

Ordinary Meeting Of Council



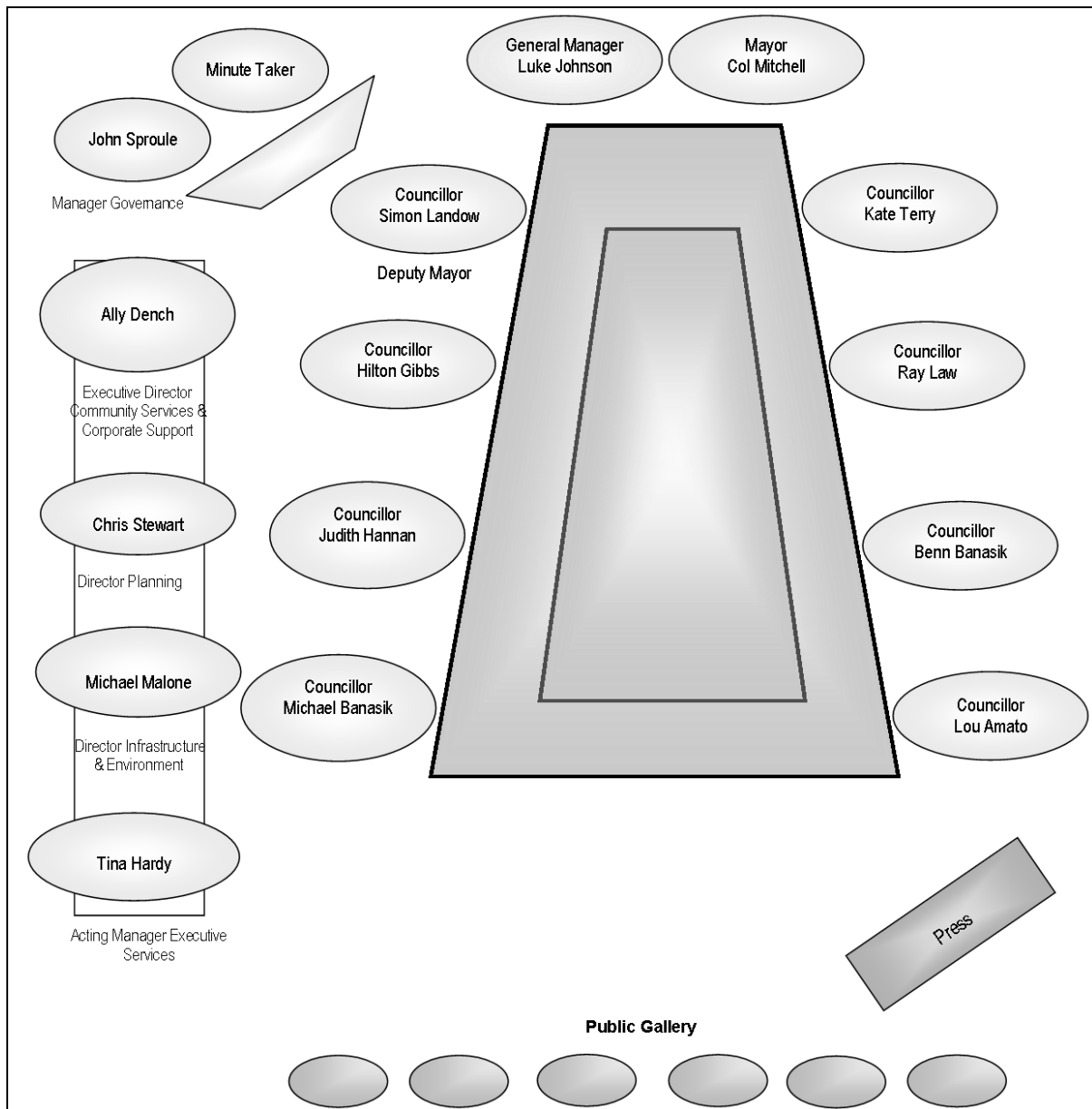
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 20 April 2015

You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 20 April 2015 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

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

CENTRAL WARD

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

NORTH WARD

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

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

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OPENING

RECORDING OF THE MEETING

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

NATIONAL ANTHEM

ACKNOWLEDGEMENT OF COUNTRY

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▪ Ordinary Meeting of Council held on 16 March 2015

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Wollondilly Community Strategic Plan 2033

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

1. Wollondilly Strategic Plan 2033 themes:

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

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

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

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

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

1.

Community

Outcomes

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

Strategies

CO1 - Community Building, Well-being and Identity

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

CO2 - Working with Others

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

CO3 - Social Planning

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

CO4 - Engagement and Communication

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

Governance

Outcomes

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

Wollondilly Community Strategic Plan 2033

Strategies

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

Environment

Outcomes

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

Strategies

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

Economy

Outcomes

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

Strategies

EC1 - Economic Development

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

EC2 - Planning for and Supporting Business

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

EC3 - Manage Growth

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

EC4 - Managing Development and Land Use

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

EC5 - Protect Natural Resources

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

Infrastructure

Outcomes

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

Strategies

IN1 - Maintain Road Network

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

IN2 - Manage Road Network

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

IN3 - Provision of Facilities

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

IN4 - Emergency Management

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

IN5 - Advocacy and Lobbying

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

2.

Environmental Principles

EQUITY

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

PRECAUTION

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

REGENERATION

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

ENGAGEMENT

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

SHARING

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

Social Justice Principles

EQUITY

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

ACCESS

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

PARTICIPATION

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

RIGHTS

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

GOVERNANCE

People deserve responsible governance and fair and accountable decision making.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
COMMUNITY FORUM	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
AUDIT COMMITTEE	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
AUSTRALIA DAY COMMITTEE	Mayor Cr Hannan Cr Landow	Manager Community Services	Meetings held at 6.00pm in the Council Boardroom as required.
COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
COMPANION ANIMALS REFERENCE COMMITTEE	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)	All Crs welcome to attend	Manager Community Services	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Economic Development & Tourism	Meetings held at 4.00pm, 4 th Wednesday of each month in Council's Boardroom.
ENVIRONMENT AND HERITAGE COMMITTEE	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.

Committee/Advisory Group Membership List – 2014-2015

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

Committee/Advisory Group Membership List – 2014-2015

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

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
JOINT REGIONAL PLANNING PANEL	Mayor General Manager	Manager Planning	As decided by the Panel Chair.
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan Cr M Banasik (Alternate)	Director Planning	Meetings held quarterly.
LOCAL EMERGENCY MANAGEMENT COMMITTEE	No Councillor member	Manager Works	Meetings held 6 times per year at various venues.
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor Cr Terry Cr B Banasik Cr Gibbs	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP	Cr Hannan	Director Planning	As required.
MG MY GATEWAY	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central.
QUEEN VICTORIA MEMORIAL HOSPITAL ADVISORY GROUP	Cr Mitchell	Manager Community Services	As required.
SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY INC. (SEATS)	Cr Hannan	Manager Infrastructure Planning	Meetings held quarterly at various locations.
SOUTHERN HIGHLANDS TEAM - BUSH FIRE MANAGEMENT COMMITTEE	Cr Mitchell Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1 st Wednesday quarterly, Venue Bridge Street, Picton.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held quarterly at Goulburn Council offices.
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
SOUTH WEST REGIONAL WEEDS COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Mayor	Manager Works	Quarterly.
YERRANDERIE MANAGEMENT COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.



Planning & Economy

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

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

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

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

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

Report of Planning and Economy to the Ordinary Meeting of Council held Monday
20 April 2015

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY

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

Report of Planning and Economy to the Ordinary Meeting of Council held Monday 20 April 2015

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

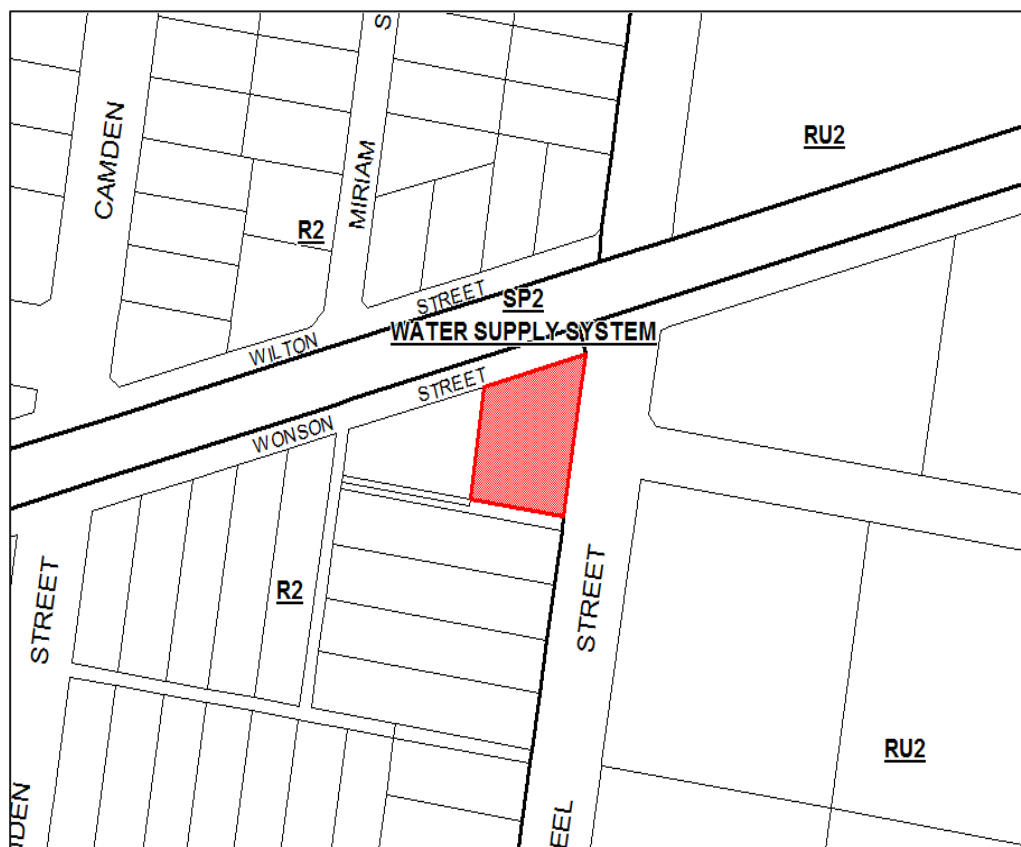
PLANNING AND ECONOMY

PE1

Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings)

265155

010.2014.00000502.001



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

DEVELOPMENT INFORMATION

Development Application No:	010.2014.00000502.001
Property Address:	2 Wonson Street, WILTON Lot: 15 Sec: 4 DP: 759094
Applicant:	Rein Warry & Co Pty Ltd
Owner:	Kallaroo Properties Pty Ltd

Planning & Economy

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Proposal Details:	three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) Torrens title lots and three (3) dwellings each on a separate allotment, landscaping, and demolition of a shed and slab of a shed.
Zone:	R2 Low Density Residential

EXECUTIVE SUMMARY

- Council is in receipt of an application seeking consent for a three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) dwellings each on a separate allotment, (four (4) lots in total) landscaping, and demolition of a shed and slab of a shed.
- The application was 'called up' by Council on 14 October 2014.
- At the Ordinary Meeting Council held on Monday 16 March 2015, Council resolved:

"That:

A. The determination of Development Application 010.2014.00000502.001 for a three stage residential subdivision and dual occupancy development, creating an additional three Extract from Council report dwellings each on a separate allotment (four lots in total), landscaping and demolition of a shed and slab of a shed at Lot 15 Section 4 DP759094, 2 Wonson Street, Wilton be deferred.

B. To address community concern, the Applicant be invited to redesign the proposed development creating one additional dwelling and a two lot subdivision of land."

- The applicant has elected to keep the application as originally proposed. A copy of the applicant's letter of support is provided as an attachment to this Council Report.
- Six (6) submissions were received.
- There are aspects of the application that do not comply with Wollondilly Local Environmental Plan 2011 (WLEP 2011). Variations are sought by the applicant and based on the merits of the development, the departures are considered justified in the circumstances of the case.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved subject to conditions.

Report of Planning and Economy to the Ordinary Meeting of Council held Monday 20 April 2015

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

REPORT

BACKGROUND

On 20 August 2014, Council received Development Application No. 010.2014.00000502.001, for development described on the Application Form as "Three (3) stage development for dual occupancy construction, subdivision, demolition of existing slab of shed, landscaping and associated works."

CONSULTATION

Referral	Outcome
Development Engineer	No concerns subject to conditions of consent.
Mine Subsidence Board	Approval provided.

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject site is known as No. 2 Wonson Street, Wilton (Lot 15, Section 4, DP 759094). The site is located on the southern side of Wonson Street and forms the south-western corner allotment of the intersection of Wonson and Peel Streets. The subject site has dimensions of 44.12m to the Wonson street frontage and 60.45m to the Peel Street frontage. The site has an area of 2,070m².

Existing on the subject site is a single storey residential dwelling house, garage, and associated outbuilding. The site is landscaped with shrubs and matures trees scattered across the site and to the boundary with Peel and Wonson Street. The subject site is mapped on Council's Geographic Information system as containing Shale Sandstone Transition Forest (Low Sandstone Influence) vegetation community.

Access to the subject site is provided by a driveway off Peel Street. Peel and Wonson Streets are fully sealed. There is no kerb or guttering to the Wonson or Peel Street frontages.

The subject site slopes slightly from the south-east to the north-west corner of the site. The subject site drains to the existing swale drain on Wonson Street.

The land is located in the proclaimed Wilton Mine Subsidence District.

The property is located in the village of Wilton which consists of predominantly low density residential and rural residential development.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Adjoining the subject site to the north, west and south is low density residential development consisting of single and two (2) storey dwellings with their associated structures and uses. To the west, the premises are adjoined by Peel Street and vacant rural land on the eastern side of Peel Street.

1.2 DESCRIPTION OF DEVELOPMENT

Consent is sought for the following:

Stage	Proposal
1	Two (2) lot Torres title subdivision of Lot 15 in DP 759094. Associated works, including kerb, gutter and driveway construction and demolition of existing slab of structure.
2	Construct dual occupancy on Lot 151 (one new dwelling, one existing). Two (2) lot Torrens title subdivision of Lot 151. Associated works, including: tree removal, landscaping, and driveway construction to new dwellings proposed as part of Stage 2.
3	Construct dual occupancy on Lot 152. Two (2) lot Torrens title subdivision of Lot 152. Associated works, including: demolition of existing shed, tree removal, landscaping and construction of driveways to dwellings proposed in Stage 3.

The applicant has detailed the following regarding proposed lot sizes:

Lot	Lot Size	Lot Width	Lot Depth
153	540.55m ²	12.00m	42.35m
154	562.70m ²	19.93m	28.23m
155	458.59m ²	14.70m	27.82m
156	508.23m ²	13.53m	34.58m

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (BASIX)

Satisfactory Basix certificates have been provided.

State Environmental Planning Policy No. 55 – Remediation of Land

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3
3. Does the application propose a new: Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone.		Proceed to Question 5
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land had been used for a listed purpose.		Proceed to Question 5
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater		Request contaminated site assessment

Planning & Economy

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Comment

A review of the property file and a site visit did not identify any potential historical uses or sources of contamination which warrant further investigation or the requirement for the submission of a Stage 1 – Preliminary Investigation of contamination.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is considered to be consistent with the aims of the plan as the development is able to be carried out with minimal impact on the quality of the river.
6. Planning Policies and Recommended Strategies	
(3) Water quality	Minimal impact on water quality is anticipated subject to conditions. The development area would not occur in close proximity to any watercourse.
(4) Water quantity	The impact of the development on drainage and flow characteristics has been assessed by Council's Development Engineer and found satisfactory. A condition is recommended requiring stormwater runoff from all impervious surfaces to be conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A further condition is recommended requiring the submission of a Soil and Water Management Plan prior to the release of a Construction Certificate by Council or the nominated Accredited Certifier.
(6) Flora and Fauna	The proposal includes the removal of existing vegetation on the subject site. Although the site is mapped as containing Shale Sandstone Transition Forest (Low Sandstone Influence) vegetation community, the sites dominate vegetation type is non-indigenous shrubs and trees with low biological value to the identified vegetation community.
(10) Urban development	Each allotment would be serviced by Sydney Water reticulated sewer system. It is considered that the development would not be contrary to the aims and the objectives of the plan given that the subdivision is of a minor nature and would direct stormwater to the on-street network in Wonson Street.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

State Environmental Planning Policy No 44 - Koala Habitat Protection (SEPP 44)

The subject land is not identified under SEPP 44 as being a 'potential habitat'. Therefore, Council is not prevented from granting consent to the proposal under the provisions of the Policy.

Wollondilly Local Environmental Plan, 2011

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	(a) Subject to conditions, it is anticipated that the effects of the development upon natural resources and landscape character is satisfactory.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,	(b) The subject land does not contain a heritage item; nor is it located adjacent to a heritage item. It is anticipated that the development will not impact adversely upon the heritage value of the area.
(c) to protect water quality in land that is situated within water supply catchments,	(c) Not applicable.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	(d) The proposal will not impede future growth, the provision of integrated transport and infrastructure system or adequate facilities and services for future growth.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	(e) The development will not impact upon rural resource lands.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	(f) The proposal will be located in an established residential area at the edge of Wilton. Hence, the development will not significantly fragment the rural setting and the separation between urban and rural areas is maintained.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Characterisation: Demolition, Dual Occupancy and Torrens Title Subdivision
Zone of land: R2 Low Density Residential
Permissibility: With Consent
Zone objectives:

Objective	Comment
R2	
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. 	The proposed development provides further housing for the community in a low density residential environment.
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	This objective is not applicable to the proposed development. The proposed development is a residential land use.

Clause	Comment
Part 2 Permitted or prohibited development	
2.6 Subdivision—consent requirements	Development consent has been sought. Complies.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	N/A. Clause 4.1A applies.
4.1A Minimum lot size for dual occupancies in residential zones	The proposed dual occupancy (detached) and Torrens title subdivision of Lot 152 as part of Stage 3 will subdivide proposed Lot 152 (966.85m ²), resulting in two lots (Lot 155 and Lot 156). The proposal does not comply with Clause 4.1A. The proposal is supported by a Clause 4.6 variation application.
4.3 Height of buildings	Height of the proposed dwellings does not exceed the maximum 9m height limitation identified under the Height of Building Map for the subject site.
4.6 Exceptions to development Standards	<p>Dual occupancy (detached) is permitted in the R2 Low Density Residential zone on a lot with an area of 975m² in accordance with Clause 4.1A. The proposed dual occupancy (detached) development in Stage 3 is to be located on a lot (Lot 152) with an area of 966.3m².</p> <p>The variation in the lot size required for a dual occupancy (detached) and the proposed area of Lot 152 is 8.7m² or 0.89%. It is considered that strict compliance with the standard is unreasonable and unnecessary. It is considered that variation be supported for the following reasons:</p>

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Clause	Comment
	<p>1) the variation is considered minor and a numerical non-compliance;</p> <p>2) the proposal is consistent with the objective of the R2 zone;</p> <p>3) the proposal has shown that a residential dwelling can be effectively located on the resulting lots; and</p> <p>4) not limiting the non-compliance with the standard, complies with the relevant provisions on the Wollondilly Development Control Plan 2011.</p> <p>The proposed variation satisfies the requirements of Clause 4.6(4)(a)&(b) for the following reasons:</p> <p>1) the applicant's written request has adequately addressed the matters required to be demonstrated; and</p> <p>2) The proposal will be in the public interest because it is consistent with the objectives of Clause 4.1A</p> <p>(no objectives prescribed) and the objectives for development within the R2 Low Density Residential zone.</p>
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	Vegetation is proposed to be removed in order to accommodate the proposed dwellings and access to the lots. The removal of the isolated stands of vegetation will be satisfactory if compensatory landscaping is established. Conditions are recommended in this regard.
Part 7 Additional local provisions	
7.1 Essential services	The subject site is serviced with reticulated water, underground telephone and overhead electricity. The subject site is not serviced by a reticulated sewerage connection, however Wilton is currently being connected under the Priority Sewerage Program. The development is recommended to be conditioned to be connected to reticulated sewerage prior to an Occupation Certificate being granted by the Principal Certifying Authority.

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Clause	Comment
7.2 Biodiversity	Not applicable (the site is not in the mapped biodiversity layer under Wollondilly LEP2011).
7.3 Water protection	Not applicable. No works are proposed within an area identified as water protection.
7.4 Flood planning	Not applicable. The subject site is not identified as flood prone.
7.5 Earthworks	Minimal cut and fill is proposed and only material excavated from the site will be used for the purpose of site levelling.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to the development proposal.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2011 (WDCP 2011) Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	The proposal is consistent with the aims of the plan.
2.1 Advertising and Notification of Development Proposals	The proposal was notified in accordance with the requirements of the control. Six (6) submissions have been received.
2.3 Tree and vegetation provisions	The proposal includes the removal of vegetation on the subject site. The tree removal includes the removal of non-indigenous trees and shrubs.
2.4 Landscaping	Landscaping on the site is subject to conditions.
2.5 Biodiversity	Not applicable. Clause 7.2 under WLEP 2011 does not apply.
2.6 Water	Not applicable. Clause 7.3 under WLEP 2011 does not apply.
2.7 Flood affected land	Not applicable.
2.8 Bushfire prone land	Not applicable.
2.9 Contaminated land and Land filling	The site is satisfactory as discussed under SEPP 55.

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Relevant Provisions	Comment
2.10 Land slip and subsidence	The land is identified as being within a mine subsidence area. The MSB has provided their approval.
2.11 Development in Sydney's Drinking Water Catchments	Not applicable.
2.12 Site waste minimisation and management	Waste Management Plan (WMP) provided. The proposal is recommended to be conditioned to comply with the WMP.
2.13 Salinity	No assessment provided, subject to recommended conditions.
2.14 Water Management	Not applicable.
2.15 Transport and Movement	Conditions are recommended.
2.16 Landscape & Scenic Quality	Conditions are recommended. Landscaping to be used to reduce any visual impacts.

Volume 3 – Residential Development

4.14 Dual Occupancy in Zones other than R3 Medium Density Residential

Relevant Provision	Comment
Lot Size	
1 Dual Occupancy development shall not be undertaken on Town Centre Residential Lots, Residential Small Lots or Residential Large Lots.	The proposed Torrens title subdivision is not proposed on a Town Centre Residential Lot, Residential Small Lot nor Residential Large Lot.
Building Design	
2. The maximum site coverage shall be 50%.	Lot 153 = 40% Lot 154 = 41% Lot 155 = 40% Lot 156 = 40%
3. Filling of land shall not increase the natural ground level by more than 1.0m.	Minor levelling of the subject site will be required. No fill will be required. Complies.
4. Cut shall be limited to 2.0 metres below natural ground level	Minor cutting will be required to level the subject site. Complies.
5. Each frontage of the lot to a public road must be addressed by a dwelling. A dwelling is taken to address	Each of the proposed dwellings with frontage to a public road meets the front façade requirements of this volume as outlined below. Complies.

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Relevant Provision	Comment
a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume.	
6. Any front façade must feature a personal access door.	A personal access door is provided to each façade facing a public road. Complies.
7. Any front façade must have no stretch of blank wall greater than 5.0m in length	Each front façade of the proposed dwellings has no stretch of blank wall greater than 5.0m in length. Complies.
8. A side or rear façade must have no stretch of blank wall greater than 12.0 metres.	Each side and rear facade of the proposed dwellings has no stretch of blank wall greater than 12.0m in length. Complies.
9. No more than 50% of the front façade shall be garage doors.	Each dwelling has no more than 50% of the front façade occupied by garage doors. Complies.
10. The number of garage doors visible to the street shall be limited to 3. In this control a double garage door shall be counted as 2 doors.	A single garage is proposed for each of the dwellings (including the existing dwelling). Complies.
11. The front façade shall be provided with at least one habitable room with a window looking out onto the public road.	A habitable room with a window looking out on Wonson or Peel Street is provided on the front façade of each dwelling. Complies.
12. Dual occupancy developments must not: Be mirror reversed; Have a repeated façade; Locate garages at the centre of the building's front façade; nor present an excessively bulky front façade.	The dual occupancy development does not incorporate mirror reversed, repeated facades, centre located garages or excessively bulk front facades. Complies.
13. Where there is a dwelling on each adjoining lot, the setback for the dwelling from any primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m.	Not applicable.

