

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

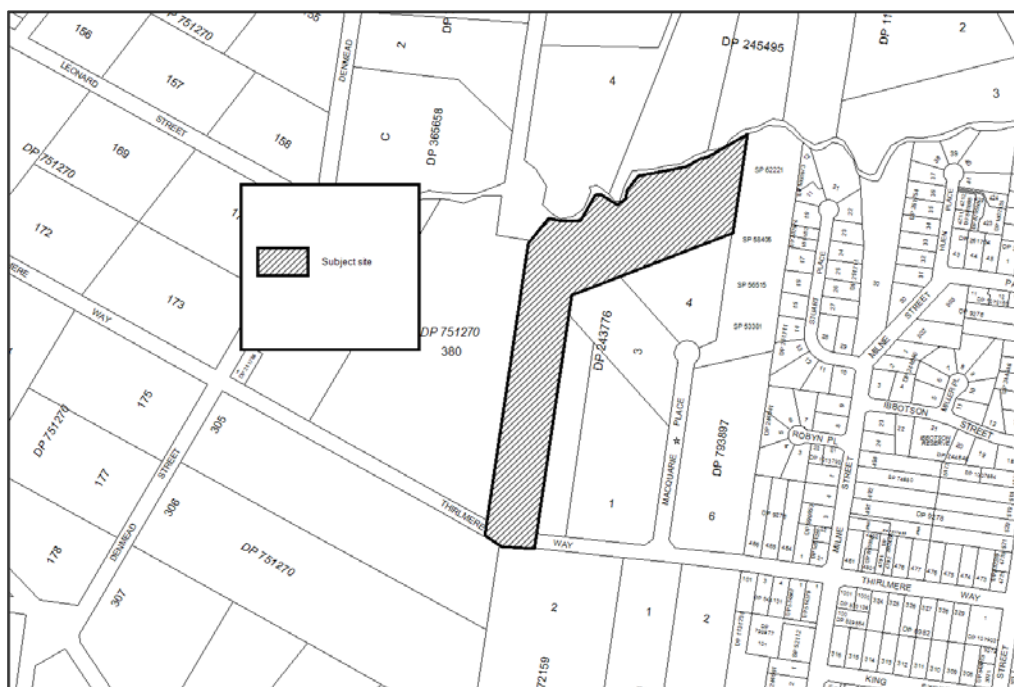
PE5

Draft Planning Proposal - West Tahmoor - Lot Size Amendment

235929

TRIM 8154

APPLICANT: Precise Planning
OWNER: JE Baxter and MH Baxter, ABAX Contracting Pty Ltd



Stage	Completed
Preliminary notification	13 August, 2014 to 10 September, 2014
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist studies	Not yet completed
Public exhibition / community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

Planning & Economy

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

REPORT

EXECUTIVE SUMMARY

- A Planning Proposal has been received for land at Lot 2 DP 243776 (No. 125 Thirlmere Way), Lot 3 DP 243776 (No. 21 Macquarie Place) and Lot 4 DP 243776 (No. 25 Macquarie Place), Tahmoor.
- The application proposes changes to Wollondilly Local Environmental Plan 2011 (WLEP, 2011) to change the minimum lot size of part of the site from 4000 square metres to 700 square metres and another part of the site from 2000 square metres to 700 square metres.
- The application has been subject to initial notification and there was one (1) submission objecting to the proposal which also included a petition with three hundred and eighty one (381) signatures.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that Council not support the Planning Proposal.

BACKGROUND

1.1 Site Description

The site forms part of the West Tahmoor Precinct which was included in the PTT Urban Lands rezoning gazetted on 31 January 2014.

The land to which the Planning Proposal relates consists of three (3) lots known as Lot 2 DP 243776, Lot 3 DP 243776 and Lot 4 DP 243776.

Moderate to dense vegetation is situated in many parts of the site, most notably along the western boundary of lot 2, the northern boundary of lots 3 and 4, and the west and south western boundary of lot 4.

The land slopes gently towards the north before progressing to a steeper decline approximately 50 metres from the northern boundary.

The site is zoned R2 Low Density Residential and contains three distinct minimum lot size areas under WLEP 2011. These include an area to the north of the site which has a minimum lot size of 4000 square metres, a portion along the western boundary which has a minimum lot size of 2000 square metres while the remainder of the site has a minimum lot size of 450 square metres.

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

Surrounding lands

The site is bound to the north of the site by Myrtle Creek and rural lands which are the subject of the Picton Tahmoor Thirlmere Action Group (PTTAG) Planning Proposal.

The west of the site is bound by an unformed road which is also zoned R2 Low Density Residential. To the immediate west of the unformed road is Recreation zoned land currently used as an equestrian facility.

Land to the south consists of recreational land which is currently used for sporting fields and Wollondilly Pony Club.

Lots to the immediate east of Macquarie Place consists of R2 Low Density Residential zoned land, including an existing retirement village and a large lot which was included in the West Tahmoor Precinct as part of the PTT Urban lands Planning Proposal.

1.2 Description of Proposal

The application proposes to amend WLEP 2011 in the following manner:

- Amendment of Wollondilly LEP 2011 Lot Size Map – Tahmoor, from 2000 square metres (v) to 700 square metres (q)
- Amendment of Wollondilly LEP 2011 Lot Size Map – Tahmoor, from 4000 square metres (w) to 700 square metres (q).

The remainder of the subject site which has a minimum lot size of 450m² will not be amended by this proposal.

CONSULTATION

2.1 Consultation with Council Managers and Staff

A preliminary meeting was held with council staff and the preliminary comments received recommend that the proposal not be supported.

On submission of the proposal the following comments were provided:

Topic	Summary of Comments
Flora & Fauna	<p>Council's Environment Officer has advised:</p> <p><i>"This proposal creates smaller lot sizes which ultimately will not be able to sustain the retention of the biolayer. For this reason the intensification of lot sizes is not supported."</i></p> <p>As such it is recommended that:</p>

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

Topic	Summary of Comments
	<p><i>“That the lot sizes are not reduced and this proposal not be supported. That the vegetation be contained within the lots and that building envelopes are imposed to ensure that greater protection of the vegetation remains.</i></p> <p><i>Alternatively, a report which is amended and supports the clearing through processes such as bio-certification, bio-banking or offsetting needs to be provided.</i></p> <p><i>Ultimately, the vegetation has been highlighted as significant and should be retained. So the reduction in lot size is not supported in this area unless the vegetation is protected in larger lots.”</i></p>

2.2 Consultation with Public Agencies

Should the Planning Proposal be supported by Council and forwarded to the Minister for Planning and Environment, any subsequent Gateway Determination will outline the consultation requirements with government agencies.

No agencies have been consulted at this preliminary stage.

2.3 Community Consultation

In accordance with Council’s resolution, initial community consultation has been undertaken. The application was made available on Council’s website and letters were sent to owners and occupiers of adjoining and potentially affected properties. Letters were also sent to those who made submissions on the previous Planning Proposal to rezone the precinct as part of the PTT Urban Lands Planning Proposal.

A total of one (1) submission which contained a petition of three hundred and eighty one (381) signatures was received which objected to the development.

It should be noted that in May 2014, Council received a Development Application to subdivide that part of the subject site which has a minimum lot size of 450m². This petition appears to relate to the Development Application which is indicated by the wording at the top of the petition stating *please sign this sheet to indicate your opposition to the development application described as proposed nominated integrated development – 39 lot subdivision, new roads, demolish house and sheds.*

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

The issues raised in the covering page of the submission however raise issues that are relevant to the assessment of the application and are summarised in the following table:

Issue Raised	Assessment Comment
<p>The unformed road to support future lots along the western boundary contains a dressage arena and some cross country jumps.</p>	<p>The Deposited Plan for the site indicates that this part of the land is identified as an unformed road which is also zoned R2 Low Density Residential.</p> <p>The proponent may apply to utilise the road to service the precinct as part of a future development application and the issues surrounding this will be considered at that time.</p>
<p>At times of dryness and drought, equestrian activities can cause dust. The more houses that are located along the road the more likely households are to complain.</p>	<p>It is agreed that larger lot sizes would provide a more suitable buffer between the future residential development and the adjoining recreation use and it is suitable that the vegetation along the western boundary be retained as a vegetation buffer to protect future lots from any impact associated with the recreational use. A vegetation buffer would be more capable of being retained with the current minimum lot size.</p>
<p>Whilst a riparian buffer zone has been mentioned the larger zone would be of more benefit.</p>	<p>It is agreed that the current lot size would be more suitable in protecting the riparian buffer area as it would enable a future dwelling and asset protection zone to be accommodated within the cleared part of the site and reduce the risk of any associated impact of future development on the site (through avoidance of clearing etc).</p>
<p>Myrtle Creek and surrounding bush is home to many species of a wide variety of animals, native flora and birds that need as much home as possible.</p>	<p>This is generally agreed with as previous studies have shown that the site typically supports a high level of fauna habitat features that are important in the maintenance of native fauna diversity and life cycles.</p>

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

KEY ISSUE AND ASSESSMENT

Flora and Fauna

The LES that was prepared as part of the previous Planning Proposal for the site found that the woodland habitat in the northern section of the precinct provides direct connectivity with the vegetation surrounding the Myrtle Creek and Nepean River corridors and that this vegetation corridor provides a linkage between the Warragamba Special Area to the west and the Metropolitan Special area to the east.

The Flora and Fauna Assessment that was prepared as part of the previous planning proposal states that the northern section of the site typically supports a high level of fauna habitat features that are important in the maintenance of native fauna diversity and life cycles. The assessment also identified 128 flora species, 74 of which were native. It is therefore considered that the larger lot sizes would be more appropriate to the west and north of the site.

An additional Draft Flora and Fauna Report was submitted in support of the submitted Development Application relating to the proposed residential subdivision of five (5) existing rural residential 15, 21, 25 Macquarie Place and 125 Thirlmere Way (Lots 1-4 // DP 243776), and 20 Macquarie Place (Lot 6 // DP 793897). This was accompanied by the following plan identifying the impact of the biodiversity layer upon the subject site.



PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

Impact on Riparian Land

The LES submitted with the previous re-zoning recommends a category 1 classification, with a 50 metre buffer from the top of bank (being a 40 metre corridor + 10 metre vegetated buffer) and this area was identified as an area to be protected from future development by being included on the Natural Resources – Biodiversity Map.

It is considered that the existing 4000m² minimum lot size is the more appropriate lot size, to protect the riparian corridor as it will allow the area to be retained whilst allowing for future dwellings and setbacks as well as asset protection zones.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All applications for Planning Proposals are assessed in accordance with the strategies of the Wollondilly Community Strategic Plan (CSP). The following CSP strategies have significance for the application as described below.

CO4 - Engagement and Communication

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

Comment: Preliminary consultation has been carried out and submissions received have been considered in this report. Further consultation would be undertaken in the public exhibition period should the Planning Proposal be supported.

EN1 - Biodiversity Resilience

Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.

Comment: It is considered that the Planning Proposal would be contrary to this outcome as the current larger lot sizes have been allocated to retain the connectivity between sites and minimise potential impact on the riparian zone through Myrtle Creek.

EN2 - Growth Management

Apply best practice environmental principles to the management of future growth.

Comment: It is considered that due to the significance of the vegetation on the part of the site to which the planning proposal relates as well as the riparian area to the north of the site that the existing larger lot sizes would be more consistent with this outcome.

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

EC4 - Managing Development and Land Use

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

Comment: It is considered that the proposed lot size amendment would still be capable of supporting a high quality built environment.

EC5 - Protect Natural Resources

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

Comment: It is considered that the Planning Proposal is likely to be detrimental to the protection of natural resources in the locality and that the existing lot sizes should be retained.

IN2 - Manage Road Network

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

Comment: The proposed amendment to the minimum lot size maps would not impact on the capacity of the future development or the overall precinct to provide an appropriate road network.

POLICIES & LEGISLATION

- *Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979)*
- *Environmental Planning and Assessment Regulation, 2000 (EP&A Regs, 2000)*
- *Local Government Act, 1993*
- *Standard Instrument (Local Environmental Plan) Order, 2006 (SI Order, 2006)*
- *State Environmental Planning Policies (SEPPs)*
- *Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013*
- *Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)*
- *Wollondilly Development Control Plan, 2011*
- *Wollondilly Contributions Plan 2011*
- *Draft Metropolitan Strategy for Sydney to 2031 (Draft Metro 2031)*
- *Draft South West Sydney Subregional Strategy to 2031*
- *Draft Planning Proposal Policy (Draft PP Policy).*

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

3.1 Preparation of a Planning Proposal

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

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 4.5 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Note that the application has been with Council for more than 90 days. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option 3 is the recommendation of this report.

3.2 Gateway Determination

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning and Environment for a Gateway Determination. The Gateway process is a checkpoint for Planning Proposals before significant resources are committed to carrying out specialist studies and before extensive consultation with public agencies.

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

As part of the Gateway process, the Minister or his delegate will decide:

- whether the proposal is justified on planning grounds
- whether the Planning Proposal should proceed (with or without variation)
- whether the Planning Proposal should be re-submitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal)
- the community consultation required
- any consultation required with State and Commonwealth Agencies
- whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- the timeframes for the various stages of the procedure to make the draft amendment
- whether the function of making the LEP is to be exercised by the Minister for Planning and Environment or delegated to Council.

RELEVANT CONSIDERATIONS

4.1 Metropolitan Plan for Sydney to 2036

The proposal is considered to be consistent with the relevant provisions of the Metropolitan Plan for Sydney that relate to the location of services and facilities.

The proposal is considered to be inconsistent with Strategic Direction G – Protecting Sydney’s Natural Environment, in particular, objective G4 – To improve the Health of Waterways, Coasts and Estuaries.

4.2 Section 117 Ministerial Directions

Should a Gateway Determination be issued for the Planning Proposal then specialist studies would be required to inform the Planning Proposal and address the requirements of the relevant s117 Ministerial Directions.

4.3 State Environmental Planning Policies

Should a Gateway Determination be issued for the Planning Proposal then specialist studies would be required to inform the Planning Proposal and address the requirements of the relevant SEPP’s.

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

4.4 Draft Wollondilly Growth Management Strategy 2011

Key Policy Direction	Comment
General Policies	
<i>P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</i>	The proposal is considered to be inconsistent with key policy directions P2, P9 and P21.
<i>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).</i>	The current lot size is considered to be more consistent with the rural living requirements of the GMS as the larger lot sizes to the north and the west of the site would create a more suitable buffer to the rural and recreational lands.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	One (1) submission was received during the exhibition of the proposal and has been given due consideration within this report.
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this proposal and therefore this key policy direction has been satisfied.
<i>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	The proposal relates to land in an existing residential precinct, however, the larger lot sizes to the west and north of the site were established to accommodate the limitations and environmental and physical features of the site. The proposed amendment reducing the lot sizes is considered to be contrary to this policy.
Housing Policies	
<i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	The proposed amendment to the minimum lot size maps on the site would contribute to the achievement of dwelling targets for the shire which are contained in the GMS.

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

Key Policy Direction	Comment
<i>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</i>	The planning proposal to amend the minimum lot size maps would continue to enable a variety of housing types in the zone.
<i>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).</i>	The current lot sizes of 4000 square metres and 2000 square metres ensure a larger lot size on the perimeter of the township where the precinct is located and the larger lot sizes would be more in keeping with this policy.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The Planning Proposal is within an existing residential precinct and is consistent in this regard.
Macarthur South Policies	
<i>Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.</i>	Not applicable.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</i>	Not applicable.
<i>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</i>	Not applicable.

