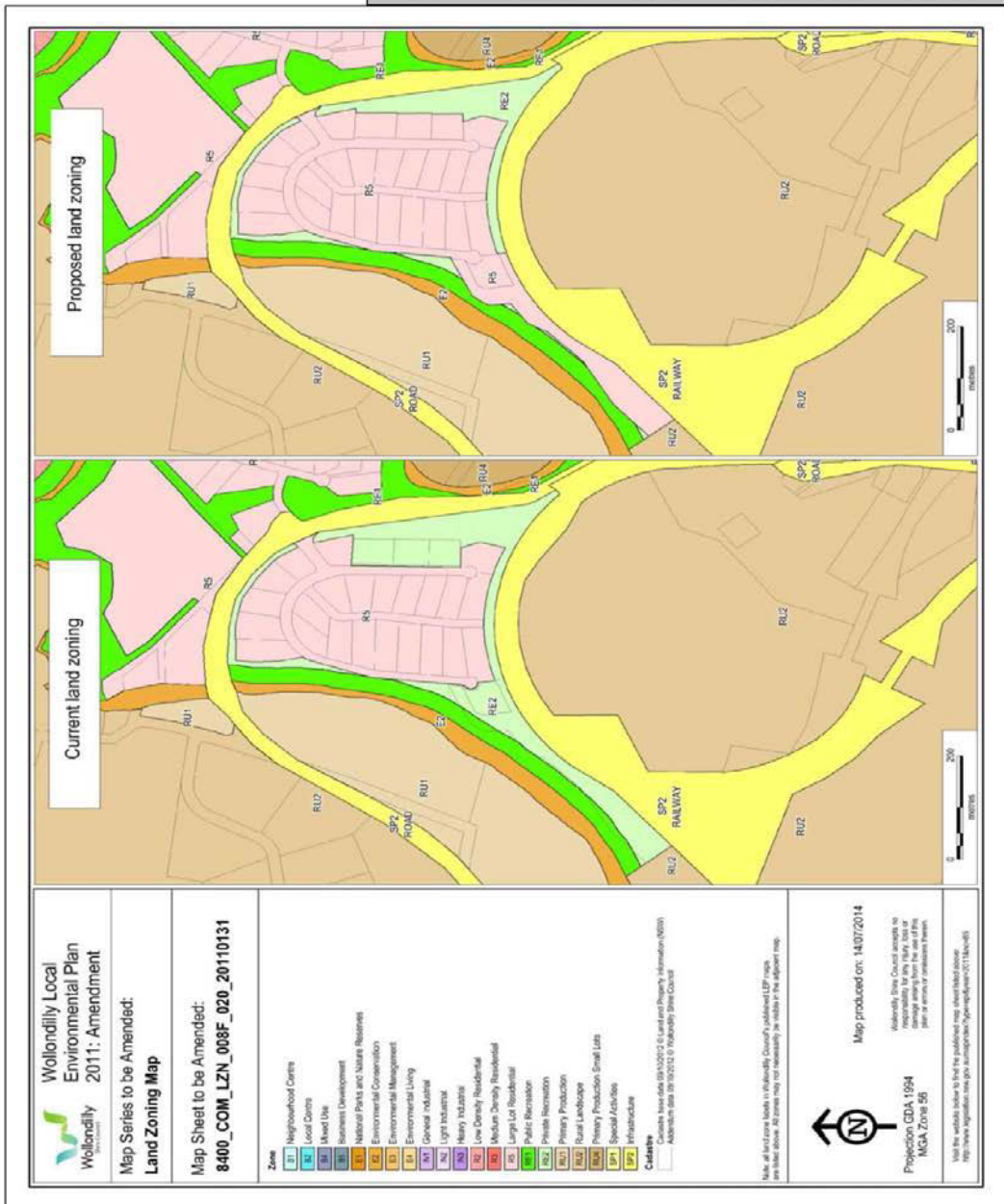
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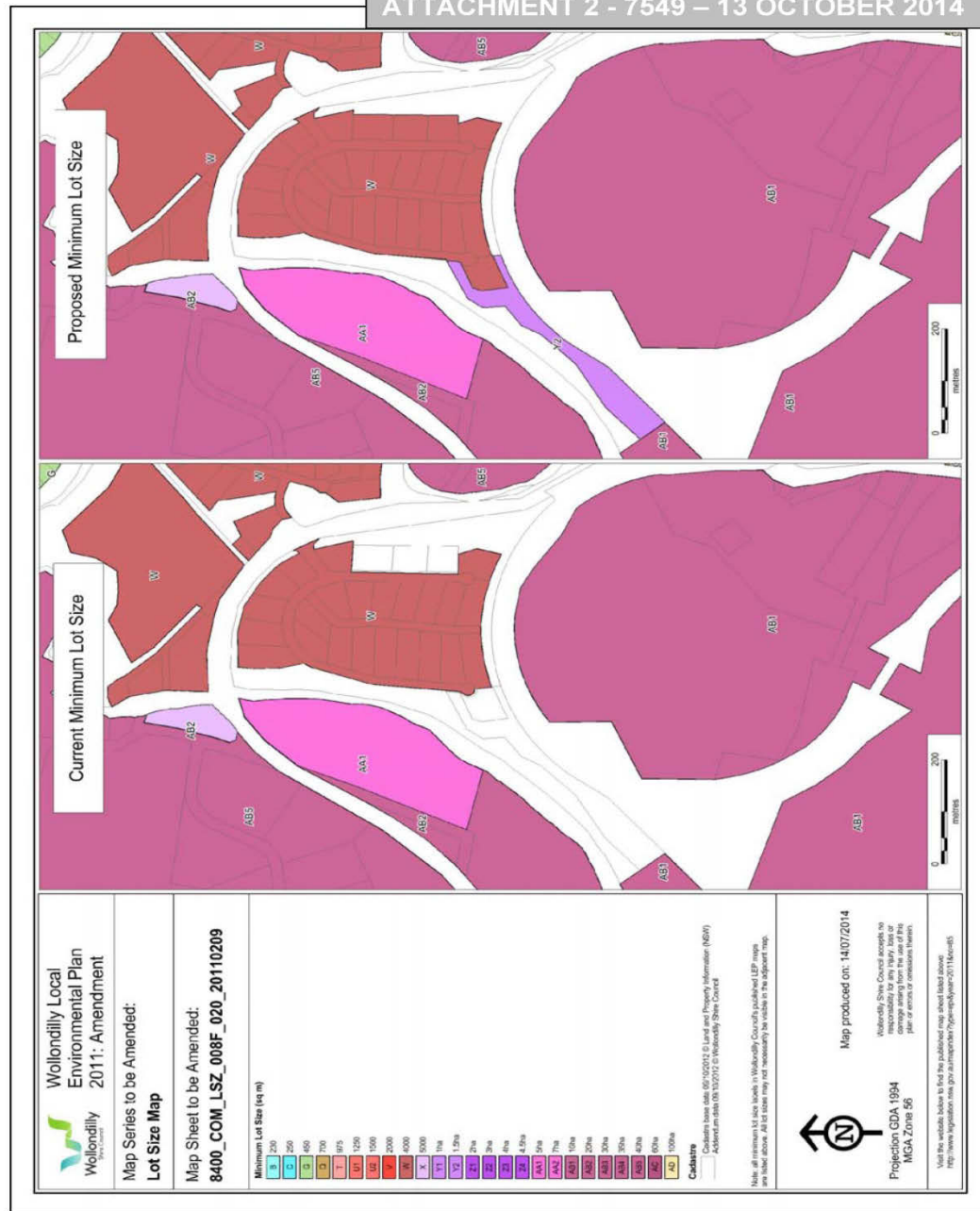
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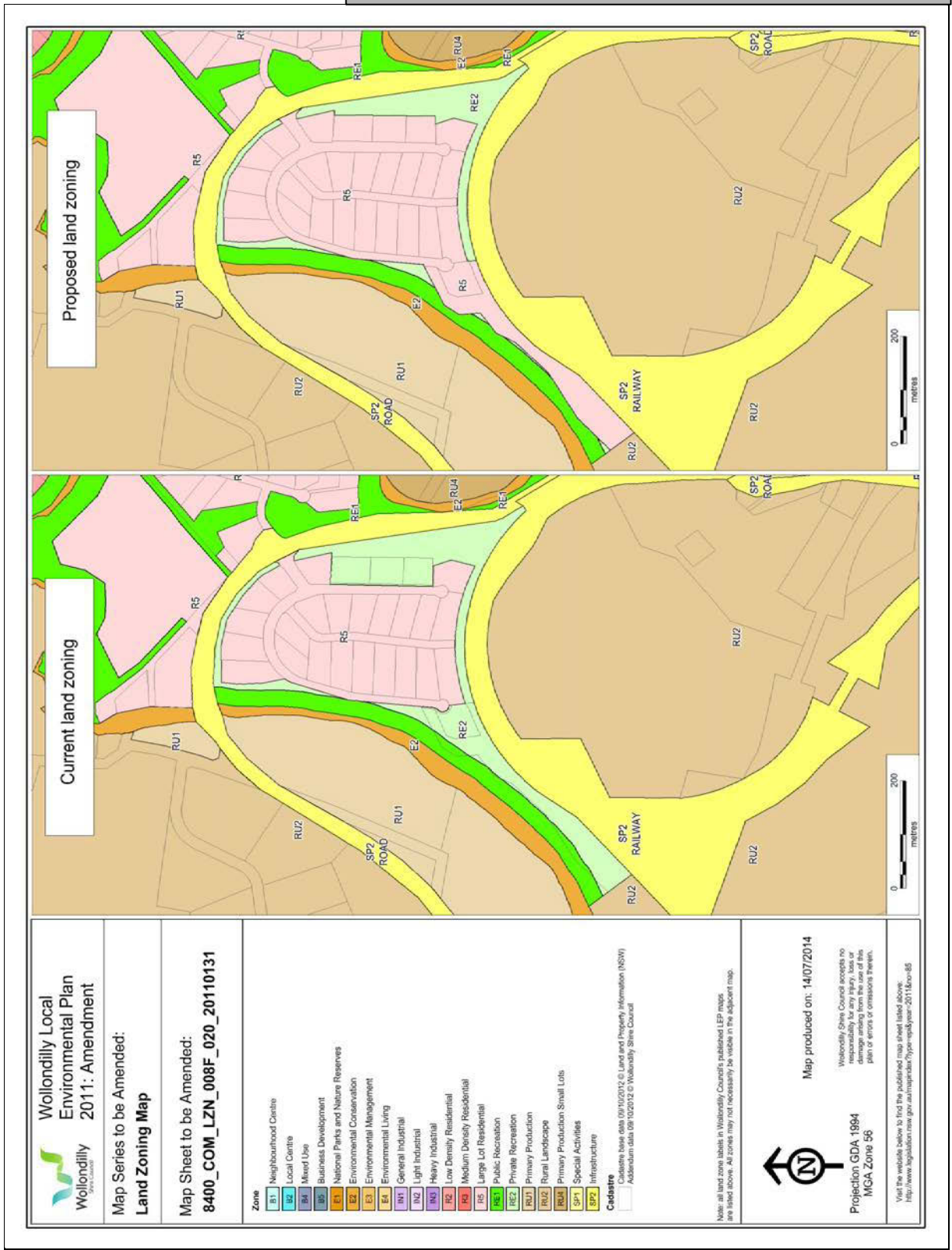
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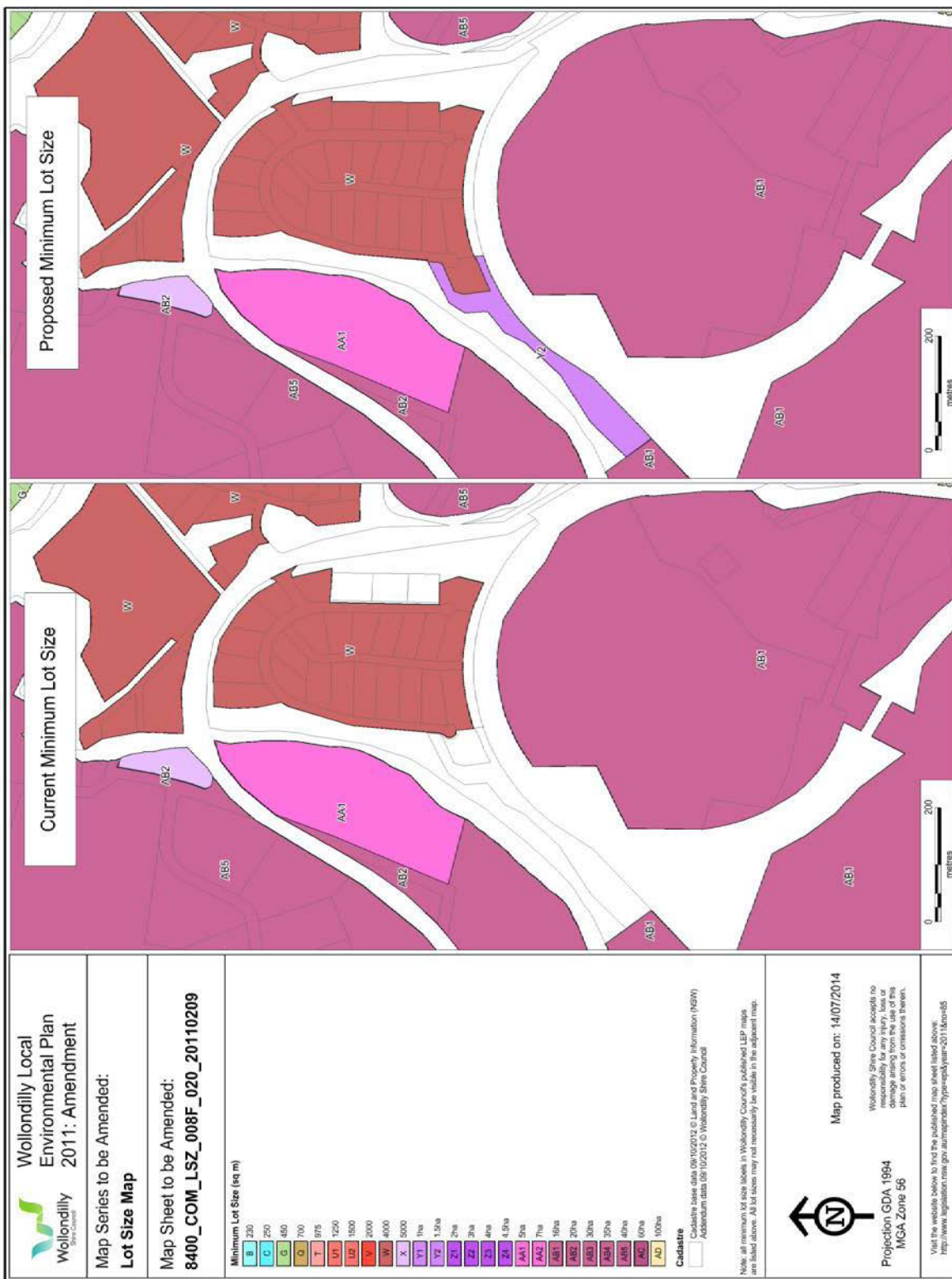
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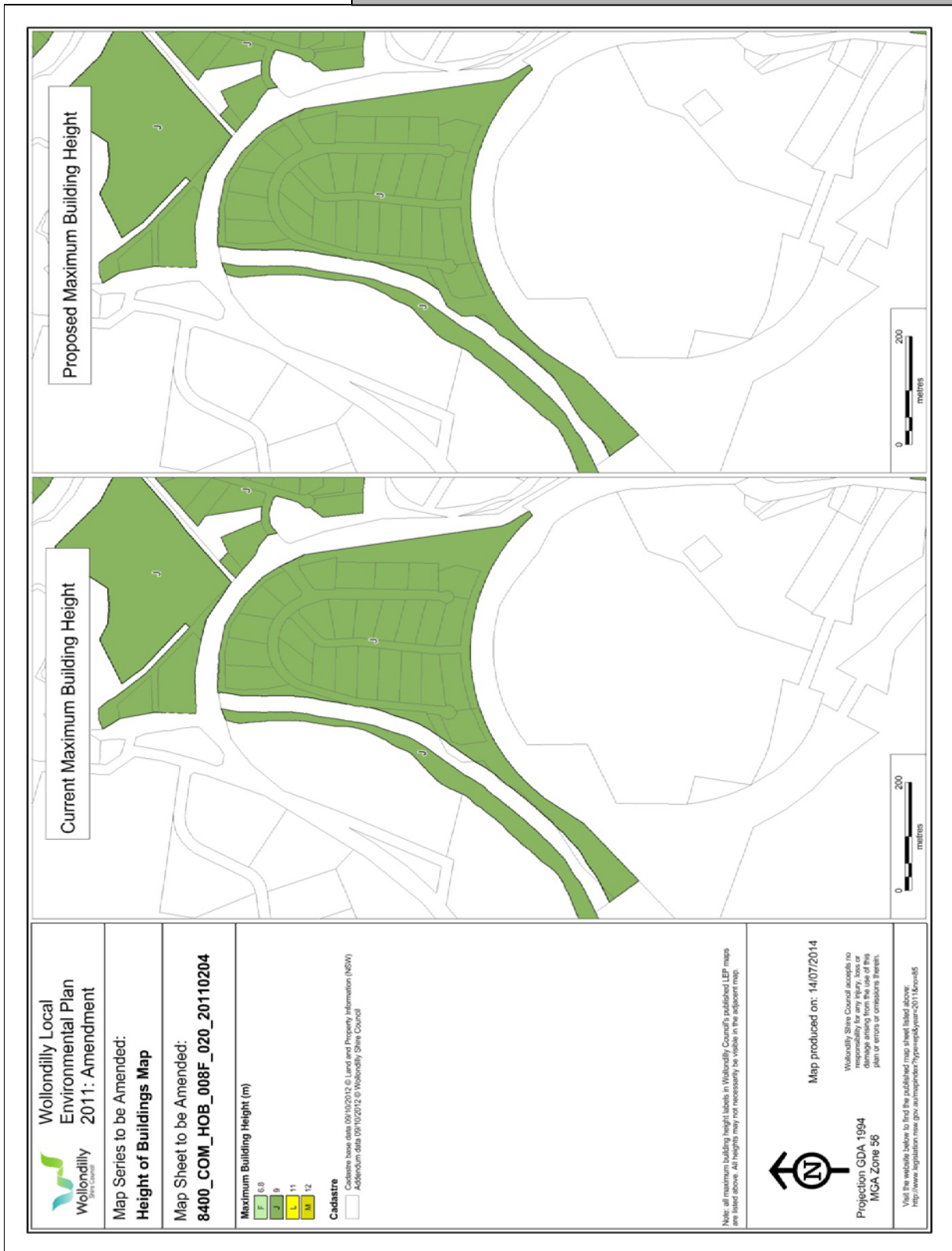
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PE3 - Stargard Crescent Planning Proposal

ATTACHMENT 4 - 7549 – 16 MARCH 2015



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PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

PE4

Review Request for the Determination (Refusal) of Development Application No. 010.2014.00000020.001 - Erosion Mitigation Measures and Tennis Court (Continued Use) - 1026 Spring Creek Road, Mount Hunter

266876

010.2014.00000020.001

EXECUTIVE SUMMARY

- The purpose of this report relates to a request for a Section 82A Review of Council's determination of Development Application 10.2014.20.1 for works at 1026 Spring Creek Road, Mount Hunter. The application, which was refused under delegation, sought approval for erosion mitigation measures and a tennis court which were completed without the prior approval of Council.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended Council advise the Applicant that it cannot consider the Section 82A Review given that the review period has lapsed. It is further recommended that Council take no legal action in relation to the unauthorised activities carried out on site apart from a notation being included on any Section 149 Planning Certificate issued in relation to the property.

REPORT

BACKGROUND

In October 2013, Council responded to a complaint about importation of soil to the subject property. The land owner was asked to lodge a Development Application for the unauthorised filling of the property. Approximately three months later Council received a Development Application. The Application lodged on 17 January 2014, sought approval for the erosion mitigation measures and continued use of a tennis court erected on the imported fill material.

These works involved the importation of 1,924m³ (e.g. 679 tonne) of fill material transported from 100 Gilchrest Drive, Campbelltown. The fill material has been validated as contaminant free. The contractor responsible for the transportation of the material has provided a Statutory Declaration affirming that the material placed at the subject property was received from the Campbelltown site. Best practice guidelines suggest that a Statutory Declaration is not suitable evidence to show a proper chain of custody. The Applicant has provided retrospective evidence to demonstrate a chain of custody however the records are incomplete.

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

Council has requested that the material placed on site be tested to confirm that it is contaminant free. Testing of the material beneath the tennis court is problematic given the construction method (e.g. use of retaining walls) which prevents horizontal boring. Vertical drilling would cause damage to the surface of the tennis court.