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Relevant Provision	Comment
14. Where there is a dwelling on one adjoining lot the front setback for the dwelling shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 4.5m.	The adjoining dwelling located on No. 4 Wonson Street, Wilton is setback 5.7m from Wonson street. The proposal will provide the following setbacks: Lot 153 = 6.50m Lot 155 = 5.90m Lot 156 = 7.70m Complies.
15. Where there is no dwelling on an adjoining lot the front setback shall be 4.5m.	Not applicable.
16. For corner or irregular allotments with multiple road frontages the setback from any secondary road shall be 2m for a lot with an area less than 900m ² and 3m for other residential lots.	Proposed Lot 156 it setback 1.75m from the side boundary with Peel Street (including awning and terrace). Refer to control 21 below. Complies.
17. The minimum side setback shall be 0.9m.	All dwelling achieve a minimum side setback of 0.9m. Complies.
18. The minimum rear setback shall be 8.0m for a two (2) storey dwelling and 3.0m for a single storey dwelling or a single storey part of a two (2) storey dwelling.	All dwellings are single storey and achieve a minimum rear setback of 3m. Complies.
19. The methods for determining primary and secondary roads and setbacks prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes), 2008, are adopted by this volume.	Noted.
20. No part of any garage shall be located within 5.5 metres of a frontage of the site to a public road.	No proposed attached garage is located within 5.5m of a public road. Complies.

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Relevant Provision	Comment
21. Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road but shall not extend more than 1.5m in front of that building setback.	The dwelling located on proposed Lot 156 includes a terrace to the southern elevation. The terrace is located between the building setback and secondary road (Peel Street), the terrace extends 1.2m in front of that building setback. Complies.
22. Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.	Proposal Complies.
Private Open Space	
23. A minimum principal area of private open space must be provided for each dwelling with the following characteristics: <ul style="list-style-type: none"> a. Gradient no steeper than 1:20 (Rise:Run) b. Width no less than 3 metres in any direction c. Must be directly accessible from, and adjacent to, a habitable room, other than a bedroom d. Have an area no less than 24 square-metres. e. Must not be located in the front building setback nor the setback from a secondary frontage f. Not be used for clothes drying, effluent disposal or garbage storage 	The proposed private open space (POS) to each dwelling complies with the design, location and use requirements of this control. Complies.
Parking, Access and Vehicular Safety	
24. A minimum of one parking space must be provided wholly on the site for each dwelling. Such a space or spaces may be an	One (1) car parking is provided to each dwelling in the form of a secured attached garage. Complies.

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Relevant Provision	Comment
open hard stand space or a carport or garage, whether attached to or detached from the dwelling house.	
25. An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.	Noted.
Privacy	
26. Dwellings must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.	The proposed dwellings will not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity or dwellings which form part of the development itself. Complies.
27. A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.	Noted.
28. The rear dwelling of a battle-axe style dual occupancy development shall be single storey.	Not applicable.
Stormwater	
29. Stormwater from new buildings must be gravity fed to a constructed or natural stormwater system. The use of charged lines is not permitted for storm water connections except for connections conveying roof water to tanks within the property.	The proposal is supported by a stormwater drainage concept plan which identifies that the stormwater from the new dwellings will be conveyed to the street. The plan has been designed to conform to Council's design requirements. Complies.
Waste Management	
30. Each dwelling shall be provided with a bin storage area in a location clear of private open space.	Each dwelling is provided with a bin storage area clear of the identified Private Open Space. Complies.
Attached Dual Occupancy in Environmental Living (E4) Zones	
31. Attached dual occupancy developments in the E4 Zone.	Not applicable.

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Wollondilly Development Control Plan 2011 Volume 10 – Subdivision of Land

The proposal meets the definition of “minor subdivision” as defined in this Volume, see below:

Any subdivision that:

- Does not create any additional dwelling opportunities (excluding an additional opportunity for a secondary dwelling); and
- Does not, by its scale and nature, have any plausible adverse social, environmental or economic impacts; and
- Does not involve any allotment on which an item of environmental heritage is situated; and
- Does not involve any allotment located within a heritage conservation area; and
- Does not result in more than 4 new allotments.

This definition is not intended to be applied to the interpretation of exempt or complying development provisions.”

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
1. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that the following risks to public safety are suitably mitigated: a) Road and traffic hazards; b) Bushfire; c) Flood; d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; e) Exposure to electricity transmission systems; and f) Exposure to radiation from telecommunications infrastructure.	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, the risks identified under this control are suitably mitigated and do not present a risk to public safety for the proposed development. Satisfied.
2. The consent authority must not grant consent to a development application subject to this volume unless it is satisfied that the road network in the vicinity: a) has adequate capacity to	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, the proposed development has adequate capacity to support the development; and will have an

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PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
support the development; and b) will have an adequate level of amenity once the development is operating.	adequate level of amenity once the development is operating. Satisfied.
3. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that emergency services vehicles will have adequate access to service the proposal.	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, emergency services vehicles will have adequate access to service the proposal. Satisfied.
4. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.	The MSB has provided their concurrence to the proposal prior to determination.
5. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment..	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment. Satisfied.
6. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health. Satisfied.
PART 3 - GENERAL REQUIREMENTS FOR ALL DEVELOPMENT	Comment
3.1 Traffic and Transport	
6. Road infrastructure enhancement shall be provided to existing roads in accordance with the following table unless the improvements are already present for small subdivisions (< 10	The proposed subdivision is defined as a "minor subdivision". Not limiting the definition of the proposed subdivision under the clause 1.3 of WDCP 2011, Council's development

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PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
lots). Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site	engineers have recommended as a condition of development consent - Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site.
10 Splay corners shall be provided for newly created corner lots with the following sizes - Residential Zones 4m by 4m	4m by 4m splay provided to proposed Lot 156. Complies.
3.2 Wastewater	
1. The controls in this clause 3.1 do not apply to strata subdivisions of existing buildings that do not propose new wastewater treatment arrangements.	Noted.
2. All lots created must have access to one or more of the following: a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.	The proposed development (including the existing dwelling) is recommended to be conditioned to connect the Sydney Water System prior to the release of any Occupation Certificate by the Principal Certifying Authority for the relevant stage of the development.
3. A "pump out" system shall only be considered as a satisfactory method of wastewater disposal for the purposes of Control 2 in the following zones under Wollondilly Local Environmental Plan, 2011: a. B1 Neighbourhood Centre b. B2 Local Centre c. IN1 General Industrial d. IN2 Light Industrial	Not applicable.

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PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment																				
e. IN3 Heavy Industrial f. RE1 Public Recreation g. RE2 Private Recreation																					
3.3 Stormwater																					
1. All subdivisions must demonstrate stormwater management arrangements to allow for drainage to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety	The proposal is supported by a stormwater drainage concept plan which identifies that the stormwater from the new dwellings will be conveyed to the street. The plan has been designed to conform to Council's design requirements. Complies.																				
2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report to be submitted with the development application which must include modelling of both water quantity and quality.	Not applicable.																				
3. All stormwater infrastructure to be dedicated to Council must be low maintenance.	All stormwater infrastructure is to be dedicated to Council is to be low maintenance. Complies.																				
3.4 Lot Shape																					
2. Lots in residential zones shall have the following minimum dimensions: Lots between 450m ² and 650m ² (inclusive) Min Lot Width = 13m Min Lot Width (Corner Lot) = 15m Min Lot Depth = 20m	<table border="1"> <thead> <tr> <th>Lot</th> <th>Lot Size</th> <th>Lot Width</th> <th>Lot Depth</th> </tr> </thead> <tbody> <tr> <td>153</td> <td>540.55m²</td> <td>12.00m</td> <td>42.35</td> </tr> <tr> <td>154</td> <td>562.70m²</td> <td>19.93m</td> <td>28.23</td> </tr> <tr> <td>155</td> <td>458.59m²</td> <td>14.70m</td> <td>27.82</td> </tr> <tr> <td>156</td> <td>508.23m²</td> <td>13.53m</td> <td>34.58</td> </tr> </tbody> </table> <p>(Corner)</p> <p>Lot 153 and Lot 156 do not comply with the minimum lot width as they relate to standard allotments and corner allotments, however this is</p>	Lot	Lot Size	Lot Width	Lot Depth	153	540.55m ²	12.00m	42.35	154	562.70m ²	19.93m	28.23	155	458.59m ²	14.70m	27.82	156	508.23m ²	13.53m	34.58
Lot	Lot Size	Lot Width	Lot Depth																		
153	540.55m ²	12.00m	42.35																		
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PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
	satisfactory under the plan as explained at point 3 below.
<p>3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:</p> <p>a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or</p> <p>b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2011.</p> <p>c. The subdivision of dwellings approved under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 or an equivalent State Environmental Planning Policy.</p>	The provisions of control 2 of Clause 3.4 above, do not apply to the proposed development by virtue of the proposed dual occupancy complying with all other relevant controls in WDCP 2011.
4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.	Not applicable.
3.5 Landscape and Character	No Applicable Controls
3.7 Corner Allotments	
1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.	Full house plans are provided for the proposed corner lot identified as proposed Lot 156. These plans detail that the proposed dwelling complies with the required primary and secondary setbacks.
2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.	Access driveways are identified on the plans submitted with the development application. Complies.

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PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed.	Not Applicable. No dwelling exists on proposed corner Lot 156.
3.8 Building Envelopes	No Applicable Controls
3.9 Environmental Protection	No Applicable Controls
3.10 Aboriginal Heritage	No Applicable Controls
3.11 Noise Amenity	No Applicable Controls

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1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

None applicable.

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	Subject to conditions of consent it is considered that the development would not have any unreasonable adverse impacts if the application is approved.
Built Environment	Subject to conditions of consent, it is considered that on the built environment if the application is approved would be satisfactory impacts
Social Impacts	Subject to conditions of consent, it is considered that there would be acceptable social impacts if the application is approved.
Economic Impacts	It is considered that there would be neutral or beneficial economic impact if the application is approved.

1.5 SUITABILITY OF THE SITE

It is considered that the site is suitable for the development. Issues that have been brought to the applicant's attention from Council have been considered and amendments have been made. Not limiting the numerical non-compliance with Clause 4.1A of WLEP 2011, the proposed development is considered to be suitable for the site subject to recommended conditions of consent.

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1.6 SUBMISSIONS

The application was notified for a period of 15 days commencing 16 September 2014. Following the submission of amended plans the application was re-notified to persons who lodged a submission to the initial notification of the application. Six (6) submissions were received.

Below is an assessment of the submissions received relevant to this application:

Concern	Comment
The atmosphere of old Wilton will be destroyed by this type of medium density development which is not reflective of the existing tranquillity, quality housing and character.	The proposed development is considered to be a form of low density development that is consistent with the objectives of the R2 Low Density Residential zone. The proposed development will provide additional housing opportunities in a residential area. The proposed dwellings are considered to be consistent with the existing built form and streetscape character of Wonson and Peel Streets. It should be noted that dual occupancy development has been permitted within residential zones in Wollondilly since the early 1980's.
By allowing development of blocks less than a quarter acre in a locality where there are no other medium or high density development.	The proposed development is considered to be a form of low density residential development. The proposed staged development for a four (4) lot subdivision and the construction and subdivision of 2 dual occupancies (4 dwellings) is permissible with consent in the R2 Low Density Residential zone. While it is acknowledged that the lot sizes proposed are less than a quarter acre the density of development is consistent with the WLEP 2011 and the WDCP 2011.
Council would be going against one of its stated aims - "Rural Living".	General Policy P2 of the Council's Growth Management Strategy (GMS) states that <i>"all land use proposals need to be compatible with the concept and vision of "Rural Living"</i> .

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Concern	Comment
	<p>Despite the identification of P2 as a Key Policy Direction within the GMS, Council goes on to state on page 11 that, <i>"Although Council believes that we can accommodate natural growth levels without compromising the vision of rural living, any scenario which involves Wollondilly accommodating Sydney's urban expansion would be unlikely to maintain that vision, at least for significant parts of the Shire."</i></p> <p>Council has identified that the Shire is shifting its emphasis away from rural-residential and towards more consolidated housing forms in and around our existing settlements. The subject site is located on the edge of the existing village of Wilton on the boundary of the existing residential zoned land. The proposed development, located within the R2 Low Density Residential zone of Wilton is considered to be compatible with Council's Key Policy Direction P2 contained within the GMS.</p>
<p>The proposed block sizes resulting from the subdivision of the subject site are too small and not in keeping with the existing lot sizes on Wonson, Wilton or Peel Streets.</p>	<p>Not limiting the non-compliance with Clause 4.1A of the WLEP 2011 as it relates to the subdivision of proposed Lot 152, the proposal was supported by a Clause 4.6 application to vary a development standard. The variation is supported for the following reasons: the variation is considered minor; the proposal is consistent with the objectives of the R2 zone; the proposal has shown that a residential dwelling can be effectively located on the resulting lots; and the development complies with the relevant provisions on WDCP 2011.</p> <p>While the proposed lot sizes are not consistent with existing lot sizes on Wonson and Peel Street (which consist of a mix of lot sizes ranging from 980m² to 3670m²), the proposed lot sizes must be considered in view of the desired future subdivision pattern and lot size.</p>

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Concern	Comment
	Furthermore, the proposed lots provide for the future development of these lots for the purpose of residential dwellings which comply with the relevant controls of WDCP 2011.
Approval of this development by Council will set a dangerous precedent for block sizes in the area and future development will be approved by Council on this basis.	Each development application is assessed on its merits. The proposed development is consistent with WLEP 2011 (not limiting the non-compliance with Clause 4.1A), WDCP 2011 and all relevant environmental planning instruments which relate to the land. Council must take into account the precedent which may be established by allowing departures from development standards and controls and their possible cumulative effects on the area. However, where the departures are of such a minor nature that strict compliance with the standard would be unreasonable and unnecessary, Council should not be deterred from approving this development on the basis of setting a dangerous precedent.
Parking associated with the development is insufficient. While an attached garage is provided to each dwelling this will be insufficient to meet the parking demands of the development and will result in parking in the road way or footpath, blocking access for pedestrians.	Each dwelling (including the existing dwelling) is provided with a minimum of one secured car parking space (Lot 155 is provided with two (2) secured spaces) and a hard stand area in front of the garage for the parking of an additional vehicle. The proposed car parking arrangements are consistent with the requirements for car parking as outlined under the WDCP 2011. Council must balance the provision of onsite car parking with the design requirements of reducing the visual dominance that garages have on the design of dwellings. To require the development to provide double garages would not result in a desirable building design outcome. It is acknowledged that there is the potential for additional on-street parking on Wonson and Peel Street by vehicles associated with the proposed development,

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Concern	Comment
	such parking demands are not considered to be excessive. Conditions of consent are recommended to provide kerb and guttering on Peel and Wonson Street to the full length of the development. Such road upgrades will allow for appropriate vehicle parking which would potentially reduce the need to park on the foot path - blocking access to pedestrians.
The existing drainage on Wonson and Peel Streets is completely inadequate and the proposal to construct an additional three (3) dwellings will exasperate the issue. Water currently in front of 4 Wonson Street and the subject site for weeks following heavy rain, attract mosquitos and is unsightly. There is also identified localised flooding of the property on the opposite side of Peel Street adjacent to the subject site due to the drain at the front of the property becoming overloaded.	The proposed development has been assessed by Council's Engineers. Conditions of consent are recommended that will include the design and construction of street drainage, 150mm barrier profile kerb and gutter to the full length of the subject site. It is intended that the drainage works will alleviate many of the drainage issues which have the potential to exacerbate by the proposed development. Council is to investigate the localised flooding on the opposite side of Peel Street resulting from the overloading of the drain on Peel Street.
The SCA owns land that adjoins the proposed development site on Wonson Street. All works should be undertaken within the proposed development site and no construction activities should occur from within the SCA land.	It is recommended that standard condition of development consent be placed on the proposed development, requiring that the development take place wholly on the subject site.

Planning & Economy

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

1.7 THE PUBLIC INTEREST

While there has been opposition to the proposed development and not limiting the non-compliance with Clause 4.1A of WLEP 2010, the proposed development is broadly consistent with the WDCP 2011. Subject to conditions of consent, the development is not expected to have any negative impacts on the environment or the amenity of the locality as detailed throughout this report.

It is considered appropriate having regard to the zoning and the character of the area and is therefore considered to be in the public interest.

FINANCIAL IMPLICATIONS

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

The developer contributions payable are \$37,160.00. Calculated in accordance with the Wollondilly Development Contribution Plan 2011 on the basis of one (1) additional lot and two (2) additional dwellings.

ATTACHMENTS:

1. Plans of proposed development.
2. Letter from the Applicant to Council in relation to Council's Resolution dated 16 March 2015.

RECOMMENDATION

That Development Application 010.2014.00000502.001 for a three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) dwellings each on a separate allotment (four (4) lots in total), landscaping and demolition of a shed and slab of a shed at Lot 15 Section 4 DP 759094, at 2 Wonson Street, Wilton be approved subject to the following conditions:

1. COMPLIANCE

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

All Stages

- (1) Development Consent is granted for development being undertaken in three (3) stages, being: demolition of outbuildings, construction of two (2) dual occupancies, four (4) lot Torrens title subdivision of and associated works and landscaping at Lot: 15 Sec: 4 DP: 759094, No. 2 Wonson Street WILTON.
- (2) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the endorsed plans prepared by Urban Simplicity, Job No. 14-070, dated 22 January 2015, Sheets 1-23, Issue B, lodged as part of Development Application No. 010.2014.00000502.001 received on 20/08/2014 except where varied by the following conditions of consent.
- (3) The development shall be undertaken in the following stages:

Stage 1:

Two (2) lot Torres title subdivision of Lot 15 in DP 759094 in accordance with the Stage 1 Subdivision Plan, prepared by Urban Simplicity, Job No. 14-070, Sheet 03-23, Issue B, dated 22/01/2015.

Associated works, including: kerb, gutter and driveway construction and demolition of existing slab of outbuilding.

Stage 2

Construct dual occupancy on Lot 151.

Two (2) lot Torrens title subdivision of Lot 151 in accordance with the Stage 2 Subdivision Plan (Subdivision of Lot 151 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 04-23, Issue B, dated 22/01/2015.

Associated works, including: tree removal, landscaping, and driveway construction to new dwelling constructed as part of Stage 2.

Stage 3

Construct dual occupancy on Lot 152.

Two (2) lot Torrens title subdivision of Lot 152, in accordance with the Stage 3 Subdivision Plan (Subdivision of Lot 152 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 05-23, Issue B, dated 22/01/2015.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Associated works, including: demolition of existing slab of outbuilding, tree removal, landscaping and construction of driveways to dwellings proposed in Stage 3.

- (4) Stage 1 shall be completed and the subdivision registered prior to the release of any construction certificate for Stage 2.
- (5) The construction of the dwelling in Stage 2 must be completed and Occupation Certificates issued for the dwelling prior to the release of any Subdivision Certificate for the corresponding sub stage of Stage 3.
- (6) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
 - (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

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

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

2. CONSTRUCTION GENERAL

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

All Stages

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.

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- (2) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or a nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA, Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (3) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

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

- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) There shall be no burning of builders rubble, felled trees or other material on site.
- (8) All excavation and backfilling associated with the development must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

3. DEMOLITION

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

All Stages

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to Council or a nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), WorkCover Authority of NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.

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- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the "NSW Waste Avoidance and Resource Recovery Strategy 2014-21" (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601 – The Demolition of Structures and the WorkCover Authority of NSW publication "Demolition work code of practice July 2014" including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

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- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier within fourteen (14) days of the completion of demolition.

4. BUILDING DESIGN

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

All Stages

- (1) All materials and colours to be used in the external construction of the proposed dwellings shall be consistent throughout the total development and/or match those of the existing development.
- (2) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured brickwork and finishes shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

All Stages

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

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- (2) Engineering Design Plans for the kerb and gutter, road shoulder, drainage and vehicle footway crossing are to be submitted to and approved by Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or a nominated Accredited Certifier for the development.
- (4) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

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

- (5) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.
- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Principal Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (7) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or a nominated Accredited Certifier. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or a nominated Accredited Certifier with the Engineering Plans.

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- (8) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council or a nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the RMS's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to the Council or a nominated Accredited Certifier before the issue of a Construction Certificate for development. Where it is proposed to restrict speeds, the RMS requires that all applications for Directions to Restrict Speed (DTR) for work on any Council road by developers and their contractors be submitted to the RMS.
- (9) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

6. DRAINAGE/STORMWATER

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

All Stages

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

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- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of Construction Certificate.
- (3) Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.

Stage 1

- (4) The applicant shall design and construct street drainage as generally shown in the concept plans by Rein Warry and Co. File No 7234, Edition A dated 14/08/14 prior to the release of any subdivision certificates for Stage 1. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited prior to the issue of Construction Certificate.
- (5) The applicant shall ensure that all existing adjacent drainage structures such as table drains and pipe culvert crossings discharge into the new piped drainage system. Adjustments to the structures shall be undertaken by the applicant at no cost to Council.

7. PUBLIC ROADS

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

All Stages

- (1) Provision of Vehicular Access to the site through the construction of 3.0m wide concrete vehicle footpath crossing at all locations where vehicles cross the footway. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited prior to the issue of Construction Certificate.

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Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) In accordance with Section 138 of the Roads Act 1993 a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

Stage 1

- (3) The applicant shall provide 150mm barrier profile kerb and gutter and sealed road from the edge of existing bitumen to the lip of the gutter along the full frontage of the proposed development in Wonson Street and Peel Street, including associated drainage works prior to the release of the subdivision certificate for Stage 1.
- (4) The Kerb and Gutter alignment in Wonson Street shall provide for a 6.0 metre verge with a minimum 6.5 metre carriageway. Peel Street alignment shall provide for an 8.8 metre verge with a minimum 6.5 metre half road width prior to the release of the subdivision certificate for Stage 1.
- (5) Provision of vehicular access to the site through the construction of vehicular crossings within the new kerb and gutter at all locations adjacent to proposed concrete footpath crossings. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited Certifier prior to the issue of the Construction Certificate.
- (6) A street light shall be placed on the existing power pole at the intersection of Peel Street and Wonson Street adjacent to the proposed development prior to the release of the subdivision certificate for Stage 1.
- (7) The street lighting identified in Condition 8(6) above shall be provided using LED LIGHTING to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.

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8. EROSION AND SEDIMENT CONTROL

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

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.
- (6) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan as per Condition 6(7) shall be completed prior to any construction taking place on the site.
- (7) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan shall be completed prior to any construction taking place on the site.

These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

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

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9. EARTH FILL

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

All Stages

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (4) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

10. INSPECTIONS

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

All Stages

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
 - When drainage lines have been laid, jointed and bedded, prior to backfilling
 - Prior to pouring of the drainage pits, when the formwork and steel is in place
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
 - When roadworks have been excavated to subgrade, prior to placing of pavement

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- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
- After shaping and prior to topsoil/turf placement of overland flow paths
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At sealing
- At completion of the preparation of kerb and guttering subgrade
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

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

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

Stage 2 and 3

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

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

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- (4) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:
- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000).
 - (ii) Payment of a Road Opening Fee.

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

11. SERVICES

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

All Stages

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

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

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

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- (4) All power and services within the site shall be underground.
- (5) Every dwelling (existing and new) approved in this consent must be connected to the reticulated sewerage system prior to the release of the Occupation Certificate.
- (6) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post prior to the release of any Occupation Certificate.
- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place. The clothes line shall be installed prior to the release of any Occupation Certificate.

12. WASTE MANAGEMENT

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

All Stages

- (1) Disposal of demolition, construction and building waste material shall be undertaken in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by the Principal Certifying Authority in response to a condition of this consent.