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

Key Policy Direction	Comment
Integrating Growth and Infrastructure	
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	Should the Planning Proposal be supported, the relevant agencies who are responsible for the provision of services and infrastructure (e.g. sewerage infrastructure) would be formally consulted to ensure that the service provision is adequate.
<i>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</i>	The planning proposal relates to residential land within the existing village boundaries of the township of Tahmoor and is subsequently considered to be consistent with this policy direction.
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The planning proposal is within an existing precinct and complies with this policy.
<i>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	The planning proposal relates to land within the West Tahmoor PTT precinct and is consistent with this policy.
Rural and Resource Lands	
<i>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</i>	<p>The vegetation communities to the north of the site form part of a locally significant vegetation corridor of Myrtle Creek and have been identified within the nominated Biodiversity Layer within WLEP 2011 (cl 7.2).</p> <p>It is considered that the current 4000 square metre minimum lot size is more suitable for retaining and protecting this area and minimising degradation of this environmentally sensitive area.</p>

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

Key Policy Direction	Comment
<i>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</i>	The lot size amendment is located on lands currently zoned R2 Low Density Residential and the requirements of this policy are achieved.

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4.5 Recommended form of Planning Proposal

Following consideration of responses from initial consultation and notification and a preliminary assessment of the application, it is considered inappropriate to amend the existing provisions of WLEP, 2011 as they apply to this site.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

CONCLUSION

The Planning Proposal to amend the minimum lot size map in the West Tahmoor Precinct is not considered appropriate as it ultimately undermines the retention of the biolayer as identified in the provisions of WLEP 2011, being the significant stands of vegetated areas along to the west and north of the site creating an unreasonable environmental impact, further degradation of the listed Critically Endangered Ecological Community of Shale Sandstone Transition Forest and an overall negative impact on the biodiversity values of the precinct.

ATTACHMENTS

1. Aerial Map.

RECOMMENDATION

1. That Council not prepare a Planning Proposal for the amendment to the minimum lot size maps within the West Tahmoor Precinct.
2. That the applicant and persons who made submissions regarding the draft planning proposal be notified of Council's decision.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE5 - Draft Planning Proposal - West Tahmoor - Lot Size Amendment

ATTACHMENT 1 - 8154 -18 MAY 2015

Legend

Subject Site

West Tahmoor Precinct

Aerial View

Planning Proposal

DCDB © L&P NSW 2014 | Aerial Photography © Vekta Sydney 2012 | Created on 5 August, 2014
Wollondilly Shire Council accepts no responsibility for any injury, loss or damage arising from the use of this plan or errors or omissions therein | TRM 8154

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE6 – Update on Sub-Regional Planning

PE6

Update on Sub-Regional Planning

19

TRIM 8462

EXECUTIVE SUMMARY

- The purpose of this report is to provide Councillors with an update on the preparation of a sub-regional planning strategy
- There have not been any disclosures of political donations made in regard to this matter
- It is recommended that Council note the information and resolve to continue to have an active part to play in sub-regional planning.

REPORT

The NSW Department of Planning and Environment released the new Sydney Metropolitan Strategy entitled "A Plan for Growing Sydney" in December, 2014. Councillors have received advice about this plan and the "Greater Macarthur Investigation Area" and its impacts on Council's Draft Growth Management Strategy in the Council agendas for the meetings in December, 2014 and March, 2015.

"A Plan for Growing Sydney" promotes Sydney as Australia's leading city with global economic status and as a city that delivers high quality lifestyle opportunities for residents. The plan is an integrated strategy and pays particular attention to the creation of economic opportunities driven by urban growth and balanced by appropriate environmental considerations.

For the purpose of implementation, the plan divides the Metropolitan area into the following "sub-regions":

- Central
- North
- South
- South West
- West Central
- West.

Wollondilly Local Government Area is within the south west sub-region along with Camden, Campbelltown, Fairfield and Liverpool Local Government Areas.

When it comes to delivering the strategy the NSW Government is seeking a collaborative approach to the implementation of the Plan by all Stakeholders - the government, councils, the community and the private sector. Recognition is also paid to the need of a more effective and integrated approach between government agencies.

PE6 – Update on Sub-Regional Planning

Sub-Regional planning will be undertaken in partnership between the NSW government, councils and the community. Sub-regional plans will be delivery plans and:

- Include a vision for housing and employment for each sub-region consistent with the Metropolitan Strategy
- Distribute housing and employment at the LGA level
- Address the goals, directions and actions in the Metropolitan Strategy
- Address the infrastructure required to support housing and employment growth in each sub-region.

The South West sub-region is acknowledged as the fastest growing sub-region in Sydney.

The first Sub Regional Planning workshop was held on 18 March 2015. The following is a rough outline of the presentation made (the required content for the presentation was only detailed about 1 week before the workshop).

STRATEGIC PLAN UPDATE

- Draft Growth Management Strategy prepared – waiting on Department approval to exhibit which is dependent on outcomes of investigations in to the Greater Macarthur Investigation Area
- Standard Instrument LEP dated 2011
- 44 current planning proposals (mostly residential rezonings)
- 12 LEP amendments completed in 2014 including 3 with industrial zones and 1 with a B5 business development zone and enough residential zoned land for about 1,000 houses
- State led process for Wilton Junction.

ECONOMIC STRATEGY

- Wollondilly Economic Development Strategy was adopted in 2008
- Council has appointed an Economic Development Manager
- New Strategy currently being developed
- Need to also take the opportunity to have further 'economic development' into the draft GMS
- Part of Peri-Urban network.

HOUSING GROWTH

Barriers:

- Resolution of issues allegedly preventing co-existence with mining
- Need to obtain clarification of the Department of Planning's advice that there are additional new potential risks in terms of co-existence
- Infrastructure – roads, sewer, water

PE6 – Update on Sub-Regional Planning

- Wollondilly's local infrastructure (especially roads) are inadequate and there is a need to rely on VPA's to fund required works. Historical inability to fund this infrastructure has resulted in need to seek rate variations and we have another application in now.
- Establishing State Infrastructure Contributions
- Complexity of environmental issues and processes (EECs, biobanking, biocertification, drinking water catchments).

Opportunities:

- Wilton Junction – community and Council support
- Large Land Holdings in Single Ownership (note that this creates opportunities like Bingara Gorge with a new school, local employment, upgraded community facilities, upgraded road infrastructure
- Land owners willing to work together
- Existing villages have capacity for adjoining growth
- General Council support for growth.

ECONOMIC/EMPLOYMENT GROWTH

Barriers:

- Infrastructure/access
- Population Density
- Mine Subsidence – big box retail and large industrial.

Opportunities:

- Space
- Infrastructure Nodes – Wilton and Bargo
- Agriculture and Agribusiness (Agriculture is still growing in value in Wollondilly. About 50% of output is poultry industry, vegetables, cut flowers and nurseries also significant). Wollondilly has good connections with Rural Industry through our liaison committee.
- Construction industry jobs (largest employer with 21% of workforce with a particular focus on construction services, trades and engineering construction)
- Local Jobs – social advantages plus reduces demand on state roads.

It is also noted that Mining is the 2nd largest employer, but 50% of these employees live in Wollongong, ie outside the subregion.

PE6 – Update on Sub-Regional Planning

HAZARDS, ENVIRONMENT AND OPEN SPACE

Inhibitors:

- Endangered Ecological Communities and individually listed Endangered flora/fauna
- Nepean River flood area
- Drinking Water Catchment – access to open space
- Regional level open space facilities.

Enablers:

- Space
- Spare capacity in local level open space
- Quality environmental areas
- Landscape that separates urban areas rather than resulting in suburban sprawl.

KEY INFORMATION THAT CAN BE PROVIDED TO THE DEPARTMENT

- State and Federal Issues Paper
- Economic Development Strategy
- Map of mining approvals
- Recreation, open space and community facilities strategy
- The Department already has Council's draft Growth Management Strategy and copies of environmental studies relating to numerous planning proposals including Wilton Junction.

THREE (3) KEY PRIORITIES FOR SUB-REGIONAL PLAN

- Resolution of urban development and mining co-existence issues
- Wilton Junction
- Long Short/Medium term infrastructure plan - for interchange upgrades, water filtration plant, sewer and rail services (freight, Maldon Dombarton, Passenger services).

CONSULTATION

The first sub-regional planning workshop involved attendees from the NSW Department of Planning and Environment, Sydney Water, South West Sydney Local Health District, Liverpool Council, Fairfield Council, Campbelltown Council, Camden Council and Wollondilly Council.

A presentation was made to this workshop by the Manager Planning which was prepared in consultation with the General Manager, Executive Director Governance and Community, Director Planning and Senior Facilities Planner Growth.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE6 – Update on Sub-Regional Planning

FINANCIAL IMPLICATIONS

This matter is to be resourced mainly from staff resources that are already contained within the adopted budget and therefore has no direct financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

1. Extract from "A Plan for Growing Sydney" - South West sub-region

RECOMMENDATION

That Council note the information and endorse the continued involvement of staff in the workshops for and preparation of a sub-regional planning strategy.

PE6 – Update on Sub-Regional Planning

ATTACHMENT 1 - 8462 – 18 MAY 2015

128

South West Subregion

CAMDEN
CAMPBELLTOWN
FAIRFIELD
LIVERPOOL
WOLLONDILLY

The South West subregion is the fastest growing subregion in Sydney. The Badgerys Creek Airport will be a catalyst for investment in infrastructure and jobs in the subregion, enhancing connections to other cities across Australia and around the world. Liverpool, Campbelltown-Macarthur, Leppington and the Western Sydney Employment Area will also contribute to the growth and diversification of the subregion's economy. The South West Growth Centre will continue to play a key role in providing housing and jobs for future residents. The subregion will benefit from improved access including a potential extension of the South West Rail Link.

PRIORITIES FOR SOUTH WEST SUBREGION

To implement the directions in *A Plan for Growing Sydney*, the following priorities will be considered and addressed in subregional planning for the South West subregion.

A competitive economy

- Investigate the long-term potential to locate a major enterprise corridor between Leppington and Bringelly, linked to the extension of the South West Rail Link.
- Protect infrastructure of metropolitan significance including freight corridors, intermodal terminals, and Sydney's drinking water supply catchment, key water storage facilities and the Upper Canal.
- Further develop the subregion's productive agricultural and mineral resources.
- Protect land to serve Sydney's future transport needs, including intermodal sites and associated corridors.
- Recognise and strengthen the subregion's role in Sydney's manufacturing, construction and wholesale/logistics industries by maximising existing employment lands particularly in Fairfield and Liverpool.
- Investigate pinch-point connections between north-south and east-west road links.
- Identify and protect strategically important industrial-zoned land.
- Strengthen the diverse benefits to the economy proposed by Badgerys Creek Airport.

Accelerate housing supply, choice and affordability and build great places to live

- Identify suitable locations for housing, employment and urban renewal – particularly around established and new centres and along key public transport corridors including the Cumberland Line,

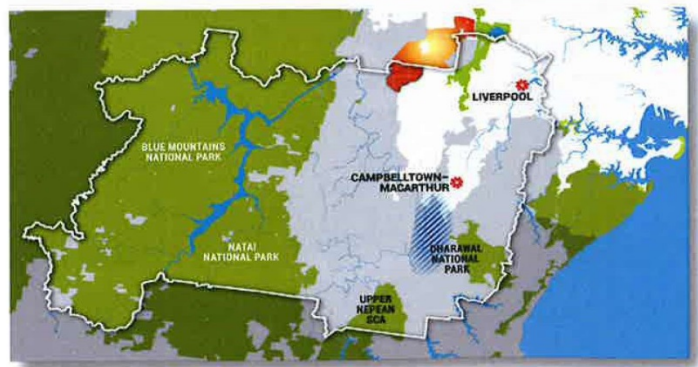
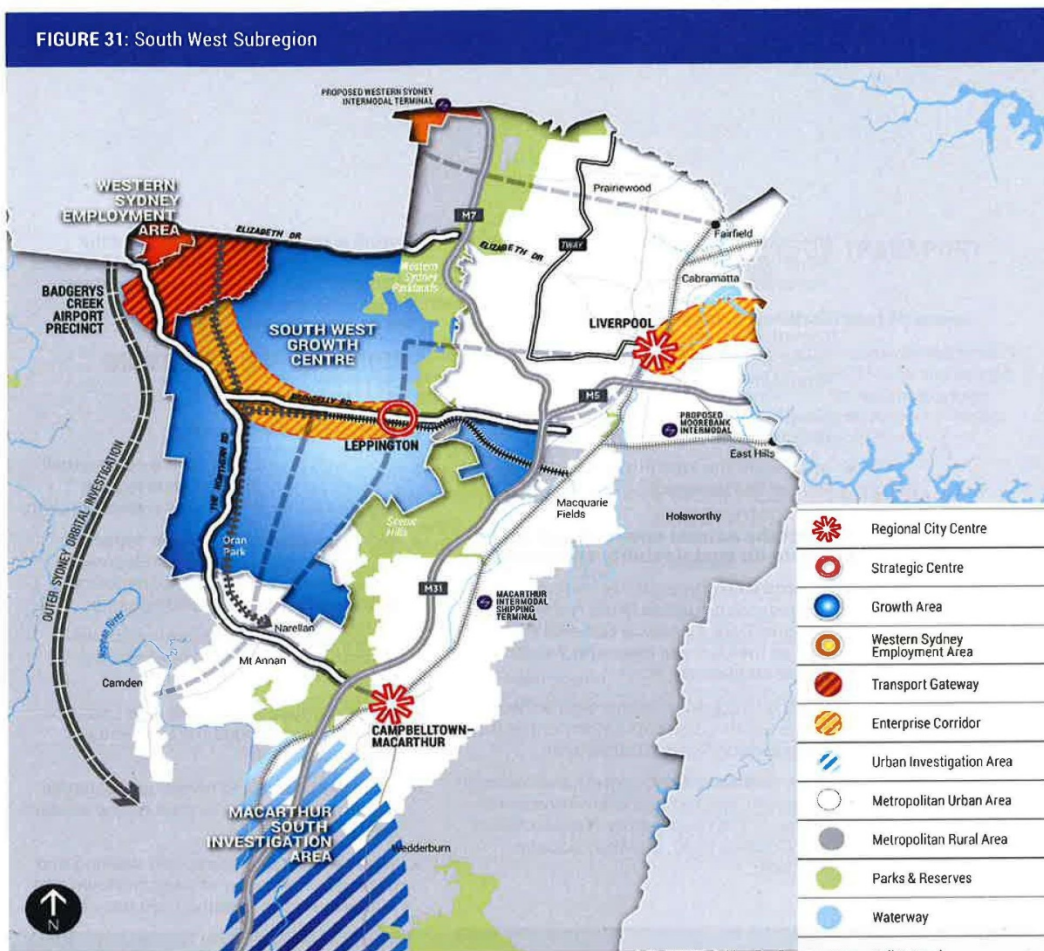


Local business, Cabramatta

PE6 – Update on Sub-Regional Planning

ATTACHMENT 1 - 8462 – 18 MAY 2015

SYDNEY'S SOUTH WEST SUBREGION **129**



Planning & Economy

PE6 – Update on Sub-Regional Planning

ATTACHMENT 1 - 8462 – 18 MAY 2015

130

the South Line, the Bankstown Line, the South West Rail Link and the Liverpool-Parramatta T-Way.

- Continue delivery of the South West Growth Centre through greenfield housing development and the expansion of local employment.
- Capitalise on the subregion's vibrant cultural diversity and global connections.
- Implement the Western Sydney Parklands Plan of Management.