Other issues relating to this matter include:

- fill has been placed at the rear of the shed to stabilise an external slab. The fill material (estimated at between 20 and 40 tonne) was not sourced from the validated site at Campbelltown. The Applicant contends that this work was only done after he was twice told by the Assessing Officer that the Development Application would be approved.
- the tennis court has been constructed without the prior approval of Council. The structure incorporates significant retaining walls. The construction method has been described to a Structural Engineer who has certified it as being structurally adequate. However the actual construction method has not been verified.

CONSULTATION

The following referral responses were received prior to determination of the Development Application:

Referral	Outcome
Contamination Officer	The chain of custody evidence is poor. There is not a single load of material that is definitively tracked from the alleged source site to the subject land. I am confident that no site auditor accredited by the EPA would consider any of this information satisfactory to show that the material is valid. In the best case, the land owner can account for 64% of the material on site. However some receipts do not describe the destination site or describe it as something that might refer to The Oaks, Picton and "T-O". If these are discounted then only 39% of the material is accounted for.
Development Engineer	All proposed filling on site shall be 95% standard compaction. Engineer's certification for the design and construction of the proposed retaining walls is required.

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.0000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

Referral	Outcome
Building Surveyor	No comments received
Adjoining property owners	No submissions received

DETERMINATION OF DEVELOPMENT APPLICATION

On 2 September 2014, the Development Application was refused under delegation on the following grounds:

1. Insufficient information has been provided to enable the consent authority to form the view that the fill is not contaminated in accordance with Clause 7 of State Environmental Planning Policy 55 – Contaminated Lands. (Section 79C (1)(a)(i) Environmental Planning and Assessment Act, 1979).
2. The development does not satisfy Clause 7.5(3) of Wollondilly Local Environmental Plan 2011 in respect to quality and source of fill (Section 79(1)(a)(i) Environmental Planning and Assessment Act, 1979).
3. The development does not satisfy the controls of Wollondilly Development Control Plan 2011 (Section 79(1)(a)(iii) Environmental Planning and Assessment Act, 1979) in respect to:
 - 1 Clause 2.9 (Control 1, 2 and 4) of WDCP 2011 – Volume 1 in respect to the validation of fill brought to the site.
 2. Clause 2.5.3 (Control 3) of WDCP 2011 – Volume 3 in respect to the maximum 2 metre cut or fill for ancillary structures.
 3. Clause 2.5.3 (Control 4) of WDCP 2011 – Volume 3 in respect to ancillary structures being located forward of the front building line.
4. The application is not in the public interest (Section 79(1)(e) Environmental Planning and Assessment Act, 1979).

SECTION 82A REVIEW

On 20 January 2014, the Applicant requested a Section 82A Review of Council's determination. A copy of the correspondence lodged by the Applicant is attached to this report.

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

The planning legislation states that a review request must be determined within 6 months from issue of the Refusal Notice for the Development Application. Furthermore the review request must be considered by Council when the original determination of the Development Application is made by staff under delegation. Due to the legislative requirements for notification and the cycle of Council meetings the review request cannot be determined within the 6 month period.

It should be noted that the Applicant has until 12 March 2015 in terms of an Appeal to the Land & Environment Court. This advice as conveyed to the Applicant on Council's Notice of Determination and during a recent inspection of the property.

COMPLIANCE ACTION

In order to address the unauthorised works carried out on site and the potential contamination issue, Council may consider the following options:

1. Commence legal proceedings for breach of the Environmental Planning & Assessment Act and / or Protection of the Environment Operations Act.
2. Commence legal proceedings to compel the owner to test the imported fill material for contaminants.
3. Take no legal action in relation to the unauthorised activities carried out on site apart from a notation being included on any Section 149 Planning Certificate issued in relation to the property.

Implementation of option 3 requires Council to adopt a Policy relating to Contaminated Land. The Policy would contain a schedule of properties reasonably suspected of being contaminated. The Policy would detail the options available to the land owner (eg. soil testing, remediation works etc.) to remove their property from the schedule.

FINANCIAL IMPLICATIONS

This matter will have a financial impact on Council's adopted budget or forward estimates should legal proceedings be commenced (e.g., up to \$50,000).

ATTACHMENTS:

1. Site Plan & Engineering Detail.
2. Refusal Notice.
3. Applicant's request for a Section 82A Review.
4. Applicant's letter requesting Clarification of Refusal.

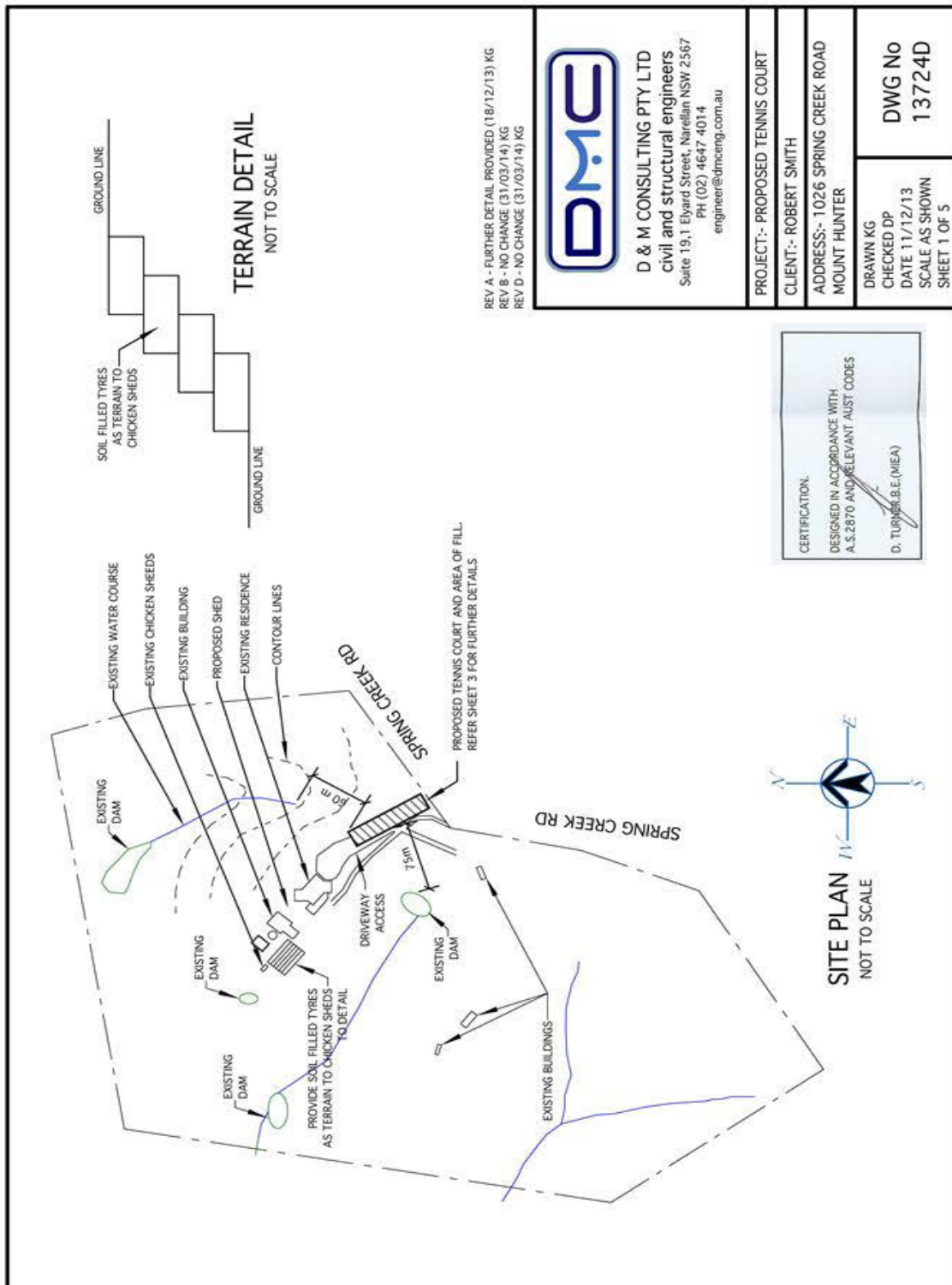
PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

RECOMMENDATION

1. That the Applicant be advised that Council is unable to process the Section 82A Review request given the statutory time frame for determination has lapsed.
2. That subject to the adoption of a Contaminated Land Policy, a notation be included on any Section 149 Planning Certificate issued in relation to the subject property alerting prospective purchasers of the potential land contamination.

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.0000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

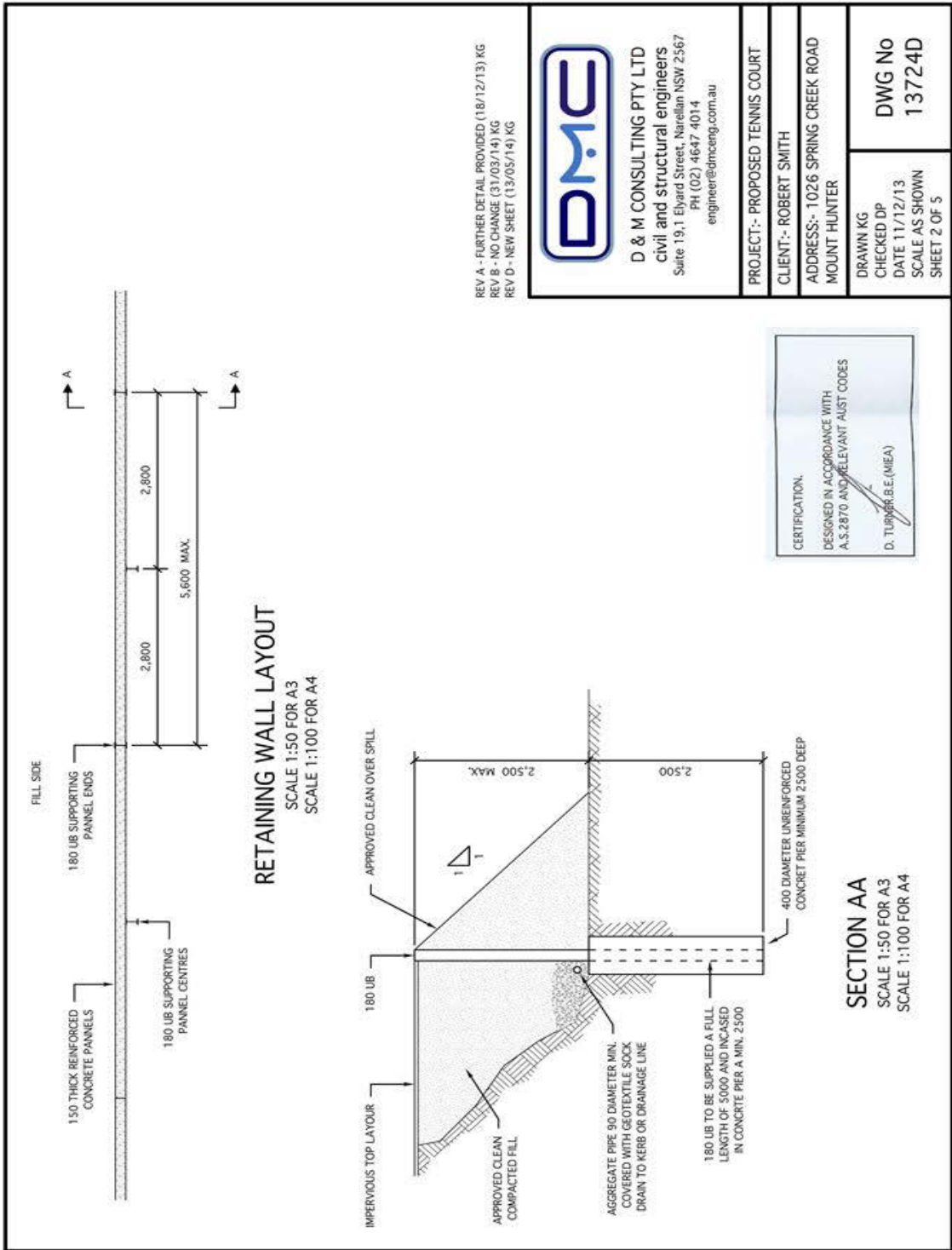
ATTACHMENT 1 – 010.2014.0000020.001 – 16 MARCH 2015



Planning & Economy

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.0000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

ATTACHMENT 1 – 010.2014.0000020.001 – 16 MARCH 2015



Planning & Economy

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.0000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

ATTACHMENT 2 – 010.2014.0000020.001 – 16 MARCH 2015



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

RURAL LIVING

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
LOCAL DEVELOPMENT APPLICATION 010.2014.0000020.001
Environmental Planning and Assessment Act, 1979**

TO:

Mr R Smith
[REDACTED]

Being the applicant(s) for Development Application 010.2014.0000020.001 relating to:

Lot: 82 DP: 751287, 1026 Spring Creek Road MOUNT HUNTER.

PROPOSED DEVELOPMENT:

Erosion Mitigation Works and Construct Tennis Court (Continued Use).

DETERMINATION DATE: 2 September, 2014

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by refusal to issue consent. The reasons for refusal are listed on the attached page(s).

(1) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to

- (a) lodge, in accordance with Section 97(1) of the Act, an appeal with the Land and Environment Court of NSW within six (6) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
- (b) request a Council review of the determination under Section 82A of the Act.

(2) This application has not been considered by the Planning Assessment Commission.

Should you require further information regarding the above matter, please contact Mark Ruddiman, Strategic Planner on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Please quote File No. 10.2014.20.1.

Yours faithfully

Michael Kelly
TEAM LEADER DEVELOPMENT ASSESSMENT
DEVELOPMENT SERVICES

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

ATTACHMENT 2 – 010.2014.00000020.001 – 16 MARCH 2015

NOTICE OF DETERMINATION NO. 010.2014.00000020.001

Page 2 of 2

**REASONS FOR REFUSAL
DEVELOPMENT APPLICATION No. 010.2014.00000020.001**

1. Insufficient information has been provided to enable the consent authority to form the view that the fill is not contaminated in accordance with Clause 7 of State Environmental Planning Policy 55 – Contaminated Lands. (Section 79C (1)(a)(i) *Environmental Planning and Assessment Act, 1979*).
2. The development does not satisfy Clause 7.5(3) of *Wollondilly Local Environmental Plan 2011* in respect to quality and source of fill (Section 79(1)(a)(i) *Environmental Planning and Assessment Act, 1979*).
3. The development does not satisfy the controls of *Wollondilly Development Control Plan 2011* (Section 79(1)(a)(iii) *Environmental Planning and Assessment Act, 1979*) in respect to:
 1. Clause 2.9 (Control 1, 2 and 4) of WDCP 2011 – Volume 1 in respect to the validation of fill brought to the site.
 2. Clause 2.5.3 (Control 3) of WDCP 2011 – Volume 3 in respect to the maximum 2 metre cut or fill for ancillary structures.
 3. Clause 2.5.3 (Control 4) of WDCP 2011 – Volume 3 in respect to ancillary structures being located forward of the front building line.
4. The application is not in the public interest (Section 79(1)(e) *Environmental Planning and Assessment Act, 1979*).

Should you require further information regarding the above matter, please contact Mark Ruddiman, Strategic Planner on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 10.2014.20.1

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

ATTACHMENT 3 – 010.2014.00000020.001 – 16 MARCH 2015

Local Development Application: 010.2014.00000020.001

19/1/2015

To Whom It May Concern

I require a review of this DA under section 82a of the legislation.

The principle sticking point apparently is the paper trail confirming the material removed is the material placed. I have now obtained from the archives of Menai Civil some proof of material transport. Though the paperwork provided by the drivers is often inadequate, some have listed Picton rather than the oaks for example. Please find attached some receipts from trucks and trucking companies responsible for the transport of the validated material.

For the purposes of this DA I was not required to provide this information until 'after' its denial. In lieu of this information I was asked to provide detailed drawings of elevations and an engineers estimation of material, together with a letter from Menai Civil confirming the material was one and the same, which were provided. This was at the behest of [REDACTED] I find it impossible to believe that [REDACTED] has 'forgotten' the conversation given that all my conversations with council officers have been recorded and are available. If the conversation did not take place, why would I spend \$600 providing engineers drawings and estimations, and waste two weeks chasing Menai Civil?

I have provided every piece of information I was asked to provide from the start to the finish of the process. I was informed on two occasions that the DA was in fact fine, and it was just the final paperwork that had not been done.

Given the entire debacle was in fact that, it is not unreasonable, given I have paid for proper dealing with regard this DA to expect it.



PE4 – Review request for the determination (Refusal) of DA No. 010.2014.00000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

ATTACHMENT 4 – 010.2014.00000020.001 – 16 MARCH 2015

Ref: 010.2014.00000020.001



Sir

WOLLONDILLY SHIRE COUNCIL		WOLLONDILLY SHIRE COUNCIL	
17 SEP 2014		18 SEP 2014	
RECEIVED AT COUNTER		AUTH. No.	
BY:		ASSIGNED TO:	

I note yours dated 2/9/2014. Given that I had been told on two previous occasions by your officer that the DA was fine and would be approved, imagine my surprise when it was rejected. Please find here answers to your objections for the approval of the DA. Please advise further clarification to the following points:

You claim:

1: Insufficient information:

It was agreed with your officer that I would engage an engineer to estimate the amount of fill. This was done. It was further agreed with your officer, given the amount of fill estimated as present was comparable to the amount of fill for the validated material in question, that a letter from the authorised person from the company who in fact organised the transport of the material could confirm the material as one and the same as that shown within the validation certification. This was done. It was further agreed and stated by your officer, that this would be sufficient. If this was never going to be sufficient, please advise why your officer had me on a wild goose chase for two weeks obtaining said evidence.

If this material requires to be validated again because you can not be sure it's the original material, what proof have you that any material is in fact the material claimed short of re validating it upon it's placement? You have been provided with substantial evidence at some considerable cost, undertaken solely on direction of your officer confirming it sufficient to satisfy requirements. What changed, when and why? Further

2: Quality and source of fill:

a: The quality of the fill is provided in the validation already discussed.

b: It's dirt. I was not under the impression it was required to be retrieved from the foothills of a Tibetan mountainside by bear footed virgins to qualify as a proper source. Please provide your unique idea of what qualifies as a proper source.

3: The issues stated were never mentioned during the preceding ten months. If indeed these were factors the denial of the DA should have been instant.

A: Validation has already been dealt with.

B: Maximum 2 metre cut and fill. If this was an issue why did it take nine mnths to bring it up? Further , I am aware of a great many two metre plus cut and fills approved by council, o it's not a hard fast rule is it?

C: "Ancillary structure being located forward of the front building line". This is a seventy six acre property and the house is located in the middle of it. When it was built it's frontage was to Comber Ridge rd on the exact opposite of the house to the road since designated by council some years later as it's new frontage. In the middle of a seventy six acre property I am astounded that anyone could state which is the front and which the back, in particular given it was changed later. Please advise the method used for this feat.

4: Not in the public interest:

Please advise when erosion mitigation was removed from the public interest. Please further advise, given the location is remote from the public in every direction, and nothing can be viewed by the

Planning & Economy

PE4 – Review request for the determination (Refusal) of DA No. 010.2014.0000020.001 – Erosion Mitigation Measures and Tennis Court (Continued Use) – 1026 Spring Creek Road, Mount Hunter.

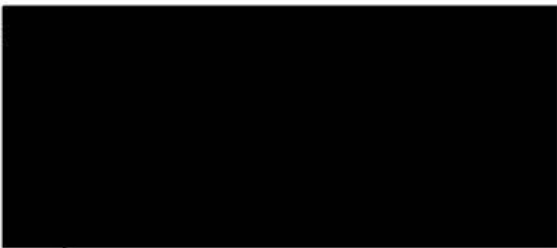
ATTACHMENT 4 – 010.2014.0000020.001 – 16 MARCH 2015

public, short of planting trees to placate the gullible, what if anything could be in the public interest on this property?

I was told on two occasions that there was no problem with this DA and it was now “just a matter of an inspection”. Five weeks after the inspection still nothing. What changed and when?

Is it not so that given the ridiculous time taken to complete the simple task of ticking off on the DA, the fact that it was now costing me money, and concrete was now falling into the chook pen, my contacting my local member to get you people off your back sides is the reason for the denial? You received notification from Jai Rowels office on the 29th of August, and after ten months all of a sudden in two working days we get a result in the negative. Pettiness springs to mind here and bullies in ivory towers. Do you believe people should simply watch their driveways slide down the hill and lose money until your good and ready to do your job? Public interest my foot.

I do expect an answer to this correspondence. I have taken this matter back to Mr Rowel, and indeed have every intention of bringing it to the attention of Mr Paul Toole, your minister.