13. HERITAGE

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

All Stages

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

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

14. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

All Stages

- (1) Any vegetation to be felled as part of this consent shall be mulched and reused onsite. The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material.

15. FENCING

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

Stage 2

- (1) Fencing is to be installed to the boundary of proposed Lot 153 and to the full length of the northern side boundary of proposed Lot 154. The proposed fencing is to be lapped and capped 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 153 and Lot 154.

Stage 3

- (2) Fencing is to be installed to the full length of the eastern side boundary of proposed Lot 155 and to the full length of the eastern side boundary of proposed Lot 156. The proposed fencing is to be lapped and capped, 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 155 and Lot 156.

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16. LANDSCAPING

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

Stage 2

- (1) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 2), prepared by Urban Simplicity, Job No. 14-070, Sheet 19-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.00000502.001 prior to the release of the Occupation Certificate for each dwelling proposed in Stage 2. The landscaping must be maintained in accordance with the details provided on the Landscape Plan at all times.

Stage 3

- (2) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 3), prepared by Urban Simplicity, Job No. 14-070, Sheet 20-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.00000502.001 prior to the release of the Occupation Certificate for each dwelling in Stage 3. The landscaping must be maintained in accordance with the details provided on that Landscape Plan at all times.

17. SALINITY MANAGEMENT

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

Stage 2 and 3

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

18. OCCUPATION & USE

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

All Stages

- (1) The proposed new dwellings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.

19. SECTION 94 CONTRIBUTIONS

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

Stage 1

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 275
(ii)	Open Space, Sport & Recreation (Precinct)	\$6,534
(iii)	Library & Community Facilities (Shire)	\$1,301
(iv)	Library & Community Facilities (Precinct)	\$1,716
(v)	Transport & Traffic (Roads & Intersections)	\$4,668
(vi)	Transport & Traffic (Cycleways)	\$ 365
(vii)	Bushfire Protection	\$ 33
(x)	Plan Administration	\$ 745
	TOTAL	\$14,892

Stage 2

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

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 160
(ii)	Open Space, Sport & Recreation (Precinct)	\$3,794
(iii)	Library & Community Facilities (Shire)	\$ 755
(iv)	Library & Community Facilities (Precinct)	\$ 996
(v)	Transport & Traffic (Roads & Intersections)	\$4,668
(vi)	Transport & Traffic (Cycleways)	\$ 212
(vii)	Bushfire Protection	\$ 19
(x)	Plan Administration	\$ 530
	TOTAL	\$11,134

Stage 3

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 160
(ii)	Open Space, Sport & Recreation (Precinct)	\$3,794
(iii)	Library & Community Facilities (Shire)	\$ 755
(iv)	Library & Community Facilities (Precinct)	\$ 996
(v)	Transport & Traffic (Roads & Intersections)	\$4,668
(vi)	Transport & Traffic (Cycleways)	\$ 212
(vii)	Bushfire Protection	\$ 19
(x)	Plan Administration	\$ 530
	TOTAL	\$11,134

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

20. SUBDIVISION PLANS

These conditions have been imposed to ensure to outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.

All Stages

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

Stage 2

- (4) The subdivision certificate for Stage 2 shall not be released until after the Occupation Certificate has been issued for the new dwelling.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

Stage 3

- (5) The subdivision certificate for Stage 3 shall not be released until after the occupation certificate has been issued for both new dwellings.

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

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

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

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

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

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

(2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

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

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

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

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

(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

(a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

- (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.
- (ii) in the case of work to be done by an owner-builder:
 - (aa) the name of the owner-builder; and
 - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.
- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (4) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 609842S_02, 609875S_02 and 6098757S_02 are fulfilled. If a replacement BASIX Certificate accompanies any subsequent application for a Construction or Occupation Certificate, the replacement BASIX Certificate shall apply.

22. ADVICES

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Telstra (telephone) 1 800 768 396
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.
- (5) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2010 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.
- (6) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.
- (7) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

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

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (9) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (10) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

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

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

ATTACHMENT 1 – 010.2014.00000502.001 – 20 April 2015

Planning & Economy

DRAWING NOTES

1. All dimensions are to the centreline of the street.
2. DIMENSIONS TO THE CENTRELINE OF THE STREET ARE TO BE TAKEN FROM THE DIMENSION LINES.
3. DIMENSIONS TO THE CENTRELINE OF THE STREET ARE TO BE TAKEN FROM THE DIMENSION LINES.
4. DIMENSIONS TO THE CENTRELINE OF THE STREET ARE TO BE TAKEN FROM THE DIMENSION LINES.

client approved: _____

existing site plan
scale 1:250

www.urbansimplicity.com.au - 0420 309 487 Client: R. Mayer Builder: ---

© Copyright. 2013 ABN: 70 349 847 731 Address: Lot 15 No. 2 Wonson Ave Wilton - 2571 Details: j: 14-070 d: Jan 22-15 s: 1:250

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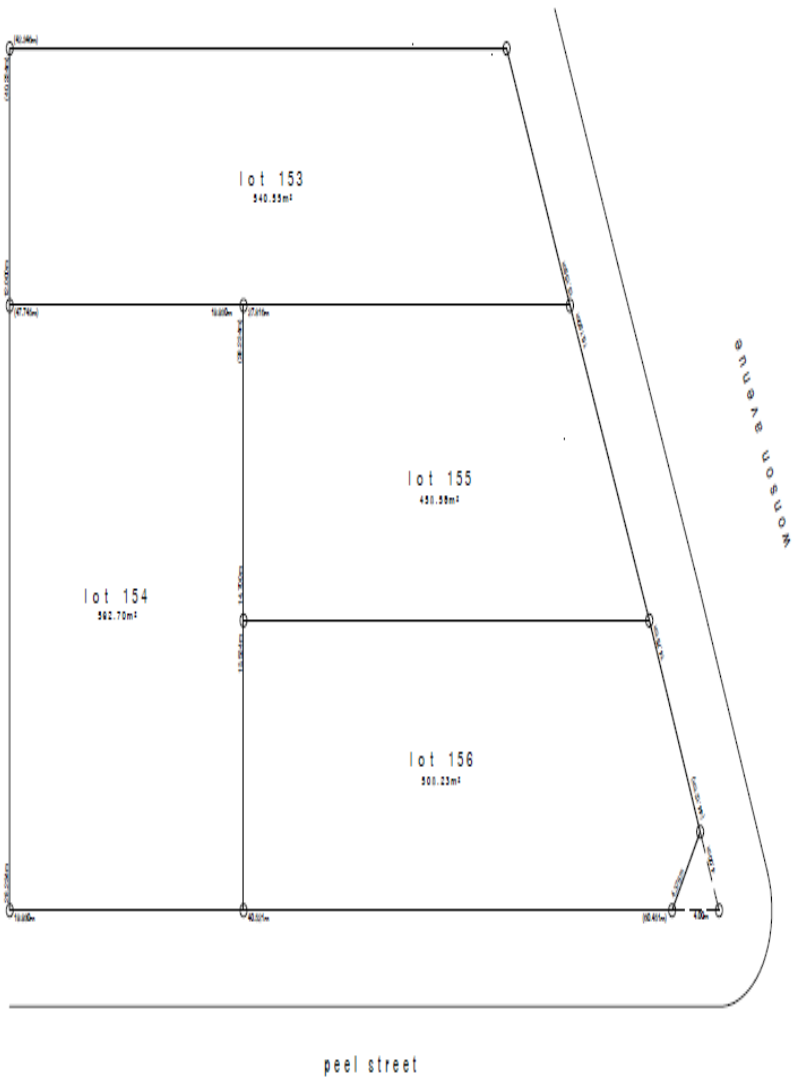
Report of Planning and Economy to the Ordinary Meeting of Council held Monday 20 April 2015

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

ATTACHMENT 1 – 010.2014.00000502.001 – 20 April 2015

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- NOTES:**
1. THIS PLAN IS A PRELIMINARY PLAN. THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1996 AND THE LOCAL GOVERNMENT (GENERAL PURPOSES) ACT 1996 APPLY TO THIS PLAN. THE LOCAL GOVERNMENT (GENERAL PURPOSES) ACT 1996 PROVIDES THAT THE LOCAL GOVERNMENT MAY, IN ITS DISCRETION, VARY THE PROVISIONS OF THIS ACT TO ACCOMMODATE THE NEEDS OF A PARTICULAR AREA OR PROJECT.
 2. THE LOCAL GOVERNMENT (GENERAL PURPOSES) ACT 1996 PROVIDES THAT THE LOCAL GOVERNMENT MAY, IN ITS DISCRETION, VARY THE PROVISIONS OF THIS ACT TO ACCOMMODATE THE NEEDS OF A PARTICULAR AREA OR PROJECT.
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client approved:

final subdivision plan-all stages
scale 1:250



www.urbansimplicity.com.au - 0420 389 487	Client: R. Mayer	Builder: ---	02-23
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PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

ATTACHMENT 1 – 010.2014.00000502.001 – 20 April 2015

Planning & Economy

1. All stoopings to be clear away from drains, gutters, podiums & roadways.

2. Minimise disturbance of areas on site & nearby.

3. Connect all drainage to existing (or) new water stormwater system as soon as practical.

4. Install security fence to front boundary. It must remain until completion of project prior to commencing any form of activities.

SEDIMENT FILTER PRICE NOTES

1. Setout posts along the length of the proposed fence in the positions shown on the site plan. Place posts a maximum of 5m apart and drive them all into the ground. If cast-in-situ or self-supporting fabric is used without the wire support fence, posts spacing must not exceed 1.0m. Posts for sediment fences can be either 0.1m diameter wood or equivalent 100mm steel with a minimum length of 1.0m. (Wood posts must have projections to which the wire is fastened).

2. Excavate a trench approximately 0.1m wide and 0.1m deep along the line of posts and upslope from the barrier.

3. Fasten wire mesh securely to the upslope side of posts. Use heavy-duty wire staples at least 7.5mm long and 0.6mm. Extend the wire mesh 0.15m into the trench wire fence reinforcement for sediment fences must be a minimum of 14 gauge & have a maximum mesh spacing of 0.15m.

4. Fasten the filter fabric to the uphill side of the fence posts. It extend 0.1m into the trench. The height of the fence should not exceed 0.9m. Do not staple fabric onto posts. Cut the filter fabric from a continuous roll to avoid the use of joints. When joints are necessary, splice the filter cloth at a support post, with a minimum 0.15m overlap. & secure fabric both ends to the post.

5. Use 100mm fill the trench over the top of the fabric. & compact soil.

6. Inspect & repair fence after each rain event for underrunning, sagging and overtopping.

proposed overall site plan
(showing the completed development)
scale 1:250

SANDBAG KERB INLET SEDIMENT TRAP

SANDBAG KERB INLET SEDIMENT TRAP

SEDIMENT FENCE TYPE 2

SEDIMENT FENCE TYPE 2

client approved: _____

urban simplicity

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Client: R. Mayer

Address: Lot 15 No. 2 Wonson Ave Wilton - 2571

Builder: ----

Details: j: 14-070 d: Jan 22-15 s: 1:250

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B

Report of Planning and Economy to the Ordinary Meeting of Council held Monday 20 April 2015

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings).

ATTACHMENT 1 – 010.2014.00000502.001 – 20 April 2015

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REIN WARRY AND CO. PTY.LTD

CONSULTING SURVEYORS AND DEVELOPMENT CONSULTANTS

3/67 Menangle Street
 PICTON NSW 2571
 P.O. Box 662
 PICTON NSW 2571
 Email: reinwarry@bigpond.com
 Ph 024677 3144 Fax 0246773155

WOLLONDILLY SHIRE COUNCIL
 26 MAR 2015
 RECEIVED AT COUNTER
 BY: *[Signature]*

WOLLONDILLY SHIRE COUNCIL
 TRADING: 010.2014.502.1 P2
 27 MAR 2015
 AUTH. No.
 ASSIGNED TO *E. Weston*

26/3/2015

Our ref: 7234
 Your Ref: 010.2014.502.001

The General Manager
 Wollondilly Shire Council
 62-64 Menangle Street
 Picton NSW 2571

attention : Mr E Weston

Dear Sir/Madam,

**Re: Three stage Residential development and dual occupancy
 Development at 2 Wonson Street Wilton (Lot 15 Sec 4 DP 759094).**

We refer to the above matter and to the resolution of Council to defer the application at the meeting of Council held on the 16th March, 2015.

The resolution is in two parts. Part A to defer the application and Part B to have the applicant reduce the development application to two allotments in total instead of four (4) as is currently in the development application. Our response is as follows:-

1. Wilton has access to a reticulated sewerage scheme which brings it into line with the other recently sewered towns of Buxton and Bargo;
2. The existence of a reticulated sewerage scheme allows certain blocked provisions of Council's LEP 2011 and DCP 2011 to be applicable;
3. These provisions firstly allow for a smaller allotment size and secondly allow allotments of certain size to have dual occupancy development over the larger allotments;
4. Council, over a considerable number of years has been negotiating for a town sewerage system in Wilton (as well as other villages and towns) and is fully aware that a greater density of development follows when a

PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings).

ATTACHMENT 1 – 010.2014.00000502.001 – 20 April 2015

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reticulated sewerage scheme is constructed. The very first and obvious result of the implementation of the scheme is an intensification of development. This is directly in line with the NSW Premier's recent announcement to create a significantly larger number of residential dwelling units;

5. The ad hoc request of Council that it will only support an application for two allotments ignores the legislative and local planning documents that exist for Wollondilly. It has no basis in a merit planning decision;
6. The development conforms to the relevant controls with minor variation and is suitably located for the proposed development;
7. The development does not overlook or overshadow any adjoining development to an unacceptable degree;
8. Wonson Street is an exceptional wide road (over 40 metres separation) and the development as proposed will not impact on the dwellings on the opposite side of this road;
9. Likewise, Peel Street is a 20 metre wide road with only a few rural residential allotments on the opposite side and those dwelling set back more than the 18 metre rural setback;
10. It is unreasonable to impose a request for only two (2) allotments because this development is the first of many that will occur in Wilton as a result of the implementation of the reticulated sewerage scheme;
11. Council, furthermore, has not taken into account the cost of the conditions that relate to residential development as always imposed by the subdivision engineers. This includes the construction of kerb and guttering and ancillary pipework and pits for all residential development. In the subject case on a corner location with two large frontages with no kerb and gutter the proposed work required will be in excess of \$120,000. With such an impost it is not worthwhile doing any development at all. This is besides the other costs of sewer and water connection, section 94 contributions, telephone and electrical services;

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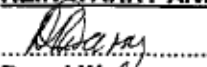
12. Council is well aware that there are many large residential allotments in Wilton which now can be subdivided. This application, being the first to break up the larger allotments, should not be penalised for being first. This firm has already had discussions with a number of other landowners in Wilton, who have ambitions of subdividing their land for their "retirement". The short term rejection of this application will not make it any easier when further applications follow;

13. The resolution of Council is evidence of different treatment of the small investor/development to that of the larger adjoining developers such as Bingarra Gorge where allotments down to 250 sq. metres in streets of 15 to 18 metres wide are being created. We have had this statement made to us for many years;

14. Therefore, as applicants we want Council to determine the application submitted;

Should you have any queries in this matter please do not hesitate to contact our office.

Yours faithfully
REIN WARRY AND CO


.....
Darryl Warry

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 - April 2015

GOVERNANCE

GO1 Notice of Motion Status Report - April 2015

103

TRIM 5253

EXECUTIVE SUMMARY

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

REPORT

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

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

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 April Status Report will be provided to Councillors under separate cover.

RECOMMENDATION

That Council note the April Notice of Motion Status Report.

GO2 - Investment of Funds as at 28 February 2015

GO2

Investment of Funds as at 28 February 2015

112

TRIM 1022-2

EXECUTIVE SUMMARY

- This report provides details of Council's invested funds as at 28 February 2015.
- It is recommended that the information and certification in relation to the investment of Council funds as at 28 February 2015 be noted.

REPORT

At its last meeting, the Reserve Bank left the cash rate at 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 economy is likely to be operating with a degree of spare capacity for some time yet. 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 is recording moderate growth overall, with stronger growth in lending to investors in housing assets. Dwelling prices continue 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 risks that may arise from the housing market. In other asset markets, prices for equities and commercial property have risen, in part as a result of declining long-term interest rates.

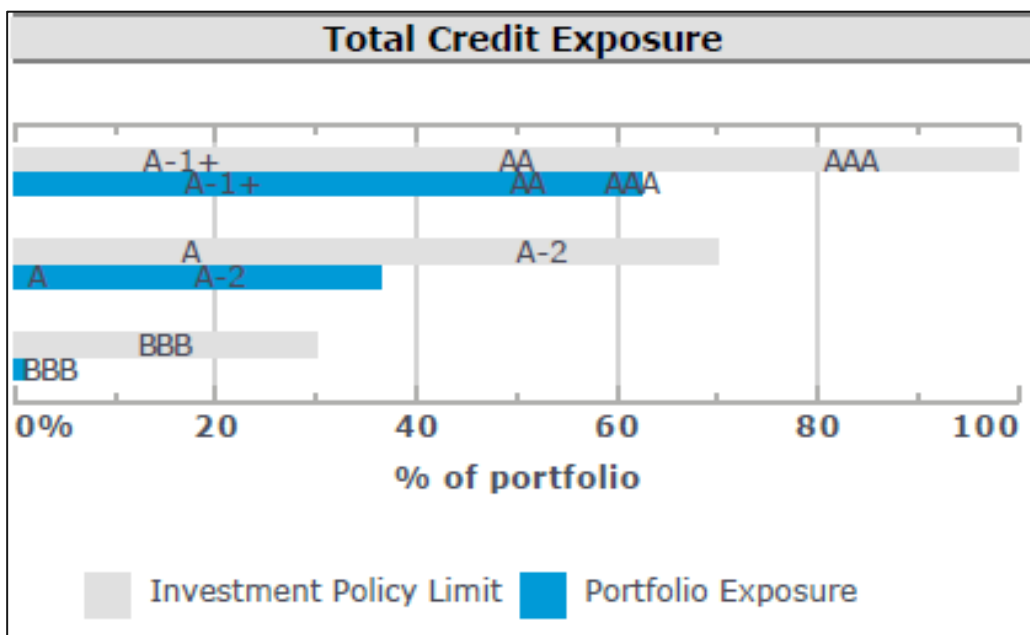
The Australian dollar has declined noticeably against a rising US dollar, though less so against a basket of currencies. It remains above most estimates of its fundamental value, particularly given the significant declines in key commodity prices. A lower exchange rate is likely to be needed to achieve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

At today's meeting the Board judged that, having eased monetary policy at the previous meeting, it was appropriate to hold interest rates steady for the time being. Further easing of policy may be appropriate over the period ahead, in order to foster sustainable growth in demand and inflation consistent with the target. The Board will further assess the case for such action at forthcoming meetings."

GO2 - Investment of Funds as at 28 February 2015

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

As shown in the following chart, the credit rating on Council's portfolio as at 28 February 2015 is within Council's investment policy limits.



Governance

GO2 - Investment of Funds as at 28 February 2015

The percentage of Council's investment portfolio invested with each institution as at 28 February 2015 is also in compliance with the limits specified within Council's investment policy, as detailed in the following table.

Parent Group	% used vs Investment Policy Limit	
Bank Of Queensland	90%	✓
National Australia Bank	82%	✓
Members Equity Bank	42%	✓
Westpac Group	32%	✓
Bendigo and Adelaide Bank	22%	✓
Credit Union Australia	22%	✓
Commonwealth Bank of Australia	13%	✓
Macquarie Group	11%	✓
ANZ Group	6%	✓
Emerald Reverse Mortgage (B Tranche)	6%	✓
Emerald Reverse Mortgage (A Tranche)	4%	✓

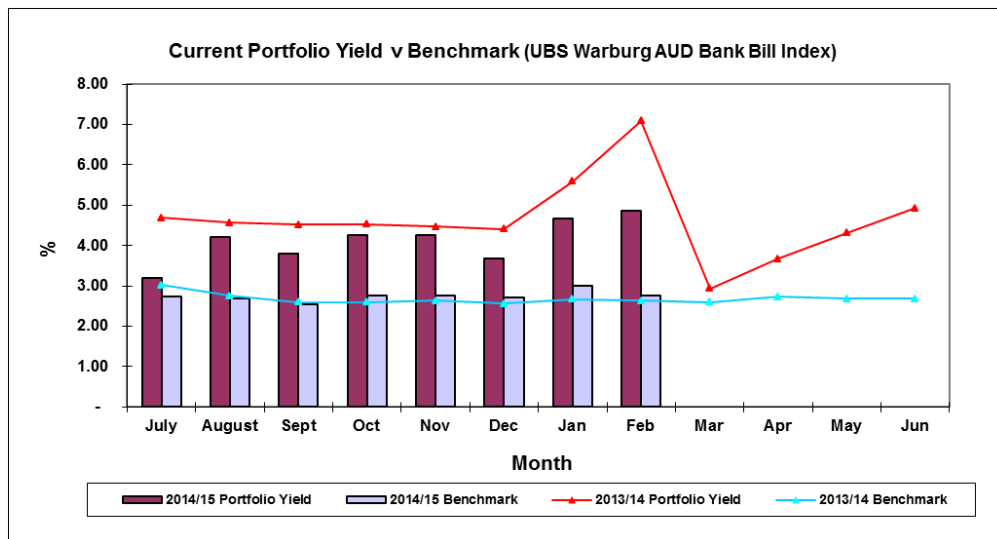
The vast majority of Council's investment portfolio (96%) is invested in deposits / securities with Australian Authorised Deposit taking Institutions (ADI's). Council has been taking advantage of term deposit "specials" from various institutions without overexposing the portfolio to any one institution.

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.

Governance

GO2 - Investment of Funds as at 28 February 2015

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.



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 February 2015, Council's portfolio returned 4.87% pa for the month, compared to the benchmark's 2.76% 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 28 February 2015 are provided in attachment 1.

CONSULTATION

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

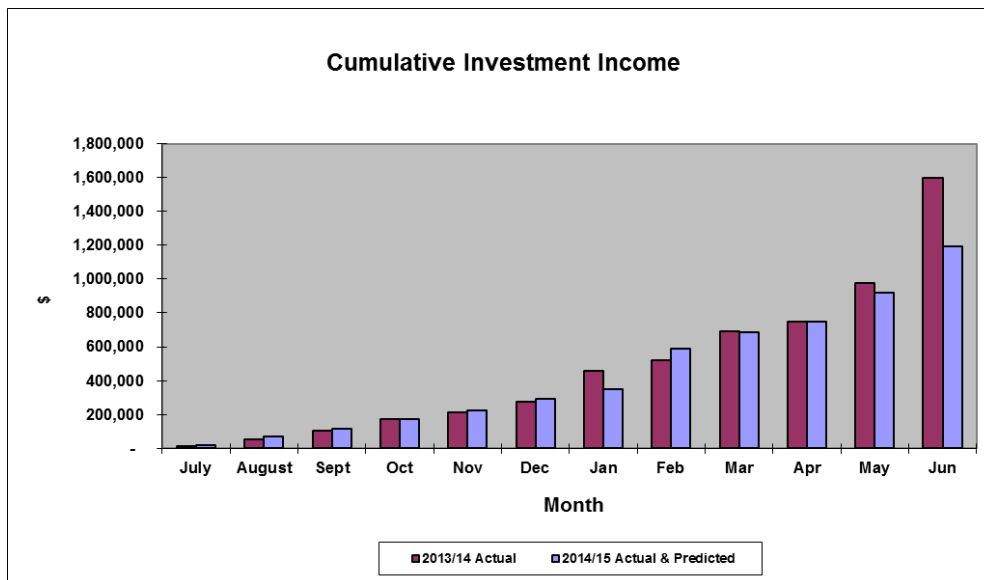
FINANCIAL IMPLICATIONS

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

Governance

GO2 - Investment of Funds as at 28 February 2015

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



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:

1. Investments as at 28 February 2015 including reconciliation of invested funds.

RECOMMENDATION

That the information and certification in relation to the investment of Council funds as at 28 February 2015 be noted.