Protect the natural environment and promote its sustainability and resilience

- Provide environmental, recreation and tourism opportunities in the Nattai National Park, Dharawal National Park as well as the Georges River and Western Sydney Parklands.
- Work with councils to improve the health of the South Creek sub-catchment of the Hawkesbury-Nepean Catchment.
- Work with councils to protect and maintain the social, economic and environmental values of the Hawkesbury-Nepean River and Georges River, and their aquatic habitats.



Australian native flora

- Work with councils to implement the Greater Sydney Local Land Services *State Strategic Plan* to guide natural resource management.

PRIORITIES FOR STRATEGIC CENTRES

Campbelltown-Macarthur

- Work with council to retain a commercial core in Campbelltown-Macarthur, as required for long-term employment growth.
- Work with council to provide capacity for additional mixed-use development in Campbelltown-Macarthur including offices, retail, services and housing.
- Support health-related land uses and infrastructure around Campbelltown Hospital.
- Support education-related land uses and infrastructure around the University of Western Sydney.
- Work with council to investigate potential business park opportunities on the western side of the train line.
- Work with council to improve walking and cycling connections to Campbelltown and Macarthur train stations from the western side of the train line.
- Work with council to improve walking and cycling connections between Campbelltown Hospital and Queen Street.

Leppington

- Work with council to:
 - plan for Leppington as a mixed-use strategic centre focused on the new Leppington train station with capacity for long-term employment growth including offices, retail, services and housing; and
 - improve walking and cycling connections to the new Leppington train station.

PE6 – Update on Sub-Regional Planning

ATTACHMENT 1 - 8462 – 18 MAY 2015

SYDNEY'S SOUTH WEST SUBREGION **131**

Liverpool

- Work with council to retain a commercial core in Liverpool, as required, for long-term employment growth.
- Work with council to provide capacity for additional mixed-use development in Liverpool including offices, retail, services and housing.
- Work with council to investigate potential future uses of land located east of Georges River and north of Newbridge Road.
- Support health-related land uses, infrastructure and conference facilities around Liverpool Hospital and Bigge Park.
- Work with council to improve walking and cycling connections to Liverpool train station from east of the train line.
- Work with council to improve walking and cycling connections between Liverpool and the Georges River.

PRIORITIES FOR TRANSPORT GATEWAYS

Badgerys Creek Airport Precinct

- Plan as a transport gateway focused on the Badgerys Creek Airport site as part of the Western Sydney Employment Area/Badgerys Creek Airport Precinct transformational place.

PRIORITIES FOR OTHER LOCATIONS

Camden

- Support planning of Oran Park as a focus for facilities, services and community life to support population growth.
- Investigate the potential to leverage off improved access to services and jobs following improvements to Camden Valley Way.

Wollondilly

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



PE7 – Local Development Performance Monitoring

PE7

Local Development Performance Monitoring

19

TRIM 1127

EXECUTIVE SUMMARY

- The purpose of this report is to provide information to Councillors in regard to the performance of Council in Development Assessment.
- This report is based on information obtained by the NSW Department of Planning and Environment across all Council's in NSW. This data relates to development applications received and determined in the 2013/2014 financial year.
- Wollondilly Council approved more than \$115 million dollars of development applications in the 2013/14 financial year.
- The report generally identifies that Council's development assessment performance during the 2013/14 financial year was of a good level and in many areas had improved.
- This report also provides a comparison with neighbouring and similar Councils and the previous financial year.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the information be noted.

REPORT

Since the 2005/06 financial year the NSW Department of Planning and Environment has undertaken detailed monitoring of Council performance in the determination of development applications and complying development certificates. They also monitor the level of development activity and the issue of construction certificates and occupation certificates by Councils. The following is a summary of the most relevant parts of this monitoring data.

Value of Development Applications Determined

In the 2013/14 financial year Wollondilly Shire Council determined development applications to the value of \$115,985,772. The value of development applications approved was \$115,030,472.

Number of Applications

During the 2013/14 financial year Wollondilly Shire Council determined 720 development applications. Of these, 697 were approved and 23 were refused. In addition to this 155 applications to modify a consent were determined by Council. There were 194 Complying Development Certificates issued within the Wollondilly Local Government Area during the 2013/14 financial year of which 27 were issued by Council and 167 were issued by Private Accredited Certifiers.

PE7 – Local Development Performance Monitoring

Development Application Determination Times

There are numerous measures used for application determination times. The ones considered of most relevance are the mean gross determination time and the median net determination time.

The mean gross determination time reflects the average time it takes from when a development application is submitted until it is determined. This gives a full reflection of the length of the process however unfortunately can be significantly affected by a few lengthy determinations. The median net determination time reflects the gross time minus any time where the application was waiting on additional information from the applicant. The median refers to the middle figure, ie half of applicants will have a net determination time less than or equal to the median time.

During the 2013/14 financial year the mean gross time for Development Applications determined was 81 days. The median net determination time was 29 days, which is an outstanding result. The following table compares the 2013/14 year results with the previous year.

Performance Measure	2012/13	2013/14
Mean Gross DA determination time	101	81
Median Net DA determination time	27	29

This next table compares the application determination statistics with other Group 6 Councils (Camden and Hawkesbury) and also with the neighbouring Councils (Campbelltown, Liverpool, Wingecaribee and Wollongong).

Council	Mean Gross DA Determination time	Median Net DA Determination Time
Camden	53	28
Campbelltown	89	30
Hawkesbury	101	56
Liverpool	104	60
Wingecaribee	68	37
Wollondilly	81	29
Wollongong	60	33

While this table shows a very positive result, it is not sufficient to understand the full performance statistics. It is necessary to read this table in the light of the number of external referrals required, as these often hold up the process and in the light of the number of staffing resources.

PE7 – Local Development Performance Monitoring

External Referrals

Of the 720 development applications determined by Council, 62 required referral to government agencies. This figure does not include any applications where the application was submitted already with the concurrence of the agency. In particular in Wollondilly a very high proportion of application are submitted with the concurrence of the Mine Subsidence Board attached.

The average (mean) number of days taken by government agencies for referrals was 67 days. The average number of days for determination of development applications with external referrals was 173. This is substantially more than the mean gross determination time of 81 days. This figure of 81 days is itself increased as a result of the external referrals.

Staff Resources

The following table highlights the number of full time equivalent (FTE) staff involved in development at the neighbouring and similar Councils along with the ratio of development applications per staff member.

Council	Number of DA's Determined	Number of DA's determined per assessment staff member
Camden	1058	88.2
Campbelltown	663	103.6
Hawkesbury	661	73.4
Liverpool	1173	65.2
Wingecarribee	747	67.9
Wollondilly	720	96
Wollongong	1388	67.7

Applications for Single Dwellings

Of the 720 development applications determined in the period by Wollondilly Council, 213 were for new single dwellings representing about 30 percent of applications. This table compares Wollondilly's performance in assessing applications for single dwellings to the neighbouring and similar Councils.

Council	Mean gross determination time for DA and CDC determined by council with valid dates for single new dwellings
Camden	37
Campbelltown	58
Hawkesbury	57
Liverpool	81
Wingecarribee	66
Wollondilly	58
Wollongong	56

PE7 – Local Development Performance Monitoring

Applications determined by Councillors

Of the 720 applications determined in the 2013/14 financial year, 711 were determined by Council staff under delegated authority. Eight (8) applications were determined at a Council meeting and 1 application was determined by "other". Other could be either the Joint Regional Planning Panel or the NSW Land and Environment Court. The following table compares the percentage of applications determined at a Council meeting with neighbouring and similar Councils.

Council	Number of DA's Determined by Councillors	Percentage of applications determined by Councillors
Camden	19	0.9%
Campbelltown	24	3.6%
Hawkesbury	0	0%
Liverpool	37	3.2%
Wingecarribee	13	1.7%
Wollondilly	8	1.1%
Wollongong	0	0%

Complying Development Certificates

This table compares the performance of Wollondilly Council with neighbouring and similar Councils in regard to the assessment and determination of Complying Development Certificates.

Council	Number of CDC's determined by Council	Mean Gross Determination Time CDC's by Council
Camden	74	8
Campbelltown	35	18
Hawkesbury	45	1
Liverpool	22	31
Wingecarribee	42	16
Wollondilly	27	7
Wollongong	16	8

Commercial Development

This table compares the gross determination times for commercial development applications in Wollondilly with the performance on neighbouring and similar Councils.

Council	Mean gross determination time for DA and CDC determined by council with valid dates for commercial developments
Camden	81
Campbelltown	96
Hawkesbury	182

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE7 – Local Development Performance Monitoring

Council	Mean gross determination time for DA and CDC determined by council with valid dates for commercial developments
Liverpool	125
Wingecarribee	83
Wollondilly	113
Wollongong	63

Comparison to Previous Year

This table compares Wollondilly Council's performance in the 2013/14 financial year with that of the previous financial year (2012/13).

Council	2012/13	2013/14
Mean Gross DA determination time	101	81
Median Net DA Determination time	27	29
Value of DA's Approved	\$107 million	\$115million
Mean Gross DA determination time for single dwelling	79	60

CONSULTATION

This report was prepared based on the information published by the NSW Department of Planning and Environment.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

Nil.

RECOMMENDATION

That the information in the report be noted.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

PE8

Badgery’s Creek Airport - Proposal for Joint Peer Review of Environmental Impact Statement

243773

TRIM 1806

REPORT

EXECUTIVE SUMMARY

- The Australian Government announced in April 2014 that Badgerys Creek will be the site for the second Sydney airport.
- Since this announcement the Federal Government, amongst other things, has commenced preparation of a draft Environmental Impact Statement (EIS) on the proposed airport which is expected to be released on public exhibition in mid-2015.
- Blacktown Council has called on member Councils of WSROC and MACROC along with The Hills Shire Council to pool resources to engage consultants to undertake an independent peer review into the EIS.
- This peer review will then serve as the basis for individual Council submissions on the EIS if they so choose to do so. It will also assist Council in developing future Planning Policies for the Shire that takes into account any impacts associated with the development of the airport.
- It is recommended that Council join other WSROC and MACROC Councils to undertake the review of the EIS.
- There have not been any disclosures of political donations made in regard to this matter.

BACKGROUND

The debate about a second airport for Sydney was reinvigorated in March 2012 with the release of a Joint Commonwealth/NSW Government Study into Sydney’s aviation needs. The Joint Study concluded that Badgerys Creek was the best location for a second Sydney airport. Despite this recommendation the Federal Government commissioned further studies pursuing Wilton as the preferred option.

In May 2012, in the face of this emerging proposal for a second Sydney Airport at Wilton, Council resolved to endorse a Position Paper “*The Case against an Airport at Wilton April 2012*”.

In early 2013 the Tourism and Transport Forum (TTF) released a report (*Sydney’s Aviation Future*) which advocated for Badgerys Creek. The TTF is a peak industry body representing a wide range of key corporations and institutions involved in Australian tourism, transport, aviation and investment. Their report cited the economic value of a second airport in Sydney and argued that concerns about noise pollution in the western suburbs from a Badgerys Creek airport could be offset by the proper planning of runways.

**PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of
Environmental Impact Statement**

Subsequently in April 2014 the Federal Government formally announced that Badgerys Creek will be the site of an airport for Western Sydney. An airport is a major, complex and long-term project, with detailed planning towards an operational airport by the mid-2020s underway. The Australian Government is taking a roads first approach and work has started on a 10-year program of \$3.6 billion to improve roads infrastructure in the area.

It is proposed that an airport in Western Sydney would be a catalyst for investment and job creation in the region. It is estimated that a Western Sydney airport would generate \$24.6 billion in direct expenditure by 2060, and contribute a \$23.9 billion increase in gross domestic product to the national economy. Benefits include:

- Jobs and economic growth
- Investment to the region
- Reduced commute times
- Upgraded roads.

On 16 March 2015 the Mayor of Blacktown Council invited representatives of all Councils from the WSROC and MACROC along with The Hills Shire Council to a forum to discuss how the Councils of Western and South-Western could best assess the environmental impacts of the Western Sydney Airport on a shared basis.

Following a presentation from the General Manager of Blacktown Council it was proposed that there could be substantial advantage in councils pooling their resources and having consultants engaged, ready to assess the Commonwealth’s EIS as soon as it is released.

Assuming a 60-day exhibition period, for what will be a volumes and detailed environmental assessment, means that councils and the community more generally will have limited time in which to conduct an informed analysis of the Commonwealth’s proposal.

The proposal being put forward seeks Council’s contribution towards funding consultants to objectively peer review the future Environmental Impact Statement (EIS) for the proposed Western Sydney Airport as follows:

- Each participating council contributes funds on a pro rata population basis to engage the expert consultants
- WSROC coordinates procurement for each consultant
- A Steering Committee is established. Membership would include WSROC, MACROC and each council's Strategic Planning Manager, to coordinate the appointment and management of the consultants. The committee would be chaired on rotation by WSROC and MACROC.

**PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of
Environmental Impact Statement**

- A Project Manager is engaged as early as possible to prepare briefs and oversee the specialist consultant peer review, under the direction of the Steering Committee. The Project Manager would be engaged for 3 months full time spread over a 6 month period.

Several councils have expressed an interest in the proposal. Attendees at the forum resolved to next meet at Fairfield City Council, hosted by the Mayor of Fairfield, Councillor Frank Carbone. The meeting will further discuss the proposal and confirm the commitment of those councils that wish to participate and financially contribute. The second forum will be held on Thursday, 21 May 2015 at 9.30am at Fairfield City Council's offices at 86 Avoca Road, Wakeley.

CONSULTATION

Our community’s views on the Badgerys Creek proposal have not yet been determined through any formal consultation process or survey, however the decision of the Federal Government has made this a somewhat redundant requirement in terms of the actual airport location. However there are still opportunities to advocate on behalf of our community on the need for infrastructure improvements to support access to the airport, and ameliorate noise impacts.

RELEVANCE TO COMMUNITY STRATEGIC PLAN 2033

The proposal has long term social, environmental and economic implications for our shire and for the broader region. Council has a leadership responsibility to consider such significant regional infrastructure issues and to advocate on behalf of the interests of our communities.

POLICIES & LEGISLATION

Nil

RELEVANT CONSIDERATIONS

Given the Federal Government’s commitment to progressing the airport, and associated supporting infrastructure, it is important that Council identifies the key issues that are important to our community and seek to ensure that the infrastructure works benefit the Shire.

Although Council has previously expressed opposition to any second airport being constructed in the Sydney basin this should not prevent Council taking a fresh look at the issue and potentially adopting a new perspective. The need for Western Sydney to have long term economic and jobs growth solutions is well understood. The community of Wollondilly Shire, particularly as we grow in the future, shares that need.

**PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of
Environmental Impact Statement**

It is considered that there is substantial advantage in councils pooling resources and having consultants engaged, ready for assessment of the Commonwealth's EIS as soon as it is released. The independent expert analysis could be used by all councils and the community more generally, in the preparation of submissions to the Commonwealth. Furthermore, a peer assessment of the Commonwealth's EIS could be used to assist in the formulation of future planning policies in relation to the effects of the airport on the Shire and used to provide information and advice to the community more broadly.

If not participating in the joint peer review, Councils will potentially undertake consultant assessments of particular environmental attributes of the proposed airport at considerable cost to, duplicating the efforts of other councils.

FINANCIAL IMPLICATIONS

Final costing for the engagement of specialist consultants to undertake the peer review have not yet been received. It is however anticipated that the total cost will run into the hundreds of thousands of dollars. The agreed approach to funding such a large project is for each participating Council to pay a proportion of the costs based on a population pro rata rate. Based on this funding arrangement Wollondilly Council would be required to make would be a significantly lower contribution than other participating Council and at lower value than if Council elected to engage consultants themselves.