PE5 – Wollondilly Development Control Plan 2015

PE5

Wollondilly Development Control Plan 2015

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TRIM 3615-6

EXECUTIVE SUMMARY

- The purpose of this report is to seek the approval of Council to exhibit a draft for a revised development control plan for the Shire.
- There have not been any disclosures of political donations made in regard to this matter.
- It is recommended that the draft plan be exhibited in accordance with the Environmental Planning and Assessment Regulations and community engagement be undertaken in accordance with the consultation strategy.

REPORT

Wollondilly Development Control Plan, 2011, (DCP 2011) is a planning document under the Environmental Planning and Assessment Act. Its purpose is to provide detailed controls and guidance for development within Wollondilly. It is divided into a number of volumes that relate to different types of development.

Since it was first adopted in 2011 it has been amended in two ways. Firstly, it has been amended as the result of changes to Wollondilly Local Environmental Plan, 2011. These amendments relate to specific sites when they are rezoned by a plan amendment. For example, at the time of the PTT plan amendment Council added a number of controls and objectives to DCP 2011 for the PPT lands.

The second type of amendment has been the volume by volume review of the plan. So far the residential volume (volume 3) and the commercial volume (volume 4) have been reviewed and amended. An additional 3 volumes were added for tourism (volume 9), subdivision (volume 10) and urban release areas (volume 11).

The draft plan attached to this report has been prepared as the result of a review of the first volume of DCP 2011. This volume contains the general provisions for the whole shire and is the most interconnected with the other volumes. It is proposed to make this amendment as a replacement to the 2011 DCP because the changes in volume 1 result in changes throughout the entire plan. Of all the plan reviews this is the best time to bring the entire plan into a consistent format.

For the most part, the review will not significantly alter the content of DCP 2011 as a whole. The main changes proposed are described below:

PE5 – Wollondilly Development Control Plan 2015

Simplify and review volume 1

Volume 1 has been selected as the next volume of DCP 2011 to be reviewed because it is having some negative impacts on development by unnecessary complexity and controls that are unclear. This leads to weakening of the controls and a DCP volume that is less effective and producing good planning outcomes in the shire.

Further, Council has previously resolved at its meeting of 21 May 2012 to review the advertising and notification arrangements in this volume to ensure that the occupiers of properties adjoining properties are notified in addition to the land owners.

The volume 1 in Draft DCP 2015 is simpler and stronger than DCP 2011. It also incorporates the changes to development application notification that have previously been resolved by Council.

It is considered that the draft is ready for public consultation.

Remove the site specific volumes (Volume 6 Bridgewater, Volume 7 Wilton Park (Bingara Gorge) and Volume 8 The Oaks)

It is proposed to revise the site specific volumes into the mainstream volumes of the plan. The reasons for this are:

- The state government's exempt and complying development code has meant that having site specific DCP controls for dwellings is far less effective than when these site specific volumes were originally adopted. The push within NSW is to standardise controls for housing across the entire state and so it makes little sense to have different dwelling controls for different villages within Wollondilly.
- At the time the site specific volumes were adopted there was no subdivision volume in the DCP. This volume is an ideal place for the site specific subdivision controls to be located as it reduces the need for unnecessary repetition that results from site specific volumes. It also encourages consistency on important infrastructure, environmental and servicing matters but forcing developers to justify departures from the mainstream provisions.
- It results in less confusion and duplication. Having different controls in different volumes for the same type of development has led to subtle differences between definitions and approaches that leads to confusion for builders when trying to interpret the documents.
- It means that important policy decisions of Council are not missed in some areas. For example, the residential volume (volume 3) contains controls that ensure garages area always located at least 5.5m from the boundary to a public road. This ensures cars can pull up to the garage without blocking pedestrians and sight distances for traffic. This control is current missing in some circumstances in the Bingara volume.

PE5 – Wollondilly Development Control Plan 2015

Bring volume 2 (rural) and volume 5 (industrial) into the same format as volumes 3, 4, 9, 10 and 11

While it is not proposed to make substantial changes to the rural and industrial volumes of DCP 2011, it is proposed to bring that content into the same format as the volumes that have already been revised. This will ensure that the entire plan reads as a single document and will make future reviews of those provisions simpler in the future.

Make housekeeping changes to Volume 3 (residential)

The current volume 3 of DCP 2011 is the most recent to be amended as a result of the ongoing review of the DCP. There have been some weaknesses identified in the plan since it was adopted and the Draft DCP 2015 contains changes to address these matters.

CONSULTATION

Initial consultation has been undertaken with Council's infrastructure, building, planning and environmental teams in relation to their specialist provisions in the plan. It is anticipated that these teams will also be involved in the review of feedback that may result from community engagement and consequently in any amendments to the draft plan.

Initial consultation has also been undertaken with Lend Lease because they are the developer for the Bingara Gorge precinct which currently has a separate volume in DCP 2011. This is the only site with a site specific volume in DCP 2011 that is still being developed. It is proposed to consult with Lend Lease further when the plan is exhibited and to also consult with the community of Wilton.

FINANCIAL IMPLICATIONS

The funding of this project can be covered by the existing strategic planning budget and no further funds are required.

ATTACHMENTS:

1. Community Engagement Strategy - Draft Wollondilly Development Control Plan 2015 (To be provided under separate cover).
2. Draft Wollondilly Development Control Plan 2015 (To be provided under separate cover).

RECOMMENDATION

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

PE6 – Compliance Policy – Minor Amendment

PE6

Compliance Policy - Minor Amendment

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TRIM 5374

EXECUTIVE SUMMARY

- The purpose of this report is to include guidance in the Compliance Policy on appropriate record keeping by compliance staff especially in relation to the reasons for decisions.
- That references throughout the Policy to ‘Deputy General Manager’ and ‘Manager Development’ be replaced with ‘Director Planning’ and ‘Manager Compliance’ respectively.
- It is recommended that the proposed minor amendments to the Compliance Policy be adopted.

REPORT

As part of the Internal Audit Plan, In-Consult reviewed the key processes and controls that are in place surrounding Compliance functions. The review was designed to assess whether adequate controls exist and are operating effectively.

An identified action outcome from the audit was that:

- staff involved with compliance activities consistently record sufficient information in relation to reasons for action taken regarding complaints and inspections; and
- include guidance in the Compliance Policy on appropriate record keeping by compliance staff, especially in relation to the reasons for decisions.

Complaints are recorded within the Customer Request Management System (CRM) and are allocated to staff by area. Staff then follow a process to investigate the complaint, take action where appropriate and also keep the complainant informed of any action taken. This process, and the options available, are set out in Council’s current Compliance Policy, however, the Policy currently provides minimal guidance as to what records need to be maintained by the investigating officer. Investigating officers record details of inspections and action taken in the Authority system, Trim or on the physical property file.

The purpose of the amendments are to ensure that the:

- level of detail recorded regarding investigations is consistent
- Reasons to support initial and subsequent follow-up actions taken are documented
- Record how the complainant was informed of the outcome or pathway of an investigation
- Clearly record conclusion of the matter.

PE6 – Compliance Policy – Minor Amendment

Council's current Compliance Policy requires that:

- 4.5 *Council must consider a range of factors when determining whether the particular matter will warrant further investigation, but if a decision is made not to investigate or act upon a complaint or matter, the decision must be recorded with clear reasons why. The complainant must then be advised of the decision and the reasons for not taking further action.*

It is proposed that Clause 4.5 be amended to read:

- 4.5 Council must consider a range of factors when determining whether a particular matter will warrant further investigation. Council's Customer Request Management System is to be updated with the following details during the course of any investigation of a complaint:
- (i) Record details of initial research or inspection, if any;
 - (ii) Provide reasons to support initial action which may include, but not be limited to:
 - matter reported is part of an approved targeted program;
 - relevant history of non-compliance
 - matter reported is the subject of an exemption
 - matter reported poses an immediate risk to public health and or safety;
 - matter observed/reported has the potential for serious environmental impacts;
 - matter observed/reported contravenes a development consent or is contrary to the provisions of the Environmental Planning & Assessment Act, Local Government Act, POEO Act, Companions Animal Act or other relevant legislation.
 - (iii) Subsequent follow-up actions are to be noted on the Customer Action Request making reference to possible actions as outlined in Clauses 4.7.1 - 4.7.12 of the existing Policy.
 - (iv) The complainant must be advised of the outcome or proposed action and this advice recorded in the CARS system outlining the manner in which this advice/information has been communicated to the complainant.
 - (v) The CRM is to be clearly updated with the outcome of the investigation and if applicable the reasons for not taking further action as outlined under Clause 4.4 of the Compliance Policy.

PE6 – Compliance Policy – Minor Amendment

CONSULTATION

- Compliance Team Leader
- Senior Compliance Officers
- Manager Planning
- Director Planning.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

1. Summary of Changes Table
2. Development Services Compliance Policy – PLA0032

RECOMMENDATION

1. That Clause 4.5 of the Compliance Policy be amended to read:
 - 4.5 Council must consider a range of factors when determining whether a particular matter will warrant further investigation. Council's Customer Action Requests system is to be updated with the following details during the course of any investigation of a complaint:
 - (i) Details of initial research or inspection, if any;
 - (ii) Provide reasons to support initial action which may include, but not be limited to:
 - matter reported is part of an approved targeted program;
 - relevant history of non-compliance
 - matter reported is the subject of an exemption
 - matter reported poses an immediate risk to public health and or safety
 - matter observed/reported has the potential for serious environmental impacts
 - matter observed/reported contravenes a development consent or is contrary to the provisions of the Environmental Planning & Assessment Act, Local Government Act, POEO Act, Companions Animal Act or other relevant legislation.
 - (iii) Subsequent follow-up actions are noted making reference to actions as outlined in Clauses 4.7.1 - 4.7.12.

PE6 – Compliance Policy – Minor Amendment

- (iv) The complainant must be advised of the outcome or proposed action and this advice recorded in the CARS system outlining the manner in which this advice/information has been communicated to the complainant.
 - (v) The CRM is to be clearly updated with the outcome of the investigation and if applicable the reasons for not taking further action as outlined under Clause 4.4 of the Compliance Policy.
2. That references throughout the Policy to ‘Deputy General Manager’ and ‘Manager Development’ be replaced with ‘Director Planning’ and ‘Manager Compliance’ respectively.

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 1 - 5374 – 16 MARCH 2015



SUMMARY OF CHANGES – COMPLIANCE POLICY

Location	Previous Wording	New Wording	Reasoning
4.4.2	Deputy General Manager, General Manager Development	Director Planning, Manager Compliance	Organisation Structure Change.
4.4.6	Deputy General Manager, General Manager Development	Director Planning, Manager Compliance	Organisation Structure Change
4.5	Council must consider a range of factors when determining whether the particular matter will warrant further investigation, but if a decision is made not to investigate or act upon a complaint or matter, the decision must be recorded with clear reasons why. The complainant must then be advised of the decision and the reasons for not taking further action.	<p>Council's Customer Action Requests system is to be updated with the following details during the course of any investigation of a complaint:</p> <p>(i) Details of initial research or inspection, if any;</p> <p>(ii) Provide reasons to support initial action which may include, but not be limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> matter reported is part of an approved targeted program; <input type="checkbox"/> relevant history of non-compliance <input type="checkbox"/> matter reported is the subject of an exemption <input type="checkbox"/> matter reported poses an immediate risk to public health and or safety <input type="checkbox"/> matter observed/reported has the potential for serious environmental impacts <input type="checkbox"/> matter observed/reported contravenes a development consent or is contrary to the provisions of the Environmental Planning & Assessment Act, Local Government Act, POEO Act, Companions Animal Act or other relevant legislation. 	Amendment in relation to the reasons for decisions.

Planning & Economy

PE6 – Compliance Policy – Minor Amendment

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		<p>(iii) Subsequent follow-up actions are noted making reference to actions as outlined in Clauses 4.7.1 - 4.7.12.</p> <p>(iv) The complainant must be advised of the outcome or proposed action and this advice recorded in the CARS system outlining the manner in which this advice/information has been communicated to the complainant.</p> <p>(v) The CRM is to be clearly updated with the outcome of the investigation and if applicable the reasons for not taking further action as outlined under Clause 4.4 of the Compliance Policy.</p>	
4.49	Deputy General Manager, Manager Development	Director Planning, Manager Compliance	Organisation Structure Change
12.4	Responsible Officer – Manager Development	Responsible Officer – Manager Compliance	Organisation Structure Change

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1. POLICY OBJECTIVES

- 1.1 The objective of this policy is to establish clear guidelines for the management of Council's regulatory activities and implementation of enforcement action.
- 1.2 This policy aims to ensure that regulatory matters are managed in a consistent and transparent manner and the principles of procedural fairness and natural justice are followed.
- 1.3 This policy also provides guidelines on:
 - 1.3.1 The investigation of customer requests for action relating to regulatory matters.
 - 1.3.2 Options for dealing with unlawful activities and regulatory breaches.
 - 1.3.3 Matters for consideration and the exercise of discretion in dealing with regulatory action by Council.
 - 1.3.4 Determining whether or not enforcement action is warranted.

2. BACKGROUND

- 2.1 Enforcement and compliance issues have been guided in the past by staff based on the NSW Ombudsmen's "Local Government Enforcement Guidelines". Informally, these Guidelines have been used by Wollondilly Shire Council as Council has not had a specific Enforcement or Compliance Policy.
- 2.2 Following the Department of Local Government "Promoting Better Practice Review of Wollondilly Shire, Council is required to formally adopt a Policy that provides clear guidelines for the exercise of enforcement and compliance options in dealing with requests or complaints of alleged offences and breaches.

3. ELIGIBILITY

- 3.1 The policy applies to all compliance and enforcement action where Council has regulatory responsibility under NSW legislation, including:
 - 3.1.1 Roads, footpaths and parking.
 - 3.1.2 Pollution control.
 - 3.1.3 Control of animals.
 - 3.1.4 Unauthorised development (including non-compliance with consent conditions).
 - 3.1.5 Public health and safety issues.
 - 3.1.6 Food safety.

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3.1.7 Fire safety.

3.1.8 Tree preservation.

4. GUIDELINES

- 4.1 The guidelines of this policy aim to clearly set out the methods of investigation of alleged offences and breaches.
- 4.2 Regulatory matters are generally initially identified via proactive programs and inspections carried out by Council officers or via customer request management (CRMs) or complaints received from residents or other parties.
- 4.3 All CRMs or complaints regarding regulatory matters are required to be investigated and acted upon promptly with the complainant kept regularly informed of progress in the matter in accordance with relevant legislative provisions and the standard procedures developed by the relevant Director or Manager. Details of CRMs or complaints received by Council are required to be documented in Council's Authority data base and except in the case of urgent matters, CRMs or complaints relating to privately owned premises are required to be provided in writing wherever possible.
- 4.4 All complaints and alleged unlawful activities will be investigated by a relevant Council officer, except where:
 - 4.4.1 Advice has been provided to relevant parties and no further investigation is necessary.
 - 4.4.2 The matter has already been investigated and resolved to the satisfaction of the General Manager, Director Planning, Manager Compliance, Compliance Team Leader or investigating officer.
 - 4.4.3 Council is not the appropriate authority or has no jurisdiction to take regulatory action in relation to the particular matter (i.e. Matters under the jurisdiction of a State Authority such as Work Cover NSW or the NSW Department Environment & Climate Change and Water, or internal matters in private Strata buildings and dividing fence disputes).
 - 4.4.4 The activity is considered to be lawful without further investigation.
 - 4.4.5 The complaint is considered to be trivial, frivolous or vexatious.
 - 4.4.6 The relevant General Manager, Director Planning, Manager Compliance, Compliance Team Leader or investigating officer has determined that investigation and/or regulatory action is not warranted (i.e. the extent of investigation requested would have an unreasonable impact upon the effective allocation of Council's resources or the investigation or taking of regulatory action would be unreasonable or not in the public interest).

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4.5 Council must consider a range of factors when determining whether a particular matter will warrant further investigation. Council's Customer Action Requests system is to be updated with the following details during the course of any investigation of a complaint:

- (i) Details of initial research or inspection, if any;
- (ii) Provide reasons to support initial action which may include, but not be limited to:
 - matter reported is part of an approved targeted program;
 - relevant history of non-compliance
 - matter reported is the subject of an exemption
 - matter reported poses an immediate risk to public health and or safety
 - matter observed/reported has the potential for serious environmental impacts
 - matter observed/reported contravenes a development consent or is contrary to the provisions of the Environmental Planning & Assessment Act, Local Government Act, POEO Act, Companions Animal Act or other relevant legislation.
- (iii) Subsequent follow-up actions are noted making reference to actions as outlined in Clauses 4.7.1 - 4.7.12.
- (iv) The complainant must be advised of the outcome or proposed action and this advice recorded in the CARS system outlining the manner in which this advice/information has been communicated to the complainant.
- (v) The CRM is to be clearly updated with the outcome of the investigation and if applicable the reasons for not taking further action as outlined under Clause 4.4 of the Compliance Policy.

4.6 Following an investigation, there are a range of possible options available for Council to deal with a particular matter, depending on the nature of the matter or offence, relevant legislative provisions, circumstances of the case and the outcome desired.

4.7 Enforcement options may include:

- 4.7.1 Take no further action due to the lack of documentary evidence of the offence or breach.
- 4.7.2 Take no further action having regard to the minor nature of the offence or breach and/or the circumstances of the case.
- 4.7.3 Counsel the person investigated to educate them on the relevant Council or regulatory requirements.

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- 4.7.4 Refer parties to the Community Justice Centre (CJC) for mediation (i.e. in instances where it is considered that mediation would be more appropriate to resolve a particular matter rather than enforcement).
- 4.7.5 Issue a warning and advise the person that any further breaches may result in possible regulatory action or penalties.
- 4.7.6 Direct the person, or issue a letter requiring the person, to; cease specified activities; carry out specified works; provide specified information, documentation or certification; or obtain necessary approvals, within a specified timeframe.
- 4.7.7 Consult and negotiate with the parties and/or obtain undertakings, to achieve a reasonable outcome and resolution of a particular matter.
- 4.7.8 Issue a formal Notice of Intention to serve an Order under relevant legislation, which allows the person to make representations to Council, prior to determining any appropriate action.
- 4.7.9 Issue a formal Order or Notice under relevant legislation, requiring specified work to be undertaken or to provide specified documentation, certification or the like.
- 4.7.10 Issue a Penalty Infringement Notice (on-the-spot fine) for the offence or breach.
- 4.7.11 Implement legal proceedings for the offence or breach (i.e. Local Court or Land & Environment Court).
- 4.7.12 Implement proceedings for a Court Order or Injunction (i.e. to remedy or restrain a breach of relevant legislative provisions).
- 4.7.13 Carry out the works specified in a Council Order under relevant legislation, at the expense of the person served with the Order.
- 4.8 Council has discretion in determining whether or not enforcement action should be taken in relation to a particular matter having regard to evidence available; the nature, extent and impact of the offence or breach; the circumstances of the case and the public interest.
- 4.9 Further details on the use of discretion by regulatory authorities can be found in the Enforcement Guidelines for Councils published by the NSW Ombudsman and the NSW Department of Planning Practice Note – Exercising Discretion.
- 4.10 A range of matters are required to be taken into consideration when determining the appropriate course of action on the enforcement of a regulatory matter, including:
 - 4.10.1 The nature, extent and severity of the offence or breach.
 - 4.10.2 The impact or potential impact of the offence or breach upon the natural or built environment.
 - 4.10.3 The impact or potential impact of the offence or breach upon the health, safety and amenity of the locality and community.

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- 4.10.4 Whether or not the breach is of a technical, inconsequential or minor nature.
- 4.10.5 Whether or not Council is legally stopped from taking action.
- 4.10.6 The time period that has lapsed since the date of the offence or breach.
- 4.10.7 Whether or not the breach has been remedied or rectified.
- 4.10.8 Whether or not an informal warning or provision of education would be appropriate in the circumstances.
- 4.10.9 Whether or not the particular matter satisfies relevant regulations, standards and requirements (i.e. Building Code of Australia).
- 4.10.10 Whether or not the person has demonstrated contrition.
- 4.10.11 Whether or not the person has been proactive in the resolution of the matter and assisted with any Council requirements and instructions.
- 4.10.12 Whether or not a relevant development consent has been obtained or sought for the particular matter (i.e. variation to a consent).
- 4.10.13 Whether or not any previous warnings, instructions or advice was provided which has not been followed.
- 4.10.14 Whether or not it is likely that consent would have been issued for the particular matter if consent had been sought.
- 4.10.15 Whether or not any relevant requirements of Council have been or will be satisfied to address or minimise any potential impacts of the particular matter.
- 4.10.16 Whether or not it was likely that the person was aware or should have been aware of the relevant regulatory provisions and requirements.
- 4.10.17 Whether or not the person has demonstrated genuine mitigating circumstances or hardship.
- 4.10.18 Whether or not the action would be reasonable and proportionate in the particular case.
- 4.10.19 Whether or not the Council has sufficient admissible evidence to prove each element of the offence or breach.
- 4.10.20 The likely chances of success if the enforcement action was challenged in Court.
- 4.10.21 The costs and benefits of taking enforcement action or implementing proceedings (i.e. cost of proceedings, allocation of extensive resources compared to the likely outcome).
- 4.10.22 The circumstances of the particular case.
- 4.10.23 The public interest.