Governance

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held Monday 20 April 2015

GO2 - Investment of Funds as at 28 February 2015

ATTACHMENT 1 – 1022-2 – 20 April 2015

INVESTMENTS AS AT 28 February 2015							
Reporting Period:		1-Feb-15	to	28-Feb-15			
Investment Institution	Rating	Face Value at 28-Feb-15	Market Value 28-Feb-15	Percentage Holding	Interest/ Capital Growth %p.a.	received	Maturity
CASH & CASH PLUS FUNDS							
National Australia Bank							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>							
		349,555					
11AM At call	AA	2,285,000	2,285,000	5.13%	3.00	5,709	At Call
Term Deposits							
National Australia Bank (Matured)	A-1+					620	04-Feb-15
National Australia Bank (Matured)	A-1+					1,284	26-Feb-15
Westpac Banking Corporation- Local Govt	A-1+	1,000,000	1,037,507	2.25%	3.77	2,892	03-Mar-15
Credit Union Australia (CUA)	BBB+	2,000,000	2,076,134	4.49%	3.85	5,857	09-Mar-15
National Australia Bank	A-1+	750,000	766,018	1.68%	3.61	2,077	14-Apr-14
National Australia Bank	A-1+	1,000,000	1,020,809	2.25%	3.61	2,769	21-Apr-14
Bank of Queensland	A-2	1,000,000	1,031,843	2.25%	3.72	2,854	14-May-15
Westpac Banking Corporation- Local Govt	AA-	2,000,000	2,075,497	4.49%	4.35	6,674	25-May-15
Bank of Queensland	A-2	1,000,000	1,030,642	2.25%	3.75	2,877	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,019,863	2.25%	3.55	2,723	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,030,142	2.25%	3.75	2,877	11-Jun-15
National Australia Bank	A-1+	1,000,000	1,020,316	2.25%	3.56	2,731	18-Jun-15
National Australia Bank	A-1+	1,000,000	1,021,081	2.25%	3.57	2,739	09-Jul-15
Bank of Queensland	A-2	1,000,000	1,008,638	2.25%	3.50	2,685	16-Jul-15
National Australia Bank	A-1+	1,000,000	1,025,377	2.25%	3.65	2,800	18-Aug-15
National Australia Bank	A-1+	1,000,000	1,024,786	2.25%	3.65	2,800	27-Aug-15
National Australia Bank	A-1+	2,000,000	2,048,553	4.49%	3.65	5,600	01-Sep-15
ME Bank	A-2	1,000,000	1,020,816	2.25%	3.55	2,723	17-Sep-15
National Australia Bank	A-1+	1,000,000	1,016,521	2.25%	3.55	2,723	19-Sep-15
ME Bank	A-2	1,250,000	1,274,531	2.81%	3.60	3,452	07-Oct-15
National Australia Bank	A-1+	1,000,000	1,020,315	2.25%	3.55	2,723	21-Oct-15
National Australia Bank	A-1+	1,000,000	1,017,398	2.25%	3.55	2,723	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,016,906	2.25%	3.55	2,723	17-Dec-15
Rural Bank	A-2	1,000,000	1,011,476	2.25%	3.60	2,762	13-Jan-16
Bank of Queensland	A-2	3,000,000	3,041,636	6.74%	4.05	9,321	03-Feb-16
National Australia Bank	A-1+	1,000,000	1,010,441	2.25%	3.20	2,192	03-Feb-16
ME Bank	A-2	1,000,000	1,004,553	2.25%	3.20	964	18-Feb-16
National Australia Bank	A-1+	500,000	504,303	1.12%	3.15	129	25-Feb-16
Term Investment							
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,060,735	2.25%	4.55	3,490	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,060,410	2.25%	4.55	3,490	17-May-16
TOTAL CASH PLUS INVESTMENTS		34,785,000	35,582,247	78.10%		97,984	
Investment Institution	Rating	Face Value at 28-Feb-15	Market Value 28-Feb-15	Percentage Holding	Interest %p.a.	received / accrued	TYPE
OTHER INVESTMENTS							
Corporate Bond							
National Australia Bank	AA-	1,000,000	1,068,464	2.25%	6.00	4,575	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,806,170	4.49%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	503,953	1.12%	3.58	1,521	28-Nov-16
Westpac Banking Corporation	AA-	500,000	512,438	1.12%	3.98	1,634	20-Feb-17
Macquarie Bank	A	1,000,000	1,012,684	2.25%	5.62	4,311	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	1,007,609	2.25%	3.68	2,823	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,001,702	2.25%	3.24	2,587	11-Nov-19
Westpac Banking Corporation	AA-	1,000,000	1,005,489	2.25%	3.56	3,701	22-Jan-20
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	694,289	2.25%	3.27	2,505	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	755,204	635,319	1.70%	2.77	1,816	22-Aug-22
TOTAL CASH & INVESTMENT SECURITIES		\$44,540,204	\$44,830,363	100.00%	4.87	\$123,458	
Benchmark (90 day UBSA Bank Bill Index)				0.00%	2.76		
Maximum Permitted Institution Holding = 45%							
(1) Current market Value							

Governance

GO2 - Investment of Funds as at 28 February 2015

ATTACHMENT 1 – 1022-2 – 20 April 2015

Summary of Investment Holdings by Investment Type as at 28 February 2015

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,874,633.43	6.7795
Cash	2,285,000.00	2,285,000.00	2.7500
Floating Rate Note	5,000,000.00	5,043,874.74	3.9733
Mortgage Backed Securities	1,755,204.13	1,329,607.73	3.0506
Term Deposit	32,500,000.00	33,297,247.42	3.7404
	44,540,204.13	44,830,363.32	3.8932

Application of Invested Funds- 28 February 2015

Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	13,645,871
	Domestic Waste Management	5,407,453
	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	13,065,329
	Funds allocated to meet current budgeted expenditure	9,863,987
		44,540,204

GO3 - Adoption of Revised Hardship Policy

GO3

Adoption of Revised Hardship Policy

56

TRIM 5907

EXECUTIVE SUMMARY

- Council's current Hardship Policy was last revised in October 2010.
- The existing policy has been revised to incorporate a change in a Council Officer's title and to also fix a typographical error. No other necessary changes were identified during the review of the policy.
- It is recommended that the Revised Debt Recovery Policy be adopted.

REPORT

This policy was last revised and adopted by Council in October 2010 and is therefore overdue for review. A review has now been undertaken, however because the conditions of the policy are largely mandated by the requirements of the Local Government Act, the review has only identified the need for minimal cosmetic changes to the policy in order to bring it up to date.

Section 4.3 of the Policy refers to pensioner concessions that are offered by Council. The revised policy has added the pensioner concessions offered for the Stormwater Management Charge plus the additional voluntary pensioner concessions that were introduced during the last special rate variation (2011/12 - 2013/14).

The current policy also refers to Council's "Finance Officer" as one of the key staff members in sections 4.7 and 5.1. In the revised policy document, this position is now referred to as Council's "Finance Officer - Revenue".

There was also one typographical error identified in the current policy which has now been corrected in the draft revised policy. Section 8.2 referred to section 56 of the Local Government Act 1993. This should have referred to section 564.

The policy provides transparency when assessing claims for relief due to financial hardship, ensuring a fair and equitable approach is followed.

The policy will comply with the relevant sections of the Local Government Act, the Regulations and other applicable legislation and will allow for a fair and equitable approach to assessing genuine claims of financial hardship.

CONSULTATION

The draft revised policy has been reviewed and discussed with key staff within Council's Finance section.

FINANCIAL IMPLICATIONS

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

GO3 - Adoption of Revised Hardship Policy

ATTACHMENTS:

1. Summary of Changes to the Hardship Policy
2. Revised Hardship Policy.

RECOMMENDATION

That the Revised Hardship Policy be adopted.

GO3 - Adoption of Revised Hardship Policy

ATTACHMENT 1 - 5907 – 20 April 2015



Policy Changes table for Council Reports:

SUMMARY OF CHANGES – HARDSHIP POLICY (GOV0063)

Location	Previous Wording	New Wording	Reasoning
Section 4.3, page 2	<p>Assistance under Sections 582 & 583 of the LGA 1993 Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Under Clause 135 of the Local Government (General) Regulation 2005 a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession currently offered by Council is fifty percent of the Ratepayers domestic waste charge plus a sum of two hundred and fifty dollars being the standard Government rebate.</p>	<p>Assistance under Sections 582 & 583 of the LGA 1993 Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Under Clause 135 of the Local Government (General) Regulation 2005 a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession currently offered by Council comprises the following amounts:</p> <ul style="list-style-type: none"> • Two hundred and fifty dollars, being the standard Government rebate; • Fifty percent of the Ratepayer's domestic waste charge; • Stormwater Management Charge (Maximum \$25); • An additional voluntary rebate of \$45. 	<p>Inclusion of additional pensioner concessions that Council has begun to offer since the Policy was last adopted.</p>

Governance

GO3 - Adoption of Revised Hardship Policy

ATTACHMENT 1 - 5907 – 20 April 2015

Section 4.7, page 3	The first point of contact should be Council's Finance Officer or Revenue Team Leader to discuss each individual case and try to arrange a satisfactory arrangement in the short term. Under S56 & 567 LGA 1993 delegated officers of Council can enter into payment agreements.	The first point of contact should be Council's Finance Officer - Revenue or Revenue Team Leader to discuss each individual case and try to arrange a satisfactory arrangement in the short term. Under S564 & 567 LGA 1993 delegated officers of Council can enter into payment agreements.	Updating title of Council Officer and correction of typographical error.
Section 5.1, page 3	Applications for hardship relief should be referred to the Finance Officer or Revenue Team Leader in the first instance. All applications will be assessed by Executive Management and referred to the General Manager for reconsideration if needed.	Applications for hardship relief should be referred to the Finance Officer - Revenue or Revenue Team Leader in the first instance. All applications will be assessed by Executive Management and referred to the General Manager for reconsideration if needed.	Updating title of Council Officer.
Section 8.2, page 3	The following Sections of the Local Government Act 1993 <ul style="list-style-type: none"> • Section 56 • Section 567 • Section 577 • Section 582 • Section 583 • Section 601 	The following Sections of the Local Government Act 1993 <ul style="list-style-type: none"> • Section 564 • Section 567 • Section 577 • Section 582 • Section 583 • Section 601 	Correction of typographical error.
Section 10.1, page	Division of Local Government	Office of Local Government	Update title.

Governance

GO3 - Adoption of Revised Hardship Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Hardship – GOV0063**

1. POLICY OBJECTIVES

- 1.1 This policy is to establish the circumstances in which Council may provide relief to ratepayers and sundry debtors suffering substantial financial hardship.

2. BACKGROUND

- 2.1 This policy details the legislative provisions within the Local Government Act 1993 under which Council may provide relief to ratepayers and other debtors suffering financial hardship.
- 2.2 Prior to the adoption of this policy, Council simply followed the legislative provisions when assessing claims for relief. This policy now formalises those requirements.

3. ELIGIBILITY

- 3.1 This policy applies to the Finance Officer, Revenue Team Leader, Executive Management and the General Manager.

4. GUIDELINES

Part 1 – Rates and Charges

- 4.1 Due to varying circumstances Ratepayers may experience long-term hardship which prevents them meeting their financial obligations.

Council's Hardship Policy provides the following relief:

- 4.1.1 Write-off of interest charges accrued over a period of twelve months from the date of debt, subject to the debt being paid in the agreed period.
- 4.1.2 Reduce interest by one-half over a period of eighteen months on ratepayer accounts where significant changes to the rateable valuation of land have resulted in financial hardship.
- 4.1.3 Limited to the single property owned and occupied (jointly or not) by the applicant.

There are options available to provide assistance to ratepayers suffering from genuine financial hardship under the Local Government Act 1993 and the Local Government (General) Regulations 2005. The sections which are used by Council to assist ratepayers are as follows:

- 4.1.4 Hardship resulting from certain valuation changes (s 601 Local Government Act 1993)
- 4.1.5 Writing off of Pensioner rates and charges (s 582 and s 583 Local Government Act 1993)
- 4.1.6 Agreement as to periodic payment of rates and charges (s 564 Local Government Act 1993).
- 4.1.7 Writing off accrued interest (s 567 Local Government Act 1993).

GO3 - Adoption of Revised Hardship Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Hardship – GOV0063**

4.2 Assistance under Section 601 of the LGA 1993

Any Ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship. In these cases Council has the discretion to waive, reduce or defer whole or part of the payment of any part of the increase.

Applications must be made in writing within the first year of a new land revaluation being used by Council. If an application is made during the first year then subsequent applications under that valuation base date may be considered.

4.3 Assistance under Sections 582 & 583 of the LGA 1993

Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Under Clause 135 of the Local Government (General) Regulation 2005 a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession currently offered by Council **comprises the following amounts:**

- Two hundred and fifty dollars, being the standard Government rebate;
- Fifty percent of the Ratepayer's domestic waste charge;
- Stormwater Management Charge (Maximum \$25);
- An additional voluntary rebate of \$45.

4.4 Assistance under Section 564 of the LGA 1993

Council may accept payment of rates and charges that differ from the quarterly instalments under S564 of the Local Government Act 1993. A ratepayer can enter into an arrangement with Council to pay their rates weekly, fortnightly or monthly. Council offers the availability for these arrangements to be set up through direct debit to further assist the ratepayer in making the agreed payments on the agreed dates. Council requests all such arrangements to be formalised in writing. The full guidelines for arrangements under S564 can be found in the Debt Recovery Policy.

4.5 Assistance under Section 567 of the LGA 1993

If payment of accrued interest would cause the Ratepayer hardship then Council may consider writing off any accrued interest or deferring interest for a period of up to 12 months. The Ratepayer may be requested to attend an interview to determine whether they are eligible for relief and for Council to understand the issues causing hardship. Each application will be dealt with on a case by case basis.

Part 2 – Sundry Debtors

4.6 If hardship is determined then a payment plan may be arranged to clear the debt within a timeframe of two (2) years.

In exceptional circumstances (and subject to the requirements of Council's debt Recovery Policy), debts may be written off. This only applies when the sundry debtor is an eligible pensioner. Each application will be dealt with on a case by case basis and the sundry debtor may have to attend an interview and provide full financial details.

GO3 - Adoption of Revised Hardship Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Hardship – GOV0063**

Part 3 – Assessment

- 4.7 The first point of contact should be Council's Finance Officer - Revenue or Revenue Team Leader to discuss each individual case and try to arrange a satisfactory arrangement in the short term. Under S564 & 567 LGA 1993 delegated officers of Council can enter into payment agreements.
- 4.8 Where it becomes evident that relief sought is of a long term nature, or will involve a more complex review of the circumstances, then a written letter is required from the applicant stating reasons for their application, the hardship they are experiencing and thorough details of their financial situation including all income and expenditure. Once received, the request and financial details will be thoroughly assessed by Executive Management and if needed, discussed with the applicant. The Ratepayer will be advised of the outcome in writing. If the Ratepayer/Debtor is not satisfied with the outcome, they can request Council reconsider its decision. The application passes to the General Manager who can abide by or overturn the original decision. Following this decision the Ratepayer/Debtor has no further right to appeal.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Applications for hardship relief should be referred to the Finance Officer - Revenue or Revenue Team Leader in the first instance. All applications will be assessed by Executive Management and referred to the General Manager for reconsideration if needed.

6. RELATED POLICIES

- 6.1 Debt Recovery Policy (GOV0025)

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government (General) Regulation 2005 – Part 5
- 8.2 The following Sections of the Local Government Act 1993
- Section 564
 - Section 567
 - Section 577
 - Section 582
 - Section 583
 - Section 601

9. ATTACHMENTS

- 9.1 Nil

GO3 - Adoption of Revised Hardship Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Hardship – GOV0063**

10. RESOURCES

- 10.1 Office of Local Government
- 10.2 Consultation with other Councils Revenue departments
- 10.3 Local Government Act 1993

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - 11.1.1 The draft policy has been discussed with Council's Executive Committee.
 - 11.1.2 Information sessions will be conducted with relevant staff regarding the requirements of the draft policy.

12. POLICY HISTORY

12.1	Date First Adopted	18 October 2010
12.2	Most Recent Adoption	18 October 2010
12.3	Next Review Date	
12.4	Responsible Officer	Manager Financial Services

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

GO4 - Adoption of Revised Debt Recovery Policy

GO4

Adoption of Revised Debt Recovery Policy

56

TRIM 5907

EXECUTIVE SUMMARY

- Council's current Debt Recovery Policy was last revised in October 2010.
- A recent internal audit recommended some minor adjustments to the existing policy.
- The existing policy has been revised to incorporate the recommended changes and update references to some of the related processes and terminology.
- It is recommended that the Revised Debt Recovery Policy be adopted.

REPORT

This policy was last revised and adopted by Council in October 2010 and is therefore overdue for review. Since the policy was last adopted, Council has begun engaging a third-party Debt Collection Agency to recover overdue amounts and wording to recognise this course of action has been included with section 4.3 of the revised policy.

Council also recently commissioned an internal audit to be undertaken on a long-term overdue account that has since been written off. The internal audit recommended two amendments to the Debt Recovery Policy and these have both been accommodated within the revised document. One of these recommendations was to increase the General Manager's delegated authority to write-off debts up to \$5,000. When the Debt Recovery Policy was previously adopted, the General Manager's level of authority was only \$500. Since the policy's adoption, the General Manager's level of authority had been increased by Council to \$5,000. This increase is now recognised in the revised draft. The other recommendation from the internal audit was for the Debt Recovery Policy to reflect the requirement for credit notes to be appropriately approved.

The review of the policy has also identified the need to update some titles to reflect current terminology. For example, references to Deputy General Managers have been updated to reflect the new Directors' positions, The Revenue Coordinator is now referred to as the Revenue Team Leader, The Division of Local Government now referred to as the Office of Local Government, etc.

GO4 - Adoption of Revised Debt Recovery Policy

This policy outlines the principles and guidelines that apply to the recovery and management of overdue rates, domestic waste charges and sundry debtor accounts. It will ensure money owed to Council is collected in a timely manner by utilising efficient and effective debt recovery procedures. The policy will comply with the relevant sections of the Local Government Act, the Regulations and other applicable legislation and will allow for a fair and equitable approach to recovering overdue accounts.

CONSULTATION

Council's Internal Auditor (Inconsult Pty Ltd)
Council's Audit Committee

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

1. Summary of Changes to the Debt Recovery Policy.
2. Revised Debt Recovery Policy.

RECOMMENDATION

That the Revised Debt Recovery Policy be adopted.

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015



Policy Changes table for Council Reports:

SUMMARY OF CHANGES – DEBT RECOVERY POLICY (GOV0025)

Location	Previous Wording	New Wording	Reasoning
Section 3.1, page 1	This policy applies to the Finance Officer, Revenue Team Leader, Manager Financial Services, Deputy General Manager, General Manager and Councillors.	This policy applies to the Finance Officer- Revenue, Revenue Team Leader, Manager Financial Services, Executive Director Community Services & Corporate Support, General Manager and Councillors.	Updating titles of Council Officers.
Section 4.2, page 1	<p>The principles and guidelines to the recovery of sundry debtor accounts should incorporate the following:</p> <ul style="list-style-type: none"> Reminder letters to be sent after 30 days overdue Apply a fair and reasonable approach to debt recovery Consider arrangements for payments that are overdue Individually assess each hardship application Efficient and effective service management 	<p>The principles and guidelines to the recovery of sundry debtor accounts should incorporate the following:</p> <ul style="list-style-type: none"> Reminder letters to be sent after 30 days overdue Apply a fair and reasonable approach to debt recovery Consider arrangements for payments that are overdue Individually assess each hardship application Efficient and effective service management Where a debt is disputed it will be referred to the appropriate responsible officer and manager. The responsible manager will ensure that the dispute is researched and actioned in a timely manner (within 30 days of the request from Finance) and 	Additional comments added to reflect recommendations from Internal Audit Report, particularly in relation to updating the General Manager's delegation to write off debts up to \$5,000 and reference also to the approval of credit notes.

Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015

		<p>ensure that Finance is advised of the outcome of the dispute as delays will reduce the chances of recovery of the debt.</p> <ul style="list-style-type: none"> The General Manager has delegated authority to determine write-off of debts up to \$5,000. Any credit note up to \$5,000 required as a result of a dispute will be referred by the responsible manager to the General Manager for approval. Credit notes greater than \$5,000 will be reported to Council for approval. Any debts written off will be reported in the next available Quarterly Review of Council's Operational Plan. All credit notes requested as a result of an invoicing error, cancelled booking or other administrative reason will be forwarded to Finance by the responsible officer in the approved form. All credit notes processed within Accounts Receivable will be reviewed monthly by the Revenue Team Leader. 	
Section 4.3, page 2	If an account is overdue and an arrangement to pay has not been made, Council may issue a reminder/final notice requesting payment of the overdue amount at a suitable time within the current year. In most cases, the reminder/final	If an account is overdue and an arrangement to pay has not been made, Council may issue a reminder/final notice requesting payment of the overdue amount at a suitable time within the current year. In most cases, the reminder/final	Process updated to reflect the current practice of referring overdue accounts to a Debt Recovery Agency.

Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015

	<p>notice will be issued after each missed instalment.</p> <p>The notice will request the full amount outstanding or offer the opportunity to make a satisfactory arrangement to pay the outstanding amount, if the ratepayer is unable to pay in full. If no payment is received within the allocated timeframe, Council will lodge a Statement of Claim at the local Court.</p>	<p>notice will be issued after each missed instalment.</p> <p>The notice will request the full amount outstanding or offer the opportunity to make a satisfactory arrangement to pay the outstanding amount, if the ratepayer is unable to pay in full. If no payment is received within the allocated timeframe, Council will refer the account to a debt recovery agent to issue a Notice of Intent. Unless the account is paid or a suitable arrangement is made within seven (7) days from the Notice of Intent the debt recovery agent will be instructed to lodge a Statement of Liquidated Claim with the appropriate court.</p>	
Section 4.4, page 2	<p>Actions/Arrangements may be stopped and/or suspended when:</p> <ul style="list-style-type: none"> • The debt is paid in full; or • The Court rules that the action is not lawful; or • A mutually agreeable arrangement is made between Council and ratepayer/debtor; or • At the discretion of the General Manager, Deputy General Manager, Manager Financial Services or Revenue Team Leader 	<p>Actions/Arrangements may be stopped and/or suspended when:</p> <ul style="list-style-type: none"> • The debt is paid in full; or • The Court rules that the action is not lawful; or • A mutually agreeable arrangement is made between Council and ratepayer/debtor; or • At the discretion of the General Manager, Executive Director Community Services & Corporate Support, Manager Financial Services or Revenue Team Leader 	Updating title of Council Officer.
Section 4.5, page 3	<p>Council acknowledges that in certain cases, some ratepayers may genuinely be experiencing a period of financial hardship and as a result may have difficulty in meeting the cost of each</p>	<p>Council acknowledges that in certain cases, some ratepayers may genuinely be experiencing a period of financial hardship and as a result may have difficulty in meeting the cost of each</p>	Updating title of Council Officer.

Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015

	<p>rates instalment as and when it falls due. In such cases, Council encourages ratepayers to enter into an arrangement for periodical payment of rates and charges applicable to their property in accordance with the conditions set out by Council.</p> <p>Similarly, Council will consider accepting a mutually agreeable arrangement for the payment of overdue rates and charges. The arrangement may be entered into at any time during the recovery process, except where Council has resolved to sell a property under the Sale of Land provisions outlined in the Local Government Act.</p> <p>The following guidelines should be met before any arrangement is accepted:</p> <ul style="list-style-type: none"> • The arrangement should be accepted on the basis that the outstanding amounts be finalised as soon as possible • Arrangements can be made on a weekly, fortnightly or monthly basis • Any arrangement made before the due date of the 3rd instalment, should be made such that all amounts are paid in full by the 30th June of that financial year • Arrangements made after the 3rd instalment due date may extend into the following year however, must be 	<p>rates instalment as and when it falls due. In such cases, Council encourages ratepayers to enter into an arrangement for periodical payment of rates and charges applicable to their property in accordance with the conditions set out by Council.</p> <p>Similarly, Council will consider accepting a mutually agreeable arrangement for the payment of overdue rates and charges. The arrangement may be entered into at any time during the recovery process, except where Council has resolved to sell a property under the Sale of Land provisions outlined in the Local Government Act.</p> <p>The following guidelines should be met before any arrangement is accepted:</p> <ul style="list-style-type: none"> • The arrangement should be accepted on the basis that the outstanding amounts be finalised as soon as possible • Arrangements can be made on a weekly, fortnightly or monthly basis • Any arrangement made before the due date of the 3rd instalment, should be made such that all amounts are paid in full by the 30th June of that financial year • Arrangements made after the 3rd instalment due date may extend into the following year 	
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Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015

	<p>reviewed once the subsequent year's levy also becomes payable</p> <ul style="list-style-type: none"> • Extenuating circumstances can be taken into consideration if any of the above 3 conditions cannot be met, but must be referred to the Revenue Team Coordinator for approval. Details of income/expenses of ratepayer may be required • Unless the imposition of costs and/or interest are deemed to be in error, the waiving of costs and/or interest will not be considered until all overdue rates and domestic waste charges are paid 	<p>however, must be reviewed once the subsequent year's levy also becomes payable</p> <ul style="list-style-type: none"> • Extenuating circumstances can be taken into consideration if any of the above 3 conditions cannot be met, but must be referred to the Revenue Team Leader for approval. Details of income/expenses of ratepayer may be required • Unless the imposition of costs and/or interest are deemed to be in error, the waiving of costs and/or interest will not be considered until all overdue rates and domestic waste charges are paid 	
Section 4.6, page 3	<p>As part of the debt recovery process, Council's Finance Officer will:</p> <ul style="list-style-type: none"> • Monitor overdue assessments/accounts • Adhere to arrangement guidelines outlined above • Commence Debt Recovery action if payments not received and arrangements not being adhered to • Issue of Summons, Judgment and Writ action and other legal processes • Stop/Suspend Actions/Arrangements 	<p>As part of the debt recovery process, Council's Finance Officer Revenue will:</p> <ul style="list-style-type: none"> • Monitor overdue assessments/account s • Adhere to arrangement guidelines outlined above • Commence Debt Recovery action if payments not received and arrangements not being adhered to • Approve the issue of Summons, Judgment and Writ action and other legal processes • Stop/Suspend Actions/Arrangements 	<p>Updating title of Council Officer and amending process to reflect that a third party is now issuing the Summons, Judgements and Writ actions and that the Council Officer is only approving the issue of those actions rather than actually issuing the actions themselves.</p>
Section 4.7, page 3	<p>In cases where ratepayers object to the decision made, they will have the</p>	<p>In cases where ratepayers object to the decision made, they will have the</p>	<p>Updating titles of Council Officers.</p>

Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015

	<p>opportunity to escalate their matter(s) for further consideration to:</p> <ol style="list-style-type: none"> 1) Revenue Co-ordinator 2) Manager Financial Services 3) Deputy General Manager 4) General Manager 	<p>opportunity to escalate their matter(s) for further consideration to:</p> <ol style="list-style-type: none"> 1) Revenue Team Leader 2) Manager Financial Services 3) Executive Director Community Services & Corporate Support 4) General Manager 	
Section 4.9, page 4	<p>Council charges interest on rates and charges which become overdue and this interest is determined annually.</p> <p>Council may waive (write off) interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness, and good payment history. In giving consideration to the write off, Council will have regard to the previous payment record of the ratepayer. Write offs are initiated at the discretion of the Revenue Team Coordinator or the Financial Services Manager depending on circumstances. Interest charges which have been incorrectly raised by Council, will be written off.</p>	<p>Council charges interest on rates and charges which become overdue and this interest is determined annually.</p> <p>Council may waive (write off) interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness, and good payment history. In giving consideration to the write off, Council will have regard to the previous payment record of the ratepayer. Write offs are initiated at the discretion of the Revenue Team Leader or the Financial Services Manager depending on circumstances. Interest charges which have been incorrectly raised by Council, will be written off.</p>	Updating title of Council Officer.
Section 5.1, page 4	<p>General Manager</p> <ul style="list-style-type: none"> • The General Manager is authorised to write off debts other than rates up to and including \$500. Amounts above this are to be submitted to Council. 	<p>General Manager</p> <ul style="list-style-type: none"> • The General Manager is authorised to write off debts including rates and charges up to and including \$5,000. Amounts above this are to be submitted to Council. 	Updating reference to the General Manager's delegation to write off debts up to \$5,000 as previously approved by Council.
Section 5.3, page 4	<p>Finance Officer</p> <ul style="list-style-type: none"> • Is responsible for the effective and efficient operation of Council's debt recovery policy 	<p>Finance Officer - Revenue</p> <ul style="list-style-type: none"> • Is responsible for the effective and efficient operation of Council's debt recovery policy 	Updating title of Council Officer.

Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 1 - 5907 - 20 April 2015

	<ul style="list-style-type: none"> • Ensure compliance to the debt recovery policy and related procedures • Demonstrate commitment to the debt recovery process 	<ul style="list-style-type: none"> • Ensure compliance to the debt recovery policy and related procedures • Demonstrate commitment to the debt recovery process 	
Section 10.3, page 5	Division of Local Government	Office of Local Government	Update title.

Governance

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Debt Recovery – GOV0025**

1. POLICY OBJECTIVES

- 1.1 This policy outlines the principles and guidelines that apply to the recovery and management of overdue rates, domestic waste charges and sundry debtor accounts. It will ensure money owed to Council is collected in a timely manner by utilising efficient and effective debt recovery procedures. The policy will comply with the relevant parts of the Local Government Act, regulations and other applicable legislation and will allow for a fair and equitable approach to recovering overdue accounts.

2. BACKGROUND

- 2.1 The debt recovery policy has been created to maximise Council's revenue, in particular the rating and domestic waste management revenue, which is Council's most significant cash inflow.

3. ELIGIBILITY

- 3.1 This policy applies to the Finance Officer- Revenue, Revenue Team Leader, Manager Financial Services, Executive Director Community Services & Corporate Support, General Manager and Councillors.

4. GUIDELINES

Part 1 – Recovery of Rates

- 4.1 The principles and guidelines to the recovery of outstanding rates and charges should incorporate the following:
- Collect all rates and charges by the end of each rating year
 - Apply a fair and reasonable approach to debt recovery
 - Ensure the outstanding rates ratio is at or below the industry standard
 - Consider arrangements for payments that are overdue
 - Individually assess each hardship application
 - Efficient and effective service management
 - Apply the provisions of the Act relating to the sale of land as and when required

Part 2 – Recovery of Sundry Debtors

- 4.2 The principles and guidelines to the recovery of sundry debtor accounts should incorporate the following:
- Reminder letters to be sent after 30 days overdue
 - Apply a fair and reasonable approach to debt recovery
 - Consider arrangements for payments that are overdue
 - Individually assess each hardship application
 - Efficient and effective service management
 - Where a debt is disputed it will be referred to the appropriate responsible officer and manager. The responsible manager will ensure that the dispute is

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Debt Recovery – GOV0025**

researched and actioned in a timely manner (within 30 days of the request from Finance) and ensure that Finance is advised of the outcome of the dispute as delays will reduce the chances of recovery of the debt.

- The General Manager has delegated authority to determine write-off of debts up to \$5,000. Any credit note up to \$5,000 required as a result of a dispute will be referred by the responsible manager to the General Manager for approval. Credit notes greater than \$5,000 will be reported to Council for approval. Any debts written off will be reported in the next available Quarterly Review of Council's Operational Plan.
- All credit notes requested as a result of an invoicing error, cancelled booking or other administrative reason will be forwarded to Finance by the responsible officer in the approved form.
- All credit notes processed within Accounts Receivable will be reviewed monthly by the Revenue Team Leader.

Part 3 – Commencement of Recovery Action (LGA Section 712)

- 4.3 If an account is overdue and an arrangement to pay has not been made, Council may issue a reminder/final notice requesting payment of the overdue amount at a suitable time within the current year. In most cases, the reminder/final notice will be issued after each missed instalment.

The notice will request the full amount outstanding or offer the opportunity to make a satisfactory arrangement to pay the outstanding amount, if the ratepayer is unable to pay in full. If no payment is received within the allocated timeframe, Council will refer the account to a debt recovery agent to issue a Notice of Intent. Unless the account is paid or a suitable arrangement is made within seven (7) days from the Notice of Intent the debt recovery agent will be instructed to lodge a Statement of Liquidated Claim with the appropriate court.

Part 4 – Stopping and/or Suspending Action/Arrangements (LGA Section 564)

- 4.4 Actions/Arrangements may be stopped and/or suspended when:

- The debt is paid in full; or
- The Court rules that the action is not lawful; or
- A mutually agreeable arrangement is made between Council and ratepayer/debtor; or
- At the discretion of the General Manager, Executive Director Community Services & Corporate Support, Manager Financial Services or Revenue Team Leader

Part 5 – Arrangement Guidelines (LGA Section 564)

- 4.5 Council acknowledges that in certain cases, some ratepayers may genuinely be experiencing a period of financial hardship and as a result may have difficulty in meeting the cost of each rates instalment as and when it falls due. In such cases, Council encourages ratepayers to enter into an arrangement for periodical payment of rates and charges applicable to their property in accordance with the conditions set out by Council.

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Debt Recovery – GOV0025**

Similarly, Council will consider accepting a mutually agreeable arrangement for the payment of overdue rates and charges. The arrangement may be entered into at any time during the recovery process.

The following guidelines should be met before any arrangement is accepted:

- The arrangement should be accepted on the basis that the outstanding amounts be finalised as soon as possible
- Arrangements can be made on a weekly, fortnightly or monthly basis
- Any arrangement made before the due date of the 3rd instalment, should be made such that all amounts are paid in full by the 30th June of that financial year
- Arrangements made after the 3rd instalment due date may extend into the following year however, must be reviewed once the subsequent year's levy also becomes payable
- Extenuating circumstances can be taken into consideration if any of the above 3 conditions cannot be met, but must be referred to the Revenue Team **Leader** for approval. Details of income/expenses of ratepayer may be required
- Unless the imposition of costs and/or interest are deemed to be in error, the waiving of costs and/or interest will not be considered until all overdue rates and domestic waste charges are paid

Part 6 – Debt Recovery Process

4.6 As part of the debt recovery process, Council's Finance Officer - **Revenue** will:

- Monitor overdue assessments/accounts
- Adhere to arrangement guidelines outlined above
- Commence Debt Recovery action if payments not received and arrangements not being adhered to
- **Approve the** issue of Summons, Judgment and Writ action and other legal processes
- Stop/Suspend Actions/Arrangements

Part 7 – Dispute Resolution

4.7 In cases where ratepayers object to the decision made, they will have the opportunity to escalate their matter(s) for further consideration to:

- 1) Revenue **Team Leader**
- 2) Manager Financial Services
- 3) **Executive Director Community Services & Corporate Support**
- 4) General Manager

Part 8 – Customer Service Contact

4.8 Given the nature of the debt recovery process, instances arise from time to time where certain ratepayers may become verbally and/or physically abusive. Threats and

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Debt Recovery – GOV0025**

abuse, either verbal or physical against Council staff are to be dealt with in line with the managing unacceptable customer behaviour policy and manual.

Part 9 – Interest Charges

4.9 Council charges interest on rates and charges which become overdue and this interest is determined annually.

Council may waive (write off) interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness, and good payment history. In giving consideration to the write off, Council will have regard to the previous payment record of the ratepayer. Write offs are initiated at the discretion of the Revenue Team Leader or the Financial Services Manager depending on circumstances.

Interest charges which have been incorrectly raised by Council, will be written off.

Part 10 – Pensioners

4.10 Council will accept an arrangement for the periodical payment of rates and charges due by persons in receipt of a pension concession card and eligible veteran affairs cardholders.

A reminder notice may also be issued to pensioners requesting payment or an arrangement to pay, however no legal action is to be taken against ratepayers who are pensioners eligible for rebates.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 General Manager

- The General Manager is authorised to write off debts including rates and charges up to and including \$5,000. Amounts above this are to be submitted to Council.

5.2 Manager Financial Services & Revenue Team Leader

- Are responsible for overseeing the debt recovery process
- Ensure staff complies with the debt recovery policy
- May authorise waiving of interest charges where applicable

5.3 Finance Officer - Revenue

- Is responsible for the effective and efficient operation of Council's debt recovery policy
- Ensure compliance to the debt recovery policy and related procedures
- Demonstrate commitment to the debt recovery process

6. RELATED POLICIES

6.1 Hardship Policy (GOV0062)

6.2 Complaints Handling (GOV0054)

GO4 - Adoption of Revised Debt Recovery Policy

ATTACHMENT 2 - 5907 – 20 April 2015



**Financial Services
Debt Recovery – GOV0025**

7. RELATED PROCEDURES

- 7.1 Debt Recovery Procedure
- 7.2 Complaints Handling Procedure
- 7.3 Managing Unacceptable Customer Behavior

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 Local Government (General) Regulations 2005

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 Section 564 of the Local Government Act 1993
- 10.2 Section 712 of the Local Government Act 1993
- 10.3 Office of Local Government
- 10.4 Consultation with other Councils debt recovery departments
- 10.5 Debt collection guidelines issued by ACCC & ASIC

11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 The draft policy has been discussed with Council's Executive Committee.
- 11.1.2 Information sessions will be conducted with relevant staff regarding the requirements of the draft policy.

12. POLICY HISTORY

12.1	Date First Adopted	26 February 2001
12.2	Most Recent Adoption	18 October 2010
12.3	Next Review Date	
12.4	Responsible Officer	Manager Financial Services

Governance

GO5 – Exhibition of Draft Wollondilly Operational Plan 2015/16

GO5

Exhibition of Draft Wollondilly Operational Plan 2015/16

39

TRIM 5473-8

EXECUTIVE SUMMARY

- The purpose of this report is to present the draft Wollondilly Operational Plan 2015/16. This plan includes the annual budget and fees & charges and sets out the individual activities and projects that will be undertaken in the forthcoming year to achieve the commitments made in the Delivery Program.
- The Local Government Act 1993 requires Council to publicly exhibit the Operational Plan for a minimum of 28 days, consider any submissions received and formally adopt the final document by 30 June 2015.
- It is recommended that endorsement be given for the draft Wollondilly Operational Plan 2015/16 (including the proposed 2015/16 fees and charges) to be placed on public exhibition for the period of 22 April 2015 to 19 May 2015.
- Following the exhibition period, Council will consider any submissions and make any necessary adjustments to the Operational Plan. The Operational Plan will then be submitted to the June 2015 Council meeting for approval.

REPORT

The Integrated Planning and Reporting (IP&R) framework for local governments in NSW was introduced by the Department of Local Government (as they were then named) in 2009. IP&R is effectively another name for what most of us would call “business planning”.

In June 2013, Council adopted the full suite of IP&R documents, as follows:

Wollondilly Community Strategic Plan 2033
Wollondilly Resourcing Strategy 2013/14 – 2022/23
Wollondilly Delivery Program 2013/14 – 2016/17
Wollondilly Operational Plan 2013/14 (including Fees & Charges)

The Integrated Planning & Reporting Guidelines require that the Community Strategic Plan, Resourcing Strategy and Delivery Program all be reviewed every four years. The development and adoption of an annual Operational Plan (including operational and capital budget, revenue policy and fees and charges) is required to be prepared annually.

The Operational Plan is a sub-plan of the Revised Delivery Program 2013/14 - 2016/17 (revised February 2015) and demonstrates Council's approach to achieve the outcomes from the Delivery Program. Council adopted a revised Delivery Program 2013/14 - 2016/17 as part of the "Funding Your Future" review of Council's future funding options.

GO5 – Exhibition of Draft Wollondilly Operational Plan 2015/16

The draft Wollondilly Operational Plan 2015/16 outlines the actions and activities we will undertake to achieve the objectives set in the Delivery Program, which in turn, align with the outcomes identified in the Wollondilly Community Strategic Plan 2033. The Operational Plan allocates responsibilities and resources for each action/activity and details targets and measures to determine our progress towards achieving the Community Strategic Plan outcomes.

The draft Wollondilly Operational Plan 2015/16 has been developed and approval is now sought to publicly exhibit the document for the legislatively required period of twenty eight days to give the Community the opportunity to provide their input. All public submissions will be considered before finalising the document. The final document will be presented to Council for adoption at the June 2015 Council meeting.

CONSULTATION

Council has undertaken extensive community engagement since September 2014 when it launched "Funding Your Future" - a review to address the infrastructure maintenance gap identified in Council's long term financial plan. This review involved consultation with internal staff, Councillors and the Community to determine options to ensure Council can continue to meet its obligations in terms of service provision and asset maintenance in the future. Since this time, over 165 formal submissions have been received regarding the SRV proposal.

Preparation of the draft Operational Plan (including the budget) commenced in December 2014 as each section of Council considered their strategies and actions. This information has been incorporated into the draft documents which have continued to be reviewed and refined with Executive and Councillor input.

This report requests Council to endorse the draft Operational Plan to be placed on public exhibition to provide the Community with an opportunity to provide relevant feedback to Council on the plans for the year ahead. The exhibition period will be advertised in local papers and on Council's website.

FINANCIAL IMPLICATIONS

The draft Operational Plan outlines Council's 2015/16 financial obligations and expectations. The document includes Council's draft 2015/16 budget and proposed 2015/16 fees & charges.

The draft budget is subject to continuous review to ensure that they remain current. Recurrent financial issues that may be identified through the March 2015 Quarterly Budget Review process will also need to be incorporated into the final drafts along with any changes made during the community consultation period.

GO5 – Exhibition of Draft Wollondilly Operational Plan 2015/16

ATTACHMENTS:

1. There are no attachments to this report. The draft Wollondilly Operational Plan 2015/16 will be provided under separate cover.

RECOMMENDATION

That endorsement be given for the draft Wollondilly Operational Plan 2015/16 (including the proposed 2015/16 fees and charges) to be placed on public exhibition for the period of 22 April 2015 to 19 May 2015.

Environment

Relevance to the Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - ENVIRONMENT

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

EN1 – Draft Subsidence Management Plan Application associated with the Tahmoor Colliery Project

ENVIRONMENT

EN1 Draft Subsidence Management Plan Application associated with the Tahmoor Colliery Project

31172

TRIM1148-2

EXECUTIVE SUMMARY

- The purpose of this report is to outline the key features of a draft submission on a Subsidence Management Plan associated with the Tahmoor Colliery Project.
- It is recommended that Council endorse the submission on the Subsidence Management Plan Application attached to this Report.

REPORT

Background Information

The Tahmoor Colliery Project is an underground coal project within the Wollondilly Local Government Area (LGA) operated by Glencore Coal Assets Australia (Glencore). A Subsidence Management Plan (SMP) applying to an area located broadly to the west of Picton and Tahmoor (Map 1) was publicly exhibited by the NSW Division of Resources and Energy (DRE) between 16 February and 20 March 2015. A presentation on the SMP Application has been provided at a Councillor Workshop on 16 February 2015 then subsequently on 9 March 2015 by Glencore.

The consideration of a submission by Council on the SMP Application prior to the specified 20 March 2015 deadline has not been possible due to its complexity and timeframe provided for its review by the DRE. The draft submission was consequently distributed to Councillors for review by a Newsletter Item (dated 13 March 2015) prior to its lodgement. This report provides an overview of the draft submission lodged with the DRE (presented in Attachment 2) that incorporates comments received from Councillors and seeks formal endorsement. CHECK IF ANY COMMENTS CAME IN.

The draft Subsidence Management Plan Application

The applicable approvals for the carrying out of mining operations within the area covered by the SMP Application (Study Area) were issued by the Department of Planning and Environment (DP&E) in 1994 and 1996. Glencore has advised Officers that the SMP Application has been prepared to address conditions of consent of relevance to the assessment and management of mine subsidence impacts contained in these approvals.

EN1 – Draft Subsidence Management Plan Application associated with the Tahmoor Colliery Project

Glencore is noted to express the view that the SMP Application has been prepared in accordance with the 'Guideline for Applications for Subsidence Management Approvals' issued by the DRE in December 2003. The stated broad purpose of SMP's outlined in this Guideline is to "identify expected subsidence from intended mining operations and associated potential impacts on public safety, the environment, community, land use, surface improvements and infrastructure". This Guideline further states in this regard that SMP's "must be capable of managing potential subsidence impacts to produce outcomes that are consistent with government policies and which take into account community expectations".

The SMP Application has consequently been reviewed by Council staff based on identified consistency with:

- Current scientific knowledge and applicable policy framework regarding the assessment and management of subsidence related impacts.
- The concerns of Council and the local community previously expressed in relevant submissions.
- Potential implications for Council's statutory responsibilities in regard to planning, asset management, environment protection and community engagement.

This review identified that the SMP Application had broadly described all natural, cultural and structures within the Study Area and openly acknowledged potential subsidence related impacts to these features. However, the review also identified shortcomings in the scientific basis of the SMP Application as well as aspects of the assessment and management of potential subsidence related impacts that warranted the preparation of a draft submission.

Overview of the draft submission

The following provides an overview of the identified shortcomings of major relevance to the concerns of Council and the local community well as requested DRE response detailed in the attached draft submission. A Summary of issues raised and requested responses contained in the draft submission (presented in Attachment 3) as well as in the Executive Summary.

(i) Issues associated with the Application of key relevance to Council

(a) The Policy framework for the Application

Inconsistencies in aspects of the SMP application and associated specialist reports with the policy and regulatory framework that currently applies to mining projects in NSW have been identified by Council Staff. The draft submission consequently expresses the preferred view of Council that the SMP Application be in the form of a detailed assessment under the provisions the Environmental Planning and Assessment Act 1979.

EN1 – Draft Subsidence Management Plan Application associated with the Tahmoor Colliery Project

The draft submission acknowledges the strong unlikelihood of this preferred view of Council being agreed upon by the DRE. The draft submission consequently also requests that the SMP Application be subject to the level of independent scrutiny that would apply to development applications assessed and determined by Council.

(b) Coexistence of mining and development

The area covered by the SMP Application includes existing residential areas as well as two planning proposals lodged with Council (Clearview and Stilton Lane). The SMP Application is noted to state in this regard "that potential impacts on building structures and associated roads and services infrastructure can be managed".

This statement in the SMP Application is however viewed as having inconsistencies with verbal advice received from the DP&E that is considered to raise doubt over the ability of mining and development to adequately coexist. This apparent position of the DP&E is further illustrated in correspondence received by Council which states "coexistence with mining" will be considered as part of the Macarthur South Investigation. Council should note in this regard that written correspondence has also been received from the Department of Trade and Investment requesting that a number of planning proposals lodged with Council be deferred until the completion of scheduled mining operations.

The draft submission expresses the uncertainty of Officers over the potential financial risks that Council may incur in terms of its planning responsibilities in regard to a number of planning proposals within the Wollondilly LGA in light of the above advice. This report therefore recommends that correspondence be sent to both the NSW Minister for Primary Industries and Planning seeking clarification over inconsistencies in advice received by Council regarding the ability of mining to adequately coexist with such planning proposals as well as existing development.

(c) *Engagement with Council and the local community*

The area covered by the SMP Application is noted to state that there are 222 residential properties (as well as associated infrastructure) within the Study Area. It is appropriate in this regard that Council acknowledge and welcome the consultation carried out by Glencore with landowners of potentially impacted buildings and structures both during the preparation of SMP's and mining operations.

EN1 – Draft Subsidence Management Plan Application associated with the Tahmoor Colliery Project

However, it has been identified that this level of consultation be enhanced to achieve consistency with Council's expectations for community engagement outlined in documents including the Community Engagement Policy and Community Strategic Plan. The attached draft submission therefore recommends that Glencore hold specific community consultation sessions prior and during the carrying out of each longwall to ensure all potentially affected stakeholders are adequately informed throughout the mining process.