The participation in the proposal could be funded from Council's Growth Management Consultants Budget.

CONCLUSION

It is appropriate for Council to recognise that the decision on Badgerys Creek Airport has been made, and that the focus of Council should be in addressing the associated impacts with that decision.

Council's ability to undertake a comprehensive peer review of the Badgery's Creek Airport EIS would be greatly enhanced by pooling resources with neighbouring Councils and subsequently sharing the expense of such an exercise.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENTS

1. Letter from Blacktown Council outlining the proposal to pool resources to peer review the Federal Government’s EIS on Badgery’s Creek Airport.
2. Presentation made to WSROC and MACROC Councils and The Hills Shire Council by Blacktown Council.
3. Minutes from meeting of WSROC and MACROC Councils and The Hills Shire Council Thursday 9 April 2015 at Blacktown Council Chambers.

RECOMMENDATION

1. That Council express an interest in being involved in further joint activities relating to the development of the Badgery’s Creek Airport through the relevant ROC’s.
2. That Council writes to the Mayor of Blacktown City Council and thank him for the invitation to attend the forums and participate in the proposed joint review of the Badgery’s Creek Airport.
3. That the General Manager be authorised to enter into an Agreement for the expenditure of up to \$20,000 to participate in the joint independent review of the Badgery’s Creek Airport EIS, as proposed by Blacktown City Council.

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 1 - 1806 - 18 MAY 2015



16 April 2015

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

Proposed Western and South-western Sydney Councils’ independent review of the future Western Sydney Airport EIS

A forum was held at Blacktown City Council on Thursday 9 April 2015, to discuss how the councils of Western and South-western Sydney could best assess the environmental impacts of the Western Sydney Airport on a shared basis.

The forum was held following an invitation from the Mayor of Blacktown, Councillor Stephen Balli, dated 16 March 2015 and sent to all WSROC and MACROC councils and The Hills Shire Council.

This letter formally seeks your contribution towards a funding pool to engage consultants to objectively peer review the future Environmental Impact Statement (EIS) for the proposed Western Sydney Airport, as an outcome from the forum on 9 April 2015.

We believe that there is substantial advantage in councils pooling resources and having consultants engaged, ready for assessment of the Commonwealth’s EIS as soon as it is released. The independent expert analysis could be used by all councils, and the community more generally, in the preparation of submissions to the Commonwealth.

If not participating in the joint peer review, the councils of WSROC, MACROC, The Hills and others will potentially each undertake consultant assessments of particular environmental attributes of the proposed airport at considerable wasted cost to their communities, duplicating the efforts of other councils.

The proposal

The proposal that is being put forward to all WSROC and MACROC councils and The Hills Shire Council is as follows:

- Each participating council contributes funds on a pro rata population basis to engage the expert consultants

Council Chambers • 62 Flushcombe Road • Blacktown NSW 2148
Telephone: (02) 9839 6000 • **Facsimile:** (02) 9831-1961 • **DX** 8117 Blacktown
Email: council@blacktown.nsw.gov.au • **Website:** www.blacktown.nsw.gov.au
All correspondence to: The General Manager • PO Box 63 • Blacktown NSW 2148

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 1 - 1806 - 18 MAY 2015

- WSROC coordinates procurement for each consultant
- A Steering Committee is established. Membership would include WSROC, MACROC and each council's Strategic Planning Manager, to coordinate the appointment and management of the consultants. The committee would be chaired on rotation by WSROC and MACROC
- A Project Manager is engaged as early as possible to prepare briefs and oversee the specialist consultant peer review, under the direction of the Steering Committee. The Project Manager would be engaged for 3 months full time spread over a 6 month period.

Assuming a 60 day exhibition period, it is envisaged that the peer review will be completed within 6 weeks, which allows each council 3 weeks to prepare their own submission, having the benefit of the peer review. It is up to each council, of course, to determine how much of the review is utilised in preparing its submission.

The short public exhibition period, for what will be a voluminous and detailed environmental assessment, means that councils, and the community more generally, will have limited time in which to conduct an informed analysis of the Commonwealth's proposal.

Several councils expressed an interest in the proposal. Minutes from the forum are attached to this letter, as well as a copy of the presentation. Attendees at the forum resolved to next meet at Fairfield City Council, hosted by the Mayor of Fairfield, Councillor Frank Carbone. The meeting will further discuss the proposal and confirm the commitment of those councils that wish to participate and financially contribute. The 2nd forum will be held on:

Thursday 21 May 2015 at 9.30am at Fairfield City Council's offices at 86 Avoca Road, Wakeley.

Your confirmation of your attendance at the next forum would be appreciated, to Leda Dellomo, Personal Assistant to the General Manager at Fairfield City Council, on 9725 0204 or at ldellomo@fairfieldcity.nsw.gov.au

If you would like to discuss this matter further, please contact my office on 9839 6503.

Yours faithfully,



Kerry Robinson
General Manager

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015


The slide features a background image of a forest. On the left side, there is a vertical banner with the text 'WESTERN SYDNEY AIRPORT' in orange and 'ENVIRONMENTAL IMPACT STATEMENT (EIS)' in white. In the top left corner of the slide, there is a small logo for 'Blackdown City Council' with the website 'www.blackdowncitycouncil.nsw.gov.au'. The main content of the slide is a bulleted list of four points.

- EIS being prepared
- Latest advice – will be released in September 2015
- Voluminous document – many hundreds of pages of detailed environmental assessment
- Cost for individual councils to each independently assess

Planning & Economy

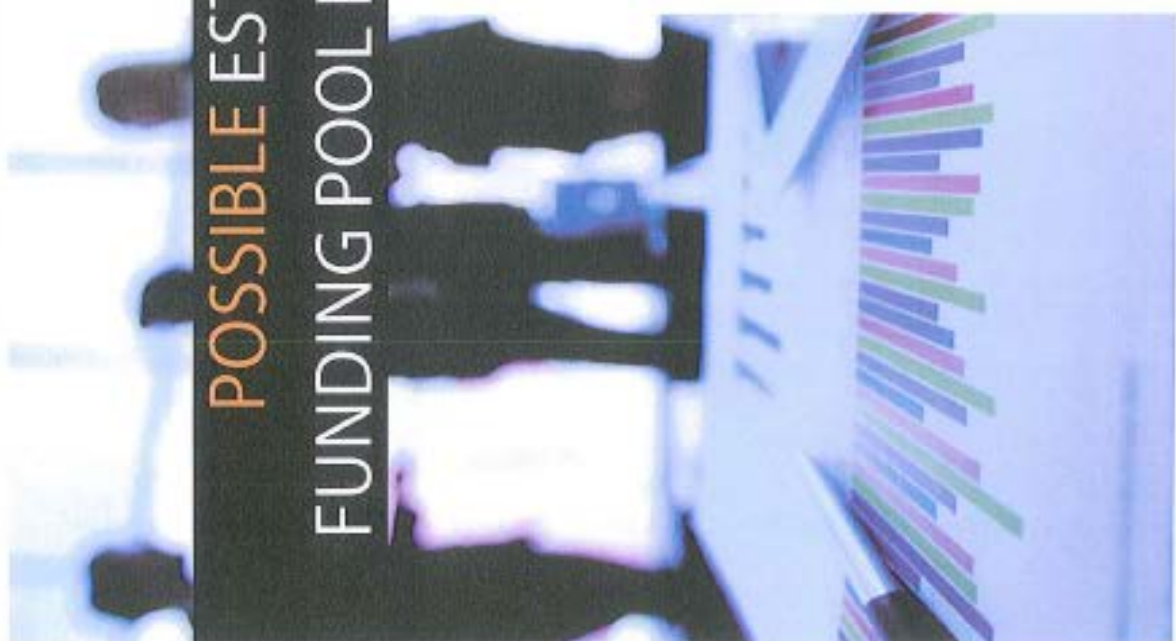
PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



POSSIBLE ESTABLISHMENT OF FUNDING POOL FOR EIS ASSESSMENT

- Very short exhibition period - timeframe for submission will be short (20 – 60 days)
- Economies of scale can be achieved if we work together
 - Cost
 - Time
 - Staff resources



Planning & Economy

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015

Blacktown City Council
www.blacktown.nsw.gov.au

POSSIBLE ESTABLISHMENT OF FUNDING POOL FOR EIS ASSESSMENT

- Each Council will be stretched individually to assess and report
- Better for all if we act together
- Aim: have an objectively peer reviewed EIS that all Councils can rely on

Planning & Economy

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



HOW WOULD WE OPERATE COLLECTIVELY?



- Suggest WSROC coordinate procurement (but doesn't contribute funds)
- Each participating Council contributes funds on a pro rata population basis
- Form Steering Committee – WSROC chairs with each Council's Strategic Planning Manager a member
- Need to engage Project Manager to oversee all studies required for the peer review

Planning & Economy

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015

WHAT ANALYSIS WILL HELP US ALL?

- Don't reinvent the wheel
- Peer review EIS and get objective view of its components
- No hidden agendas – we all need to have confidence with the process. A peer review enables that
- Preparation of briefs by Steering Committee will ensure objectivity
- Suggest only key EIS elements be peer reviewed

Planning & Economy

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015




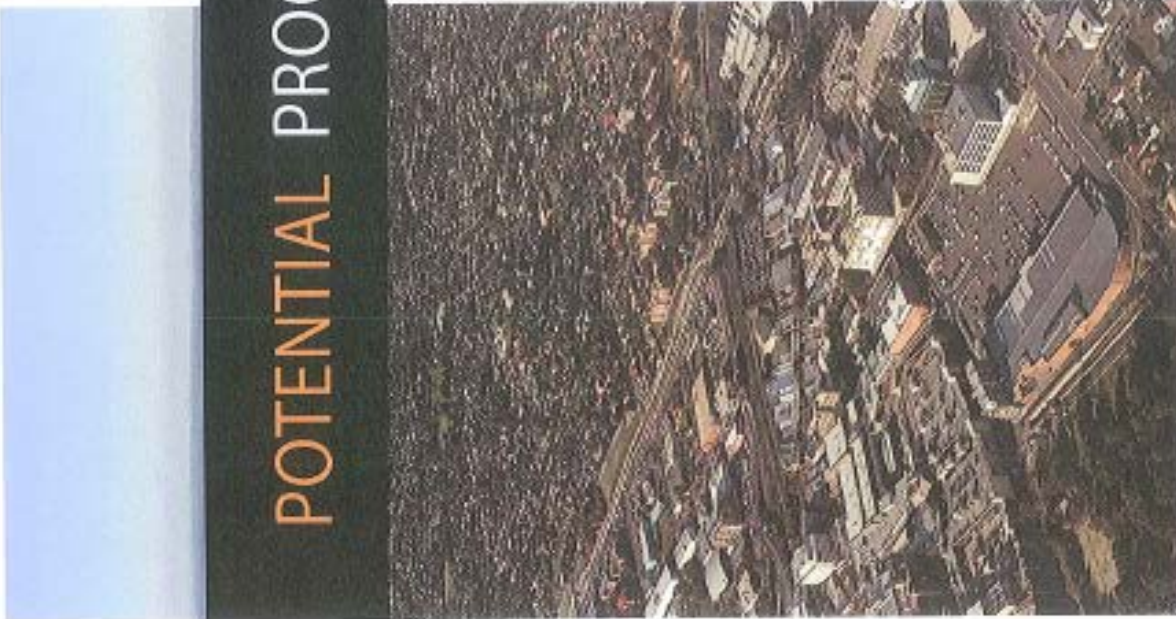
POTENTIAL POOLED BUDGET

- Engage different consultants for different issues (proposed costs indicative)

Consultant	Cost
Project Manager (3 months full-time work spread over 6 months)	\$40K
Economic and employment considerations	\$40K
Noise and vibration (including potential model testing)	\$50K
Air and water quality	\$30K
Transport and traffic (including potential traffic modelling or testing)	\$50K
Flight path analysis	\$10K
Biodiversity	\$20K
Total potential value	\$240K

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



POTENTIAL PROCUREMENT PROCESS

- Steering Committee coordinates
- WSROC controls pooled funds
- Line up consultants early to do work once EIS exhibited
- Procurement by WSROC for individual briefs and separate engagement process for each consultant
- Project Manager appointed as early as possible to write briefs, recommend shortlist and analyse responses for each peer review – 3 months full time spread over 6 months
- Steering Committee decides on appointment of consultants

Planning & Economy

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



TIMING OF PEER REVIEWS



- Consultants already engaged before EIS exhibition and ready to commence at Day 1 of exhibition
- Assuming 60 day exhibition:
 - Peer reviews in draft to Steering Committee by end Week 4 of 9
 - Steering Committee reviews in Week 5
 - Final reports to Steering Committee by end Week 6 (1 week for consultants to amend)
 - 3 weeks left for Councils to make their individual submissions

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



TIMING OF PEER REVIEWS

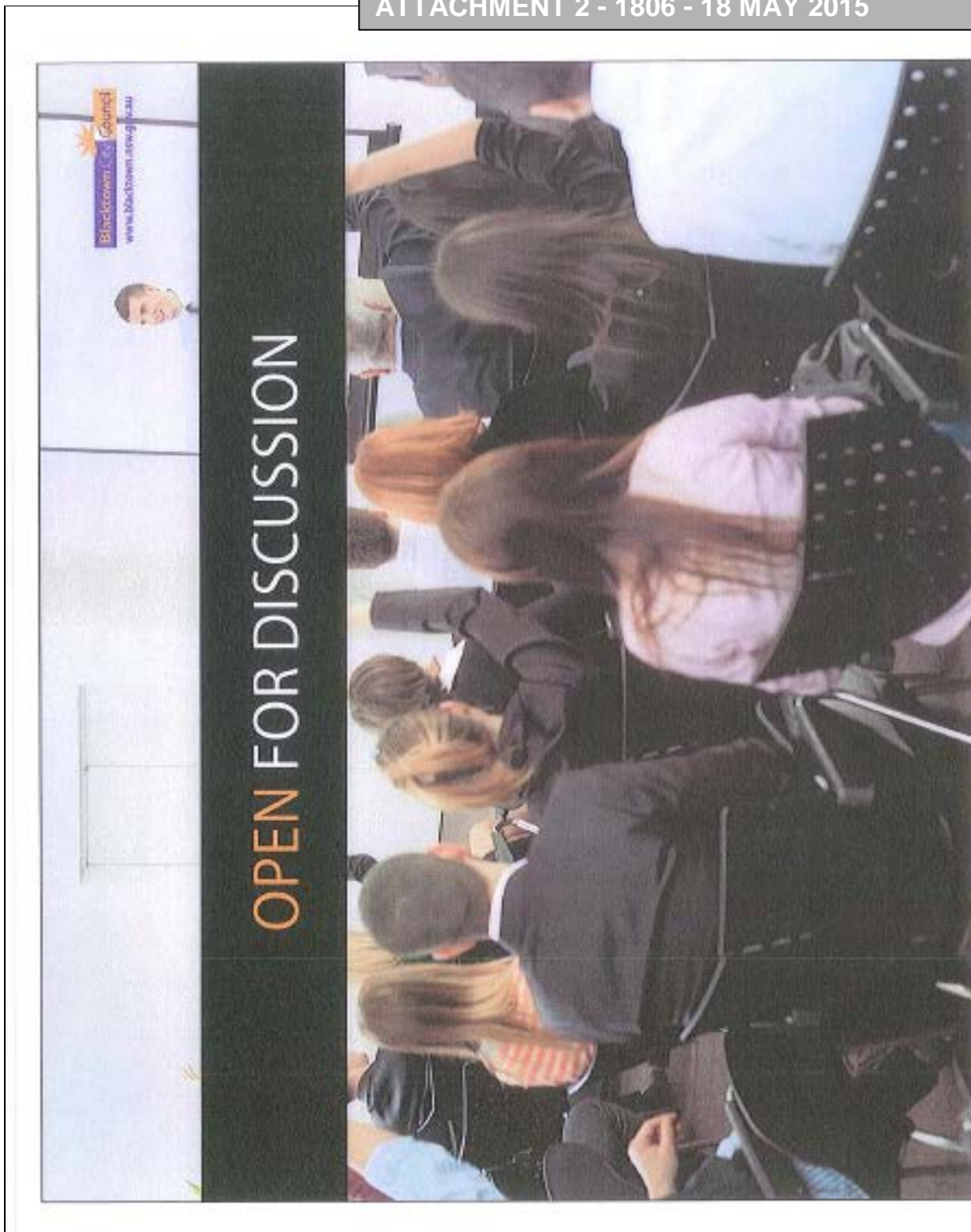
Task	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9
Peer reviews in draft to Steering Committee									
Steering Committee reviews									
Final reports to Steering Committee									
Councils make individual submissions									