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- 4.11 Further details on the matters to be taken into consideration when deciding whether or not to take enforcement action are provided in *Annexure 1*.
- 4.12 Examples of the key options available and possible courses of action for a number of regulatory scenarios are provided in *Annexure 2*.
- 4.13 Specific legislative provisions are contained within each piece of legislation relating to the appointment of Authorised Officers, Powers of Entry, Inspections & Investigations, Search Warrants, Issuing of Notices & Orders, Issuing Penalty Infringement Notices, Legal Proceedings, Appeals, Court Orders, Penalties, Compensation and other associated activities.
- 4.14 Specific provisions are also contained in most legislation to restrict an Authorised Officers access to residential premises, unless permission has been obtained accordingly or the inspection relates to a current approval, or Council has obtained a Search Warrant from the Court Magistrate.
- 4.15 Council officers are required to be duly authorised and carry out their regulatory functions fully in accordance with these provisions. Failure to do so may affect any potential proceedings or appeal and could result in a determination against Council or possible compensation.
- 4.16 Specific provisions for offences are contained within relevant legislation.
Offences include:
 - 4.16.1 Failure to comply with a particular legislative or regulatory provision (i.e. a provision of the Environmental Planning & Assessment Act, Local Government Act, Roads Act, Companion Animals Act, Protection of the Environment Operations Act, Food Act etc).
 - 4.16.2 Failure to obtain the required development consent or a construction certificate for development and building works (where required).
 - 4.16.3 Carrying out development or other activity contrary to relevant legislative requirements, development consent or other approval (i.e. carrying out development contrary to a condition of consent).
 - 4.16.4 Failure to comply with the terms of a Council Order or Notice.
 - 4.16.5 Parking a vehicle or driving a vehicle contrary to the Road Transport Regulation -Roads Rules 2008.
 - 4.16.6 Failure to provide specified documentation or certification to Council (i.e. annual fire safety statement).
- 4.17 Most of the legislation administered by Council, contains provisions requiring Council to issue a Notice of Intention prior to the service of a formal Order (except in the case of an emergency). The Notice of Intention must contain specific information and it, in effect, provides the person with the opportunity to make representations to Council, to demonstrate why Council should not issue a formal Order or commence proceedings or take other regulatory action.
- 4.18 This process follows the principles of procedural fairness. However, at times, it may also have the effect of prolonging the effective resolution of a particular matter.

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- 4.19 Representations may be made by the subject person or their solicitor and any representations are required to be made in writing, to ensure that any representations are appropriately recorded and considered. Any representations made within the specified timeframe are required to be considered by Council prior to determining the appropriate course of action.
- 4.20 Statistically, in the majority of cases, matters are often addressed or resolved to an acceptable level during the Notice of Intention and Representations stages and it may not be necessary to serve a formal Order (i.e. development consent has been obtained in relation to a previously unauthorised use of a premises or by the person carrying out certain works).
- 4.21 Council may issue an Order (or Notice in some legislation) directing a person to carry out specified works or to provide specified information, documentation or the like, within a specified timeframe.
- 4.22 The legislation contains specific provisions relating to the service of Orders, which must be strictly followed. Council is also only able to issue an Order directing a person to do the matters specified in the legislation.
- 4.23 It is an offence to fail to comply with an Order and the relevant legislation generally contains provisions for the implementation of legal proceedings, penalties and in some cases, the issuing of penalty infringements for the offence.
- 4.24 The legislation also allows Council to enter upon the property and give effect to the terms of an order, including the carrying out of any work required by the order and to recover Council's costs.
- 4.25 The relevant legislation contains provisions for a person to lodge a formal Appeal against an Order in the Land & Environment Court within a specified timeframe.
- 4.26 Appeals are required to be considered on the merits of the case and the legality and scope of the Order. Matters relating to any initial offence (i.e. the undertaking of unauthorised work) are not relevant matters for consideration by the Court, as separate provisions are available for criminal sanctions in relation to any initial offence.
- 4.27 Therefore, detailed consideration must be given to the possible service of any Orders and the likely outcome in the event of an Appeal.
- 4.28 For example, a Notice of Intention and/or a Penalty Infringement Notice may be issued in relation to a particular breach (i.e. an unauthorised structure). However, following consideration of representations, provision of information and certain works being undertaken, it may not be appropriate to proceed to serve an Order, having considered the impacts upon the locality, compliance with relevant planning instruments and regulatory standards, etc, as the likelihood of success in Court may be minimal.
- 4.29 Many of the Acts of Parliament which Council administers provide the ability for Council officers to issue Penalty Notices for certain offences. The penalty notice system was introduced to provide an effective and efficient means to deal with those offences which are generally not serious enough to warrant instituting Court proceedings.

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- 4.30 A Penalty Notice is served because it is apparent that an offence has been committed, but payment of the fine does not result in the recording of a criminal conviction. Non-payment of the fine is not dealt with by way of criminal sanctions, but is recoverable as a civil debt.
- 4.31 However, a person may elect to have the matter heard in proceedings in the criminal jurisdiction of the Local Court.
- 4.32 Penalty notices may be issued by designated authorised officers under the relevant legislation. In many instances, authorised officers are not only Council officers, but include officers from other agencies such as the Police and DECCW.
- 4.33 Penalty notices are generally most appropriate where:
 - 4.33.1 the breach is minor,
 - 4.33.2 the facts are apparently incontrovertible,
 - 4.33.3 the breach is a one-off situation that can be remedied easily, and
 - 4.33.4 the issue of a penalty notice is likely to be a practical and viable deterrent.
- 4.34 It may not be appropriate to issue penalty notices where:
 - 4.34.1 the breach is on-going.
 - 4.34.2 the penalty prescribed in the penalty notice would be clearly inadequate for the severity of the offence.
 - 4.34.3 the extent of impact or the harm to the environment or locality cannot be assessed immediately.
 - 4.34.4 the evidence available may be insufficient and the matter may be unlikely to succeed in the event of a Court hearing.
 - 4.34.5 a significant period of time has elapsed since the alleged breach.
 - 4.34.6 negotiations to find a resolution to the problem which is the subject of the breach are being conducted.
 - 4.34.7 a direction has been issued to perform specified work (i.e. via a Notice of Intention to serve an Order) within a timeframe and the time limit for such performance has not expired.
 - 4.34.8 Multiple breaches have occurred.
- 4.35 Penalty Notices are generally most suitable for immediate and straightforward offences or breaches, to uphold the objectives of the relevant regulatory requirements and to act as a deterrent against further similar breaches, including:
 - 4.35.1 Parking offences.
 - 4.35.2 Roads and traffic offences.

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- 4.35.3 Waste and littering offences.
- 4.35.4 Failure to comply with public notices.
- 4.35.5 Companion animal offences.
- 4.35.6 Public safety offences.
- 4.35.7 Low impact pollution incidents.
- 4.35.8 Minor fire safety offences.
- 4.35.9 Low impact development control offences.
- 4.35.10 Essential services certification offences.
- 4.36 To ensure that Council manages the penalty infringement process and enforcement action in a consistent, transparent, accountable and unbiased manner, any requests or representations seeking reconsideration or waiving of a penalty infringement notice are required to be made directly through the NSW Office of State Revenue.
- 4.37 Requests to waive penalty infringement notices are not to be made directly to Council.
- 4.38 To maintain the integrity of the Council's regulatory and enforcement functions, Council will not support the waiving of a penalty infringement notice unless:
 - 4.38.1 It is evident that an error has been made in the issuing of the penalty notice, or
 - 4.38.2 The extent of evidence or circumstances may affect the successful defence of the infringement in the event of a Court hearing or appeal, or
 - 4.38.3 It is evident that Council has acted unreasonably in the issuing of the penalty notice, or
 - 4.38.4 Legal advice has been obtained and it is considered appropriate to do so.
 - 4.38.5 Having regard to relevant legal advice.
- 4.39 Council's investigating officers will follow up enforcement matters to determine compliance with Council's directions, Notices and Orders, to an acceptable level. If Council's Notices and Orders are not reasonably complied with, consideration will be given to taking further regulatory action, legal proceedings or penalties.
- 4.40 Council recognises that advice, negotiation and mediation may achieve compliance or a reasonable solution for the parties without the need to take enforcement action in certain circumstances.
- 4.41 This component of the policy relates specifically to situations where, through investigative work under taken by Council officers, work programs initiated by Council or specific complaints made to the Council it becomes evident that an unauthorised use has been noted.

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- 4.42 This could involve instances where additional dwellings (flats, units, etc) have been noted in an existing building or where a non-conforming use has been noted as operating without a relevant consent from the Council. In many instances these cases would relate to long terms situations where the non-conforming use or activity has been ongoing for some time.
- 4.43 Where non-conforming uses are identified they will generally be investigated and reported to the Council for appropriate action. In situations where public safety is an immediate concern, particularly in relation to fire safety matters under the BCA, Council officers will serve the required Orders necessary to ensure that public safety is immediately addressed. In taking such action this does not imply that the Council is endorsing the unauthorised use or activity and such action will not prevent the Council from taking further action in relation to the matter.
- 4.44 Matters for consideration include:-
 - 4.44.1 Safety – in the first instance the initial consideration needs to be whether or not the continuation of the use or activity constitutes a risk to public safety. If public safety is at serious risk then immediate action needs to be taken to address the risk above all other considerations. This can be undertaken through the issuing of emergency orders and/ or injunctive relief depending on the matter and circumstances. Where orders are served in relation to fire safety and BCA compliance the property owner is to be advised that compliance with the order does not imply that the Council endorses the unauthorised use or activity nor will it prevent further action being taken by the Council in relation to the unauthorised use or activity.
 - 4.44.2 Onus of proof – property owners will be given a reasonable opportunity to establish the bona fides of the activity or use and provide evidence as to the history of the use of the property and their understanding of the circumstances arising in relation to the activity and use under question. Council staff and its solicitors will examine all information received in relation to such matters and undertake a thorough check of Council records to establish all relevant background information and history of use of the property. Where the examination of such information establishes reasonable doubt as to the bona fides of the activity or use the Council will generally err on the side of caution and not accept claims that are not supported by verifiable evidence.
 - 4.44.3 Personal circumstances – the personal circumstances of property owners will be taken into consideration in determining appropriate action, i.e. whether or not the property owner was directly responsible for the activity or use, how long the property has been owned by the current property owner, and any issues of personal hardship arising in relation to the matter.
- 4.45 As a general guide the Council will not tolerate property owners who are directly responsible for the unauthorised use or activity as opposed to those who may have unwittingly purchased a property unaware that the use or activity was unauthorised. In circumstances where the Council may have refused consent to a proposal to develop a property and the property owner subsequently proceeds to undertake the proposal without consent the Council will prosecute the property owner.

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- 4.46 In terms of personal hardship the Council will take into consideration individual circumstances which includes:
 - 4.46.1 the income(s) of the property owner(s).
 - 4.46.2 personal circumstances of the property owner(s).
 - 4.46.3 how much income is derived from the unauthorised use or activity.
 - 4.46.4 the willingness of a property owner(s) to enter into legally binding arrangements with the Council to consider limits or restrictions on the unauthorised use or activity continuing and its potential for further intensification.
- 4.47 Length of time – after investigation of the matter and establishing the length of time an activity or use has been occurring consideration will be given as to whether or not there is a realistic prospect for a successful action to have the activity or use cease. Legal advice will be obtained before making a determination in such cases.
- 4.48 Existing use rights – consideration will be given as to whether or not a decision to take or not take further action will have potential implications on the existing use rights of a property. This assessment will include an examination of future development potential, if any, of the property; the use of legal agreements or instruments to restrict and/or limit the future use of the property and its development potential or require its conversion to a conforming use at a later time. In resolving what form of action is appropriate Council staff will obtain appropriate legal advice.
- 4.49 The General Manager, **Director Planning, Manager Compliance**, Compliance Team Leader or investigating Officer of the Council will recommend when specific matters should be referred for legal action.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 This policy applies to the following council officers:
 - 5.1.1 Team Leader – Compliance
 - 5.1.2 Senior Compliance Officers
 - 5.1.3 Senior Environmental Health Officers
 - 5.1.4 Rangers
 - 5.1.5 Animal Control Officers
 - 5.1.6 Parking Officers
 - 5.1.7 All of Council's staff undertaking compliance activities.
- 5.2 The policy encompasses the entire Wollondilly Shire.

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6. RELATED POLICIES

- 6.1 Complaint Handling Policy – GOV0054
- 6.2 Code of Conduct
- 6.3 Enforcement Guidelines for Council's - NSW Ombudsman
- 6.4 NSW Department of Planning Practice Note – Exercising Discretion
- 6.5 This Policy is principally based on the 'Enforcement Guidelines for Councils, published by the Office of the NSW Ombudsman, June 2002.

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 This policy applies in relation to compliance and enforcement of all NSW Legislation administered by Council, including Council staff delegated to initiate various levels of enforcement action is set out in Council's Delegation Register. The legislation applicable to the delegations is as follows:
 - 8.1.1 Road Rules 2008
 - 8.1.2 Local Government Act, 1993 (NSW)
 - 8.1.3 Environmental Planning and Assessment Act, 1979 (NSW)
 - 8.1.4 Protection of the Environment Operations Act, 1998 (NSW)
 - 8.1.5 Roads Act, 1993 (NSW)
 - 8.1.6 Companion Animals Act, 1998 (NSW)
 - 8.1.7 Noxious Weeds Act, 1993 (NSW)
 - 8.1.8 Public Health Act, 1991 (NSW)
 - 8.1.9 Swimming Pools Act, 1992 (NSW)
 - 8.1.10 Rural Fires Act, 1997 (NSW)
 - 8.1.11 Traffic Act, 1999 (NSW)
 - 8.1.12 Food Act, 1989 (NSW)
 - 8.1.13 Impounding Act 1993 (NSW)

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9. ATTACHMENTS

- 9.1 Annexure 1
- 9.2 Annexure 2

10. RESOURCES

- 10.1 Enforcement Guidelines for Council's - NSW Ombudsman
- 10.2 NSW Department of Planning Practice Note – Exercising Discretion
- 10.3 The assistance of other NSW Council's with compliance and enforcement policies.

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - 11.1.1 The draft policy will be placed on public exhibition.
 - 11.1.2 The draft policy has been presented to a Councillor workshop.
 - 11.1.3 Information sessions will be conducted with the staff on the implementation of the draft policy.

12. POLICY HISTORY

12.1	Date First Adopted	16 August 2010
12.2	Most Recent Adoption	16 August 2010
12.3	Next Review Date	August 2011
12.4	Responsible Officer	Manager Compliance

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ATTACHMENT 9.1

ANNEXURE 1

**EXAMPLES OF MATTERS TAKEN INTO CONSIDERATION WHEN DETERMINING
APPROPRIATE REGULATORY ACTION AND ENFORCEMENT**

Considerations	Comments/Examples
1. Does Council have sufficient evidence to prove the alleged offence?	To be able to implement any enforcement action, Council is required to possess sufficient evidence of the alleged offence (which can be substantiated in Court if required), including evidence of the person responsible for the offence to be successful in the event of a hearing or appeal.
2. Is the offence or breach of a technical or inconsequential nature?	Consideration is to be given to the nature, extent and severity of the offence or breach and any material impacts upon the health, safety and amenity of the environment and community. Consideration should be given to the likely costs and benefits of any enforcement action where breaches are solely of a minor technical nature or resulting in no material impacts upon any other party or the environment.
3. How long has the unlawful activity or breach been occurring and is enforcement action statute barred?	The legislation may provide time limits in which to commence proceedings or take enforcement action. In addition, consideration should be given to the time which the offence or breach occurred and the 'reasonableness' of taking enforcement action if a significant time has lapsed since the time of the offence or breach.
4. Is the matter subject to estoppel?	Estoppel is a legal rule which prevents a person from later denying something which may have previously been relied upon by another person. For example Council may not be able to take action if Council has contributed in some way to the person acting upon a reasonable expectation that no action would be taken or if a matter had previously been brought to Council's attention and no action was taken at the time.
5. Has the offence or breach affected the natural or built environment and/or amenity of the area?	Consideration should be given to the nature and extent of any actual or potential impact that the breach has or may have upon the natural or built environment, or upon the amenity of the locality and community.
6. Has the offence or breach affected or potentially affected the health, safety and well-being of the residents or community?	Offences or breaches which affect, or potentially affect, the health, safety and well-being of the residents or community would generally warrant affirmative and effective enforcement and remedial action.

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<p>7. Can the matter be resolved by seeking and obtaining the relevant approval from Council (i.e. development consent or a Section 96 amendment to an existing consent)?</p>	<p>If the legislation enables the particular matter to be resolved by obtaining the relevant approval (i.e. a development consent or a Section 96 amendment to an existing development consent), it may be appropriate to allow a reasonable period for the person to seek the necessary consent/s from Council, prior to taking any enforcement action, such as the service of possible orders to demolish unauthorised works or commencement of legal proceedings.</p> <p>Consideration should also be given to all other relevant factors, in particular, any current impacts upon the community and environment, which require the matter to be remedied expeditiously.</p> <p>If appropriate, having regard to the circumstances of the case, Council may still be able to issue a penalty infringement notice or commence legal proceedings for the initial offence or breach.</p>
<p>8. Has the relevant approval (i.e. development consent or section 96 amendment to the existing consent) already been obtained from Council in relation to the particular breach or offence?</p>	<p>If development consent (or Section 96 amendment to an existing consent) has been obtained from Council in relation to the particular matter, Council would not be able to issue further Notices or Orders in relation to the subject matter.</p> <p>Council may (if it has not already done so), issue a penalty infringement notice/s or implement legal proceedings for the initial offence or breach, following consideration of the circumstances of the case and the nature and severity of the offence.</p> <p>However, if consent has been obtained from Council in relation to a previous breach (i.e. a section 96 application) and the matter was of a minor nature, with minimal impact, consideration would need to be given to the likelihood of success and the likely outcome of any possible enforcement action or legal proceedings for the initial offence.</p>
<p>9. Could the non-compliance or breach be easily remedied by the person responsible?</p>	<p>Generally, where appropriate, Council will attempt to ensure compliance by informal means, however, there is a need to consider and balance the public interest in enforcing the law. Consideration is also to be given to whether or not it is possible to remedy a breach and at what cost.</p> <p>In some cases, upon being advised of the regulatory requirements or breach, the responsible person may be pro-active and remedy the matter, rather than being subject to possible enforcement action.</p>
<p>10. Has the breach or unauthorised activity detrimentally affected a heritage item or the heritage.</p>	<p>Where applicable, relevant Council officers will be consulted in assessing the detriment to the natural or built environment and possible remedies.</p>

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 2 - 5374 – 16 MARCH 2015



**Development Services
Compliance – PLA0032**

Planning & Economy

<p>11. Does the unauthorised work or activity comply with relevant criteria and Standards?</p>	<p>Consideration should be given to compliance with relevant criteria and Standards (i.e. Building Code of Australia and fire safety requirements) and the extent and suitability of evidence provided to confirm compliance.</p> <p>If relevant criteria and Standards are not satisfied, appropriate and affirmative enforcement action may be warranted.</p>
<p>12. What is the intent and importance of the regulatory requirements?</p>	<p>Regulatory requirements which aim to ensure the health, safety and well-being of the community are considered to be of paramount importance and any offences or breaches of this nature would generally warrant affirmative and effective enforcement action.</p>
<p>13. Would the enforcement action be in the public interest?</p>	<p>Public interest considerations include:</p> <ul style="list-style-type: none"> • Does the breach or unlawful activity affect the public interest (i.e. affect a number of people or the community generally), or does the breach primarily affect a private interest? • Would enforcement action be in the public interest or would it primarily benefit only a private interest? • Are there any circumstances of hardship applicable? • Would enforcement action by Council impact unreasonably on certain parties or population groups (i.e. disadvantaged or elderly residents)? • What other remedies are available to address the matter? For example, if a breach primarily affects a private interest', the affected party should seek alternative remedies, such as civil action or mediation (i.e. disputes regarding trespass, alleged damage to premises or encroachments).
<p>14. Does the person or corporation exhibit contrition for the breach or offence?</p>	<p>In some cases, it will be appropriate to have regard to the behaviour of the offender and their willingness to remedy the breach or prevent a recurrence of the problem.</p>
<p>15. Have any previous warnings, instructions or advice been provided to the person, which have not been followed?</p>	<p>If the investigation reveals that previous instructions, advice or a warning has been provided in relation to the particular matter, which has not been followed or complied with, a more formal enforcement approach is generally appropriate for any offences which have occurred.</p>