(ii) Assessment of potential subsidence related impacts

The attached draft submission provides comments in regard to the adequacy of the assessment and intended mitigation of potential subsidence related impacts. The major identified shortcomings of the SMP Application in this regard are based on the following broad observations and conclusions

- The large reliance on the monitoring of subsidence related impacts during and after the completion of individual longwalls and carrying out of remediation activities in the event of subsidence levels exceeding levels predicted by modelling. Council should note in this regard that recent scientific studies have raised doubts over the adequacy of this approach.
- The absence of reference to the extensive scientific research that has occurred in regard the assessment of subsidence related impacts as well as potential associated impacts to groundwater since the approval of the previous SMP associated with the Tahmoor Coal Project in 2009 in particular.
- The SMP Application is noted to predicate its conclusion regarding likely low impacts to the natural, cultural and built environment on the predicted subsidence levels as a consequence of intended mining operations. Staff consequently considered the identified deficiency in scientific basis of these predicted levels as having significant adverse implications to the overall SMP Application.

It is therefore viewed as appropriate that Council strongly question the conclusions of the Application regarding the low level of impacts as well as recommendations to address these impacts. The draft submission consequently requests that the NSW DRE exercise the Precautionary Principle by requiring the amendment of the SMP to address these identified shortcomings prior to any consideration of approval.

(ii) Requested responses by the DRE to issues raised by Council

The draft submission contains a wide variety of requested responses by the DRE in the form of amendments to the Applications and issues considered to require clarification listed in Attachment 3. The requested responses of major relevance to the previously expressed concerns and position by both Council and the local community are:

EN1 – Draft Subsidence Management Plan Application associated with the Tahmoor Colliery Project

- The DRE provide its viewpoint regarding the apparent inconsistencies in advice received by Council over the ability of mining to adequately coexist with existing and future development prior to any consideration of approval.
- The DRE require that Glencore undertake a detailed assessment of potential subsidence related impacts to the surface and groundwater environment within a catchment context that is consistent with current scientific knowledge and the policy framework.
- The DRE require that Glencore carry out detailed surveys of all potentially buildings and structures by mining operations within the Study Area to accurately identify likely potential damage prior to the commencement of each longwall within this Area.

CONSULTATION

Consultation occurred with the following Council Sections in regard to aspects of the draft Plan of relevance to the respective Section responsibilities:

- The Community Services and Communication Section in regard to Aboriginal Heritage related issues as well as community engagement.
- The Infrastructure and Planning Section in regard to traffic and flood management issues.
- The Development Assessment and Strategic Planning Section in regard to European Heritage related issues as well as issues associated with coexistence between mining and development.
-

The European and Aboriginal Heritage section of the SMP Application was also forwarded to Council's Heritage Advisor. The comments received from this Advisor have been incorporated into the attached draft submission. In addition, a copy of the lodged draft submission was distributed to members of Council's Environment and Heritage and Minerals and Energy Committee.

FINANCIAL IMPLICATIONS

There is no financial implications to Council associated with this report.

CONCLUSION

It is considered appropriate that the open acknowledgement of potential subsidence related impacts and public exhibition of the SMP Application be acknowledged by Council. However, a review by Council Officers has identified considered deficiencies in the scientific basis of the approach adopted by the SMP Application as well as the assessment and intended management of subsidence related impacts.

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A draft submission has consequently been prepared and lodged with the NSW Division of Resources and Energy prior to the specified 20 March 2015 deadline. The purpose of this report is to provide an overview of the draft submission to Councillors and seek its formal endorsement.

A key recommendation of the draft submission is that the NSW DRE exercise the Precautionary Principle and require the amendment of the SMP Application to address identified deficiencies in the overall adopted approach and assessment of specific potential impacts prior to any consideration of approval. This report also recommends that correspondence be sent to both the NSW Minister for Primary Industries and Planning seeking clarification over inconsistencies in advice received by Council regarding the ability of mining to adequately coexist with existing and future development.

ATTACHMENTS

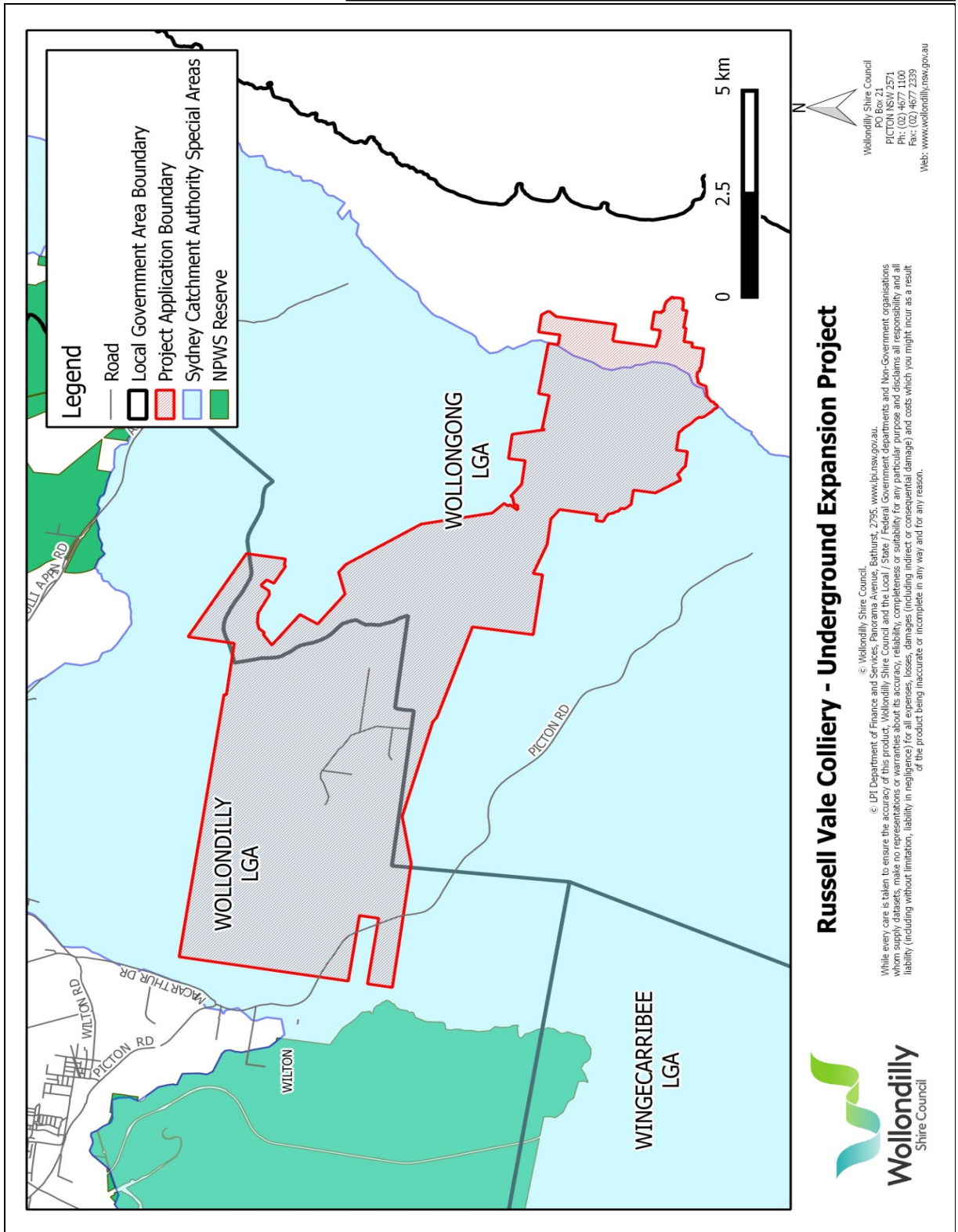
1. Location map of the area covered by the draft Subsidence Management Plan Application.
2. Draft submission on the Subsidence Management Plan Application.
3. Summary of issues raised and requested responses contained in the draft submission.

RECOMMENDATION

1. That Council endorse the submission on the draft Subsidence Management Plan.
2. That Council send correspondence to the NSW Ministers for Primary Industries and Planning seeking clarification over inconsistencies in advice received by Council regarding the ability of mining to adequately coexist with both existing and future development.

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Environment

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Subsidence Management Application for Longwalls 31 to 37

Submission by Wollondilly Shire Council

Date: 20 March 2015

Executive Summary

The Subsidence Management Plan Application (SMP Application) has strong relevance to Council and the local community given its location in close proximity to residential areas and sensitive environments within the Wollondilly Local Government Area (LGA). Officers understand the SMP Application is being prepared to address conditions of consent contained in approvals issued by the (now) Department of Planning and Environment (DP&E) in 1994 and 1996. The open acknowledgement of potential subsidence related impacts by the SMP Application, its strong emphasis on consultation with potentially affected residents and businesses as well as its public exhibition is welcomed.

However, this draft submission has identified a range of shortcomings in the scientific basis of the adopted approach in the assessment of potential subsidence related impacts by the SMP Application as well as inconsistencies with the current legislative and policy framework. This deficiency in scientific basis is considered to have significant adverse implications to the overall SMP Application given that the assessment of all potential impacts to the natural, cultural and built environment is predicated on the identified subsidence levels associated with intended mining operations. The draft submission consequently strongly questions the adequacy of the assessment of each potential specific impact by the SMP Application well as its recommendations to address these impacts.

The Guidelines for Applications for Subsidence Management Approvals is noted to require that SMP's "*must be capable of managing potential subsidence impacts to produce outcomes that are consistent with government policies and which take into account community expectations*". Council Officers are of the view that the SMP requires amendment to achieve consistency with this requirement as well as the current policy framework based on the above considerations.

The draft submission expresses the preferred view of Council that the SMP Application should be in the form of an Environmental Assessment given the apparent absence of detailed assessment that has occurred both previously in regard to the Tahmoor Colliery Project in general as well as part of the preparation of the Application. The draft submission also expresses the view that the NSW Division of Resources and Energy (DRE) should exercise the Precautionary Principle and require amendment of the SMP Application to address shortcomings identified by Council Officers prior to any consideration of approval.

The key requested responses by the NSW Division of Resources and Energy requested by this draft submission to occur prior to consideration of the approval of the SMP Application are:

- The viewpoint of the DRE regarding the apparent inconsistencies in advice recently received by Council regarding the coexistence of development with both existing and planned residential areas.

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- Require Glencore to carry out a detailed investigation which is consistent with current scientific research on the effectiveness of the intended measures in achieving tangible long-term beneficial outcomes for the environment and the community and amend the Application to reflect this investigation.
- Require Glencore to undertake a detailed assessment of potential subsidence related impacts to the surface and groundwater environment within a catchment context that is consistent with current and scheduled scientific research as well as the current policy framework.

The draft submission recognises that a number of requested responses by the DRE can occur as part of the preparation of the intended Environmental Management Plans for longwalls 31 to 37. However, Council requests that all issues raised and requested amendments to the SMP Application outlined in this draft submission be considered and addressed by the DRE during the review of submissions received and finalisation of the Application. Council staff would be available to discuss issues raised in the draft submission if this would be of benefit.

THE SUBMISSION ON THE SMP APPLICATION

This draft submission provides comments on the adequacy of the SMP Application identified by a review by Council Officers with technical expertise in regard to the Application and its individual components. The comments are based on the identified consistency of the SMP Application and its components with the following:

- The EDG17 draft Guideline for Applications for Subsidence Management Approval (SMP Guidelines);
- Current scientific knowledge and research regarding mine subsidence related impacts as well as the current policy and legislative framework;
- The concerns of the local community in regard to potential impacts of longwall mining operations on the natural, cultural and built environment of the Wollondilly LGA that have been expressed to Council; and
- Previous submissions lodged by Council on the SMP for Longwalls 27 to 30 as well as other similar mining projects within the Wollondilly Local Government Area (LGA) comprised of the Bulli Seam and Russell Vale Projects.

The submission is divided into three broad components comprised of background information, general comments on the SMP Application and its adopted approach, and comments on the assessment of individual impacts from intended mining operations by the SMP Application. A summary of the issues raised and requested response by the DRE is presented in Attachment 1 (Table 1).

PART A: BACKGROUND INFORMATION

1) Council position regarding Longwall mining and the Tahmoor Coal Project

Council recognises the contribution that the mining industry provides to the local and state economy. However, Council has adopted a general position that longwall mining should be

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managed so as not to result in adverse environmental, cultural and social impacts within the context of the local region. The DRE is requested to note in this regard that anecdotal evidence available to Council suggests that local residents are more concerned with the long-term damage to natural assets resulting from mining than the temporary economic and social issues arising from changes in employment and economic conditions.

Council has not adopted a formal position in regard to the on-going operation of the Tahmoor Colliery Project. However, the above position as well as expressed concerns by the local community regarding longwall mining operations in general is viewed as being transferable to this Project

In this regard, Council shared the concerns expressed by the local community during 2010 over the significant drop in water levels of a number of lakes within Thirlmere Lakes National Park that coincided with mining operations as part of the Tahmoor Coal Project being in close proximity to the park. The DRE is requested to note that Council's submission on the recently exhibited Plan of Management for the Thirlmere Lakes National Park requested that potential impacts associated with aquifer interference activities on the condition of all lakes be recognised as a specific key management issue. The list of Council's resolutions that define its position specifically regarding aquifer interference activities on the condition of Thirlmere Lakes is presented in Attachment 2.

Operations associated with the Tahmoor Project are located within residential and commercial and industrial areas as well as in close proximity to areas of natural and cultural sensitivity. The operations are therefore viewed as having potential implications to Council's environment protection, community engagement and asset management core responsibilities. It is therefore contended that Council is a key stakeholder in regard to all components associated with the operation of the Tahmoor Colliery.

The comments contained in all subsequent sections of this submission are consistent with the concerns of Council and the local community outlined above. The DRE is requested to record and consider the overall position of Council and the associated concerns of the local regarding community as well as socio-economic issues during its review and finalisation of the SMP Application.

2) Coexistence of mining and development

Council recognises that the Tahmoor Mine Project has a long history of carrying out mining activities beneath residential, commercial and industrial areas within the Wollondilly LGA. However, Council has received recent verbal advice from the Department of Planning and Environment (DP&E) that is considered to raise a level of doubt over the ability of mining and development to adequately coexist. Council also understands in this regard that the NSW Government is in receipt of a draft Krapp Report regarding the issue of coexistence within a broad regional context that it is considering in-confidence.

The DP&E verbal advice is considered to have a level of inconsistency with the viewpoint expressed by the SMP Application that *"potential impacts on building structures and associated roads and services infrastructure can be managed using subsidence management measures described in this Report"* (the Subsidence Predictions and Impact Assessment). The DRE is requested to note in this regard that Council is in receipt of correspondence from Glencore that requests deferral of a planning proposal within the SMP Application Area

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(Clearview) until after the completion of planned underground longwall mining This correspondence is noted to include a statement to the effect that social impacts from prior mining operations had been significant and that the issues experienced by the local community could not be fully compensated. Council has also received correspondences from the Department of Trade and Investment requesting that a number of planning proposals currently being considered also be deferred until the completion of planned mining operations.

There is therefore uncertainty over the potential financial risks that Council may incur in regard to its planning responsibilities in the event of longwall mining preceding the construction of a number of planning proposals within the Wollondilly LGA. The deferral of development for a significant period of time until the completion of scheduled mining activities has been identified as creating potential adverse implications for Council's specific planning responsibilities. These include satisfying the projected demands for residential growth as well as resulting in planning uncertainty within the LGA. It should therefore be noted that the DP&E has been requested to investigate this issue in detail as a priority and to advise Council on the outcomes of this investigation.

The DRE is requested to provide its viewpoint in regard to the apparent inconsistencies in advice received by Council regarding the coexistence of development with both existing and planned residential areas. Any resolution of Council regarding this matter will be forwarded to the DRE.

Part B: General comments on the SMP Application

This section of the draft submission provides comments in regard to the identified adequacy of general aspects the SMP Application based on previously expressed views by Council and the local community.

1) Community engagement

Council has a statutory responsibility under the *Local Government Act 1993* to engage with the local community within the Wollondilly LGA and advocate their expressed concerns and viewpoints. The importance that Council places in carrying out these responsibilities and its adopted approach is reflected in a wide range of strategic documents including its Community Strategic Plan. Council has also developed a **Community Engagement Policy** that includes principles that defines its broad position in regard to community engagement. Council has also established a Community Minerals and Energy Committee as part of its formal Committee structure. This Committee provides a forum for the discussion and engagement with Council on minerals and energy related issues by interested community members.

The protection of the diverse and significant natural and cultural features from mining related activities have been identified from this consultation as being of high importance to the local community. **The DRE is requested to note that an increase in community awareness regarding these impacts as well as potential subsidence impacts to the built environment in recent years has been observed.**

The consultation program with likely affected businesses and residents developed by Glencore is welcomed and supported in –principle. However, the DRE is requested to note that Council would have preferred for a series of public meetings to have been held during

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the public exhibition period of the SMP Application to achieve greater consistencies with Council's position and policies. **Consequently, the DRE is requested to require that Glencore hold specific community consultation sessions both prior and during the carrying out of each longwall (in addition to the proposed consultation) to ensure all potentially affected stakeholders are adequately informed throughout the mining process.**

2) Consistency with the Policy and Legislative Framework

(i) Overall policy framework for the SMP Application

The NSW Department of Planning and Environment (DP&E) is noted to have issued the Determinations applying to the area covered by the SMP Application approximately 20 years ago. These approvals are consequently viewed as not being based on the current scientific research with resulting adverse implications for the assessment of potential associated impacts associated with the proposed mining operations. Council's submission to the application for the extension of the Bulli Seam Project by 30 years in this regard requested that consent be limited to a maximum of 10 years based on these considerations.

In relation to this matter, Council has adopted the position that the community deserves to be assured and shown that the level of independent scrutiny and decision-making should be similar for both State Significant Developments (SSD) and Development Applications lodged under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Council would therefore expect that the SMP would be assessed and determined at the same rigour as would be required if Council were the Determining Authority.

The DRE is consequently requested to note the preferred view of Council that the Application be in the form of a detailed assessment under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It is contended that this approach would facilitate the achievement of the detailed and scientifically based assessment sought by Council. **The provision of a response regarding this matter by the DRE prior to finalisation of the Application is requested.**

It is recognised in this regard that the above requested approach by Council is unlikely to be supported by Government Agencies and Glencore. **In this event, the DRE is requested to require the SMP Application be amended to be in the form of an Environmental Assessment that is consistent with current scientific research as well as the current policy framework prior to any consideration of approval.**

(ii) Considered consistency with the draft Guidelines for SMP Applications

The SMP Application would appear to be broadly consistent with the format required by the SMP Guidelines. However, the response of the DRE to a number of identified potential inconsistencies with specific statements in this Guideline detailed in Table 2 is requested.

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Table 2: Apparent inconsistencies of the SMP Application with the draft Guidelines

Statement in Guidelines	Adequacy comment
Descriptions of the nature, magnitude, distributions/densities, estimated duration and most importantly, potential consequences of the expected subsidence impacts on the Application Area.	The exhibited SMP is considered to contain less than the 12 months baseline data in environmental sensitive areas recommended by the Guidelines.
Descriptions of the nature, magnitude, distribution/densities, estimated duration and most importantly, potential consequences of the expected subsidence impacts on the Application Area as a whole.	There is a considered inadequate assessment of impacts of potential infrastructure failure that may affect people, services and the environment in the down-stream area.
Statement in Guidelines	Adequacy comment
The results of community consultation undertaken by the Applicant should be provided.	There is a considered absence of a report detailing the outcomes of the community consultation undertaken.

In addition, Section 6.10 of the SMP Guidelines is noted to contain a range of requirements for the assessment of subsidence related impacts by SMP Applications. Comments regarding the considered consistency of the SMP Application with these requirements based on the concerns and position of Council and the local community are presented in Table 3 (Attachment 3). It can be construed from this Table that the SMP Application has an unacceptable level of scientific uncertainty as discussed below.

3) Definition of the Application Study Area and proposed operations

(i) Boundaries of the identified subsidence zone

The necessity for the SMP Application to define the boundaries of the Study Area based on defined criteria is acknowledged. The SMP Application is noted to state however that *“Built and natural features located outside this area which are predicted to experience far-field movements and, could be sensitive to these movements, have also been included in the impact assessments”*. It is requested in this regard that the adequacy of the 35 degree angle of draw line criteria utilised by the SMP Application be appropriately peer reviewed to ensure its adequacy in ensuring the assessment and monitoring of all subsidence impacts associated with proposed mining.

The SMP is noted to state in relation to this matter that the 35 degree angle of draw line is the minimum angle required by the SMP Guidelines. It is consequently suggested the angle of draw criteria for the SMP Application be defined as a higher angle given the high level of assets, infrastructure and buildings as well as significant watercourses occurring within the Study Area. **The DRE is therefore requested to require Glencore provide Council with a Map showing the location of all features outside the Study Area expected to experience far flung movements prior to the approval of the SMP Application.**

(ii) Layout of longwalls

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The SMP Application is noted to state that the “SMP process allows for changes in mine layout without the need for an SMP Variation where these changes are not major and impacts are unchanged and that Glencore would consult with DTIRIS and DRE if changes in the exhibited mine layout were required”. This statement is viewed as resulting in unacceptable uncertainty regarding potential subsidence related impacts to the natural, cultural and built environment as well as uncertainty for the local community.

It is contended in this regard that any changes in mine layout should require a formal variation to the SMP Application given the high number of built structures within the Subsidence Zone. **The DRE is requested to provide Council with its viewpoint regarding this matter prior to finalisation of the SMP Application. The DRE is also requested to require Glencore to consult with Council and potentially impacted members of the local community if changes to the exhibited mining layout are identified as being required.**

(iii) *Operational matters*

Council shared the significant concerns of the local community over potential adverse impacts associated with an initially proposed mine ventilation shaft approximately 700 metres from residential properties within the village of Thirlmere. The revision of the previous proposed layout to eliminate the need for the construction of this shaft and its proposed replacement with underground booster fan installations is consequently welcomed. Council however understands that a final determination by Glencore to proceed with this option had not been made at the time of finalisation of this submission.

Glencore has advised Council that that the installation and operation of these underground boosters do not require any surface work. There is however noted to be an absence of any information regarding these booster fans in any documents and any associated potential applications within the SMP Application. **The DRE is therefore requested to require the amendment of the SMP Application to identify any potential impacts associated with the installation and operation of such boosters in the event of a determination to proceed with this option.**

4) Adequacy of scientific basis of the Application and its adopted approach

(i) *Considered scientific basis of the SMP Application*

The SMP Application is acknowledged to have utilised commonly used computerised modelling to predict the extent of likely subsidence geological impacts as a consequence of proposed mining operations. The Application is however noted to contain a high number of statements (such as those reproduced below) that indicate a considerable level of scientific uncertainty over the extent of impacts on both the natural and built environment:

- *It is expected that fracturing will develop along the sections of the streams located directly above the proposed longwalls.*
- *A small number of establishments may, however, experience substantial adverse differential subsidence movements, which have the potential to affect the safety and serviceability of the structures.*

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The SMP Application is consequently viewed as not being consistent with the extensive scientific research that has occurred subsequent to the issuing of the approval for the SMP Application for longwalls 27 to 30 regarding this matter. The organisations known to Council that have carried out such research include the Independent Expert Scientific Committee (IESC), the NSW Office of Chief Scientist and Engineer (Chief Scientist) and the Commonwealth Scientific Industrial and Research Organisation (CSIRO).

The DRE is consequently requested to require the amendment of the SMP Application to contain a more scientifically rigorous assessment and management of potential subsidence impacts that is consistent with current scientific knowledge and policy framework. Council is of the view in this regard that the exercising of the precautionary principle to defer approval and require re-exhibition of the SMP Application is warranted given its current high level of scientific uncertainty.