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 2 - 1806 - 18 MAY 2015



Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 3 - 1806 - 18 MAY 2015

Planning & Economy



Western Sydney Forum

Discussion on the future assessment of the Environmental Impact Statement for the Airport

Thursday 9 April 2015, 9.00am
Nirimba Room, Blacktown City Council

Meeting Minutes

List of attendees

Cr Stephen Bali	Mayor	Blacktown City Council
Cr Walter Smith	Councillor	Blacktown City Council
Kerry Robinson	General Manager	Blacktown City Council
Glennys James	Director Design and Development	Blacktown City Council
Ash Chand	Manager Strategic Planning	Liverpool City Council
Wayne Mitchell	Executive Manager	Penrith City Council
Judith Bruinsma	Deputy CEO	WSROC
Cr Kim Ford	Mayor	Hawkesbury
Peter Jackson	General Manager	Hawkesbury
Cr Frank Carbone	Mayor	Fairfield City Council
Diane Cuthbert	Group Manager City & Community Development	Fairfield City Council
Jeff Lawrence	Director Planning and Environment	Campbelltown City Council
Helen Papathanasiou	Manager Environmental Outcomes	Parramatta City Council
Luke Nicholls	Director City and Community Outcomes	Blue Mountains City Council
Cr Mick Fell	Councillor	Blue Mountains City Council
Adam Gray	Snr Urban Growth Planner	Wollondilly Shire Council
Mark Brisby	General Manager	Auburn City Council
Cr Ross Grove	Councillor	Holroyd City Council
Adan Davis	Manager Strategic Planning	Holroyd City Council

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PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 3 - 1806 - 18 MAY 2015

Planning & Economy

Apologies

Cr Ronney Oueik

Mayor

Auburn City Council

1. Welcome – Cr Stephen Ball, Mayor, Blacktown City Council

- Presented the key outcomes of the proposal:
 - maximum benefit for the residents of Western Sydney
 - ensure the EIS properly addresses the impacts on Western Sydney
 - independent review, free from political stance on the airport, that can be utilised by all Western Sydney councils and residents.
- Discussion with the Federal Government has highlighted a lack of a strategic plan for how the airport will integrate with Western Sydney.
- Concern over the potential period for community consultation. Conflicting advice has been given, with 3 different time periods of 20, 60 and 90 days being mentioned to Blacktown Council.

2. Presentation on the proposal – Kerry Robinson, General Manager, Blacktown City Council

- Presented the proposal:
 - establishment of a joint funding pool to engage consultants to objectively peer review the EIS to assist councils in preparing their own submission
 - WSROC to coordinate the procurement
 - councils contribute funds on a pro rata population basis
 - a Steering Committee be established made up of council Strategic Planning Managers and chaired by WSROC
 - a Project Manager be engaged to oversee and manage the consultant peer review. Engaged early to write briefs. An engagement of 3 months full-time, spread over 6 months
 - indicative cost estimate to engage each consultant for the different issues could potentially total \$240K.
- Consultants engaged before EIS exhibition.
- Peer review completed within 6 weeks, allowing councils 3 weeks to write their own submission.
- Presentation will be circulated to all attendees.
- List of councils approached will be circulated. This included all WSROC and MACROC councils and The Hills Shire Council.

3. Discussion

- Discussion on the lack of a strategic plan for how the airport will connect with Western Sydney.
- Cr Ball (Blacktown City Council) believed the EIS and the peer review of the EIS was the opportunity to highlight the infrastructure that would be required to ensure the airport will be successfully integrated to all parts of Western Sydney.

PE8 – Badgery’s Creek Airport – Proposal for Joint Peer Review of Environmental Impact Statement

ATTACHMENT 3 - 1806 - 18 MAY 2015

- Cr Fell (Blue Mountains City Council) felt that whilst the proposal for a peer review of the EIS had merit, it would still not address the lack of a strategic plan for the airport and Western Sydney.
- Cr Carbone (Fairfield City Council) strongly supported the proposal as he saw the benefit of having an independent study that could be used by all councils. He felt that if there was a funding shortfall, then WSROC should provide funding assistance.
- Cr Grove (Holroyd City Council) supported the proposal in principle. However he felt that the fee estimate was too conservative and that a greater funding commitment would be required. He needed to discuss the proposal with the Mayor of Holroyd before a full commitment could be given.
- Wayne Mitchell (Penrith City Council) supported the proposal, however felt there is a need for more detailed pricing to allow councils to commit funds.
- Jeff Lawrence (Campbelltown City Council) supported the proposal in principle. He requested a formal letter be sent to all WSROC and MACROC councils, and The Hills Shire Council, further outlining the proposal; and seeking a commitment of support.
- Kerry Robinson (Blacktown City Council) recommended holding another meeting in 4 weeks to confirm support for the proposal. Fairfield City Council offered to host the next meeting.
- Wayne Mitchell (Penrith City Council) suggested that monthly meetings may be too long to wait to start the process. He felt that there was a need to expedite the engagement of consultants.
- Jeff Lawrence suggested that the officer level Steering Group meeting be co-chaired by WSROC and MACROC.
- Diane Cuthbert (Fairfield City Council) suggested that the council officer level meeting be arranged in the next 2 weeks to discuss the scope of works for the consultant briefs.
- Glennys James (Blacktown City Council) offered to prepare a draft consultant brief for discussion to start the process.

4. Next steps

- A letter will be sent from Blacktown City Council to all WSROC and MACROC councils and The Hills Shire Council, outlining the proposal and requesting a commitment to the pooled funding arrangement.
- A copy of the presentation will be circulated to all councils.
- A meeting will be arranged in 4 weeks at Fairfield City Council to determine each council's commitment to the proposal.
- Fairfield Council will convene a meeting of council officers in 3 weeks to discuss the scope of works for the consultant briefs.
- Blacktown City Council to prepare a draft standard brief that could be utilised.

5. Meeting closed – 10.10am

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

PE9

Greater Macarthur investigation Area - Impact on Current Planning Proposals

105

TRIM 1806

REPORT

EXECUTIVE SUMMARY

- This report seeks to provide an update on the process being undertaken by the Department of Planning & Environment (Department) to investigate the potential for a new Growth Centre in South West Sydney (referred to as the Greater Macarthur or Macarthur South Urban Release Investigation Area) and also to seek clarification on Council's resolution to defer final determination of existing planning proposals within the Investigation Area.
- At its meeting held 16 March 2015, Council considered a report regarding the impacts of "A Plan for Growing Sydney" on Council's Growth Management Strategy.
- In considering this report Council made the following resolution in regards to planning proposals that lie within the Greater Macarthur Investigation Area.
 - *That Council's final determination of these planning proposals be deferred until completion of the studies into the Macarthur South investigation area estimated to be six months as per the advice of the Department of Planning.*
- There are seven (7) planning proposals that lie within the investigation area, including the Macquariedale Road, Appin Planning Proposal.
- Council had previously resolved on 13 October 2014 in relation to the Macquariedale Road Planning Proposal that:
 1. *That the biodiversity application and supporting documents be placed on public exhibition and a further report be submitted to Council after that exhibition and to the same meeting as the post exhibition report on the Macquariedale Road Planning Proposal. This resolution to place the proposal on exhibition should not be taken as a resolution to support the proposal.*
 2. *That Council commence community consultation in regard to all major development in Appin surrounds with the Appin Community.*
 3. *That some of these consultations be held at Appin.*
- The Proponent for the Macquariedale Road, Appin Planning Proposal, Walker Corporation Pty Ltd, have requested that Council lodge the Biodiversity Certification Application with the NSW Office of Environment & Heritage (OEH) so that the adequacy of the supporting documents and the requirements for public exhibition can be confirmed.

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

- The Proponent acknowledges that public exhibition of the Macquariedale Road, Appin Biodiversity Certification Application would not proceed until the final report into the Greater Macarthur Urban Release Investigation Area has been completed.
- It is recommended:
 1. That processing and public exhibition of the Biodiversity Certification Application for Macquariedale Road, Appin not commence until the final report on the Greater Macarthur Urban Release Investigation Area has been released.
 2. That Council consider a further report regarding the assessment of the planning proposals that lie with the investigation area should the final report on the Greater Macarthur Urban Release Investigation Area not be completed in July 2015.

BACKGROUND

A Plan for Growing Sydney and Draft Growth Management Strategy

Following release of 'A Plan for Growing Sydney' in mid-December 2014, the Department advised that they will be undertaking an investigation into a potential new Growth Centre in South West Sydney (referred to as the Greater Macarthur or Macarthur South Urban Release Investigation Area).

This investigation area lies across the boundary of Wollondilly and Campbelltown LGAs. The Department have written to both Councils seeking their assistance and input into this process. Meetings have commenced between the parties. The investigation is designed to assess the suitability of land for future urban development taking into account existing land uses and constraints, and identifying future infrastructure requirements.

The process will culminate in a document produced by the Department (e.g. Urban Capability Study) outlining the findings of the investigation work. The Department estimates that the process, including exhibition of the Draft Urban Capability Study will be completed in July 2015.

The final draft of the Urban Capability Study will inform Government and Council with regards to future growth potential in the Greater Macarthur area.

Council has been advised that the investigation work will also inform the Department with respect to the review of the Draft Growth Management Strategy.

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

Should the investigation work be delayed beyond this timeframe a report will come back to Council seeking further clarification on its position with regards to the processing of planning proposals within the Greater Macarthur Investigation Area.

Biodiversity Certification Application associated with the Macquariedale Road, Appin Planning Proposal

The planning proposal seeks to rezone areas of vegetated land, which has biodiversity value. The strategic rezoning process does not provide approval to clear land.

At its meeting on 13 October 2014, Council supported pursuing a Biodiversity Certification Application for land at Macquariedale Road, Appin. Biodiversity Certification is a stand-alone statutory process under Part 7AA of the *Threatened Species Conservation Act 1995* (the Act).

The next step in the process is to formally lodge a Biodiversity Certification Application along with supporting information to OEH so that:

- OEH can provide formal receipt of the application and supporting information;
- the adequacy of the supporting information can be confirmed; and
- the requirements for public exhibition can be confirmed.

Under the Threatened Species legislation, Council will be the applicant and can therefore control when to undertake the public exhibition. It is anticipated that public exhibition will be coordinated with the revised Planning Agreement for Macquariedale Road, Appin.

The Proponent, Walker Corporation Pty Ltd has requested that the Biodiversity Certification Application for Macquariedale Road, Appin Planning Proposal be formally lodged with OEH. A copy of the letter is attachment to this report.

Clarification is sought from Council with regard to the 16 March 2015 resolution to defer final determination of planning proposals and whether that resolution extends to the processing of the Biodiversity Certification Application lodged for the Macquariedale Road, Appin Planning Proposal.

As the applicant for any Biodiversity Certification Application, Council may holding off on lodgement with OEH until it has reviewed the final draft of the Urban Capability Study.

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

Alternatively, lodging the biodiversity application would allow Council to proceed with its public exhibition, along with the revised Planning Agreement, without delay once final draft of the Urban Capability Study has been completed.

CONSULTATION

The Department are preparing community engagement processes with the assistance of both Wollondilly and Campbelltown Councils for the public exhibition and consultation phase of the project related to the future growth potential in the Greater Macarthur area.

POLICIES & LEGISLATION

Nil

FINANCIAL IMPLICATIONS

Nil

CONCLUSION

It is expected that the report being prepared by the Department on the Greater Macarthur Investigation Area will be completed in July 2015. Council has expressed its desire to await the outcomes of this report before final determination of current and future planning proposals in the investigation area, including the one at Macquariedale Road, Appin.

Similarly, it may be prudent for Council to await the outcomes of this report before committing to the progression of the Biodiversity Certification Application for the Macquariedale Road, Appin Planning Proposal.

ATTACHMENTS

1. Letter from Walker Corporation Pty Ltd requesting the Biodiversity Certification Application for Macquariedale Road, Appin be lodged with OEH.

RECOMMENDATION

1. That processing and public exhibition of the Biodiversity Certification Application for Macquariedale Road, Appin not commence until the final report on the Greater Macarthur Urban Release Investigation Area has been released.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

2. That Council consider a further report regarding the assessment of the planning proposals that lie within the investigation area should the final report on the Greater Macarthur Urban Release Investigation Area not be completed in July 2015.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

ATTACHMENT 1 - 1806 – 18 MAY 2015

29 April 2015

The General Manager
Wollondilly Shire Council
PO Box 21
Picton, NSW 2571

Sent via email: chris.stewart@wollondilly.nsw.gov.au



GPO Box 4073
Sydney NSW 2001
Australia

Level 21 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000
Australia

Telephone: (02) 8273 9600
Mobile: 0411 454 752
Email: gerry.beasley@walkercorp.com.au

Attention: Chris Stewart

Dear Mr Stewart

South Appin Planning Proposal – Application for Biodiversity Certification

The South Appin Planning Proposal envisages the removal of 13 hectares of bushland. This would be offset by 54 hectares that will be preserved and managed for conservation including restrictions on title to ensure the land cannot be used for any purpose other than conservation.

The offset lands have been determined under a Biodiversity Certification methodology which is government and council "Best Practice" for assessing and managing impacts from clearing.

Wollondilly Shire Council supported this approach by resolution on 13 October 2014.

Walker Corporation undertook the required studies to deliver the research necessary so that Biodiversity Certification could be considered.

The following studies have been lodged with Council:

1. Detailed Ecological Assessment including extensive Koala surveys incorporating information provided by the University of Western Sydney and local members of the community
2. Proposed Biodiversity Offset Strategy including Cumberland Plain Land Snail Relocation Protocol
3. Formal Biodiversity Assessment Report under the Threatened Species Conservation Act.

The next step is for Council to submit these studies with a formal application to the NSW Office of Environment and Heritage.

Walker Corporation Pty Ltd ABN 95 001 176 263 Walker Group Constructions Pty Ltd ABN 59 097 303 716
Walker Group Constructions (QLD) Pty Ltd ABN 71 114 375 745 Walker Group Holdings Pty Ltd ABN 81 001 215 069

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE9 - Greater Macarthur Investigation Area - Impact on Current Planning Proposals

ATTACHMENT 1 - 1806 – 18 MAY 2015

Letter to Chris Stewart 29.4.15

Council's subsequent resolution on 16 March 2015 to defer finalisation of the South Appin Planning proposal has meant the Biodiversity Certification assessment has not progressed.