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 2 - 5374 – 16 MARCH 2015



**Development Services
Compliance – PLA0032**

Planning & Economy

<p>16. Is it likely that the person would generally have been aware, or should have been aware, of the relevant regulatory provisions, requirements or offence?</p>	<p>When deciding whether to take an educative approach or enforcement approach, consideration should be given to the following matters:</p> <ul style="list-style-type: none"> • the reasonable likelihood that the person may have known or should have known the relevant requirements or rules, • level of contrition shown by the responsible person, • whether the parties have previously been advised of the regulatory requirements or provisions, • whether or not any previous warnings or instructions have been provided, • the apparent level of intent shown by the responsible person.
<p>17. Is the cost of enforcing likely to be excessive having regard to the nature and impact of the offence?</p>	<p>Consideration should be given to the relative costs and benefits of taking formal enforcement action as opposed to taking informal action or an educative approach. Council's action should be commensurate with the seriousness of the breach and any impacts or potential impacts on other parties and the environment.</p>
<p>18. Is the particular requirement (i.e. condition of development consent) which has not been complied with unreasonable, ambiguous or ultra vires?</p>	<p>A condition that is unreasonable, ambiguous or ultra vires may be unenforceable and may preclude Council from taking enforcement action or issuing Orders or the like.</p>
<p>19. Does the legislation provide for representations or submissions to be made in the matter?</p>	<p>Certain legislation contains provisions for the person responsible to make representations to prior to Council taking certain enforcement action (i.e. service of an Order to do certain things), which must be considered on their merits.</p> <p>However, in most cases, the provisions do not provide for representations to be sought or made prior to taking enforcement action for the initial offence or breach of the legislation or regulations (i.e. failure to obtain an approval or comply with a particular requirement).</p>
<p>20. What are the chances of success if challenged?</p>	<p>Council should take into consideration what the likelihood is of a successful appeal or court challenge against the proposed enforcement action.</p> <p>It may not be appropriate to take enforcement action (i.e. service of an Order or commencement of legal proceedings) if the chances of success, in the event of any appeal or hearing, are unlikely.</p>

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 2 - 5374 – 16 MARCH 2015



**Development Services
Compliance – PLA0032**

<p>21. Is the proposed course of action reasonable and proportionate?</p>	<p>The proposed course of action for a particular breach or Offence should be reasonable and proportional to the nature and extent of the breach or offence and the circumstances of the case.</p> <p>The costs and benefits of particular enforcement action must also be considered and compared against other possible solutions or action.</p>
<p>22. Has consideration been given to other relevant factors and the circumstances of the case?</p>	<p>To ensure that Council's enforcement action is appropriate, effective, reasonable and successful, particularly in the event of an appeal or Court hearing, consideration should be given to any other relevant factors and the circumstances of the particular case.</p>

Planning & Economy

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 2 - 5374 – 16 MARCH 2015



**Development Services
Compliance – PLA0032**

ANNEXURE 2

EXAMPLES OF KEY OPTIONS AND POSSIBLE COURSES OF ACTION*

Offence Scenario	Act/Reg.	Details of the case	Warning/ Education	Penalty Infringement Notice	Notice &/or Order	Legal Action	LEC Class 4
Nuisance Dog Order	Companion Animals Act	Failure to comply with a Nuisance Dog Order (i.e. Possible danger to other people, unrestrained or barking dog)		X	X		
Traffic/ Parking	Aust. Road Rules or LGA	Parking of vehicle in No Stopping signposted area		X			
Traffic/ Parking	Aust. Road Rules	Parking of vehicle on footpath or nature strip	X	X			
Traffic/Parking	Aust. Road Rules	Parking of vehicles on road reserves	X	X			
Pollution of stormwater drain	POEO Act	Soil, sand and other building waste entered stormwater system	X	X	X	X	
Potential for pollution	POEO Act	Location of stockpile of sand may cause pollution incident (i.e. in rain)	X	X	X		
Minor building works - Owner	EP&A Act	Construction of pergola awning by owner –Where there is no material impact on other parties and locality – No BCA issues	X				
Site management	Local Govt. Act or EP&A Act	Articles located on footpath without approval – Possible safety hazard	X	X	X		

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 2 - 5374 – 16 MARCH 2015



**Development Services
Compliance – PLA0032**

Offence Scenario	Act/Reg.	Details of the case	Warning/ Education	Penalty Infringement Notice	Notice &/or Order	Legal Action	LEC Class 4
Building work outside of hours	EP&A Act	Carrying out building works outside of hours permitted in DA – Licensed. Builder		X	X		
Minor building works – Licensed Builder	EP&A Act	Construction of alterations or additions to rear of existing dwelling – BCA issues to be resolved		X	X		
Major building works	EP&A Act	Substantial alterations and additions to the existing building – Planning & BCA compliance issues			X	X	X
Variation to DA - Major	EP&A Act	Major variation to DA (i.e. substantial changes to approved development or use)			X	X	X
Variation to DA - Minor	EP&A Act	Minor variation to DA (i.e. relocation of door/window) – Section 96 obtained	X				
Unauthorised Use - Major	EP& A Act	Unauthorised use of premises as backpacker accommodation, additional dwelling(s) or brothel			X	X	X
Fire safety Minor	EP&A Act	Failure to submit an annual fire safety statement after due date		X	X		
Fire safety	EP&A Act	Fire safety upgrading			X		

PE6 – Compliance Policy – Minor Amendment

ATTACHMENT 2 - 5374 – 16 MARCH 2015



**Development Services
Compliance – PLA0032**

Planning & Economy

Offence Scenario	Act/Reg.	Details of the case	Warning/ Education	Penalty Infringement Notice	Notice &/or Order	Legal Action	LEC Class 4
Tree Preservation Order Minor	EP&A Act	Tree covered by TPO lopped without approval – minor impact on tree / amenity of locality	X				
Tree Preservation Order Major	EP&A Act	Tree covered by TPO removed without approval – significant impact on amenity of site/locality		X		X	
Food Premises	NSW Food Act & Regulation	Unclean food premises.	X	X	X	X	
Vegetative Overgrowth and/or Noxious Weeds.	Local Gvt Act or Noxious Weeds Act	Vegetation causes, or is likely to cause, unsafe or unhealthy conditions.	X	X	X	X	
Accumulation of Rubbish	Local Gvt Act	Accumulation results in, or is likely to result in, unsafe or unhealthy conditions.	X	X	X	X	

* Notes:

- In some cases, the particular breach may be remedied or resolved prior to proceeding to the service of Notices, Orders or legal proceedings i.e. via negotiation or by promptly obtaining relevant approvals.
- Prior to determining an appropriate course of action, consideration is required to be given to the circumstances of the case and the courses of action contained in the above table may not be suitable or sufficient in all cases.

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

PE7

Draft Growth Management Strategy - Impact of “A Plan for Growing Sydney”

105

TRIM 3522-2

EXECUTIVE SUMMARY

- At the Council meeting held 15 December, 2014 Council resolved to delay exhibition of the draft Wollondilly Growth Management Strategy (“Draft GMS”) until endorsed by the NSW Department of Planning and Environment (“Department”).
- The Department advised that endorsement of the GMS would be considered in early 2015 subject to the outcome of Government’s consideration of the Wilton Junction threshold issues and the West Appin infrastructure investigation.
- More recently the Department has commenced, in accordance with “A Plan for Growing Sydney”, investigations into a potential new Growth Centre in the Macarthur South region in conjunction with the relevant Authorities including Council.
- It is recommended that Council endorse our participation in the Macarthur South Investigation process.

REPORT

At the Council meeting held 15 December, 2014 Council considered a report on the Draft GMS and resolved as follows:

1. *That the exhibition of the Draft Growth Management Strategy be delayed until it has been endorsed by the NSW Department of Planning Environment.*
2. *That the assessment, processing and exhibition of all planning proposals continue in accordance with current procedures and be assessed against the 2011 draft of the Growth Management Strategy.*

It is important to obtain the Department’s agreement prior to exhibition of the Draft GMS as this increases the certainty of their final endorsement of the strategy.

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

Following release of ‘A Plan for Growing Sydney’ in mid-December 2014, the Department have advised that they will be undertaking an investigation into a potential new Growth Centre in South West Sydney. This is outlined within the Sub Regional Strategies contained in the Plan which identifies the Macarthur South Investigation Area. This investigation area lies across the boundary of Wollondilly and Campbelltown LGAs. The Department have written to both Councils seeking their assistance and input into this process. Meetings have commenced between the parties. The investigation is designed to assess the suitability of land for future urban development taking into account existing land uses and constraints, and identifying future infrastructure requirements. This will guide the Government’s long term coordination of infrastructure investment. The Department estimates that the review should take approximately 6 months to complete.

Council has been advised that the investigation into a potential new Growth Centre in the Macarthur South Region will inform the Department with respect to the review of the Draft GMS. Other strategic planning work that may inform the Department with respect to a decision on Council’s GMS include the preparation of the Sub Regional Plans and the rural land studies.

It should be noted that both the Wilton Junction and West Appin precincts fall within the Macarthur South Investigation Area. Based upon estimates provided by the Proponents, these precincts have potential for up to 12,000 and 18,000 lots respectively. Given the level of community interest in both of these precincts it is important that community consultation be undertaken to ensure residents remained informed of the process and the investigation. This process should be led by the Department of Planning and Environment with Council support on local issues.

Given the above it is anticipated that there will be little progress on any of the current planning proposals that lie within these precincts while the State Government led investigation occurs. Government considerations of the Wilton Junction threshold issues and the proponent led high level West Appin Infrastructure investigation will be taken into account by the Department as part of the investigation.

CONSULTATION

The Department has undertaken to brief Councillors regarding the Macarthur South investigation project. The Department has also asked Council to provide contact details for the key community interest group to commence community engagement steps.

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

FINANCIAL IMPLICATIONS

Funding has been allocated to the preparation and exhibition of the Draft Growth Management Strategy and a significant contribution towards the preparation of this strategy was provided by the NSW Department of Planning and Infrastructure (as they were then known) in 2012.

ATTACHMENTS

1. Letter from the Department outlining the process to review Council's Draft GMS and consider endorsement.
2. Letter from the NSW Department inviting Council to participate in the Macarthur South Investigation received on 22 December 2014.
3. Letter from the Department establishing initial Project Control Group meeting for the Macarthur South Investigation Area received on 9 February 2015.
4. Extracts from 'A Plan for Growing Sydney'

RECOMMENDATION

1. That exhibition of the Draft Growth Management Strategy be delayed until endorsed by the NSW Department of Planning Environment pending the completion of the investigations into a potential Growth Centre in the Macarthur South area.
2. That Council endorse our participation in the investigation into a potential new Growth Centre in Macarthur South as requested by the Department of Planning and Environment.
3. That any planning proposals within the proposed investigation area remain on hold until the completion of the studies and further direction from the Department of Planning and Environment.
4. That the Department of Planning and Environment be requested to undertake community engagement with the residents of Wollondilly to keep them informed of the investigation to ensure transparency in the process.

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

ATTACHMENT 1 – 3522-2 – 16 MARCH 2015



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

14/20380

Dear Mr Johnson

I refer to our meeting on 28 November 2014 and Council's subsequent letter of 1 December 2014 concerning Council's Draft Growth Management Strategy Exhibition.

I note that on 17 November 2014 Council has resolved to exhibit the Draft Growth Management Strategy (GMS) in late January 2015 pending endorsement from the Department of Planning and Environment (DP&E) as per the process outlined in the Wollondilly GMS Strategy Review Project Plan.

DP&E has been working closely with Council on the Wilton Junction and West Appin investigations. Both areas are referred to in Council's Draft GMS. DP&E recently wrote to the Wilton Junction proponents (copy attached) to inform the proponent's that advice to Government is being finalised in relation to two threshold issues.

The Department also awaits lodgement of the West Appin Landowners Group Infrastructure Study being prepared in accordance with the DP&E Terms of Reference issued in December 2013. Once the study is received by DP&E a peer review will be undertaken and advice to Government finalised.

DP&E will undertake a review of Council's Draft GMS and consider endorsement in early 2015, subject to the outcome of Government's consideration of the Wilton Junction threshold issues and the West Appin infrastructure investigation. Can you please provide a copy of the final Draft GMS for review and I will arrange a review with input from our Housing Land Release, Metropolitan West and Sub Regional Growth & Infrastructure Planning teams.

In accordance with Section 3 of the GMS Strategy Review Project Plan DP&E requests that Council does not make a formal public release of the draft GMS, via public exhibition, until endorsement of the Secretary (or delegate) is provided.

Should you have any further enquiries, please contact David Fitzgibbon, Housing Land Release, at the Department on 9860 1552 or 0459 802 842.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brendan O'Brien'.

Brendan O'Brien
Executive Director
Infrastructure, Housing & Employment

Enc: DP&E letter to Wilton Junction proponents

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

ATTACHMENT 2 – 3522-2 – 16 MARCH 2015

Planning & Economy



Planning & Environment

Office of the Secretary

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

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	3522-2
PROP. No.	
27 DEC 2014	
AUTH. No.	
ASSIGNED TO: A. Gray	

14/20761

Dear Mr Johnson

The Minister for Planning released *A Plan for Growing Sydney* on 14 December 2014. The Plan will guide land use planning decisions for the next 20 years with new housing located close to jobs, public transport, community facilities and services.

Direction 2.4 in *A Plan for Growing Sydney* is to “Deliver timely and well planned greenfield precincts and housing”. There are two actions under this Direction:

1. Action 2.4.1: Deliver greenfield housing supply in the North West and South West Growth Centres.
2. Action 2.4.2: Develop a framework for the identification of new Growth Centres.

The Department’s Housing Land Release Branch has commenced work to complete both these actions by the end of June 2015. In particular, Action 2.4.2 has an immediate focus on investigations in the Macarthur South Investigation Area, which includes parts of Campbelltown and Wollondilly Councils. Critical to the success of these actions is the involvement of Councils and Government agencies, and my primary purpose in writing to you is to seek Council’s support and involvement to complete Action 2.4.2.

Investigations will determine the suitability of the Macarthur South Investigation Area as a future Growth Centre, with particular focus on environmental constraints, land owner intentions, the suitability of the land for other non-urban purposes, co-existence with mining, and transport and access to employment and services. DP&E has commenced investigations in the Macarthur South Investigation Area and will broaden the scope of those investigations to address these critical issues.

You are invited to nominate a representative to the Project Control Group, to be chaired by Tim Hurst, Acting Deputy Secretary, Growth Design and Programs. Nomination of Council representatives to sit on Project Working Groups will also enable Council to contribute to more detailed investigations on individual aspects of the project.

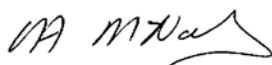
If you have questions in relation to the Macarthur South investigations, Brendan O’Brien, Executive Director, Infrastructure Housing and Employment, can be contacted on telephone 9228 6240, or email brendan.obrien@planning.nsw.gov.au.

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

ATTACHMENT 2 – 3522-2 – 16 MARCH 2015

I look forward to your attendance at the first Project Control Group, and to working with you to implement this key action from *A Plan for Growing Sydney*.

Yours sincerely



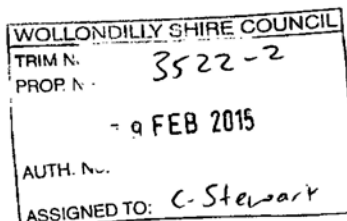
Carolyn McNally
Secretary 18.12.14

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

ATTACHMENT 3 – 3522-2 – 16 MARCH 2015



Planning & Environment



15/02762

Mr Chris Stewart
 Director Planning
 Wollondilly Shire Council
 PO Box 2
 Picton NSW 2571

Dear Mr Stewart

I refer to the Department's letter of the 18 December 2014 inviting Council to participate in the implementation of action 2.4.2 of A Plan for Growing Sydney and investigations in the Macarthur South Area.

I look forward to working with you as the Wollondilly Council representative on the Project Control Group (PCG) for the **Greater Macarthur Land Release Investigation**. The nominated PCG representatives are:

Department of Planning & Environment

- Brendan O'Brien, Executive Director Infrastructure, Housing & Employment
- Paul Robilliard, Director Housing Land Release

Campbelltown City Council

- Jeff Lawrence, Director Planning & Environment

Wollondilly Shire Council

- Chris Stewart, Director Planning

Transport for NSW

- Simon Hunter, Acting General Manager Landuse and Integrated Transport

The first meeting of the Project Control Group is to be held in the week of 16th February. My Executive Assistant will liaise with each PCG member to determine a suitable time. I propose at the first meeting we confirm governance and project management arrangements, key program milestones and the scope of key threshold issues listed under Action 2.4.2 of A Plan for Growing Sydney. A proposed agenda will be circulated prior to the meeting.

Should you have any further enquiries, please contact the Department's Project Manager, David Fitzgibbon 0459 802 842.

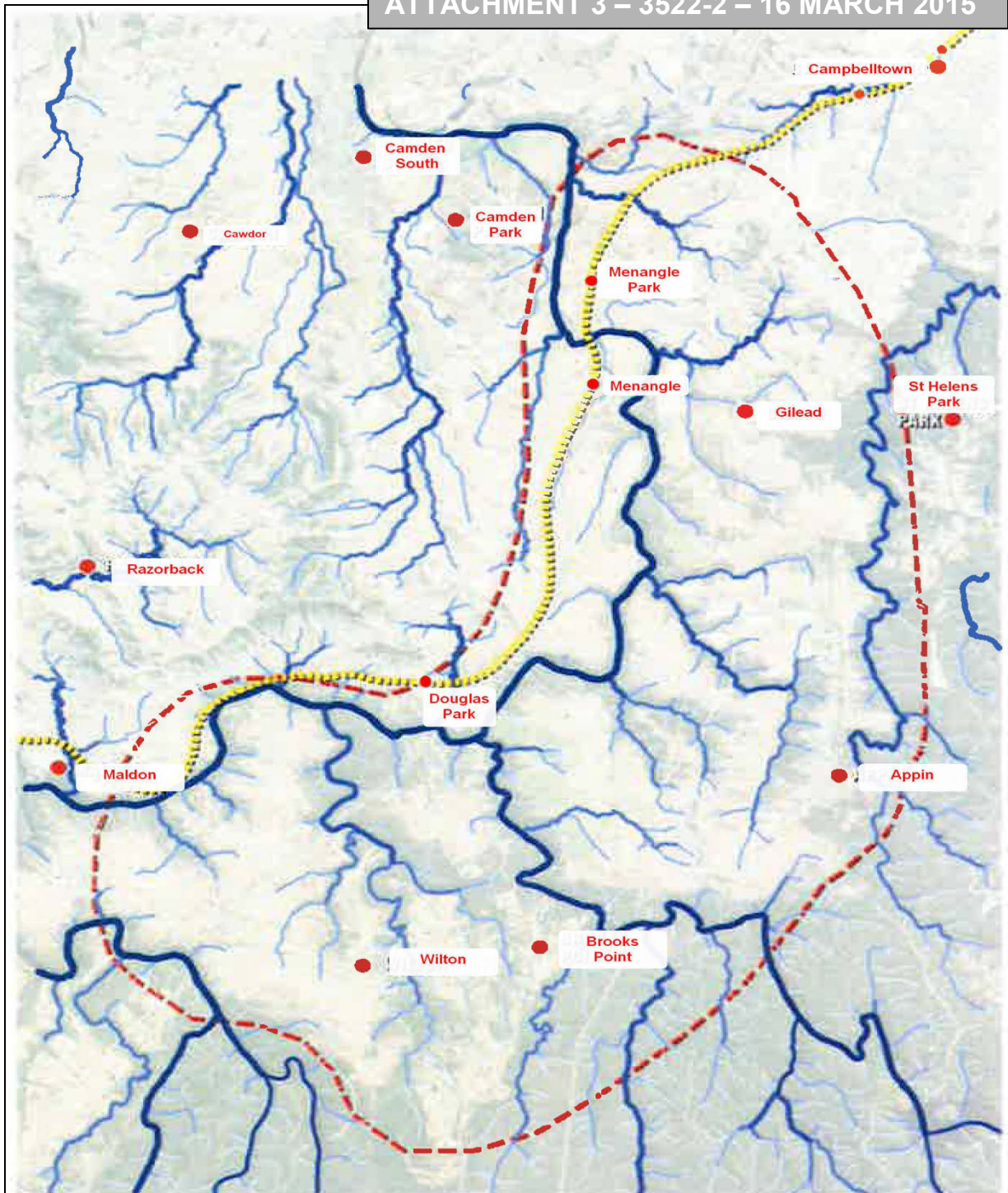
Yours sincerely

Brendan O'Brien
 Executive Director, Infrastructure, Housing & Employment

Planning & Economy

PE7 – Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”

ATTACHMENT 3 – 3522-2 – 16 MARCH 2015



Planning & Economy

Wollondilly

- Investigate the suitability of the Macarthur South Investigation Area for a future Growth Centre.