(ii) General comments on the adopted approach by the SMP Application

The SMP is noted to have adopted a management approach involving the monitoring of subsidence impacts predicted by modelling and the undertaking of remediation in instances of modelled predicted levels being identified (where considered appropriate). It is understood that the intended monitoring regime will be detailed in a future Environmental Management Plan for 31 to 37. The monitoring regime has consequently been assumed to be approximately similar to that detailed in the previous EMP for the purposes of this submission

This adopted approach is recognised as being potentially suitable in regard to short-term impacts to assets that can be readily remediated within available knowledge such as roads provided there is adequate on-going consultation and adequate funding. However, Council has previously expressed concerns over the adequacy of this approach in providing effective management of potential impacts to the natural and cultural environment. The findings of recent scientific research by a range of organisations including the IESC are noted to support these concerns. In addition, members of a Planning Assessment Commission investigating the Russell Vale Colliery Expansion (near Wollongong) were noted to question the effectiveness of remediation during a recent meeting with Council Officers.

The DRE is consequently requested to require Glencore carry out a detailed investigation consistent with current scientific research on the effectiveness of the intended measures in achieving tangible long-term beneficial outcomes for the environment and the community and amend the Application to reflect the outcomes of this investigation.

Approach to subsidence being in excess of predicted levels

The Subsidence Monitoring Reports forwarded to Council for existing operations in Longwalls 27 to 30 is acknowledged to indicate observed impacts broadly correlate the predicted levels. However these Reports are noted state that instances of predicted subsidence impacts to natural and built features being exceeded periodically occur.

The Assessment Report is noted to state that incidences of predicted subsidence levels are not anticipated as subsidence levels contained in the Application are double those predicted. Council however retains the viewpoint expressed in its previous submission on Longwalls 27

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to 30 that the likelihood of subsidence in excess of normal predicted levels must be investigated and considered prior to the determination. **The DRE is therefore requested to require Glencore provide Council with specific information detailing any areas identified as having the potential to be subject to more than predicted subsidence levels and intended response.**

PART C: ASSESSMENT OF SPECIFIC IMPACTS

This section of the draft submission contains comments on the adequacy of the assessment of specific impacts and requested DRE response to address identified deficiencies in regard to the following components of the SMP Application:

- Reports prepared by specialists consultants in regard to specific subsidence related impacts;
- The Subsidence Predictions and Impact Assessment Report for Longwalls 31 to 37 (Assessment Report); and
- The Subsidence Management Plan Application document (Application document).

The preceding section of this draft submission has outlined considered deficiencies in the scientific basis in the approach adopted by the SMP in identifying, assessing and responding to subsidence related impacts. This deficiency in scientific basis is considered to have significant adverse implications to the SMP Application given that the assessment of all potential impacts to the natural, cultural and built environment is predicated on the identified subsidence levels associated with intended mining operations.

This draft submission consequently questions the adequacy of the assessment of each specific potential impact as well as recommendations to address these impacts by the SMP Application. A summary of the requested response by the DRE to issues raised in this section in terms of requested amendments to the SMP Application as well as identified issues requiring clarification is provided in Table 1 (Attachment 1).

It is acknowledged that further assessment and monitoring will occur as part of the intended preparation of the Environmental Management Plan (EMP). However, the DRE responses are predominately requested to occur as part of the review process given the identified deficiencies in the scientific basis of the assessment as well as the understanding that the EMP be prepared in accordance with conditions of consent for the Application.

1) Potential subsidence impacts to surface and groundwater sources

The following discussion provides comments in regard to both surface and groundwater sources given their high level of interconnectivity consistent with previously expressed concerns by Council and associated expressed community concerns. The discussion also contains a range of requested activities by the DRE to address identified shortcomings in the Application.

(i) *Council and community concerns*

The potential impacts on both surface and groundwaters arising from subsidence attributable to underground mining operations have been a long-standing concern of both Council and the local community. The key expressed viewpoints by Council in previous submissions related to mining projects are:

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- *Council reiterates its objection to any excess subsidence that is likely to result detrimental impacts to the Bargo River (Submission on the Longwall 27-30 SMP).*
- *All watercourse classes should be subject to the same Stream Impact Minimisation Criteria as applies to the Nepean River (Submission on the Bulli Seam Project Expansion).*
- *Anecdotal evidence available to Council suggests that local residents are more concerned with the long-term damage to natural assets resulting from mining than the temporary economic and social issues arising from changes in employment and economic conditions (Submission on the Bulli Seam Project Expansion).*
- *There are no baseline studies which have determined the natural incidence of cliff collapse therefore no judgement can be made on how significantly mining will change this probability (Submission on the Bulli Seam Project Application).*
- *Rigorous scientific rigorous recommendations to reduce potential environmental impacts should be developed as alternatives to the recommended use of Offsets and Trigger Response Plans by the Department of Planning and Environment (Submission on the Russell Vale Colliery Expansion).*

Council has not adopted a formal position regarding a suitable mining exclusion buffer adjacent to watercourses of various orders. However, Council is strongly of the view that all potentially affected watercourses should be subject to a detailed assessment within a catchment context. A finding of the Planning Assessment Commission that investigated the Bulli Seam Project consistent with this viewpoint is noted to have been reproduced by the SMP Application.

The DRE is requested to record and address the concerns of Council and the local community outlined above during the finalisation of the SMP Application and preparation of any approval.

(ii) Adequacy of the description of features

The following discussion provides comments on the identified adequacy of adequacy of the description by the **Streams, Dams and Groundwater Assessment Report** (Geo Terra Report) applicable Sections of the Assessment Report and Application document as well as requested DRE response.

(a) Description of surface and groundwaters

Surface waters

The Geo Terra Report is acknowledged to have provided a largely adequate description of the features of the potentially affected streams based on the SMP Guidelines. However, the Geo Terra Report is viewed as not containing a detailed assessment of ground and surface waters to the detail that is noted to have been requested in recent Scientific Advice provided by the Independent Expert Scientific Committee (IESC) such as recently in regard to the Russell Vale Colliery Expansion.

In relation to this matter, the south-eastern portion of the Study Area is noted to include the catchment of a watercourse that flows into the Bargo Gorge section of the Bargo River (a tributary of the Nepean River). This Gorge has been identified as being of high significance from an ecological, hydrological, cultural and landscape perspective by a range of studies

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and is consequently of high importance to Council and the local community. **The DRE is consequently requested to require the amendment of the Application to contain a discussion on the features as well as potential impacts associated with intended mining operations on this watercourse within a catchment context.**

Section 6.6.3 of the SMP Guidelines is noted to require *SMP Applications define “Significant surface watercourses and groundwater resources that are identified through consultation with relevant Government Agencies”*. It is recognised that the conclusion of the SMP Application that the Study does not contain such water courses is likely consistent with programs developed by Government Agencies such as the NSW Office of Water (NoW). However, it is contended that a number of water sources within the Study area warrant classification as significant due to their high conservation and hydrological values as well as being under threat from competing landuse activities.

Groundwaters

The Geo Terra Report is acknowledged to describe the broad features of the groundwater environment however this is noted to be restricted to available shallow data supplied by the NoW. It is also apparent (based on supplied information) that a groundwater analysis study for the Project Area consistent with the current scientific knowledge and policy framework has not been carried out.

Officers are aware of a wide variety of research studies that indicate significant deficiencies in the understanding of the properties and behaviour of the groundwater particularly in a localised context beneath depths sampled by NoW. In relation to this matter, the Chief Scientist as well as research studies by organisations such as the IESC are all noted to recommend that groundwater studies associated with mining activities contain modelling that is informed by comprehensive monitoring. In addition, the NSW Aquifer Interference Policy is recognised as not applying to the SMP Application. However, Council is of the view that the SMP should contain an analysis and modelling of groundwater behaviour that is consistent with the requirements of this Policy.

The DRE is therefore requested to note Council’s strong view that the SMP Application should contain the following to achieve consistency with current scientific knowledge and policy framework:

- **A detailed description of the properties and behaviour of the groundwater environment in a lateral and vertical direction.**
- **A conceptual and computerised modelling of groundwater behaviour that is informed by extensive groundwater monitoring undertaken at various depths.**

(b) Farm dams

The SMP Application is viewed as providing an adequate description of farm dams within the Study Area and description of potential impacts. However, the adequacy of the extent of impacts is questioned due to the presence of a number of inconclusive statements and identified deficiencies in the scientific basis of the approach adopted to predict and manage subsidence levels. **The DRE is therefore requested to require the amendment of the SMP Application to contain an assessment of potential impacts of on farm dams**

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based on the outcomes of the requested (by Council) scientifically rigorous assessment of subsidence related impacts associated with intended mining operations.

(iii) Assessment of potential impacts by the Application

The following provides comments in regard to the adequacy of assessment of subsidence related impacts to groundwaters and interconnecting surface waters.

(a) Potential impact to groundwaters

The Geo Terra report is acknowledged to contain an overview of potential impacts associated with intended mining operations on groundwater in terms of Aquifer/Aquitard Interconnection, Groundwater levels, and Well Yields and Bore Serviceability. However, a range of generic statements regarding these impacts such as *“Adverse interconnection of aquifers and aquitards is not anticipated within 20 metres of the surface”* indicates a high level of scientific uncertainty.

Groundwater specialists consulted by Officers as part of the review of the SMP Application advised they were not aware of instances of induced aquifer connectivity in an upward direction as a consequence of mine subsidence. However, the specialists also advised that the inducement of such connectivity could potentially occur particularly in the event of an aquifer under pressure being disturbed. It is considered imperative that the actual level of subsidence and resulting impacts to groundwater be scientifically rigorously assessed given their high level of interconnectivity as well as reliance of other features of the natural environment on groundwater.

The DRE is consequently requested to note Council’s strong concerns regarding the identified inconsistencies of the groundwater assessment with current scientific knowledge and the current policy and legislative framework. The DRE is also requested to note Council’s preferred view that the Application contains adequate monitoring and associated modelling that would allow for a comprehensive and scientifically rigorous assessment of potential impacts from intended mining operations to the groundwater environment.

(b) Potential impact to interconnecting surface waters

It is noted that Glencore intend to mine directly beneath a number of creeks ranging from first to fifth order. The constraints of the site that prevent the modification of the proposed layout to avoid the carrying out of mining activities under third water order water classes and above are acknowledged. However, the SMP Application is noted to contain a number of generic scientifically inconclusive statements regarding this matter such as *“It is unlikely that there would be any net loss of water from the catchment with the diverted flows expected to re-emerge further downstream”*. The presence of these statements is viewed as providing an unacceptably high level of uncertainty over the nature and extent of potential impacts within a catchment context.

(iv) Adequacy of conclusions regarding potential impacts

The ‘Summary of Predicted Systematic Subsidence Impact Assessment Results’ Table within the SMP Application document is noted to list conclusions regarding the considered

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likelihood of potential impacts on surface and groundwaters based on the impacts described in the Specialist Report. The validity of these conclusions is questioned by Council based on the deficiencies in the assessment and scientific basis of the predicted subsidence levels and description of the groundwater environment potential impacts identified by this draft submission.

In addition, the conclusions on a number of occasions do not reflect the uncertainty over the likelihood of impacts occurring expressed in the Geo Terra Report. **The DRE is therefore requested to require the amendment of this Table to either reflect the uncertainty expressed by the Specialist Report or (more preferably) be amended to be based on the outcomes of the requested (by Council) detailed scientific assessment.**

(v) *Recommendations of the SMP Application*

The Geo Terra Report is noted to state that “*at this time, there are no specific recommendations for stream, groundwater or dam management and rehabilitation over the proposed mining area as the predicted impacts are not anticipated to be significantly adverse*”. Council has concerns over this statement in the strongest possible terms from an environmental, social and cultural perspective. **The DRE is consequently requested to note Council’s position that it would object to any subsidence impacts attributable to mining operations that would result in detrimental impacts to surface and groundwater resources.**

The Assessment Report is noted to recommend that “*Tahmoor Colliery continue to develop management plans (based on the SMP for longwalls 22 to 30) to manage potential impacts on the streams during the mining of the proposed longwalls*”. Council has been advised by Glencore that it intends to continue the Trigger Action Response Plans (TARP’s) approach based on the outcomes of the monitoring approach utilised for longwalls 27 to 30. Council strongly questions the effectiveness of this approach and opposes its utilisation until its following concerns have been addressed to the satisfaction of a suitably independent scientific authority:

- Council considers there are doubts over the adequacy of TARPS in achieving tangible beneficial outcomes have been raised recently by a number of scientific investigations. For example, the IESC Scientific Advice on the proposed Russell Vale Colliery Expansion is noted to state “*Trigger Action Response Plans (TARP) is not considered overly useful because many of the impacts are likely to be long term and difficult to detect without extended monitoring*”.
- Council has been provided with a range of examples which mining companies contend demonstrates that remediation measures can be effective. However, it is contended that there is an absence of any examples of remediation measures with proven and tangible beneficial outcomes in terms of restoration of impacted watercourses.
- Council also considers there are deficiencies in the level of baseline data and groundwater monitoring that would enable remediation measures to be developed largely at the assessment stage based on a detailed understanding of the hydrogeological environment. This is considered preferable to the current approach in responding to impacts to watercourses identified by monitoring after they occur.

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Attachment A of the SMP Application document (Consultant's Recommendations) is noted to list the intended management response in regard to each of the identified potential subsidence related impacts on surface and groundwaters. **The DRE is requested to record that Council questions the validity and adequacy of these recommendations as a consequence of the identified deficiencies in the assessment and scientific basis of the predicted subsidence levels and impacts to the surface and groundwater environment.**

Summary of recommended response by the DRE regarding potential impacts on water sources

Council requests the DER require Glencore to undertake the following activities prior to the finalisation of the SMP to achieve consistency with the draft DRE Guidelines and current scientific knowledge:

- The collection of additional baseline data that is of sufficient detail to adequately inform a subsequent detailed groundwater assessment and associated modelling.
- The carrying out of investigations to develop alternate measures to the approach adopted by the SMP Application based on current scientific research that provide tangible beneficial outcomes for the condition of water sources and amend the Application to reflect the outcomes of this investigation.
- The undertaking of a detailed assessment of potential subsidence related impacts to the surface and groundwater environment within a catchment context that is consistent with current and scheduled scientific research as well as the current policy framework.
- Arrange for a comprehensive peer review of the updated assessment by a suitably qualified and experienced authority independent of any mining related interest.

2) Potential subsidence related impacts to aquatic biodiversity

The description of the properties and morphology of streams within the Study Area by the Aquatic Ecology specialist Report as well as adopted survey methodology is viewed as being broadly adequate. However, a review by Officers has identified the following shortcomings in the Report in regard to surveys carried out that are requested to be addressed by the DRE prior to the finalisation of the SMP Application:

- There is noted to have been only one sampling event carried out within surveyed watercourses. *This is not considered a sufficient sampling effort to achieve an adequate understanding of the aquatic biodiversity present.*
- The Report does not include any reference to surveys or assessment of potential impacts to aquatic biodiversity within the Bargo River Gorge or assessment of aquatic biodiversity in downstream watercourses of this catchment. *The inclusion of such an assessment is considered important given the identified significance of this Gorge.*

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The recognition by the Geo Terra Report that mine subsidence has the potential to result in fracturing, reduction in pool holding capacity and surface water flow diversion is welcomed. However, the Report is noted to state in relation to this matter *“It is anticipated that similar effects will occur in the 3rd order or higher stream reaches within the Longwall 31 to 37 SMP Area”*. Council is strongly of the view in this regard that potential impacts on all orders of watercourses must be comprehensively assessed.

The Specialist Review is consequently viewed as analysing in sufficient detail potential impacts of intended mining operations on aquatic ecology within individual watercourses Table 7.1 of the SMP Application is noted to conclude in relation to this matter that there is a *“very low probability of impacts to aquatic flora and fauna”*. This conclusion is viewed as being inconsistent with the wide variety of potential impacts identified by the Specialist Report. In addition, the recommendations of the SMP Application are strongly questioned due to the identified deficiency in the scientific basis and assessment of potential impacts to the surface and groundwater environment outlined in the preceding section of this submission.

The DRE is consequently requested to require Glencore amend the identified deficiencies in the assessment of potential impacts to aquatic biodiversity to reflect the outcomes of the requested (by Council) comprehensive scientific assessment. It is suggested that the additional surveys within the Study Area could occur as part of the preparation of the EMP.

3) Potential subsidence related impacts to terrestrial biodiversity

The following comments on the Terrestrial Ecology Assessment Report (TER) are provided within the context of identified potential adverse implications for biodiversity within the Wollondilly LGA as well as Council’s core responsibilities under the current legislative and policy framework. The comments are also consistent with Council’s adopted position as well as associated expressed concerns by the local community expressed in its recent submission to the Final Report on the Review of NSW Biodiversity Related Legislation.

The discussion also provides a number of requested actions and items to be clarified by the DRE in regard to identified deficiencies in the TER as well as applicable Sections of the SMP Application and Assessment Report. It is contended that the preferred view of Council that the Application be in the form of a detailed assessment under the EP&A Act would allow for a comprehensive assessment of biodiversity related potential impacts associated with all components of the proposal and addressing of a significant proportion of the identified deficiencies.

(i) Council position regarding the protection and management of biodiversity

The adequate protection and management of the significant and diverse biodiversity of the Wollondilly LGA is of high importance to Council and the local community. The protection and management of biodiversity is also a key component of Council’s Policies such as its Community Strategic Plan and Local Environmental Plan as well as its Mission Statement:

In this regard, a ‘Vegetation Prioritisation Analysis’ carried out for Council identified the habitat corridors adjacent to the creeklines within the Study Area as having a high priority for protection. The south east section of the Study Area is also noted to be located within the

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catchment of a watercourse that flows into the Bargo Gorge section of the Bargo River. The DRE is requested to note in this regard that Council considered a report on potential options to support the protection of the Bargo River gorge and its riparian buffer in perpetuity at its meeting on 16 March 2015. Any resolutions of Council regarding this matter will be conveyed with notification of the formal endorsement of this submission.

(ii) Statutory and policy framework

The assessment of potential subsidence impacts on biodiversity is broadly acknowledged to be consistent with conditions of consent contained in the 1994 approval and the overall framework of the SMP Guidelines. However, Section 6.9 of these Guidelines 'Statutory Requirements' is noted to require Applications to "refer to specific provisions of relevant legislation, regulations, policies, guidelines, codes and Australian Standards".

There is therefore considered a level of ambiguity over the policy and legislative framework that should be adopted by the SMP Application. **Council therefore requests an urgent response by the DRE to the following questions to allow for a comprehensive review of the SMP Application by Council's Environmental Officers:**

- Should the SMP application be only assessed in accordance with the draft DRE Guidelines?
- Should the Application also be assessed under the established framework for State Significant Developments and associated documents and policies produced by the NSW Office of Environment and Heritage (OEH)? The DRE is requested to note that the **Biodiversity Offsets Policy for Major Projects** recently introduced by the NSW OEH has been identified to result in net biodiversity losses and inadequate assessment of potential impacts based on observations by Officers in regard to a number of planning proposals within the Wollondilly LGA.
- What are the implications and relevance of the assessment and approval process under Part 4 of the *EPA&A 1979* including the Assessment of Significance Process under Part 5A of this Act to the SMP Application?
- What are the implications of the recommendations of the recently released Final Report on the Review of the Biodiversity Related Legislation to the assessment and management of biodiversity related impacts by the SMP Application?
- What are the implications of the *State Environmental Planning Policy (Mining, Petroleum Production and Gravel Extractive Industries) 2007* to the assessment process for biodiversity related impacts associated and determination process for the Application?

(iii) Mapping of vegetation communities and flora and fauna surveys

(a) Mapping of vegetation communities

The TER is considered largely adequate in providing a broad understanding of the occurrence of vegetation communities within the Study Area. However, the DRE is requested to require Glencore to amend the FF Report to address the following identified

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shortcomings of this regarding this matter prior to the consideration of any approval of the SMP Application:

- The TER is noted to refer to mapping carried out by Tozer in 2006. *However, the Report does not refer to further mapping by Tozer in 2010 that is utilised by Council given its more extensive mapping and ground-truthing.*
- The TER does not recognise the listing of Cumberland Plain Woodland and Shale/Sandstone Transition Forest as CEEC's at both the State and Commonwealth level.
- The TER does not assess and describe whether any grassland occurring on the site would satisfy definitions of Derived Native Grassland under the Scientific Determinations for the listing of SSTF as well as Cumberland Plain Woodland as CEEC's. *In relation to this matter, Council's Environmental Officers have identified areas within the section of the Study Area covered by the Clearview Planning Proposal as containing areas of native grasses that would warrant such classification.*

The TER is noted to state in relation to this matter that *"Detailed vegetation mapping was not considered necessary for this assessment (the SMP Application) given the very low likelihood of vegetation being impacted by subsidence"*. This statement is strongly opposed predominately due to the identified deficiencies of the scientific basis of the assessment of subsidence related impacts outlined in preceding sections of this submission. **The DRE is consequently requested to convey the viewpoint of Council to Glencore that detailed mapping of vegetation communities within the Study Area is necessary as a consequence of the overall identified (by Council) scientific uncertainty of the SMP Application.**

The stated difficulties by the TER in obtaining access to private properties to carry out mapping and surveys are acknowledged as being legitimate. **The DRE is consequently requested to require Glencore carry out further ground-trothing of vegetation communities as well as additional flora and fauna surveys occurring on site either as part of the preparation of the EMP or at the commencement of overall mining individual longwalls pending site access restrictions.**

(b) Adequacy of flora and fauna surveys

There is an apparent absence of reference within the TER regarding the adopted policy framework for the flora and fauna surveys. The adequacy of flora and fauna surveys has consequently been reviewed in terms of consistency with the draft **Threatened Species Survey and Assessment Guidelines** (OEH 2004) (draft Survey Guidelines); and **Assessments of Significance with the Threatened Species Assessment Guidelines** (OEH Assessment Guidelines) in the absence of such information.

The targeted species and adopted survey method for individual species has been identified to be broadly consistent with the above Guidelines. **However, the DRE is requested to require Glencore address the following identified inconsistencies the above Guidelines prior to consideration of the approval of the SMP Application:**

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- It is considered the number and location of the quadrant plots is not sufficient to identify those areas of vegetation that warrant classification as Derived Grassland.
- The carrying out of surveys over a two-day period in October is not considered consistent with the recommended timeframe and period of year by the draft Survey Guidelines for a number of the targeted threatened species.
- The statement in the TER *“that habitat-based assessments rather than targeted trapping fauna surveys”* were undertaken is viewed as not being consistent with the both the Assessment Guidelines and draft Survey Guidelines
- The TER is not considered to have adequately assessed the conservation significance of the site in terms of habitat connectivity for those species identified as potentially occurring on the Site in accordance with the Guidelines.

In addition, the TER is noted to contain a reference to the relationship of the Study Site to habitat corridors for koalas. In this regard, sightings reported to Council indicate that koalas maybe present within the Bargo Gorge. **The DRE is therefore requested to require the amendment of the TER needs to involve detailed surveys and habitat analysis for this species across the Study Area as well as assess the implications of State Environmental Policy 44 (Koala Habitat Protection) to the SMP Application.**

(iv) Assessment of biodiversity related impacts

The TRE is viewed as having broadly identified potential subsidence related impacts on terrestrial biodiversity associated with intended mining operations. There is however noted to be an absence of any assessment of impacts by the Application specifically in regard to potentially affected sections of the Bargo Gorge as well as the overall habitat corridor extending along the Bargo River by these operations. **The DRE is consequently requested to require the amendment of the Application to include an assessment of these impacts prior to its finalisation and approval.**

In addition, the Specialist Report is noted to justify its conclusion that gas drainage will not significantly impact terrestrial biodiversity by stating *“Impacts to vegetation associated with subsidence are unlikely, and if occurred, are likely to be localised minor floristic change”*. This justification is viewed as being inadequate given the extensive gas drainage programs that exist in regard to Southern Coalfields projects as well as the deficiencies in the scientific basis of the assessment of subsidence related impacts identified by this draft submission

(a) Policy framework for the assessment

The adequacy of the assessment of specific impacts to terrestrial biodiversity was assessed based on the **Assessment of Significance Guidelines** produced by the OEH in the absence of any information regarding the applicable policy framework. The TER is acknowledged in this regard to contain Assessments of Significance (AoS) for a number of threatened species identified as having a high likelihood of occurring within the Study Area ‘as a precaution’. However, it is noted that the AoS has only been applied to three threatened flora species. It is contended in this regard that the requested additional surveys and habitat assessment (by Council) would identify additional species likely to occur within the Study Area and therefore warrant an AoS.