However the submission of the application is important because it allows the NSW Office of Environment and Heritage to complete its assessment of the offset strategy and to advise council whether or not it meets the strict criteria established under the Threatened Species Conservation Act.

The submission of the application is therefore necessary to ensure council fully understands the impacts of the proposed clearing.

Accordingly Walker Corporation asks council to lodge the application as soon as possible.

The lodgement does not fetter council in regard to its final decision on the planning proposal.

Walker also appreciates the application will not be exhibited at this stage in accordance with council's resolution of 16 March 2015.

Yours faithfully,



Gerry Beasley
Executive Planner
Walker Corporation Pty Limited

Planning & Economy

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 18 May 2015

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 - May 2015

GOVERNANCE

GO1

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

RECOMMENDATION

That Council note the May Notice of Motion Status Report.

GO2 - Investment of Funds as at 31 March 2015

GO2

Investment of Funds as at 31 March 2015

112

TRIM 1022-2

EXECUTIVE SUMMARY

- This report provides details of Council's invested funds as at 31 March 2015.
- It is recommended that the information and certification in relation to the investment of Council funds as at 31 March 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 overall domestic demand growth quite weak as business capital expenditure falls. 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. Growth in lending to investors in housing assets is stronger than to owner-occupiers, though neither appears to be picking up further at present. Lending to businesses, on the other hand, has been strengthening recently. Dwelling prices continue to rise strongly in Sydney, though trends have been more varied in a number of other cities. 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.

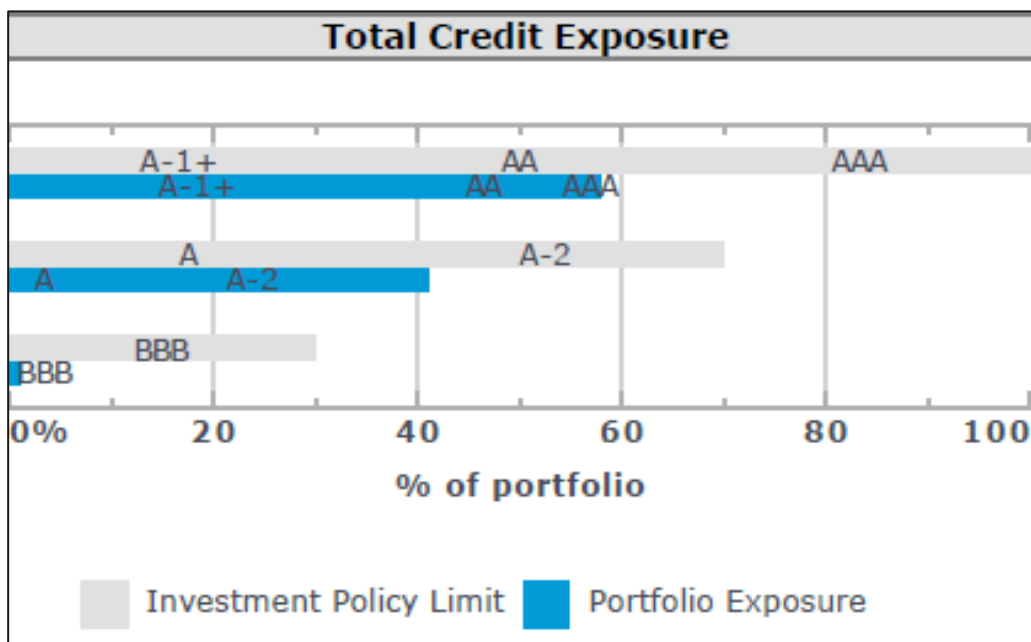
The Australian dollar has declined noticeably against a rising US dollar over the past year, though less so against a basket of currencies. Further depreciation seems likely, particularly given the significant declines in key commodity prices. A lower exchange rate is likely to be needed to achieve balanced growth in the economy.

At today's meeting the Board judged that 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 continue to assess the case for such action at forthcoming meetings."

GO2 - Investment of Funds as at 31 March 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 31 March 2015 is within Council's investment policy limits.



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

Governance

GO2 - Investment of Funds as at 31 March 2015

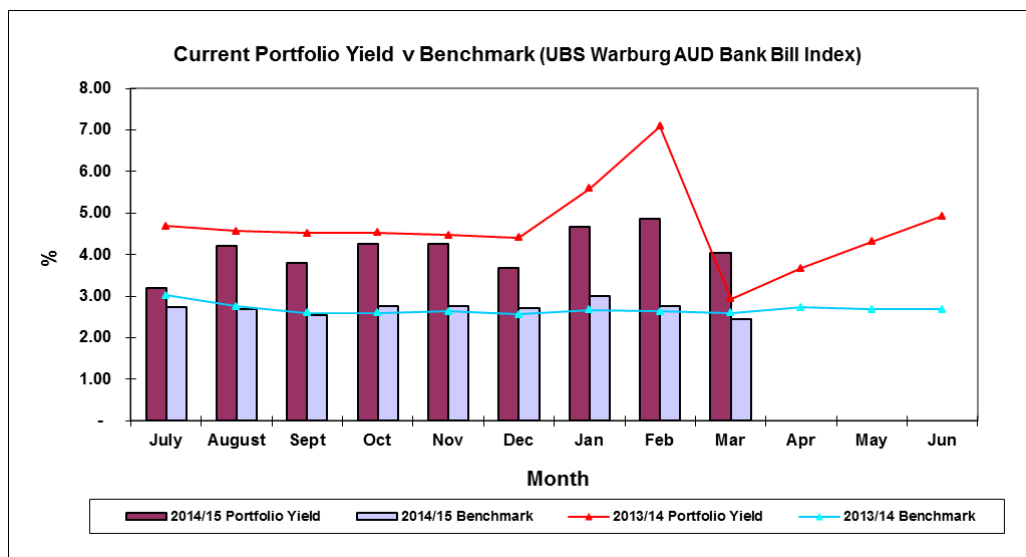
Parent Group	% used vs Investment Policy Limit	
Bank Of Queensland	90%	✓
National Australia Bank	77%	✓
Members Equity Bank	42%	✓
Bendigo and Adelaide Bank	34%	✓
Westpac Group	27%	✓
Credit Union Australia	22%	✓
Macquarie Group	22%	✓
Commonwealth Bank of Australia	13%	✓
ANZ Group	6%	✓
Emerald Reverse Mortgage (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.

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.

GO2 - Investment of Funds as at 31 March 2015



As shown in the chart above, Council’s portfolio yield has continually exceeded the benchmark UBS Warburg 3 month Bank Bill Index due to the prudent investment of Council’s portfolio. For March 2015, Council’s portfolio returned 4.04% pa for the month, compared to the benchmark’s 2.44% pa return.

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

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

CONSULTATION

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

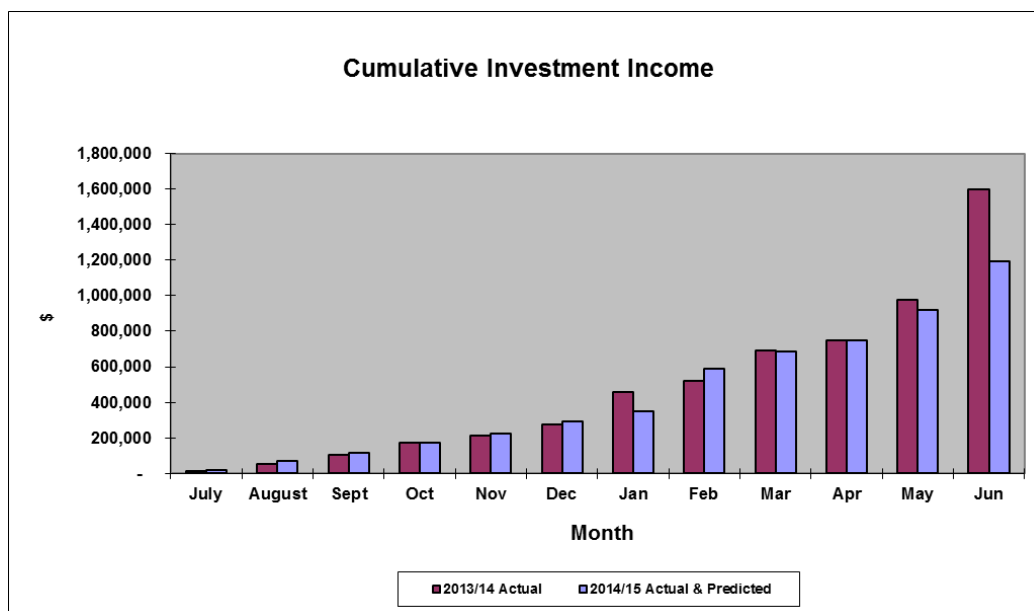
FINANCIAL IMPLICATIONS

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

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

Governance

GO2 - Investment of Funds as at 31 March 2015



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

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

CERTIFICATION

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

Ashley Christie
 Manager Financial Services
 WOLLONDILLY SHIRE COUNCIL

ATTACHMENTS:

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

RECOMMENDATION

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

Governance

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held on Monday 18 May 2015

GO2 - Investment of Funds as at 31 March 2015

ATTACHMENT 1 – 1022-2 – 18 MAY 2015

INVESTMENTS AS AT 31 March 2015							
Reporting Period:		1-Mar-15	to	31-Mar-15			
Investment Institution	Rating	Face Value at 31-Mar-15	Market Value 31-Mar-15	Percentage Holding	Interest/ %p.a.	Capital Growth received	TYPE
CASH & CASH PLUS FUNDS							
National Australia Bank							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>							
		29,380	29,380				
11AM At call	AA	1,225,000	1,225,000	2.75%	3.00	7,996	At Call
Term Deposits							
Westpac Banking Corporation- Local Govt (Matured)	A-1+					207	03-Mar-15
Credit Union Australia (CUA) (Matured)	BBB+					1,688	09-Mar-15
National Australia Bank	A-1+	750,000	767,530	1.69%	3.61	2,300	14-Apr-14
National Australia Bank	A-1+	1,000,000	1,022,846	2.25%	3.61	3,066	21-Apr-14
Bank of Queensland	A-2	1,000,000	1,034,163	2.25%	3.72	3,159	14-May-15
Westpac Banking Corporation- Local Govt	AA-	2,000,000	2,079,873	4.50%	4.35	7,389	25-May-15
Bank of Queensland	A-2	1,000,000	1,033,013	2.25%	3.75	3,185	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,022,209	2.25%	3.55	3,015	04-Jun-15
Bank of Queensland	A-2	1,000,000	1,032,530	2.25%	3.75	3,185	11-Jun-15
National Australia Bank	A-1+	1,000,000	1,022,529	2.25%	3.56	3,024	18-Jun-15
National Australia Bank	A-1+	1,000,000	1,023,350	2.25%	3.57	3,032	09-Jul-15
Bank of Queensland	A-2	1,000,000	1,011,065	2.25%	3.50	2,973	16-Jul-15
National Australia Bank	A-1+	1,000,000	1,027,788	2.25%	3.65	3,100	18-Aug-15
National Australia Bank	A-1+	1,000,000	1,027,231	2.25%	3.65	3,100	27-Aug-15
National Australia Bank	A-1+	2,000,000	2,053,447	4.50%	3.65	6,200	01-Sep-15
ME Bank	A-2	1,000,000	1,023,691	2.25%	3.55	3,015	17-Sep-15
National Australia Bank	A-1+	1,000,000	1,018,962	2.25%	3.55	3,015	19-Sep-15
ME Bank	A-2	1,250,000	1,278,414	2.81%	3.60	3,822	07-Oct-15
National Australia Bank	A-1+	1,000,000	1,022,793	2.25%	3.55	3,015	21-Oct-15
National Australia Bank	A-1+	1,000,000	1,019,916	2.25%	3.55	3,015	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,019,430	2.25%	3.55	3,015	17-Dec-15
Rural Bank	A-2	1,000,000	1,015,027	2.25%	3.60	3,058	13-Jan-16
Bank of Queensland	A-2	3,000,000	3,053,271	6.74%	4.05	10,985	03-Feb-16
National Australia Bank	A-1+	1,000,000	1,012,996	2.25%	3.20	2,718	03-Feb-16
ME Bank	A-2	1,000,000	1,008,253	2.25%	3.20	2,718	18-Feb-16
National Australia Bank	A-1+	500,000	505,589	1.12%	3.15	1,338	25-Feb-16
Rural Bank	A-2	1,000,000	1,005,269	2.25%	3.00	2,384	01-Mar-16
Credit Union Australia (CUA) (Matured)	BBB+	2,000,000	2,011,542	4.50%	3.10	3,907	08-Mar-16
Term Investment							
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,064,421	2.25%	4.55	3,864	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,064,097	2.25%	4.55	3,864	17-May-16
TOTAL CASH PLUS INVESTMENTS		33,725,000	34,506,244	75.82%		110,350	
Investment Institution	Rating	Face Value at 31-Mar-15	Market Value 31-Mar-15	Percentage Holding	Interest %p.a.	received / accrued	MATURITY
INVESTMENT SECURITIES							
Corporate Bond							
National Australia Bank	AA-	1,000,000	1,073,263	2.25%	6.00	5,110	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,818,080	4.50%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	505,361	1.12%	3.58	1,518	28-Nov-16
Westpac Banking Corporation	AA-	500,000	514,015	1.12%	3.98	1,689	20-Feb-17
Macquarie Bank	A	1,000,000	1,003,456	2.25%	5.23	4,527	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	1,001,494	2.25%	3.25	2,947	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,008,773	2.25%	3.24	2,748	11-Nov-19
Westpac Banking Corporation	AA-	1,000,000	1,011,350	2.25%	3.56	3,019	22-Jan-20
Macquarie Bank	A	1,000,000	1,004,195	2.25%	3.38	2,685	03-Mar-20
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	696,762	2.25%	3.27	2,773	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	755,204	636,867	1.70%	2.77	1,775	22-Aug-22
TOTAL CASH & INVESTMENT SECURITIES		10,755,204	10,273,615	77.52%	4.04	28,791	
Benchmark (UBS Warburg AUD Bank Bill Index)		\$44,480,204	\$44,779,860		2.44		
Maximum Permitted Institution Holding = 45%							

Governance

GO2 - Investment of Funds as at 31 March 2015

ATTACHMENT 1 – 1022-2 – 18 MAY 2015

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

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,891,342.75	6.7795
Cash	1,225,000.00	1,225,000.00	2.7500
Floating Rate Note	6,000,000.00	6,048,643.93	3.7369
Mortgage Backed Securities	1,755,204.13	1,333,628.76	3.0506
Term Deposit	32,500,000.00	33,281,244.27	3.6705
	44,480,204.13	44,779,859.71	3.8394

Application of Invested Funds- 31 March 2015

Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	13,506,883
	Domestic Waste Management	6,766,042
	Unexpended Grants held in Restricted Cash	794,224
	Unexpended Loan Funds	1,168,721
Internally Restricted Funds	Sinking Fund	200,000
	Funds held in Restricted Cash for future projects and operations	13,243,675
	Funds allocated to meet current budgeted expenditure	8,800,659
		44,480,204

GO3 - Third Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ended 31 March 2015

GO3 Third Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ended 31 March 2015

39

TRIM 4960-7

EXECUTIVE SUMMARY

- The purpose of this report is to provide information on the Third Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ending 31 March 2015.
- The document reports on at risk activities, actions or projects that are not running to time, quality or budget and requires attention from Council and Councillors as set out in the Operational Plan 2014/15 with respect to the principle activities detailed in the Delivery Program as at 31 March 2015 and provides an examination of the financial and operational performance of the Council for the third quarter of the 2014/15 financial year.
- It is recommended that the information provided in this report be received.
- That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 March 2015 and proposed adjustments to the 2014/15 budget estimates, be adopted.