Governance

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - GOVERNANCE

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

GO1 - Notice of Motion Status Report - March 2015

GOVERNANCE

GO1 Notice of Motion Status Report - March 2015

103

TRIM 5253

EXECUTIVE SUMMARY

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

REPORT

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

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

CONSULTATION

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

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

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

RECOMMENDATION

That Council note the March Notice of Motion Status Report.

GO2 - Proposed Adjustments to Current Organisational Structure

GO2

Proposed Adjustments to Current Organisational Structure

238277

TRIM 582

EXECUTIVE SUMMARY

- Council may review its Organisational Structure from time to time.
- Discussion at Executive have identified 3 minor adjustments that would be beneficial.
- It is recommended that the current organisational structure be adjusted as recommended in this report.

REPORT

Under the Local Government Act 1993 ('LG Act') Council must determine:

- An organisation structure
- Those positions within the organisational structure that are Senior Staff positions
- The resources to be allocated towards the employment of staff.

The organisational structure may also be re-determined from time to time.

At the Ordinary Meeting of Council held on 18 August 2014 Council adopted a new Organisational Structure. At that time it was verbally mentioned to Councillors that some fine tuning may be required following the appointment of the Director positions.

Consistent with that advice, since the commencement of the Directors, we have further discussed some aspects of the structure and it is proposed to make the following minor adjustments to the functions reporting to each Directorate.

Proposed Adjustment	Reason
Move Infrastructure Management & Infrastructure Planning under one Directorate.	Following engagement with staff it was considered it would be more efficient and effective to combine Infrastructure Maintenance and Infrastructure Planning.
Transfer the Environment section to Infrastructure Management Directorate.	This change is seen as beneficial in terms of maintaining field staff under one Directorate and management of external risks.
Rename Infrastructure Management Directorate to Infrastructure & Environment	This change is to reflect the importance of Environmental Management in the organisational structure.

Governance

GO2 - Proposed Adjustments to Current Organisational Structure

A copy of the existing organisational structure and the proposed minor changes are attached.

CONSULTATION

Discussions have taken place with Executive, Managers, Consultative Committee and affected Staff.

All relevant Unions have been consulted with further consultation with staff taking place during the operational stage.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

1. Current Organisational Structure.
2. Proposed Organisational Structure with proposed adjustments.

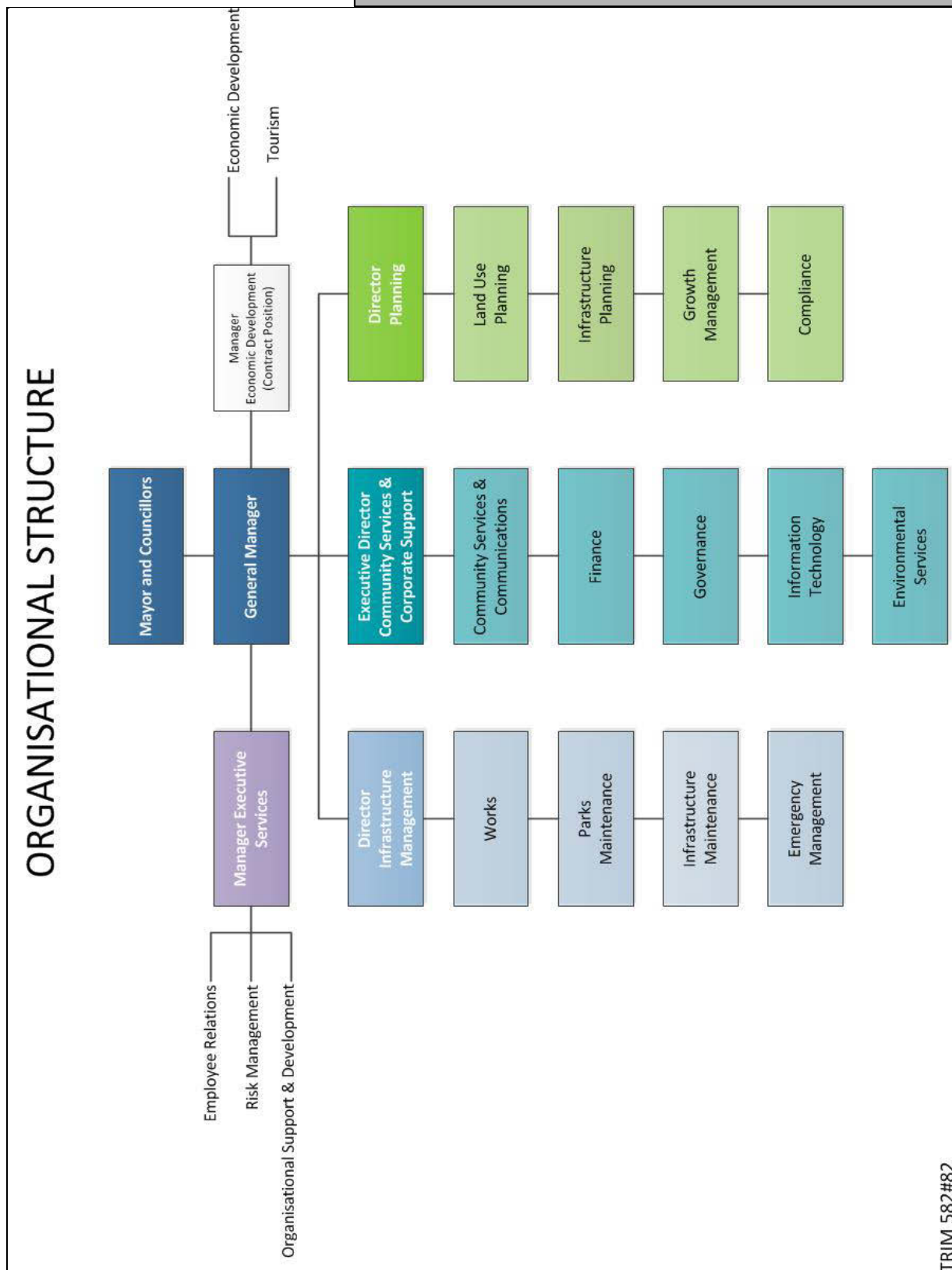
RECOMMENDATION

That the proposed adjustments to the Organisation Structure outlined in this report be adopted noting the following Senior Staff designations remain unchanged:

- General Manager
- Executive Director Community Services and Corporate Support
- Director Planning
- Director Infrastructure & Environment

GO2 - Proposed Adjustments to Current Organisational Structure

ATTACHMENT 1 - 582 – 16 MARCH 2015

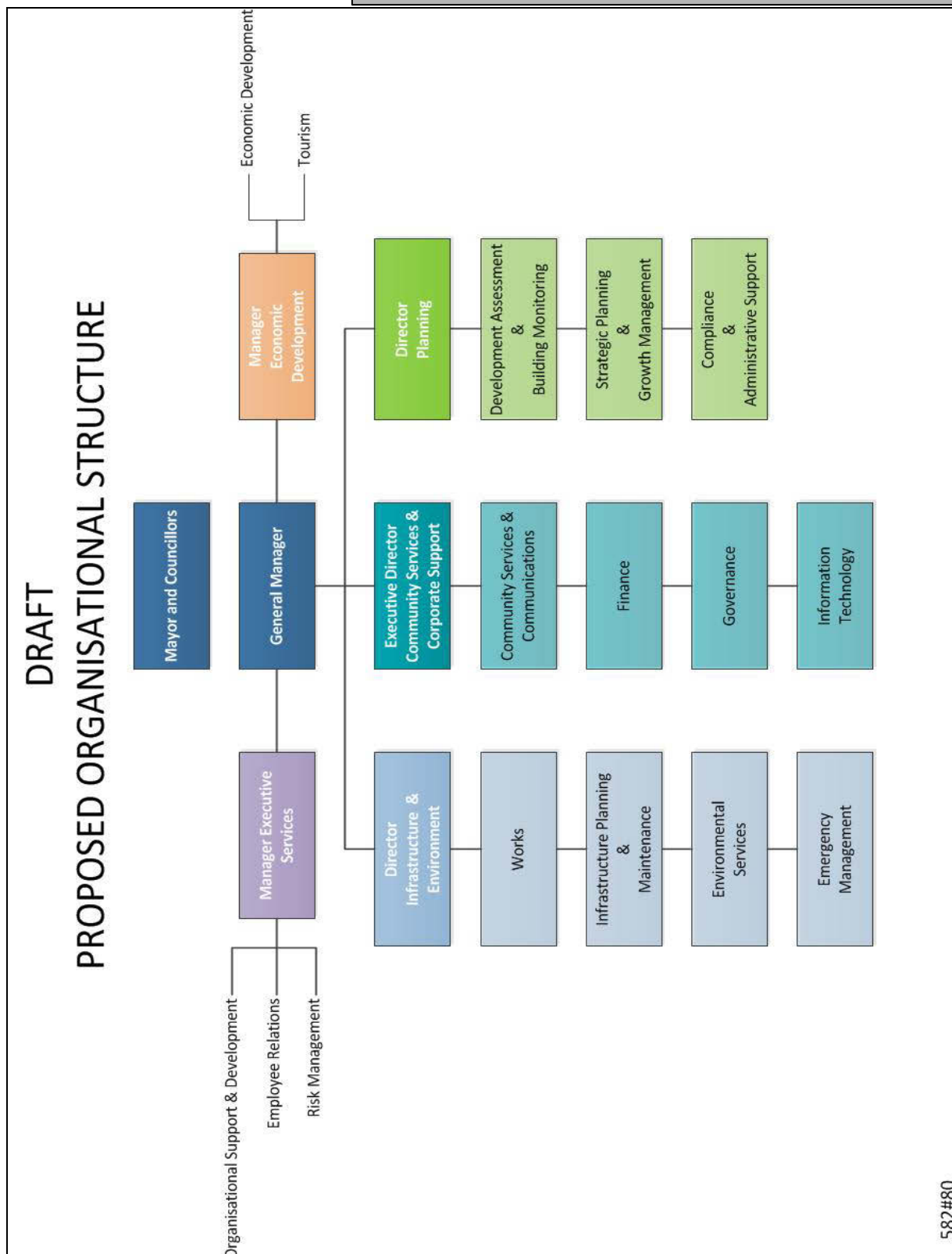


Governance

TRIM 582#82

GO2 - Proposed Adjustments to Current Organisational Structure

ATTACHMENT 2 - 582 – 16 MARCH 2015



582#80

Governance

GO3 – Register of Disclosed Interests

GO3

Register of Disclosed Interests

256

TRIM 2502-8

EXECUTIVE SUMMARY

- The purpose of this report is to satisfy the requirements of Chapter 14, Section 449 and 450A of the Local Government Act, 1993.
- It is recommended:
 1. That Council adopt the following positions as “Designated Positions” under Section 441 of the Local Government Act, 1993:
 - Manager Economic Development
 - Director Planning
 - Director Infrastructure Management
 - Waste Education Officer.
 2. That changes to the position title be noted for the following:
 - Executive Director Community Services and Corporate Support was known as Deputy General Manager
 3. That the Disclosure of Interests 449 Returns be tabled and received by the General Manager at this Council Meeting.

REPORT

Chapter 14, Section 449 & 450A of the Local Government Act 1993 requires that all elected members and designated persons complete an initial Pecuniary Interest Return and every year thereafter an Annual Return.

Designated persons include the General Manager, senior staff and staff holding a position identified by the Council as a designated position because it involves the exercise of certain functions such as regulatory or contractual functions.

Section 449 of the Local Government Act subscribes that:

- (1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.
- (1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

GO3 – Register of Disclosed Interests

- (2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.
- (3) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.
- (4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.
- (5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.
- (6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.

Section 450A of the Local Government Act subscribes that:

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
- (2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:
 - (a) in the case of a return lodged in accordance with section 449(1) - the first meeting held after the last day for lodgement under that subsection, or
 - (b) in the case of a return lodged in accordance with section 449(3) - the first meeting held after the last day for lodgement under that subsection, or
 - (c) in the case of a return otherwise lodged with the general manager - the first meeting after lodgement.

In accordance with section 450A(1) of the Act a register of all returns lodged by councillors and designated persons is currently kept by Council.

New positions that need to be added to the list are as follows:

- Manager Economic Development
- Director Planning
- Director Infrastructure Management
- Waste Education Officer

GO3 – Register of Disclosed Interests

Positions that have had a name change also need to be added to the list:

- Executive Director Community Services and Corporate Support was known as Deputy General Manager

With regard to Section 450A(2)(a) the following Primary 449(1) Returns have been lodged:

Position	Date Lodged
Director Planning	28.01.2015
Director Infrastructure Management	28.01.2015
Waste Education Officer	11.02.2015
Manager Economic Development	19.02.2015

With regard to Section 450A(2)(b) the following 449(3) Returns have been lodged:

Position	Date Lodged
Acting Development Services Team Leader	19.11.2014
Acting Manager Infrastructure Planning	20.11.2014
Acting Deputy General Manager	13.11.2014
Acting Compliance Team Leader	14.11.2014
Acting Manager Planning	14.11.2014
Acting Purchasing Officer	27.11.2014
Strategic Planner	27.11.2014
Acting Manager Executive Services	27.11.2014
Acting Facilities Maintenance Co-ordinator	03.12.2014
Acting Building Team Leader	18.12.2014
Acting Senior Communications Officer	18.12.2014
Building Surveyor	11.02.2015

CONSULTATION

Nil

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

There are no attachments to this report.

GO3 – Register of Disclosed Interests

RECOMMENDATION

1. That Council adopt the following positions as “Designated Positions” under Section 441 of the Local Government Act, 1993:
 - Manager Economic Development
 - Director Planning
 - Director Infrastructure Management
 - Waste Education Officer.
2. That changes to the position title be noted for the following:
 - Executive Director Community Services and Corporate Support was known as Deputy General Manager.
3. That the Disclosure of Interests 449 Returns be tabled and received by the General Manager at this Council Meeting.

GO4 – Write-off of Bad Debts

GO4

Write-off of Bad Debts
28079

TRIM 139

EXECUTIVE SUMMARY

- Council undertakes legal recovery actions for outstanding debtor accounts. Once all legal avenues have been exhausted and payment of the outstanding debt has not been achieved, Council has little recourse other than to write the debt off.
- This report recommends the write off of a \$30,000.00 debt that has been in dispute since 2005. The debt has been the subject of ongoing investigations and negotiations.
- Advice from Council's Debt Recovery Agent and an independent external review both indicate that recovery of the outstanding amount is unlikely.

REPORT

This report seeks to write off one particular debt of \$30,000 (debtor account 10338.03) which has been in dispute since 2005. The debt is in relation to civil engineering works that Council was engaged to undertake on behalf of a private party.

Various attempts to negotiate the recovery of the funds were made over an extended period of time. In 2012, the outstanding debt was referred to Council's recently engaged Debt Recovery Agents who issued the debtor with a Notice of Intent. Subsequent discussions with the Debt Recovery Agent revealed that recovery of the outstanding amount was unlikely.

Inconsult Pty Ltd were engaged to conduct an independent external review of the management of the debt and the likelihood of recovery. The review identified some gaps in the way this debt was managed and noted that significant improvements have been made to the debt recovery process since that time. Notwithstanding, the report made some further recommendations for improvement in order to further tighten the controls over outstanding debts. Each of the recommendations have been agreed to by management.

Progress made to date on the implementation of each of the recommendations is as follows:

Recommendation	Current Progress
The Debt Recovery Policy be reviewed and updated to ensure that it continues to address the Council's needs and requirements. In particular the Policy should reflect the current delegation to the General Manager for writing off debts and require sufficient and appropriate	Council's Debt Recovery Policy has been revised (draft) and will be presented to the April Council meeting for adoption.

GO4 – Write-off of Bad Debts

Recommendation	Current Progress
documentation to be retained as evidence of monitoring, review and follow up actions.	
Council consider developing a policy and procedure for issuing credit notes relating to writing off debts to ensure compliance with cl 213 of the <i>Local Government (General) Regulation</i> and Council's Debt Recovery Policy. It may also be useful for the Council to make reference to this policy in its Delegations Manual to ensure that the write off of debts to the Council is authorised appropriately.	The proposed changes have been incorporated into an updated draft of Council's Debt Recovery Policy which will be presented to the April Council meeting for adoption. Internal procedural documentation has also been updated to reflect the process. Following the adoption of the policy, the Delegations Manual will be updated to reflect the change with regards to the approval of credit notes.
Council consider requesting its debt recovery agent to formalise their advice on the likely recovery of the debt by providing it to Council in writing.	Completed. Advice received from debt recovery agent on 20/1/15.
Council ensure that, in future, all works carried out by Council on private land are reported to Council in accordance with s67(4) of the <i>Local Government Act 1993</i> .	Noted.

The findings of the review agreed with earlier advice from Council's Debt Recovery Agents that Council would be unlikely to successfully recover this debt and it would therefore be uneconomical and an inefficient use of Council resources to continue to pursue the debt.

Based on the external advice received in relation to this matter, it is proposed to write-off this debt in accordance with the requirements of Clause 213 of the *Local Government (General) Regulation 2005*.

A Council authorisation to write off a bad debt does not stop Council reinstating the debt if future circumstances change and the debt can be collected.

CONSULTATION

Advice has been sought from Council's Debt Recovery Agents (Recoveries & Reconstructions) and an independent external review was conducted by Inconsult Pty Ltd. Both recommended that the outstanding amount be written-off, as recovery of the debt was unlikely.

Governance

GO4 – Write-off of Bad Debts

The background details relating to this debt and the findings of the independent external review were presented to and discussed with Council's Audit Committee at the November 2014 Audit Committee meeting.

FINANCIAL IMPLICATIONS

Council has a provision for doubtful debts. The proposed write-off amount is within the provision.

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

ATTACHMENTS:

Nil

RECOMMENDATION

That the debt of \$30,000.00 be written off and debtor account number 10338.03 be marked as written off in the ledger.

GO5 – Investment of Funds as at 31 January 2015

GO5

Investment of Funds as at 31 January 2015

112

TRIM 1022-2

EXECUTIVE SUMMARY

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

REPORT

At its last meeting, the Reserve Bank reduced the cash rate by 25 basis points to 2.25%. In relation to the domestic market, the Board of the Reserve Bank commented that:

"In Australia the available information suggests that growth is continuing at a below-trend pace, with domestic demand growth overall quite weak. As a result, the unemployment rate has gradually moved higher over the past year. The fall in energy prices can be expected to offer significant support to consumer spending, but at the same time the decline in the terms of trade is reducing income growth. Overall, the Bank's assessment is that output growth will probably remain a little below trend for somewhat longer, and the rate of unemployment peak a little higher, than earlier expected. The economy is likely to be operating with a degree of spare capacity for some time yet.

The CPI recorded the lowest increase for several years in 2014. This was affected by the sharp decline in oil prices at the end of the year and the removal of the price on carbon. Measures of underlying inflation also declined a little, to around 2¼ per cent over the year. With growth in labour costs subdued, it appears likely that inflation will remain consistent with the target over the next one to two years, even with a lower exchange rate.

Credit growth picked up to moderate rates in 2014, with stronger growth in lending to investors in housing assets. Dwelling prices have continued to rise strongly in Sydney, though trends have been more varied in a number of other cities over recent months. The Bank is working with other regulators to assess and contain economic risks that may arise from the housing market.

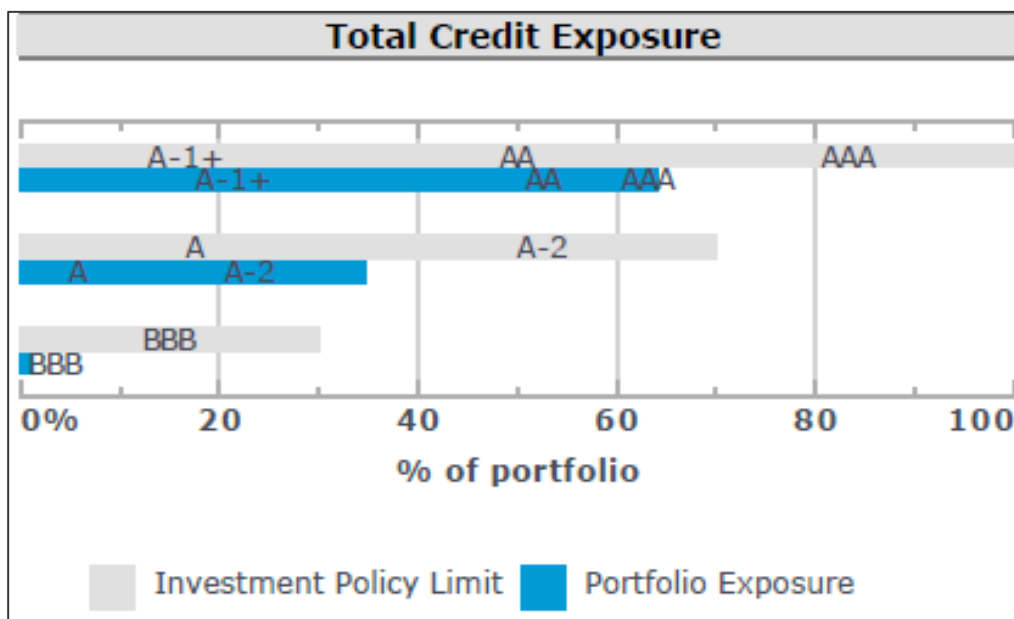
The Australian dollar has declined noticeably against a rising US dollar over recent months, though less so against a basket of currencies. It remains above most estimates of its fundamental value, particularly given the significant declines in key commodity prices. A lower exchange rate is likely to be needed to achieve balanced growth in the economy.