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(b) Adequacy of the adopted approach in the assessment of potential impacts

The SMP Application is noted to have separated the assessment of potential impacts based on predicted level of impact to the shallow groundwater environment. This approach is supported in-principle given the high level of reliance of terrestrial biodiversity on this groundwater environment. However, the following discussion outlines the considered adequacy of this approach in the assessment of biodiversity related impacts associated with intended mining operations and requested DRE response.

Assessment of potential impacts outside the predicted extent of impact

The potential impacts on biodiversity associated with mine subsidence on biodiversity located on drier soils are acknowledged as being lower in comparison to riparian areas. The specialist report is noted to state in relation to this matter however that *“cracking is unlikely to result in vegetation change as these communities occur in drier soils and are not ultimately reliant upon groundwater for their floristic make-up or distribution”*. This statement is strongly opposed based on the contention that all plant species are dependent to a certain extent on groundwater for survival.

This issue is noted to be the subject of previous and on-going research as part of scientific studies as well as investigations of mining projects by Planning Assessment Commissions ((PAC. In this regard, the Final Report produced by the PAC that investigated the expansion of the Bulli Seam Project Application is noted to have raised significant deficiencies in the level of survey effort and assessment of potential impacts on Endangered Ecological Communities by this Application. The findings and conclusions of this Report as well as other related research is viewed as being transferrable to the SMP Application. The DRE is consequently requested to require greater assessment of this matter by the Application in accordance with current scientific research.

Assessment of potential impacts within the predicted area of extent

The recognition of the TER that riparian vegetation is at most risk to subsidence related impacts is broadly supported. However, the TER contains a range of generic statements that indicate a high level of scientific uncertainty regarding these impacts such as *“Riparian vegetation associated with streams overlying the Study Area is relatively robust and unlikely to be sensitive to minor change in the moisture level fluctuations associated with the effects of subsidence”*. **The DRE is therefore requested to note that Council strongly questions adequacy of the assessment due to scientific uncertainty and deficiencies in the assessment of subsidence impacts on the groundwater environment and scientific basis of this assessment.**

(v) *Conclusions and recommendations to manage potential impacts*

Table 7.1 of the Assessment Report is noted to justify its conclusions that the Project will not result in a significant to terrestrial biodiversity on the grounds by stating that there is a *“very low probability of localised impact from ground strain”* as well as a *“very low probability of gas emissions causing localised vegetation dieback”*. These justifications are strongly disputed given the identified deficiencies in the assessment of potential impacts identified by this draft submission. **The viewpoint of the DRE regarding the adequacy of these**

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justifications is consequently requested prior to the finalisation of the SMP Application and any consideration of approval.

The SMP Application document is noted to state that *“Remediation (in regard to identified terrestrial biodiversity related impacts) is to be conducted in accordance with the SMP (for Longwalls 27 to 30) and experience from past remediation techniques”*. This document is also noted to contain a number of recommendations based on the monitoring/remediation approach adopted by the overall SMP Application. The DRE is requested to note in this regard that Council strongly questions the adequacy of these recommendations based on the identified deficiencies in the scientific basis of this approach as well as assessment of potential impacts on water sources associated with intended mining operations.

Summary of requested DRE response in regard to terrestrial biodiversity

The following responses by the DRE are requested to address deficiencies in regard to the assessment and management of potential impacts to terrestrial and aquatic biodiversity by the SMP Application.

- Amend the SMP Application to include an assessment of subsidence related impacts on biodiversity across the Study Area in accordance with current scientific knowledge and the applicable legislative and policy framework.
- Develop measures that will adequately remediate impacts to biodiversity that occur and achieve long-term tangible beneficial ecological outcomes
- Require the assessment of potential impacts on biodiversity as well as cliff lines associated with the Bargo Gorge in a catchment context.

4) Potential subsidence impacts to Aboriginal and European Heritage

(i) Aboriginal Heritage

The protection items and features of Aboriginal Heritage identified within the Study Area are acknowledged as being primarily a matter for the NSW OEH. However, Council has developed a collaborative relationship with members of the local Aboriginal community in the protection of Aboriginal Heritage during the carrying out of its core and statutory responsibilities. The Aboriginal Heritage Assessment within the SMP Application has consequently been primarily reviewed to ensure the concerns of the local community are adequately addressed.

The Aboriginal Heritage Assessment would appear to be broadly consistent with the Due Diligence Policy Framework for the management and protection of Aboriginal Heritage introduced by the NSW OEH. However, it is considered that the Report does not specifically detail compliance with the **Due Diligence Code of Practice** document. **It is therefore suggested that the DRE seek its amendment to demonstrate such compliance (for example) in the format of a flowchart.**

The Heritage Report would appear to have described all known sites of Aboriginal Significance within the Study Area. It is acknowledged in this regard that a detailed assessment of the Aboriginal Heritage significance of the Study Area will likely occur as part of the intended preparation of the Aboriginal Cultural Heritage Report (ACHR) accompanying the AHIP

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Application. However, representatives of the OEH have advised Council Officers that it is preferable for detailed archaeological investigations to occur at the assessment stage of developments rather than subsequent to approval. **It is therefore suggested that the Heritage Assessment Report to be amended to contain preliminary modelling that identifies the potential for the existence and extent of subsurface Potential Archaeological Deposits as well as significance of the site within a landscape context.**

The recommendations of the Heritage Assessment Report that the lodgement of an Aboriginal Heritage Impact Permit (AHIP) Application is necessary due to impacts to Archaeological sites being unavoidable would appear to be consistent with the overall Due Diligence Process. Council's Heritage Advisor however has raised questions over the necessity and value of the intended monitoring and securing of the AHIP in embellishing current research and knowledge regarding Aboriginal Heritage within the Study Area. **The viewpoint of the DRE regarding this matter prior to the finalisation of the SMP Application would be appreciated.**

Council requests that it be included on the Register for any consultation carried out as part of the Archaeological Investigations in accordance with the **Aboriginal Cultural Heritage Consultation Requirements for Proponents**. Council also requests that it be informed on the outcomes of any monitoring carried out to detect any subsidence related impacts to items of Aboriginal Heritage significance.

(ii) European Heritage

The SMP Application is noted to have direct implications to a number of properties (2240 Remembrance Drive and 675 Thirlmere Way, Picton (Mill Hill)) listed on Council's Local Heritage Register. The carrying out of investigations specifically in regard to potential subsidence related impacts to these buildings as part of the preparation of the SMP Application is therefore welcomed.

The European Heritage specialist Report and applicable sections of other documents were referred to Council's Heritage Advisor for review. This Advisor provided the following comments in regard to the intended assessment and management of subsidence related impacts to local heritage items by the Application:

- The intended monitoring of the movement and damage to stone or masonry buildings is appropriate given their susceptibility to subsidence related impacts. Timber structures and landscape places are however suggested to be also inspected as part of routine monitoring.
- The general community is in need of a properly researched and recorded Conservation Management Plan that describes in detail the features of all places of heritage significance within the Study Area. The development of a detailed archival record, written from thorough research and fieldwork as part of this process should be funded by the mining industry.

Council consequently recommends the preparation of a Conservation Management Plan applying to all heritage-listed items within the Study Area based on applicable Guidelines in accordance with the above comments from Council's Heritage Advisor.

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It is suggested that the preparation of such a Plan could occur as part of the overall Environmental Management Plan process for longwalls 31 to 37.

5) Potential subsidence impacts to dwellings and Council assets and infrastructure

Council recognises that mining beneath built structures within the Study Area is a necessity given the location of a number of villages within the Wollondilly LGA as well as rural and semi-rural properties within the Study Area. The following comments of the assessment and intended monitoring of subsidence related impacts by the SMP Application in regard to both existing residential areas and planning proposals within the boundaries of the Study Area are provided within this context.

(i) Comments on the overall process in addressing subsidence related impacts

It is recognised that there is a well-established process for monitoring and repairing damage to buildings caused by mine subsidence. Council typically is however the first point of contact when residents and community representatives become concerned about potential impacts to their properties that they or may not be aware are potentially attributable to mine subsidence. Council's submission to the SMP Application 27 to 30 stated in this regard that:

“Feedback from persons making enquiries is that they rarely receive satisfactory assistance or cooperation from the mining company, MSB and Industry and Investment NSW. This generates frustration as the community expects government authorities to control and minimise detrimental consequences of mining and any other development through the development consent and enforcement processes”.

The DRE is requested to note that these comments are still viewed as being valid based on recent feedback received. In this regard, community representatives at recent meetings of the Tahmoor Coal Community Consultation Committee have been noted to refer to unrest and uncertainty that exists amongst the community regarding this process. The representatives have also been noted to refer to issues associated with the adequacy of repair work carried out by the MSB and level of trauma experienced through the process that Officers understand can extend over a 2 to 3 year period. The DRE is therefore requested to provide Council with a response in regard to the continued expressed level of unrest by sections of the local community over the current process for the investigation and repair of subsidence related impacts to residential dwellings.

(ii) Potential subsidence impacts to existing and proposed residential areas

(a) Existing buildings and structures

It is recognised that detailed inspections and modelling based on criteria such as local geological features and structures of individual dwellings has occurred as part of the identification of existing buildings and structures predicted to experience subsidence related impacts during the preparation of the SMP Application. The difficulty in accurately assessing likely impacts to individual dwellings prior to mining operations stated in the Report is also recognised.

However, the Assessment Report is noted to contain a number of generic inconclusive statements such as *“A small number of establishments may, however, experience*

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substantial adverse differential subsidence movements, which have the potential to affect the safety and serviceability of the structures”. These statements indicate a level of scientific uncertainty over the predicted level of subsidence and associated impacts to existing buildings and structures and consequently uncertainty for the community. The adequacy of the assessment is questioned as a result of the identified deficiencies in the scientific basis of the assessment of predicted impacts associated with mine subsidence outlined in preceding sections of this submission. **The DRE is consequently requested to require Glencore to provide more certainty as far as practicable regarding the extent and level of predicted impacts to buildings for the benefit of the local community.**

The detailed consultation by Glencore that has occurred as part of the preparation of the SMP Application is welcomed. Council would assume in this regard that every identified landholder within the Study Area has been consulted in at least one form during the preparation of the SMP. In addition, it is also assumed that on-going consultation with these landholders will occur during the development of the Environmental Management Plan and as part of mining operations.

(b) Proposed buildings and structures as part of planning proposals

The western edge of the Study Area includes an area that is the subject of a rezoning proposal lodged with Council for the construction of dwellings at various densities. Council is currently reviewing this Application in response to requests from the Department of Trade and Investment that it be deferred until the completion of planned mining operations. Glencore has been noted to also request this proposal be deferred until mining has been completed on the grounds of potential subsidence impacts to the new dwellings and associated financial cost.

Comments regarding the description and assessment of potential impacts by the SMP Application regarding this matter are not being provided at this stage. **However, Council requests that the DRE require Glencore carry an immediate assessment of all potential subsidence impacts in the event of a determination being made to proceed with the Clearview rezoning proposal prior to the completion of scheduled mining operations. Council would also request in the event of mining preceding the proposal, that Glencore accurately identify likely residual subsidence related impacts to all dwellings and infrastructure and that this information be supplied to Council.**

(ii) *Subsidence impacts to Council local roads and structures*

The Study Area as well as additional areas predicted to experience far-field movements contains a number of local roads and infrastructure where Council has maintenance and management responsibilities. The SMP Application was consequently supplied to Council's Traffic Engineers for review in regard to adequacy of the overall adopted approach as well as assessment of predicted subsidence related impacts.

The Engineers expressed satisfaction and requested continuation of the current monitoring and remediation approach adopted by Glencore and the Mine Subsidence Board (MSB). The Engineers also agreed with the expressed view in the Application that mining operations would not impact on any bridges. The Engineers did however indicate delays have been experienced on occasions in obtaining reimbursement of expenses incurred by Council to repair roads impacts by mine subsidence from the MSB. **The DRE is requested in this**

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regard to investigate appropriate means to address delays experienced by Council in obtaining reimbursement for expenditure incurred to address impacts to local roads potentially attributable to mining operations.

The Acting Manager of Council's Infrastructure Planning Section highlighted the Emergency Centre as a critical building and that any observed subsidence damage would need to be repaired immediately. It is therefore requested that a Property Subsidence Management Plan be prepared for this premises in accordance with the recommendation of the Assessment Report that such Plans "are developed for each of the public amenities located directly above the proposed longwalls, including: inspection by a structural engineer prior to active subsidence".

It is assumed that Council will be routinely consulted as part of the processes outlined above. However, it has been noted that Council is not listed in the consultation register within the SMP Application. **The amendment of this consultation register to formally include Council as a stakeholder by the DRE is therefore requested.**

(iii) Intended management approach by the SMP Application

The difficulties expressed by Glencore in accurately identifying properties likely to experience impact prior to the commencement of mining operations are recognised. However, it is understood that the Glencore intends to continue the Trigger and Response Plan approach in identifying properties requiring remediation utilised by the Structures Management Plan for longwalls 27 to 30.

Council's preferred view is that a precautionary approach be adopted and assume damage to all properties within the boundaries of the Study Area. **It is consequently requested that the DRE require Glencore to carry out detailed surveys of all potentially buildings and structures by mining operations within the Study Area to accurately identify likely potential damage prior to the commencement of each longwall within this Area.**

PART D: CONCLUDING STATEMENT

This submission welcomes the open acknowledgement of potential subsidence related impacts, public exhibition of the SMP Application as well as strong emphasis on consultation with potentially affected residents and businesses. However, this draft submission outlines considered deficiencies in the scientific basis in the approach adopted by the SMP Application in identifying, assessing and responding to subsidence related impacts. The draft submission consequently questions the adequacy of the assessment of each potential specific impact by the SMP Applications well as recommendations to address these impacts outlined in the Application.

In this regard, the draft submission expresses the view that the DRE should exercise the Precautionary Principle and require amendment of the SMP Application to address shortcomings identified by Council Officers prior to any consideration of approval. It also expresses the preferred view of Council that the SMP Application be in the form of an Environmental Assessment given the apparent absence of detailed assessment that has occurred both previously in regard to the Tahmoor Colliery Project in general as well as part of the preparation of the Application. A key requested response by the NSW Division of Resources and Energy is to require Glencore undertake a detailed assessment of potential

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subsidence related impacts to the surface and groundwater environment within a catchment context consistent with current scientific research as well as the current policy framework prior to finalisation of the SMP Application.

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Attachment 1: Summary of issues raised and requested responses contained in the draft submission

Section of the draft submission	Subsection of the draft submission	Summary of requested response by the NSW Division of Resources and Energy to issues raised in the draft submission	Form of requested response			Record Council position
			Amendment and review of Application	Specific Glencore action	DRE response to Council	
Part A: Background information						
Council position on longwall mining and the Tahmoor Coal Project	NA	Record and consider the overall position of Council and associated concerns of the local regarding community as well as socio-economic issues during its review and finalisation of the SMP Application.	✓			✓
Coexistence of mining and development	NA	Provide the viewpoint of the DRE in regard to the apparent inconsistencies in advice received by Council regarding the coexistence of development with both existing and planned residential areas.			✓	
Part B: General comments on the SMP Application						
Community Engagement	NA	Require Glencore hold specific community consultation sessions prior and during the carrying out of each longwall (in addition to the proposed consultation) to ensure all potentially stakeholders are adequately informed throughout the mining process.		✓		
Consistency with the Policy and Legislative framework	Overall policy framework	Record and consider Council's preferred view that the SMP Application be in the form of an Environmental Assessment that is consistent with current scientific research as well as the current policy framework.	✓			✓
Definition of the Study Area and proposed operations	Consistency with SMP Guidelines	A response be provided to Council regarding a number of identified potential inconsistencies of the SMP Application with specific requirements of the SMP Guidelines.			✓	
	Boundaries of the subsidence zone	Require that the adequacy of the 35 degree angle of draw line criteria utilised by the SMP Application be appropriately peer reviewed to ensure its adequacy in ensuring the assessment and monitoring of all subsidence impacts associated with proposed mining.		✓		



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Section of the draft submission	Subsection of the draft submission	Summary of requested response by the NSW Division of Resources and Energy to issues raised in the draft submission	Form of requested response			Record Council position
			Amendment and review of Application	Specific Glencore action	DRE response to Council	
	Intended longwall layout	Provide Council with its viewpoint regarding the need for a formal variation to the Application in the event of amendments to the exhibited longwall layout. In addition, require Glencore to consult with Council and potentially impacted members of the local community in the event of such amendments.	Application	✓	✓	
	Mine ventilation issues	Require the amendment of the SMP Application to identify any potential impacts associated with the installation and operation of the underground booster fan installations in the event of a determination to proceed with this option.	✓			
Adequacy of the approach and scientific basis	Scientific basis of the Application	Require the amendment of the SMP Application to contain a more scientifically rigorous assessment and management of potential subsidence impacts that is consistent with current scientific knowledge and the current policy framework.	✓			
	Adopted approach by the Application	Require Glencore to carry out a detailed investigation consistent with current scientific research on the effectiveness of the intended measures in achieving tangible long-term beneficial outcomes for the environment and the community and amend the Application to reflect this investigation.	✓	✓		
	Approach to subsidence in excess of predicted levels	Require Glencore to provide Council with specific information detailing any areas identified as having the potential to be subject to more than predicted subsidence levels and intended response by the SMP Application.		✓		

Environment

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Section of the draft submission	Subsection of the draft submission	Summary of requested response by the NSW Division of Resources and Energy to issues raised in the draft submission	Form of requested response			Record Council position
			Amendment and review of Application	Specific Glencore action	DRE response to Council	
Potential subsidence impacts to surface and groundwaters	PART C: Assessment of individual subsidence related potential impacts	Record and consider the strong concerns of Council and the local community regarding potential impacts of longwall mining operations on watercourses during the finalisation of the SMP Application and preparation of any approval.				✓
	Council and community concerns	Require the amendment of the SMP Application to contain a discussion on the features and potential impacts of intended mining operations on the Bargo River within a catchment context.	✓			
	Description of water sources	Provide a response to Council's strong viewpoint that the SMP Application should contain the following to achieve consistency with current scientific research prior to consideration of any approval: <ul style="list-style-type: none"> • A detailed description of the properties and behaviour of the groundwater environment in a lateral and vertical direction. • A conceptual and computerised modelling of groundwater behaviour that is informed by extensive groundwater monitoring undertaken at various depths. 	✓		✓	
		Require the amendment of the SMP Application to contain an assessment of potential impacts of on farm dams based on the outcomes of the requested (by Council) scientifically rigorous assessment of subsidence related impacts associated with intended mining operations.	✓			

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			Amendment and review of Application	Specific Glencore action	DRE response to Council		
Potential subsidence impacts to surface and groundwaters	Assessment of potential impacts to ground and surface waters	<p>Require Glencore to collect additional baseline data at sufficient detail to adequately inform a subsequent detailed groundwater assessment and associated modelling prior to consideration of approval.</p> <p>Require Glencore to carry out investigations to develop alternate measures to the approach adopted by the SMP Application based on current scientific research that would provide tangible beneficial environmental and social outcomes and amend the Application to reflect the outcomes of this investigation.</p> <p>Require the amendment of the SMP Application to contain a detailed assessment of potential subsidence related impacts to the surface and groundwater environment within a catchment context that is consistent with current and scheduled scientific research.</p> <p>Require the amendment of the conclusions within the SMP Application document to either reflect the uncertainty expressed by the Specialist Report or (more preferably) be amended to be based on the outcomes of the requested (by Council) detailed scientific assessment.</p>	√	√			
	Adequacy of conclusions		√				
	Recommendations of the Application		√				√
Potential impacts to aquatic biodiversity	NA	Require the amendment of the assessment and of potential impacts to aquatic biodiversity by the SMP Application to reflect the outcomes of the requested (by Council) scientifically rigorous assessment process.	√				

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			Amendment and review of Application	Specific Glencore action	DRE response to Council	
Potential subsidence related impacts to terrestrial biodiversity	Council and community concerns	Record and consider the strong concerns of Council and the local community regarding potential impacts of longwall mining operations on terrestrial biodiversity during the finalisation of the SMP Application and preparation of any approval.	√			√
	Statutory and policy framework	Provide urgent clarification to Council over the applicable framework to the assessment and management of biodiversity related impacts by the SMP Application to allow for a comprehensive review by Council's Environmental Officers.			√	
	Mapping of vegetation communities and flora and fauna surveys	Request that Glencore provide a response to the viewpoint of Council that detailed mapping of vegetation communities within the Study Area is necessary as a consequence of the overall identified (by Council) scientific uncertainty of the SMP Application. Require that Glencore carry out further ground-truthing of vegetation communities as well as additional flora and fauna surveys occurring in the Study Area either as part of the preparation of the EMP or at the commencement of overall mining individual longwalls pending site access restrictions.		√		
				√		

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			Amendment and review of Application	Specific Glencore action	DRE response to Council		
Potential subsidence related impacts to terrestrial biodiversity	Assessment of biodiversity related impacts	Require the amendment of the SMP Application to include an assessment of subsidence related impacts on biodiversity across the Study Area within a catchment context in accordance with current scientific knowledge and the applicable legislative and policy framework.	✓				
		Require the amendment of the SMP Application to contain measures that adequately remediate impacts to biodiversity and achieve long-term tangible beneficial ecological outcomes.	✓				
		Require the amendment of the SMP Application to contain an assessment of potential impacts associated with intended mining operations on the biodiversity values of the potentially affected sections of Bargo Gorge in a catchment context.	✓				
Conclusions and recommendations		Provide Council with its viewpoint on the adequacy of the justifications for the conclusion of the SMP Application that intended mining operations will not result in a significant impact to biodiversity prior to consideration of any approval.			✓		
		Record the strong questioning of the recommendations by Council as a consequence of the identified deficiencies in the scientific basis of this approach as well as assessment of potential impacts on water sources.					✓

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			Amendment and review of Application	Specific Glencore action	DRE response to Council	
Potential subsidence related impacts to Aboriginal and European Heritage	Aboriginal Heritage	Recommend Glencore amend the Heritage Assessment Report be amended to contain preliminary modelling that identifies the potential for the existence and extent of subsurface Potential Archaeological Deposits as well as significance of the site within a landscape context. Require that Glencore include Council on the Register for any consultation carried out as part of the Archaeological Investigations and to inform Council on the outcomes of any monitoring carried out.	✓			
	European Heritage	Provide a response to the viewpoint of Council's Heritage Advisor that the general community is in need of a properly researched and recorded Conservation Management Plan that describes in detail the features of all places of heritage significance within the Study Area.		✓	✓	
Potential subsidence related impacts to buildings and Council assets	The overall approach	Provide a response to Council regarding the continued expressed level of unrest expressed by sections of the local community over the current process for the investigation and repair of subsidence related impacts to residential dwellings.			✓	
	Existing and future residential properties	Require that Glencore provide to Council (as far as practicable) additional detail regarding the extent and level of predicted impacts to buildings associated with intended mining operations to provide greater certainty for the local community. Require that Glencore carry an immediate assessment of all potential subsidence impacts in the event of a determination being made to proceed with the Clearview rezoning proposal prior to the completion of scheduled mining operations.	✓	✓		

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			Amendment and review of Application	Specific Glencore action	DRE response to Council	
Potential subsidence related impacts to buildings and Council assets	Council assets and roads	Investigate appropriate means to address delays experienced by Council in obtaining reimbursement for expenditure incurred to address impacts to local roads potentially attributable to mining operations. Require that Glencore amend the consultation register to formally include Council as a stakeholder.			✓	
	Intended management approach	Require that Glencore carry out detailed surveys of all potentially buildings and structures by mining operations within the Study Area to accurately identify likely potential damage prior to the commencement of each longwall within this Area.		✓		

Environment