REPORT

The quarterly review reports on progress in respect to the principle activities detailed in the Delivery Program and actions in the Operational Plan. Council reports on “at risk” actions on a quarterly basis with a complete six monthly progress report on all actions in December and June of each year.

The quarterly review document includes Council’s quarterly budget review statement which measures Council’s financial health as we progress through the year. It needs to adequately disclose Council’s overall financial position and provide sufficient information to enable Councillors to make informed and transparent decisions. It is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in the Delivery Program and Operational Plan.

The Office of Local Government has prescribed that the Quarterly Budget Review Statement includes (as a minimum) the following components:

- Statement by the Responsible Accounting Officer on Council’s financial position at the end of the year based on the information in the review documents
- Income & Expenses Statement, showing the original and revised budgets, along with any changes proposed in the current quarterly review. Actual income and expenditure to date is also required to be shown.

GO3 - Third Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ended 31 March 2015

- Explanation for material variations between the revised budget and projected year end result and likely impacts of the variation
- Capital Budget, also showing the original and revised budgets, along with any changes proposed in the current quarterly review. Actual income & expenditure to date is also required to be shown.
- Explanation for variations between the revised capital budget and projected year end result and likely impacts of the variation
- Cash and Investments position
- Key Performance Indicators
- Contracts entered into during the quarter (>\$50,000)
- Expenditure to date for Consultancies and External Legal Fees.

Collectively, these documents form the Quarterly Budget Review Statement (QBRS).

Clause 203 (1) of the Local Government (General) Regulation 2005 requires a quarterly budget review statement to be submitted to Council within two months after the end of each quarter (except the June quarter).

This is the third quarterly review of Council's 2014/15 Operational Plan, which in turn contributes to the delivery of Council's four year Delivery Program and the 20 year Community Strategic Plan. In accordance with the Local Government Act 1993, the document, including the Quarterly Budget Review Statement (QBRS) for the period ending 31 March 2015 is presented for Council's consideration.

The Quarterly Review document (including the QBRS) provides a comprehensive report on all of Council's services. It provides transparency and accountability to Council and the Community on the delivery of Council's annual program of operational activities and capital projects.

CONSULTATION

All members of the Executive and Senior Management have had input into the production of this review. The quarterly review including the Quarterly Budget Review Statement is an internally produced document that reports the progress of the 2014/15 Operational Plan. Therefore, in the preparation of this document there was no need for public consultation.

FINANCIAL IMPLICATIONS

The QBRS provides Council and the Community with information in relation to Council's projected financial position. Having regard to the projected budget estimates and the original budget, Council's financial position is considered to be satisfactory.

GO3 - Third Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ended 31 March 2015

For the 2014/15 financial year, Council originally adopted a balanced working funds position (ie: no expected increase or decrease in the level of available funds). Budgetary adjustments identified during the first two quarters have enabled Council to maintain its available working funds at a balanced position.

Details of the proposed budget variations for the third quarter of the 2014/15 financial year are provided in the Quarterly Budget Review Statement for the period ending 31 March 2015 (provided under separate cover).

The Quarterly Budget Review Statement indicates that Council is progressing well in meeting the objectives contained within the 2014/15 Operational Plan.

A copy of the quarterly review document (including the QBRs) will be placed on Council's website.

ATTACHMENTS:

1. There are no attachments to this report. The Quarterly Review including the Quarterly Budget Review Statement for the period ending 31 March 2015 is provided under separate cover.

RECOMMENDATION

1. That the information provided in this report be received.
2. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 March 2015 and proposed adjustments to the 2014/15 budget estimates, be adopted.

GO4 - Land Acquisition Purposes - Various Issues - Bargo

GO4

Land Acquisition Purposes - Various Issues - Bargo

10845

TRIM 7392 & 7675-3

EXECUTIVE SUMMARY

- The purpose of this report is to inform Council on the progress on:
 - Land acquisition for the relocation of the NSW Rural Fire Service Bargo Brigade Station with respect to recent correspondence from John Holland Rail, on behalf of Transport for NSW, offering to sell part of 10 Avon Dam Road (Lot 1 DP 1068357).
 - Identifying other sites and estimated acquisition costs for other land that may be suitable for relocating the NSW Rural Fire Service Bargo Brigade Station facility.
 - Progress in acquiring land for the missing section of road reserve for Avon Dam Road between Reservoir Road and Arina Road, specifically required to allow the construction of the final stage of the lighting works for the roundabout at Arina Road.
 - Determining the estimated costs to Council for the various land acquisitions.
- It is recommended that Council note the information in this report and the budget adjustment described in report G03 (Third Quarter Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for the period ended 31 March 2013) introducing \$25,000 to undertake the various investigation necessary for these land acquisition matters.

REPORT

Bargo RFS Facility

In 2013, Council and the Rural Fire Service (RFS) identified a location for the potential relocation of the Bargo Rural Fire Service Station as a parcel of land in Avon Dam Road, Bargo known as Lot 1 DP 1068357. The site is zoned R2 and a RFS Station is permitted with consent under both the Wollondilly Local Environmental Plan and the Infrastructure SEPP.

John Holland, Country Regional Network (CRN) advises that Transport for NSW (TfNSW) declared the above lot was surplus and available for sale subject to:

- The area of the site is 2,550sqm
- The purchase price of \$341,000 includes GST
- Council to pay all costs associated with the compilation, lodgement and registration of the required subdivision plan

GO4 - Land Acquisition Purposes - Various Issues - Bargo

- Council to obtain a Phase 1 Contamination Report for the site at their cost
- Council to pay TfNSW/John Holland Rail's legal costs associated with this property transaction, being \$2,500 (GST inclusive)
- Council to pay costs associated with the Walker and Associates Valuation obtained by CRN for this property
- Council to pay costs associated with any survey, searches, certificates, etc incurred by TfNSW/John Holland Rail associated with this property transaction.

The offer to purchase the land and carry out a subdivision is estimated to cost \$644,000. Building construction and associated expenditure is estimated to be \$710,000.

Rural Fire Service is able to provide funding of approx. \$711,000 leaving an estimated project shortfall of approx. \$643,000.

In March 2015, Council's Valuer assessed the land value to be \$193,800 (incl. GST) for the un-developed site and \$300,000 for a developed site. When surveyed, local Real Estate Agents were of the opinion that the proposed purchase price (\$341,000 includes GST) was in excess of current land values in the local area with a building entitlement. At present, vendors were pushing for premium prices.

Contamination and drainage issues must also be considered in regards to this property. Council, Council's Valuer and John Holland have indicated that the site has possible contamination. The extent of contamination is not known and it is probable that remediation will be required as part of the Development Consent conditions. John Holland has remained silent on responsibility to remediate the site.

Drainage issues require an agreement be reached with Australian Rail Track Corporation (ARTC) in order to develop the site. ARTC have advised that they are prepared to consider a proposal that allows Council to drain into the rail corridor subject to:

1. The design complying with ARTC & Australian Standards.
2. The design not having the potential to impact ARTC Infrastructure or operation.
3. Council entering into a licence with ARTC to drain into the corridor.

Costs to comply with this requirement are yet to be determined and are not included in current project estimates.

Factors pertinent to this land acquisition include the risk of overcapitalising the property value, unknown costs to suitably develop the site, the need to follow policy guidelines and expected project timelines.

GO4 - Land Acquisition Purposes - Various Issues - Bargo

The offer to purchase and subdivide far exceeds the land value advice received by Council. Caution on whether or not to acquire the land must be taken seriously due to contamination advice and possible impact on Council, if future claims are lodged from adjoining property owners. The cost and extent to rehabilitate the site is unknown.

The site of the building is likely to add additional unknown costs towards construction due to the factors of drainage, contamination and location of a previous dam which was filled some years ago.

Given the emerging advice regarding the cost implications of this proposal, the purchase of this lot, without further assessment, is not in accordance with guidelines of the Local Government Act, Code of Practice for Procurement, Council's Corporate Property Policy and Probity Policy on the following grounds:

- The guidelines are to ensure procurement activities achieve best value for money in the expenditure of public funds while being fair, ethical and transparent
- That Council obtains the best value for money in any dealing with land for its ratepayers.

The proposal is also not consistent with Local Government Reform Package, "Fit for the Future" and recent community engagement with the special rate variation.

Planning Consultants advise that their availability to lodge a Development Application on Council's behalf would entail one (1) month delay for availability of their services with an expected time frame to complete applications of six (6) weeks. The primary project delay for Council at this time is engaging surveyors which extend time frame for projects up to 12 months.

There are additional lands at Bargo that may be available to build a Rural Fire Station at this time. To establish viability of the sites a budget of \$25,000 is required.

Other properties identified which warrant further investigation:

1. One property located along Avon Dam Road currently listed for sale at \$350,000 has an area of 4597m². This lot is located south-east of the intersection of Reservoir Road towards the expressway. At this time the lot appears to have no encumbrances.
2. The Bargo Sportsground, owned by Council is a permissible site to build a Rural Fire Station, zoned RE1.

GO4 - Land Acquisition Purposes - Various Issues - Bargo

Given the potentially large unfunded cost to council for the relocation process, it is intended to undertake further investigations and assessments to determine the total estimate costs to council. Quantifying the likely costs and impacts will result in a further report to Council recommending the most appropriate directions for the relocation project.

Avon Dam Road Reserve

During the design process for the Avon Dam Road/ Arina Road roundabout it was confirmed that the road on northern leg of the roundabout (referred to as Avon Dam Road) is not the legally described Avon Dam Road and a road reserve does not exist, rather the road has traversed NSW Government owned land from the time of construction approximately 100 years ago.

This was not an issue that prevented the construction of the roundabout facilities as they are within Council's road reserve. However, it has created an issue for the installation of the required lighting as Endeavour Energy cannot install new assets within the crown land without the approval of the landowner and an easement in their (Endeavour's) favour. Council has been pursuing, for several months, resolution of the land tenure issues as well as the creation of a road corridor.

At the time of construction (after initiating the access approval process with State agencies) it was anticipated that a solution and approvals for installing the lighting would be available before construction works were complete. Unfortunately, this has not occurred and as a result temporary lighting and fencing has had to remain on site in order for the roundabout to be safe for the public and deliver the Black Spot funded safety upgrade. It should be noted that a condition of the Black Spot funding for this project was the construction of the roundabout being completed by July 2014.

To the end of January 2015 the total costs of operating and servicing the temporary lighting and fences was \$74,000 (or about \$2,400/week), noting that some of these costs would have been incurred regardless of the property issues as the power and lights could not be completed prior to the main construction works and hence temporary lighting and fencing was always required for the construction period and sometime afterwards.

Land adjoining the round-a-bout on Avon Dam Road is land that requires consideration. This land is currently being investigated for road reserve purposes. This investigation will depend on Council's need, final survey, road reserve area, zonings etc.

GO4 - Land Acquisition Purposes - Various Issues - Bargo

The National Parks & Wildlife Service have advised that they are willing to negotiate a transfer of the required land reserve, however the value of the transfer may be subject to the final needs for the road reserve. Council would in any case remain responsible for the survey, sub-division and legal costs involved. Accordingly, a budget is required to undertake the required investigation and survey works to determine council's long-term requirements for the road.

CONSULTATION

- Director Infrastructure & Environment
- Rural Fire Services
- Manager Financial Services.

FINANCIAL IMPLICATIONS

The total cost of relocating the Bargo RFS to the parcel of land owned by ARTC on Avon Dam Road (Lot 1 DP 1068357) is likely to be in excess of \$1.4 million, with funding of approximately \$711,000 being available from the NSW Rural Fire Fighting Fund. A shortfall of around \$700,000 would be a significant impost on Council and this amount has the potential to be significantly more if further issues arise with regards to contamination, drainage and a previously filled-in dam on the site.

It is considered that a more financially prudent approach is to investigate the potential for alternative cost effective sites. The March Quarterly Budget Review proposes funding for the investigation of alternative sites, as well as the Avon Dam Road reserve, to be sourced from Council's Property Restricted Cash Account (to the sum of \$25,000).

ATTACHMENTS:

Nil.

RECOMMENDATION

That Council note the information in this report and the budget adjustment described in report G03 (Third Quarter Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for the period ended 31 March 2015) introducing \$25,000 to undertake the various investigation necessary for these land acquisition matters.

Environment

Report of Environment to the Ordinary Meeting of Council held on Monday 18 May 2015

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.

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

ENVIRONMENT

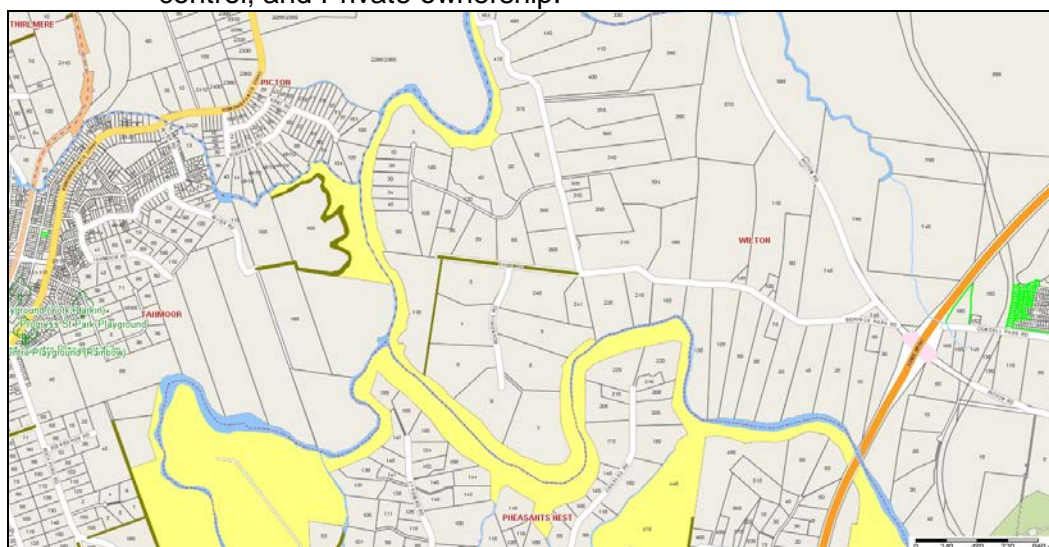
EN1 Establishment of a National Park for Bargo River Gorge

225

TRIM 1255

EXECUTIVE SUMMARY

- The purpose of this report is to identify the opportunities and constraints with regard to the establishment of a National Park for the Bargo River Gorge area and to identify strategies for a suitable environmental buffer to be applied to current and future planning proposals.
- It is recommended:
 - That Council acknowledges that the Bargo River Gorge area has important biodiversity and scenic amenity values and should be protected through options available to Council through planning and land management activities.
 - That Council use planning instruments such as Wollondilly LEP and DCP with the aim of applying a buffer for environmental protection around the Bargo River Gorge area.
 - That Council apply these buffers in any current and future planning proposals or developments that adjoin these areas in the Bargo River Gorge area.
 - That Council nominate the Bargo River Gorge area for National Heritage Listing through the Federal Government's Department of Sustainability, Environment, Water, Population and Communities.
 - That the National Parks Association be advised of Council's resolution.
 - The land proposed for dedication as a National Park is coloured in yellow in Figure 1. This current area includes a combination of Crown ownership; Crown ownership under Councils care and control; and Private ownership.