GO5 – Investment of Funds as at 31 January 2015

For the past year and a half, the cash rate has been stable, as the Board has taken time to assess the effects of the substantial easing in policy that had already been put in place and monitored developments in Australia and abroad. At today's meeting, taking into account the flow of recent information and updated forecasts, the Board judged that, on balance, a further reduction in the cash rate was appropriate. This action is expected to add some further support to demand, so as to foster sustainable growth and inflation outcomes consistent with the target."

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

As shown in the following chart, the credit rating on Council's portfolio as at 31 January is within Council's investment policy limits.



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

Governance

GO5 – Investment of Funds as at 31 January 2015

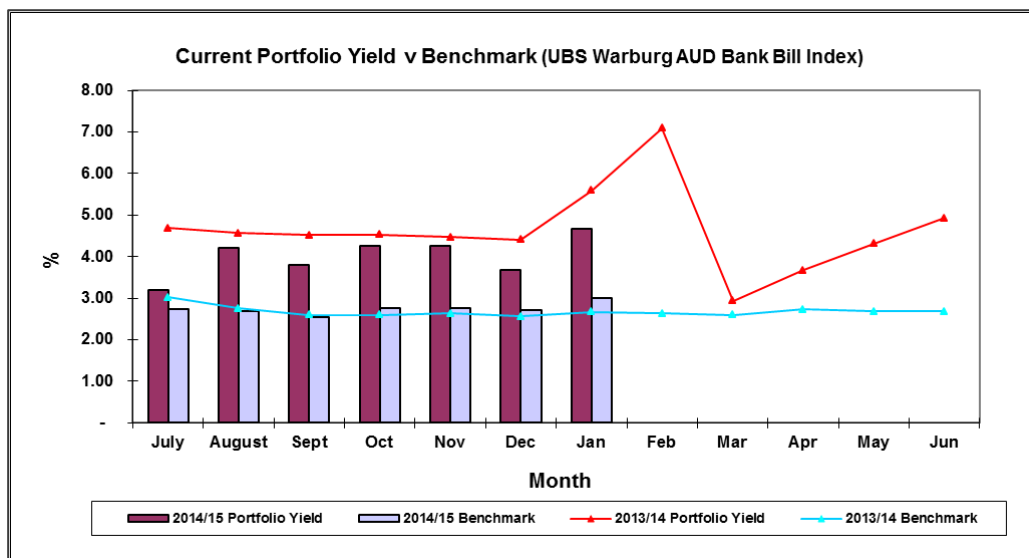
Parent Group	% used vs Investment Policy Limit	
Bank Of Queensland	91%	✓
National Australia Bank	85%	✓
Westpac Group	33%	✓
Members Equity Bank	31%	✓
Bendigo and Adelaide Bank	23%	✓
Credit Union Australia	23%	✓
Commonwealth Bank of Australia	13%	✓
Macquarie Group	11%	✓
ANZ Group	7%	✓
Emerald Reverse Mortgage (B Tranche)	7%	✓
Emerald Reverse Mortgage (A Tranche)	4%	✓

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

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

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

GO5 – Investment of Funds as at 31 January 2015



As shown in the chart above, Council’s portfolio yield has continually exceeded the benchmark UBS Warburg 3 month Bank Bill Index due to the prudent investment of Council’s portfolio. For January 2015, Council’s portfolio returned 4.68% pa for the month, compared to the benchmark’s 3% pa return.

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

Details of Council’s investment portfolio as at 31 January 2015 are provided in attachment 1.

CONSULTATION

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

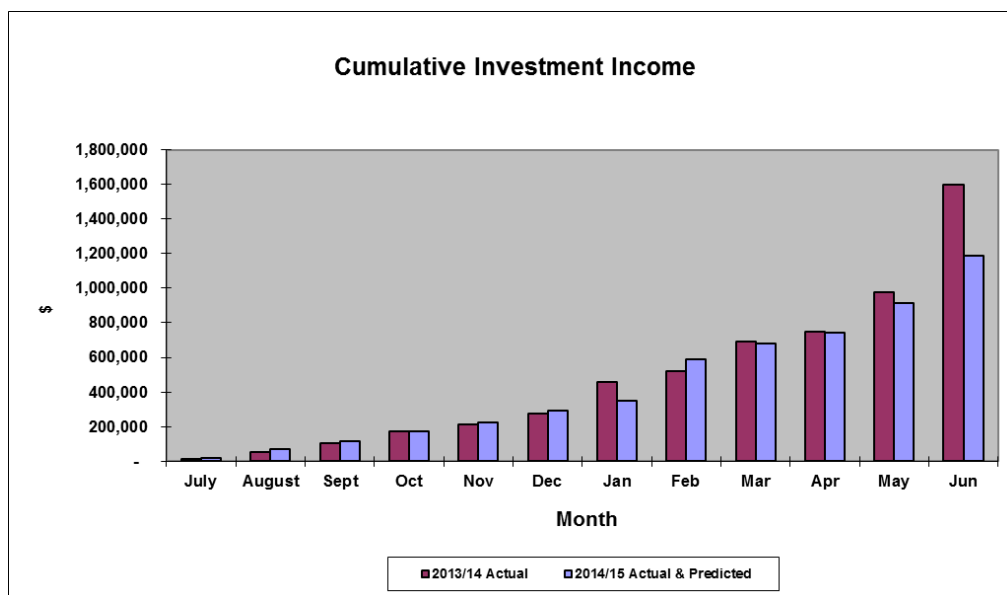
FINANCIAL IMPLICATIONS

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

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

Governance

GO5 – Investment of Funds as at 31 January 2015



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

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

CERTIFICATION

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

Ashley Christie
 Manager Financial Services
 WOLLONDILLY SHIRE COUNCIL

ATTACHMENTS:

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

RECOMMENDATION

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

Governance

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held Monday 16 March 2015

GO5 – Investment of Funds as at 31 January 2015

ATTACHMENT 1 – 1022-2 – 16 MARCH 2015

Reporting Period:

1-Jan-15 to 31-Jan-15

Investment Institution	Rating	Value at 31-Jan-15	Face value 31-Jan-15	Percentage Holding	Interest/ Capital Growth %p.a.	received	Maturity
CASH ASSETS							
National Australia Bank							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>		162,006					
11AM At call							
NAB	AA	1,595,000	1,595,000	3.72%	3.00		At Call
Term Deposits							
National Australia Bank (Matured)	A-1+					1,151	13-Jan-15
Credit Union Australia (Matured)	A-2					2,225	22-Jan-15
National Australia Bank	A-1+	2,000,000	2,074,634	4.67%	3.77	6,404	04-Feb-15
National Australia Bank	A-1+	500,000	517,840	1.17%	3.75	1,592	26-Feb-15
Westpac Banking Corporation- Local Govt	A-1+	1,000,000	1,035,524	2.33%	3.77	3,202	03-Mar-15
Credit Union Australia (CUA)	BBB+	2,000,000	2,071,611	4.67%	3.85	6,590	09-Mar-15
National Australia Bank	A-1+	750,000	764,307	1.75%	3.61	2,300	14-Apr-14
National Australia Bank	A-1+	1,000,000	1,018,480	2.33%	3.61	3,066	21-Apr-14
Bank of Queensland	A-2	1,000,000	1,029,124	2.33%	3.72	3,159	14-May-15
Westpac Banking Corporation- Local Govt	AA-	2,000,000	2,070,379	4.67%	4.35	7,389	25-May-15
Bank of Queensland	A-2	1,000,000	1,027,774	2.33%	3.75	3,185	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,017,025	2.33%	3.55	3,015	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,027,225	2.33%	3.75	3,185	11-Jun-15
National Australia Bank	A-1+	1,000,000	1,017,654	2.33%	3.56	3,024	18-Jun-15
National Australia Bank	A-1+	1,000,000	1,018,273	2.33%	3.57	3,032	09-Jul-15
Bank of Queensland	A-2	1,000,000	1,005,536	2.33%	3.50	2,493	16-Jul-15
National Australia Bank	A-1+	1,000,000	1,022,363	2.33%	3.65	3,100	18-Aug-15
National Australia Bank	A-1+	1,000,000	1,021,763	2.33%	3.65	3,100	27-Aug-15
National Australia Bank	A-1+	2,000,000	2,042,464	4.67%	3.65	6,200	01-Sep-15
ME Bank	A-2	1,000,000	1,017,087	2.33%	3.55	3,015	17-Sep-15
National Australia Bank	A-1+	1,000,000	1,013,404	2.33%	3.55	3,015	19-Sep-15
ME Bank	A-2	1,250,000	1,269,809	2.92%	3.60	3,822	07-Oct-15
National Australia Bank	A-1+	1,000,000	1,017,016	2.33%	3.55	3,015	21-Oct-15
National Australia Bank	A-1+	1,000,000	1,013,845	2.33%	3.55	3,015	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,013,312	2.33%	3.55	3,015	17-Dec-15
Rural Bank	A-2	1,000,000	1,007,470	2.33%	3.60	1,874	13-Jan-16
Bank of Queensland	A-2	3,000,000	3,150,887	7.00%	4.05	10,319	03-Feb-16
Term Investment							
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,055,966	2.33%	4.55	3,864	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,055,638	2.33%	4.55	3,864	17-May-16
TOTAL CASH ASSETS		34,095,000	34,991,408	79.55%		106,231	
INVESTMENT SECURITIES							
Investment Institution	Rating	Face Value 31-Jan-15	Value at 31-Jan-15	Percentage Holding	Interest %p.a.	received / accrued	Maturity
OTHER INVESTMENTS							
Corporate Bond							
National Australia Bank	AA-	1,000,000	1,092,738	2.33%	6.00	5,027	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,794,959	4.67%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	507,649	1.17%	4.00	1,697	28-Nov-16
Westpac Banking Corporation	AA-	500,000	517,001	1.17%	4.40	1,866	20-Feb-17
Macquarie Bank	A	1,000,000	1,008,432	2.33%	5.62	4,773	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	1,001,453	2.33%	3.68	3,125	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,008,171	2.33%	3.62	3,075	11-Nov-19
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	691,784	2.33%	3.27	2,776	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	767,108	649,804	1.79%	3.19	2,075	22-Aug-22
Total-Other Investments		8,767,108	8,271,990	20.45%		-	22,339
Average Interest rate received on investment securities					4.68		
TOTAL CASH & INVESTMENT SECURITIES		\$42,862,108	\$43,263,399	100%		\$108,306	
Benchmark (90 day UBSA Bank Bill Index)					3.00		

Maximum Permitted Institution Holding = 45%

(1) Current market Value

Governance

GO5 – Investment of Funds as at 31 January 2015

ATTACHMENT 1 – 1022-2 – 16 MARCH 2015

Summary of Investment Holdings by Investment Type as at 31 January 2015

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,887,696.00	6.7795
Cash	1,595,000.00	1,595,000.00	3.0000
Floating Rate Note	5,000,000.00	5,045,440.10	4.1340
Mortgage Backed Securities	1,767,108.14	1,341,588.03	3.2303
Term Deposit	32,500,000.00	33,396,408.11	3.7847
	43,862,108.14	44,266,132.24	3.9785

Application of Invested Funds- 31 January 2015

Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	13,661,372
	Domestic Waste Management	5,447,732
	Unexpended Grants held in Restricted Cash	817,553
	Unexpended Loan Funds	1,540,011
Internally Restricted Funds	Sinking Fund	200,000
	Funds held in Restricted Cash for future projects and operations	18,174,051
	Funds allocated to meet current budgeted expenditure	3,021,389
		42,862,108

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held 16 March 2015

Relevance to the Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - INFRASTRUCTURE

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

IN1 - Section 355 Management Committees - Auditing and Reporting

INFRASTRUCTURE

IN1

Section 355 Management Committees - Auditing and Reporting

236368

TRIM 1723

EXECUTIVE SUMMARY

- The purpose of this report is to summarise how Section 355 Management Committees have met their auditing and reporting requirements.
- It is recommended that Council continue to monitor the activity of the Section 355 Management Committees in accordance with the guidelines set out in the Procedures Manual for Council Section 355 Management Committees.

REPORT

Council has six Section 355 Management Committees which are charged with the responsibility of managing Council facilities under Section 355 of the Local Government Act 1993.

In accordance with Section 355 of the Local Government Act 1993, the Management Committees are required to operate and abide by this legislation. Council's Operations Manual for S355 Management Committees provides detailed information on these requirements, including the necessity that committee members act in accordance with Council Policies and Code of Conduct, as well as committee reporting obligations.

A Notice of Motion was tabled at the February 2011 Council Meeting requesting that a report outlining each Committees submission of auditing information be prepared for Council annually.

All Section 355 Management Committees are required to submit their financial books for auditing and general reporting at the conclusion of each financial year, in accordance with the Local Government Act 1993. The items required for annual auditing include:

- Booking Diary
- Cash Book
- Minute Book
- Receipt Book(s)
- Invoices
- Cheque Book(s)
- Bank Statements
- Deposit Book(s).

Additionally all Management Committees are required to report the following requirements to Council throughout the year:

IN1 - Section 355 Management Committees - Auditing and Reporting

- Have a minimum of six meetings per year
- Submit an Agenda for all meetings one week prior to the meeting
- Submit Minutes for all meetings within two weeks after the meeting.

In 2013 following the election of the new Council and subsequent Committee Quadrennial Elections, the Management Committees were advised that they must add two Council signatories to their bank accounts, that being the Manager - Financial Services and Team Leader - Accounting Services. This new process was implemented as it was identified as an oversight that Council did not have a process to directly access Committee (Council) funds should the need arise for Council to take over management of a facility.

The attachment provides a summary of the auditing and reporting information for Council's six Section 355 Management Committees including a summary of their financial position.

The attached summary addresses the 2012/13 and 2013/14 financial years as this report was not submitted last year.

CONSULTATION

There is no consultation required for the auditing process; however committee members are requested to attend training sessions to ensure they have the skills and understanding to meet their reporting requirements. They are also at times required to meet with Council's finance staff to discuss their financial books.

FINANCIAL IMPLICATIONS

There are no financial implications related directly with this report. The purpose of the audit process is to ensure Council staff can quantify where expenses have been made, how much has been expended and what income has been generated.

CONCLUSION

The majority of Committees do provide information as required for reporting and auditing services however some Committees are not forthcoming in meeting Council requirements including adding Council signatories to the Committees bank accounts, providing information in a timely and regular fashion and providing meeting minutes in accordance with Council's Code of Meeting Practice. Accordingly this information must be pursued to ensure that their obligations as a Committee of Council are met.

ATTACHMENTS

1. Summary of auditing and reporting information for Council Section 355 Management Committees.

Report of Infrastructure to the Ordinary Meeting of Council held 16 March 2015

IN1 - Section 355 Management Committees - Auditing and Reporting

RECOMMENDATION

That Council continue to monitor the activity of the Section 355 Management Committees in accordance with the guidelines set out in the Procedures Manual for Council Section 355 Management Committees.

Report of Infrastructure to the Ordinary Meeting of Council held 16 March 2015

IN1 - Section 355 Management Committees - Auditing and Reporting

ATTACHMENT 1 - 1723 – 16 MARCH 2015

2013/14 Management Committee Audit Summary

Management Committee	Financial Auditing 2013-14									
	Booking Diary	Invoices	Cash Book	Cheque Book	Bank Statements	Receipt Book	Deposit Book	Income	Expenditure	Balance as at 30 June 2014
Bargo Sportsground & Community Centre	✓	✓	✓	✓	✓	✓	✓	\$ 16,956.45	\$ 16,368.22	\$ 6,226.28
Douglas Park Sportsground & Community Centre	x	✓	✓	✓	✓	✓	✓	\$ 10,821.04	\$ 11,324.17	\$ 21,569.52
Tahmoor Sportsground	✓	✓	✓	✓	✓	✓	✓	\$ 20,296.90	\$ 14,386.23	\$ 28,096.81
Thirlmere Sportsground	✓	✓	✓	✓	✓	✓	✓	\$ 9,254.19	\$ 8,516.53	\$ 11,299.56
Victoria Park	✓	✓	✓	✓	✓	✓	✓	\$ 12,488.14	\$ 13,176.92	\$ 34,351.23
Wilton Sportsground & Community Centre	✓	✓	✓	✓	✓	✓	x	\$ 13,069.69	\$ 10,302.08	\$ 60,587.38

Management Committee	Committee Meetings 2013-14				Added Council Signatories to Committee Accounts
	No of Meetings held Annually	No of Agenda's received prior to each meeting	No. of Minutes received post each meeting	Received within two weeks of meeting	
Bargo Sportsground & Community Centre	9	0	9	Yes	Yes
Douglas Park Sportsground & Community Centre	10	0	10	No	No
Tahmoor Sportsground	9	0	9	Usually	Yes
Thirlmere Sportsground	7	0	7	Sometimes	Yes
Victoria Park	6	2	6	Sometimes	Yes
Wilton Sportsground & Community Centre	10	8	10	No	No

Report of Infrastructure to the Ordinary Meeting of Council held 16 March 2015

IN1 - Section 355 Management Committees - Auditing and Reporting

ATTACHMENT 1 - 1723 – 16 MARCH 2015

Management Committee	2012-13			2011-12		
	Income	Expenditure	Balance as at 30 June 2013	Income	Expenditure	Balance as at 30 June 2012
Bargo Sportsground & Community Centre	\$ 16,770.86	\$ 15,795.00	\$ 5,638.05	\$ 13,944.51	\$ 19,784.44	\$ 4,662.18
Douglas Park Sportsground & Community Centre	\$ 12,116.98	\$ 8,818.29	\$ 22,072.65	\$ 9,971.05	\$ 8,348.64	\$ 18,773.96
Tahmoor Sportsground	\$ 18,498.02	\$ 20,810.29	\$ 22,186.13	\$ 16,608.70	\$ 20,210.99	\$ 24,298.39
Thirlmere Sportsground	\$ 10,393.71	\$ 15,753.84	\$ 10,561.86	\$ 9,575.30	\$ 7,429.78	\$ 17,165.48
Victoria Park	\$ 15,846.52	\$ 9,346.48	\$ 35,040.01	\$ 12,110.03	\$ 8,337.25	\$ 28,539.97
Wilton Sportsground & Community Centre	\$ 16,986.29	\$ 9,619.63	\$ 57,819.77	\$ 9,093.00	\$ 9,004.47	\$ 50,453.11

IN2 – Encroachment of Infrastructure on Adjoining Property - Warragamba Sportsground

IN2 Encroachment of Infrastructure on Adjoining Property - Warragamba Sportsground

10845

TRIM 4735

EXECUTIVE SUMMARY

- The purpose of this report is to obtain consent from Council to enter into negotiations to acquire land from an adjoining owner to rectify an existing infrastructure encroachment by Council on Lot 7 DP 584807 Production Avenue and Warradale Road, Warragamba.
- It is recommended that the General Manager and Mayor be authorised to execute all documentation in relation to the acquisition including those requiring the Common Seal of Council.
- That the land be classified as "Community Land" on settlement.

REPORT

In November 2014 the owner of Lot 7 DP 584807 No. 8 Production Avenue, Warragamba contacted Council to advise that Council's infrastructure located on Lot 1 DP 568914, No. 69 Warradale Road, Warragamba (Warragamba Sportsground) encroached onto their land. The proponent supplied survey plans and advice that they wished to list the land for sale in the near future and requested Council to rectify the encroachment or purchase their land.

The proponent advised that the survey identified the encroachment entailed an area of 193.676m². Council's Works Department agreed with the boundary marks placed by their surveyor for boundary definitions and confirmed that the encroachment occupied the area.

The options for moving forward are to either remove the encroaching infrastructure or negotiate a boundary adjustment with the adjoining property owner. Infrastructure removal is conservatively estimated at \$35 - \$50K. The boundary adjustment option carries the cost of compensation for loss of land and costs associated with boundary registration estimated from \$40 - \$63K.

It is desirable for Council to retain its infrastructure in its current position which consists of a tar road and a skate park. If Council were to divert the road, it would require removal of the cement slab at the skate park, safety mounds and the sealed road which provides parking and access to the back of the sportsground and playing fields. Removal of access to the back playing fields may compromise emergency service access. Approximately four (4) substantial trees (part of a tree avenue) would also require removal to relocate the roadway access. The topography slopes steeply from the road to the playing field.

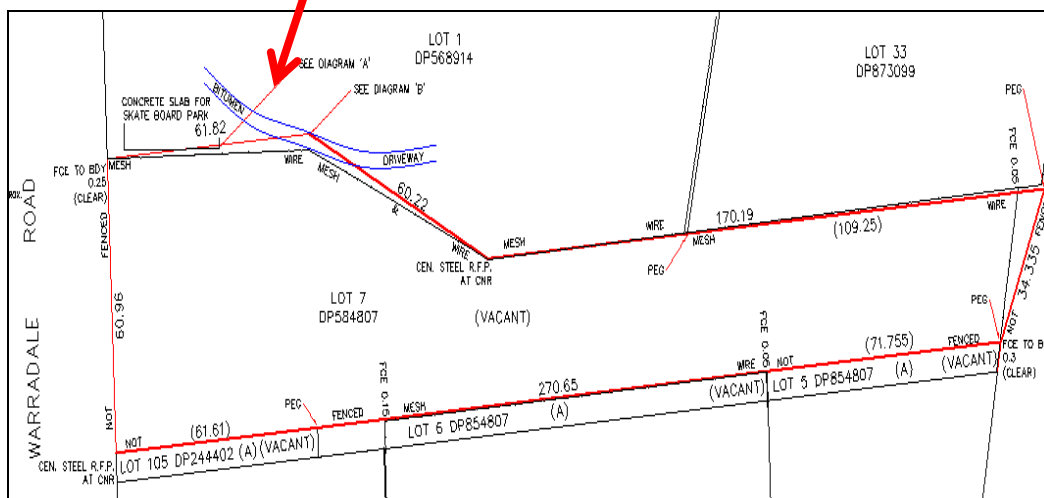
IN2 – Encroachment of Infrastructure on Adjoining Property - Warragamba Sportsground

A boundary encroachment is permissible to be rectified under State Environmental Planning Policy (SEPP) (Exempt and Complying Development Code), Clause 2.75(d), Specified Development. Exempt and Complying Code which permits subdivision of land by survey to rectifying an encroachment without the need for development application.

The zone of the adjoining property is IN2 - Light Industrial.



Image and survey shows skate park and gravel road encroaching onto adjoining property



Infrastructure

IN2 – Encroachment of Infrastructure on Adjoining Property - Warragamba Sportsground

Council solicitors have advised that the proponent is seeking to sell their property or alternatively effect a boundary variation for Council to acquire a small portion of their land to rectify the encroachments. The legal advice is for Council to agree to the boundary variation at a value determined by a Registered Valuer thereby overcoming the encroachments of the skateboard park and bitumen driveway. Further that each party pay their own legal costs with Council offering to pay all survey fees, Land Title Office registration fees and Valuation fees.

The purpose of this report is to obtain consent from Council to enter into discussion to acquire land from an adjoining owner. The actual terms of the transfer will be determined by negotiations.

CONSULTATION

- Manager Environmental Services
- Manager Governance
- Acting Manager Infrastructure & Planning
- Legal advisor
- Council's Engineering Surveyor
- Development Assessment Team Leader.

FINANCIAL IMPLICATIONS

No funding has been allocated for this project and it is suggested that funding be diverted from the Property Reserve to cover the costs of acquisition.

ATTACHMENTS:

Nil

RECOMMENDATION

1. That Council provide consent to enter into negotiations to acquire land from the adjoining owner to rectify an existing infrastructure encroachment by Council on Lot 7 DP 584807 Production Avenue, Warragamba.
2. That the funding be provided from the Property Restricted Cash Account to complete the boundary adjustment and purchase of the land where Council's infrastructure encroaches.
3. That the land be classified as "Community Land" upon settlement which is in line with the classification of Councils adjoining land, Lot 1 DP 568914 Warradale Road, Warragamba.
4. That the land title be transferred without restrictions.
5. That the survey plan prepared indicates that the land is public reserve.

IN3 – Bargo Sportsground Amenities Building

IN3

Bargo Sportsground Amenities Building

240

TRIM 5174

EXECUTIVE SUMMARY

- The Wollondilly Knights AFL Club is pursuing the provision of new amenities at Bargo Sportsground in liaison with Wollondilly Shire Council.
- The Club has to date obtained two grants from the State Government's Community Building Partnerships Program to assist with this project.
- Further funding has been obtained by Council through the Mulwaree Trust, NSW Sport & Recreation and AFL NSW/ACT.
- Detailed designs and engineering plans have recently been prepared for the facility.

REPORT

The Wollondilly Knights (Seniors) and Wollondilly Redbacks (Juniors) AFL Clubs currently occupy Bargo Sportsground as their home venue for AFL. They are the only AFL Clubs in the Wollondilly Shire and Bargo Sportsground is the only AFL ground in the Shire. Both Clubs use an old shed at the northern end of the Sportsground as their amenities building which is both limited in capacity and not meeting modern day standards as a suitable venue.

Accordingly, the AFL Clubs have been active in enhancing amenities facilities at the Sportsground and in 2010, the Wollondilly Knights AFL Club secured funding through the State Government's Community Building Partnerships Program for the provision of a new club facility at Bargo Sportsground. In 2011, they were successful in obtaining a second grant through the same program.

After discussions with Council, additional funds were sought and obtained through the Mulwaree Trust, NSW Sport & Recreation and AFL NSW/ACT. Council has also identified funds to carry out this project.

In order to assist with keeping costs down, the Club has offered opportunities, which are currently being explored in detail, of utilising trades from the club and work in partnership with Council in constructing the facility. The club has identified the following key trades as potential areas to assist with the building construction works:

- Concreting
- Roofing and guttering
- Electrical

IN3 – Bargo Sportsground Amenities Building

- Gyprocking
- Carpentry
- Plumbing
- Bricklaying

Due to timeframes from the grant authorities, there is a need to commence this project soon to ensure funding isn't forfeited. Extensions have currently been sought from the Community Building Partnership programs, with Council awaiting a completion date. In accordance with Council's Policy - Project Management - Works by Volunteers and Committees on Council Properties (GOV0047), the offer of volunteer work from the user group, such as this Amenities Building at Bargo Sportsground require the approval of Council.

Council staff will ensure relevant policies such as the Procurement Policy are adhered to throughout this project. It is intended that Council will manage this project in its entirety, including the direct supervision of any contractors supplied by the AFL.

CONSULTATION

Council staff have been in regular liaison with the Bargo Sportsground 355 Management Committee, Wollondilly Knights and Wollondilly Redbacks AFL Clubs and AFL NSW/ACT with regard to the proposal, ensuring the design meets AFL and Council standards, which are slightly different than those of the other football codes, most notably due to the increased player numbers.

Further liaison has taken place with the funding bodies.

FINANCIAL IMPLICATIONS

The building has been estimated to cost approximately \$350,000, with \$250,000 been allocated in Council's adopted budget and is made up from:

Community Building Partnerships Program 2010	\$25,184
Community Building Partnerships Program 2011	\$42,500
Veolia Mulwaree Trust	\$50,000
NSW Sport and Recreation	\$25,000
AFL NSW/ACT	\$20,000
GRANT FUNDING TOTAL	\$162,684

Wollondilly Shire Council (including Developer Contributions)	\$187,316
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Council's funding sources are proposed to be made up from Developer Contributions Funds and Reserves.

ATTACHMENTS

1. Concept Plan of the proposed Amenities Building for Bargo Sportsground.

Report of Infrastructure to the Ordinary Meeting of Council held 16 March 2015

IN3 – Bargo Sportsground Amenities Building

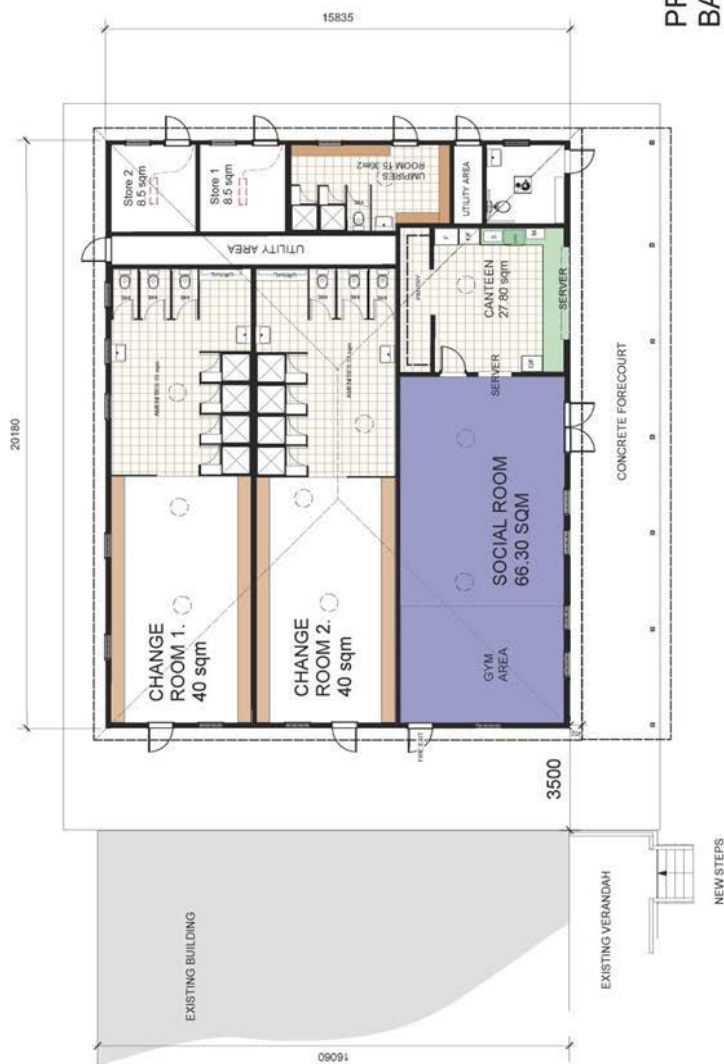
RECOMMENDATION

That Council endorse the proposal to investigate and utilise external resources provided by the AFL Clubs to construct the facility in accordance with policies and regulations.

IN3 – Bargo Sportsground Amenity Building
ATTACHMENT 1 - 5174 – 16 MARCH 2015



LOCATION MAP OF PROPOSED AMENITIES BUILDING
 BARGO SPORTSGROUND, BARGO, NSW



PROPOSED AMENITIES BUILDING
BARGO SPORTSGROUND
BARGO, NSW.

ULP URBAN LANDSCAPE PLANNERS PTY LTD
 Landscapes, Horticulture & Vegetation Consultants
 20 Koono Road, Picton NSW 2571, Australia
 Terrence Maclean M.A.I.L.D.M., M.A.H.
 Phone : (02) 4663-2766
 Fax : (02) 4663-2755
 Email : terrence@ulpcplanners.com



DATE : 23/11/2012
SCALE : 1:100
DWG # : 001932/TM ISSUE 'G'
AMENDMENTS : 09/07/2013 Revised plan, and elevations, included public toilets, enlarged umpires room change rooms, canteen, social room and stores. Issue 'B'
 26/08/2013. Redraw to layout, remove public toilets. Adjust layout throughout reconfigure spaces to suit reduction in size of building. Issue 'C'
 17/08/2013. Revise layout, adjust umpires room to fit new configuration. Adjust change room and facilities to suit utility area. Enlarge social room. Adjust and relocate utility room as requested. Issue 'D'
 28/08/2013. Adjust change room and facilities to suit utility area, revise area canteen. Issue 'E'
 30/08/2013. Revise social room layout as requested. Relocate utility room, adjust storerooms and umpires room. Adjust windows, doors fire escape and recalculate area. Issue 'F'
 16/10/2013. Amended change rooms 1 & 2, enlarged canteen, reduced social room, reconfigured umpires room and adjusted doors windows etc. Issue 'G'

LEGEND:

- VANDAL PROOF SKYLIGHTS
 - VANDAL PROOF GLASS BLOCK
 - VANDAL PROOF GLASS BLOCK WITH SET IN ALUMINIUM FRAME
 - VANDAL PROOF DOORS
 - SINK
 - MICROWAVE
 - DISH WASHER
 - DRINKS FRIDGE
 - FOOD FRIDGE
 - FREEZER
- BUILDING 319.5 sqm x \$558 = \$306,000

Infrastructure

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

IN4

Recommendations Local Traffic Committee Meeting - 18 February 2015

52CYAM

TRIM 1087

REPORT

EXECUTIVE SUMMARY

- The Local Traffic Committee met on Wednesday 18 February 2015 to consider a number of reports for traffic management in the Wollondilly Local Government Area and to submit the Recommendations for Councils consideration. The agenda papers were distributed to all Councillors.
- It is recommended that Council resolve to adopt the Recommendations of the Local Traffic Committee meeting of 18 February 2015.

BACKGROUND

The Local Traffic Committee is a Technical Committee of Roads and Maritime Services. The Committee operates under the authority conferred to Council by the RMS under the Transport Administration Act 1988.

Council has been delegated certain powers from the RMS, with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

There are four permanent members of the Traffic Committee, each of whom has a single vote only. The members are representatives of the NSW Police Force, the Roads and Maritime Services, the Local State Member of Parliament (for the location of the issue to be voted upon) and a representative of Council.

If the RMS or NSW Police Force disagrees with any Traffic Committee recommendation, or Council's resolution on any Traffic Committee recommendation, that member may lodge an appeal with the Regional Traffic Committee for determination.

CONSULTATION

Refer to Local Traffic Committee Agenda details included in the minutes.

FINANCIAL IMPLICATIONS

The proposals contained within the Traffic Committee Agenda are able to be funded from Council's current budget allocations.

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

CONCLUSION

The recommendations are made on the basis of merit assessment of each individual item, by all of the members of the Committee.

ATTACHMENTS

The Minutes of the Local Traffic Committee meeting of 18 February 2015 have been distributed, are available in the Mayor's Office and are on the Council website. Copies will be tabled at the Council meeting.

RECOMMENDATION

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 18 February 2015 as follows:

1. **Picton – Thirlmere – Bargo RSL Sub Branch's Thirlmere ANZAC Day March & Commemoration on Saturday, 18th April 2015**
52 TRIM 2487

RECOMMENDATION

T01/15

1. That Council approve the road closure of that part of Oaks Street, Barbour Road and Mason Street between Carlton Road and Close Street between the hours of 10.45am and 11.00am on Saturday, 18th April 2015 for the staging of "The ANZAC Day March" subject to the following conditions:
2. NSW Police and RMS give concurrence to the event.
3. Notice of Intention to hold Public Assembly to be submitted to the Police.
4. Notice of the event is to be published in a local newspaper/s at least seven (7) days prior to the event advising of the road closures, the detours and the time these changes apply.
5. Organisers shall notify the following people/organisations of the event and impacts for traffic management:
 - All residents along the affected route and side roads within the route.
 - Bus Operator of the area.
 - Emergency services including RFS (Rural Fire Service), Ambulance, Police and NSW Fire Brigade.

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

6. Access shall be maintained for all residents and emergency service vehicles.
7. Written evidence is provided to Council prior to the event showing \$20 million public liability insurance indemnifying Wollondilly Shire Council and NSW Police.
8. All signs relating to the closures and detours must be in place prior to the event and be removed after the event accordingly.
9. An appropriate Traffic Control Plan in accordance to the RMS "Traffic Control at Work Sites" manual by a suitably qualified person must be submitted to the Council prior to the event.
10. Traffic Management is undertaken by accredited Traffic Controllers and in accordance with the approved Traffic Management Plan.

Unanimous

2. Picton Branch's ANZAC Day March & Commemoration on 25th April 2015

52

TRIM 2487

RECOMMENDATION

T02/15

1. That Council approves the road closure of Menangle Street (west) behind Picton Hotel and Argyle Street and Argyle Street to Memorial Park, between the hours of 6.30am and 7.00am on 25th April 2015 for the staging of "The ANZAC Day March" subject to the following conditions:
2. NSW Police and RMS give concurrence to the event.
3. Notice of Intention to hold Public Assembly to be submitted to the Police.
4. Notice of the event is to be published in a local newspaper/s at least seven (7) days prior to the event advising of the road closures, the detours and the time these changes apply.
5. Organisers shall notify the following people/organisations of the event and impacts for traffic management:

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

- All residents along the affected route and side roads within the route.
 - Bus Operator of the area.
 - Emergency services including RFS (Rural Fire Service), Ambulance, Police and NSW Fire Brigade.
6. Access shall be maintained for all residents and emergency service vehicles.
 7. Written evidence is provided to Council prior to the event showing \$20 million public liability insurance indemnifying Wollondilly Shire Council and NSW Police.
 8. All signs relating to the closures and detours must be in place prior to the event and be removed after the event accordingly.
 9. An appropriate Traffic Control Plan in accordance to the RMS "Traffic Control at Work Sites" manual by a suitably qualified person must be submitted to the Council prior to the event.
 10. Traffic Management is undertaken by accredited Traffic Controllers and in accordance with the approved Traffic Management Plan.

Unanimous

3. Warragamba ANZAC Day March & Centenary Commemoration on Saturday 25th April 2015

52

TRIM 2487

RECOMMENDATION

T03/15

1. That Council approve the road closure of that part of Fourteenth Street, Warragamba between Twentieth Street and Weir Road between the hours of 10.30am and 12.00pm on Saturday, 25th April 2015 for the staging of "The ANZAC Day March" subject to the following conditions:
2. NSW Police and RMS give concurrence to the event.
3. Notice of Intention to hold Public Assembly to be submitted to the Police.
4. Notice of the event is to be published in a local newspaper/s at least seven (7) days prior to the event advising of the road closures, the detours and the time these changes apply.

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

5. Organisers shall notify the following people/organisations of the event and impacts for traffic management:
 - All residents along the affected route and side roads within the route.
 - Bus Operator of the area.
 - Emergency services including RFS (Rural Fire Service), Ambulance, Police and NSW Fire Brigade.
6. Access shall be maintained for all residents and emergency service vehicles.
7. Written evidence is provided to Council prior to the event showing \$20 million public liability insurance indemnifying Wollondilly Shire Council and NSW Police.
8. All signs relating to the closures and detours must be in place prior to the event and be removed after the event accordingly.
9. An appropriate Traffic Control Plan in accordance to the RMS "Traffic Control at Work Sites" manual by a suitably qualified person must be submitted to the Council prior to the event.
10. Traffic Management is undertaken by accredited Traffic Controllers and in accordance with the approved Traffic Management Plan.

Unanimous

4. **Friesian Way, Picton – Request for “No Stopping” Zone (R5-400)**
52 TRIM 1093

RECOMMENDATION

T04/15

Council to investigate further and report back with results of consultation with affected residents.

Unanimous

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

5. General Business

“A Little Adventure” fundraising ride between Adelaide to Bathurst on 1st & 13th March 2015.

52

TRIM 2487

Speeding Issues on Elvy Street Bargo

This issue is to be deferred.

Lower Speed limit for Barkers Lodge Road, The Oaks

Clr Hilton Gibbs received a petition for a lower speed limit at The Oaks, Barkers Lodge Road, for speed to be reduced to 80 km/ph for the full stretch of Barkers Lodge Road or from at least The Oaks to The Old Oakes Rd.

Response from RMS:

RMS has not completed speed zone review as yet, open to community suggestion. Dean of RMS would like a copy of petition and review to take place. (Copy given to RMS post meeting)

Crash Statistics

Rob Szoszkiewicz asked RMS is there any formal process of recording crash statistics. RMS replied that Council needs look at a system as to how to broaden search patterns (i.e: insurance companies).

Bus Zone at Noongah St Bargo

Chris Moule from Picton Buslines is applying for a bus zone to be put in Noongah Street Bargo, due to increased traffic movements since new supermarket on main road opened. Clr Col Mitchell suggests an exit/entry on Noongah St for supermarket traffic to avoid a possible traffic incident.

RECOMMENDATION

T05/15

That the information be noted.

Unanimous

IN4 – Recommendations Local Traffic Committee Meeting – 18 February 2015

6. RMS Report

As of Monday (23/02/2015) Appin Road from Appin to Bulli will now be 90 klm/ph

From 16/03/2015 the 80 klm zone will be extended from Maldon to just past Allied Mills Picton.

RECOMMENDATION

T06/15

That the information be noted.

Unanimous

7. Police Report

Nil

NOTICE OF MOTION

NOTICE OF MOTION

TRIM 6416-5

NOM 1 **Notice of Motion No. 1 submitted by Cr Hannan on 20 February 2015 regarding Tree Planting on Argyle St, Picton**

RECOMMENDATION

That Council remove the plane trees in the main street and replace them with suitable native trees.

QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday
16 March 2015

QUESTIONS FOR NEXT MEETING