Environment

EN1 – Establishment of a National Park for Bargo River Gorge

REPORT

On the 11 August 2014 a Notice of Motion was resolved by Council that states the following:

“That a report come to Council on potential options to support protection in perpetuity of the Bargo River gorge and its Riparian buffer. This report is to take into consideration the outcomes from the recently finalised planning proposal for the former JR Stud site, the current planning proposals for Cross St (the Ingham planning proposal) and the submission made on behalf of the National Parks Association Macarthur to Councils community forum on August 11 2014.”

This report aims to provide Council with sufficient information to make a determination which will support actions and opportunities for ensuring the Bargo River Gorge area has adequate protection to achieve positive long term environmental outcomes.

BACKGROUND:

The Bargo River and the Upper Nepean River have some of the best water quality in the Shire. Visually the sandstone cliffs of Bargo River Gorge are both unique and spectacular and this area has provided a popular passive recreational space for decades for not only for locals but also the regional community.

Council has approved the rezoning of land for large lot residential purposes on the JR Stud site and this site is currently the subject of a development application for subdivision which is being assessed by Council's planning department. The Cross Street Planning Proposal for the rezoning of land for residential purposes adjoining the JR Stud site has received a Gateway Determination to progress and specialist studies to address government and Council's concerns are underway. The Bargo River Gorge forms the boundary of both of these sites and Council is considering options for ensuring that the Gorge area and environmentally sensitive land around the Gorge on these sites is protected.

The National Parks Association (NPA) has been lobbying the State Government and Council to have the Bargo Gorge Area listed as a National Park. A number of submissions have been received by Council from the NPA which outline their concerns in relation to protection of the Gorge and their support for an adequate buffer both to protect the Gorge and to provide a sufficiently large environmental corridor with adjoining Crown Land to support the making of this corridor into a National Park. Council has written to both Ministers at a Federal and State Level requesting the site be considered as a National Park.

EN1 – Establishment of a National Park for Bargo River Gorge

NATIONAL PARK CONSIDERATIONS

The Office of Environment and Heritage (OEH) have undertaken an assessment. Correspondence provided to Council on the 15th of November 2013 details their lack of support for the establishment of a National Park in the Bargo River Gorge Area. Their letter is attached to this report.

The main reasons listed by the OEH against the establishment of a National Park in the Bargo River Gorge Area are as follows:

- The landscapes, vegetation communities, species and gorge country within the proposal area are already well represented and protected in the nearby Thirlmere Lakes and Nattai National Parks and Bargo, Bargo River and Upper Nepean Conservation Areas.
- Its landscape corridor value is associated with other naturally vegetated riparian land along the Bargo River. The proposal itself does not have critical corridor status.
- The relatively small size and linear shape would not provide for a viable or cost effective National Park and there is little prospect of linking with another conservation reserve, as it is bordered mostly by privately owned rural and semi-rural land.
- The steep nature of the gorge will provide protection from clearing and development, but not necessarily from catchment pollution or mining.
- The primary community driver for the proposal is to prevent potential development (rural, urban, mining), retain scenic amenity of the area and support local recreational opportunities. These are not primary drivers for the creation of national parks.

The OEH state that they consider there is an appropriate level of protection with the existing Crown reserve status of land around the Gorge and Council's role as land manager and the environmental zoning of adjoining land.

The Federal Government Department of Sustainability, Environment, Water, Population and Communities responded on the 4 September 2013 and suggested that the site be nominated for a National Heritage Listing. These documents are attached. The 2015 round has closed however the site can be nominated by any persons at any time.

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

CROWN LAND AND NATIVE TITLE CLAIMS:

OEH has provided information with regard to the current Native Title Claims which are not yet determined on Crown Land around the Bargo Gorge area. Figure 2 shows the lands that the National Parks and Wildlife Service (NPWS) have indicated that are subject to Aboriginal Land Claims under the NSW Aboriginal Land Rights Act 1983. The land has been claimed by the Tharawal Local Aboriginal Land Council and Worimi Local Aboriginal Land Council. The claims are yet to be determined by the Minister for Lands. If the land is granted, it will be transferred to the Local Aboriginal Land Council in freehold title.

The outcome of the Land Titles Claim is a process which may take a number of years to resolve.

It should be noted that the sites in Figure 2 which are not under lands title claim are currently in lease arrangements with the Crown and as such these lands are also not available for the purposes of a park or for public recreation.

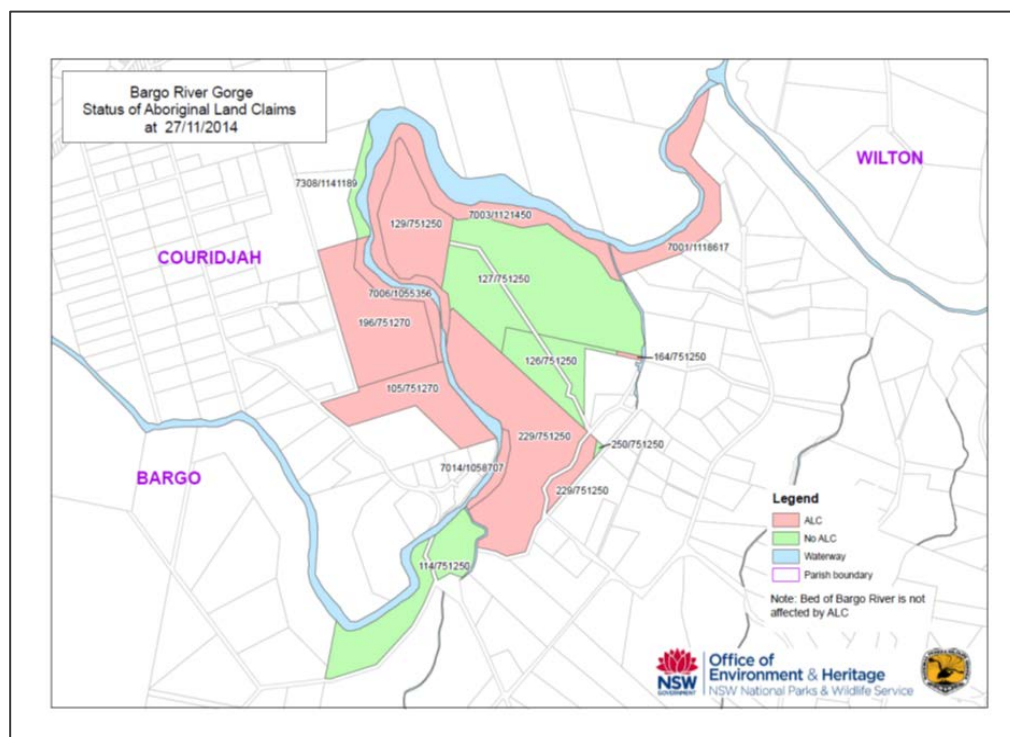


Figure 2 - OEH summaries of lands currently under Native Title or Aboriginal Land Claim

Private Land

The complexities with land tenure and management would be one of the major barriers to the establishment of a national park in this corridor. These also present issues with management actions for the protection of the area.

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

Land surrounding the gorge is privately owned and many of the older titles own to the centre of the river or right to the riparian edge. Private land zonings in the vicinity are predominantly rural, allowing grazing and many permissible agricultural activities that may have impact on water quality and clearing.

There have been recent proposals to create residential opportunities within close proximity to the northern section of the Bargo River Gorge area namely the JR Stud and Cross Street Planning Proposals.

Whether private land is used as a rural activity or there is intensification to other land use (rural residential/commercial etc) the issues remain that unless high level protection is placed on the surrounding areas there will be poor environmental outcomes in the longer term.

It is noted that there are some areas of point specific pollutions sources into the Bargo River Gorge area which are currently being addressed by the State government's Environmental Protection Authority (EPA). Council's approvals and conditions of consent with the application of appropriate treatment systems could improve outcomes in the future.

This rezoning and proposed intensification of land use on the surrounding area will see an increase in stormwater and effluent runoff as well as sedimentation from development and associated activities. As well as increased access by people and domestic fauna. Although this land is under private ownership Council should play an important role in providing appropriate controls to get beneficial long term community and environmental outcomes.

CONSULTATION

Council Planning Staff

Planning supports the aim of achieving good environmental outcomes for the Bargo River Gorge. Any development proposal along the Gorge is assessed under the provisions of SREP 20 and other relevant legislation. Water quality is protected through 100m riparian buffers along the Bargo River which are linked to the provisions of Clause 7.3 in Wollondilly LEP 2011. Planning proposals along the Gorge have proposed the inclusion of E2 land and consideration is being given to ensuring there are adequate buffers to the Gorge. In relation to the JR Stud Planning Proposal, Council resolved at its meeting held on the 18th of February 2013 that the applicant be advised that when a development application is submitted, the setback from the building envelopes to the lip of the gorge shall be shown on all DA Plans and shall be at least 150 metres. A development application has now been submitted and is being assessed in light of this resolution.

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

Council Environmental Staff

Council Environmental Services team has engaged contractors over the past two years with grant funding to undertake works up the Bargo River and gorge. A total of \$100,000 has been spent with an additional \$60,000 proposed over the next financial year. Council's Environmental Services staff have also undertaken vegetation surveys through this area of the river and consider its value very high.

Government Agencies

The Office of Environment and Heritage have previously been consulted on the matter; however they were contacted on the 18 February 2015.

The Federal Department of Environment was contacted on the 17 February 2015 and a response is still waiting to be received.

Community

There have been many discussions with the NPA and Council has responded to their submissions with respect to the proposal for a National Park, including community forums and Councillor Workshops.

CURRENT POLICIES

Deemed SEPP - Sydney Regional Environmental Plan 20 Hawkesbury Nepean River. (SREP 20)

The Hawkesbury-Nepean Scenic Quality Study (c.1996) was undertaken to support this SEPP and identified the Bargo Gorge as having high scenic quality of State significance. The Statement of Significance in the Study provides the following description:

“This gorge is an outstanding landscape of great natural scenic beauty and national significance. The precipitous topography, integrity of natural vegetation, visual isolation, and primeval atmosphere of its lower section are rare and awesome qualities which deserve the highest protection.”

The Study made suggestions for its protection which are outlined as follows:

“To prevent further clearing or construction of buildings close to the plateau edges, and on the plateau to establish a buffer to the gorge to protect its scenic quality and facilitate public access thereto.”

Under this SEPP the scenic quality of the gorge area as well as water quality in the Bargo River are important considerations and add support to a proposed buffer area.

EN1 – Establishment of a National Park for Bargo River Gorge

Wollondilly Local Environmental Plan 2011

Clause 7.3 Water Protection specifies requirements that must be considered to protect environmentally sensitive land along riparian corridors. These clauses are applied when development application is lodged and land has been designated on the Natural Resource Water Mapping Layer. In relation to the Bargo River Gorge Area a 100 metre buffer applies from the top of the bank.

Environmental Protection Zones Policy

Council adopted the Environmental Zones Policy on the 1 July 2014. This policy outlines the requirements for an agreement with the landowner and Council to secure funding in perpetuity should land zoned for environmental protection purposes be proposed to be dedicated to Council. Land within any proposed buffer zoned for environmental purposes if dedicated to Council could be maintained to achieve environmental outcomes under this policy.

Dedication of Land Policy

Council adopted the Dedication of Land Policy on the 1 July 2014. This policy outlines the requirements for an agreement with the landowner and Council to secure funding to ensure environmental conservation lands are only dedicated to Council if a funding source is available for long term maintenance.

ENVIRONMENTAL CONSERVATION OPPORTUNITIES

It appears unlikely that the Bargo River Gorge Area will be made into a National Park in the short or longer term given the response from the State Government and the Native Title Claims under consideration on adjoining Crown Land. However there are opportunities within the planning framework to enhance environmental outcomes by enhancing existing habitat corridors through the rezoning process and assisting long term conservation by the implementation of controls on development along the Gorge.

A holistic approach is needed that involves engagement of the community, assessment of the environmental values, management approaches and incentives for those living in this area to see the benefits of protecting this area.

Rezoning opportunities could see the establishment of additional Environmental Conservation (E2) zones in this area and these areas could be embellished through management agreements, Biobanking agreements or other such conservation agreements. Council could place restrictions on land use within an identified buffer and setback distance from the gorge.

EN1 – Establishment of a National Park for Bargo River Gorge

Decisions that would assist the buffer zone include the following:

- Ensuring that E2 land remains as one large lot and not part of multiple lots with split zones
- Ensuring the E2 zones have sufficient money allocated for management either through Voluntary Planning Agreements or Biobanking arrangements in accordance with Council's Environmental Land Policy and Land Dedication Policy
- Ensuring any bushfire asset protection zones are external to the E2 zone land. (ie no APZs within conservation lands)
- Inclusion of controls in the DCP to restrict activities within an applied buffer distance of the Gorge.

ENVIRONMENTAL MANAGEMENT ACTIVITIES

Council staff in the environmental section has administered grants in the last 18 months in the Bargo Gorge area. These grants were received from the State government agency, Local Land Services with a total value to date of \$160,000. Last year \$60,000 was spent upstream, \$40,000 in the Bargo River with an additional \$60,000 for upstream. These grants were able to accomplish approximately 10km of riparian weed control. This has resulted in important biodiversity outcomes and value for money spent. These figures do not include in-kind staff labour, but there has been a commitment within the environmental services section of council to maintain environmental outcomes in this area. With further grants and other financial support Council will continue to play an important role in protecting habitat in the Gorge.

FINANCIAL IMPLICATIONS

No funding has been allocated for this report.

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

ATTACHMENTS:

1. Office of Environment and Heritage MD13/3719 15 November 2013.
2. Australian Government Department of Sustainability, Environment, Water Population and Communities C13/28605 29 August 2013.

RECOMMENDATION

1. That Council acknowledges that the area has important biodiversity and scenic amenity and should be protected through options available to Council through planning and land management activities.

EN1 – Establishment of a National Park for Bargo River Gorge

2. That Council review the possibility of embellishing Planning instruments such as the DCP with the aim of applying a buffer for environmental protection along the Bargo River Gorge Area as planning proposals are assessed.
3. That Council consider these buffers in any current and future planning proposals that adjoin these areas in the Bargo River Gorge Area.
4. That Council considers that the Bargo River Gorge Area be listed for National Heritage through the Federal Government's Department of Sustainability, Environment, Water, Population and Communities.
5. That the National Parks Association be advised of this response.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 1 - 1255 - 18 MAY 2015



**Office of
Environment
& Heritage**

Our reference: MD13/3719

Mr Les McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	1149
PROP. No.	
1 5 NOV 2013	
AUTH. No.	D. Hunt
ASSIGNED TO:	

11 NOV 2013

Dear Mr McMahon

I refer to your letter to the Minister for the Environment, the Hon Robyn Parker MP, regarding Bargo River Gorge area, near Tahmoor. Your letter was referred to the Office of Environment and Heritage (OEH) and I have been asked to reply. I apologise for the delay in replying.

The National Parks and Wildlife Service (NPWS) has assessed Council's resolution to include the Bargo River Gorge as a National Park. After careful consideration of the proposal, NPWS has concluded that the area is not suitable to become a national park for the following reasons:

- the landscapes, vegetation communities, species and gorge country within the proposal are already well represented and protected in the nearby Thirlmere Lakes and Nattai National Parks and Bargo, Bargo River and Upper Nepean State Conservation Areas;
- its landscape corridor value is associated with other naturally vegetated riparian land along the Bargo River. The proposal itself does not have a critical corridor status;
- the relatively small size and linear shape would not provide for a viable or cost effective national park and there is little prospect of linking with another conservation reserve, as it is bordered mostly by privately owned rural and semi-rural land;
- the steep nature of the gorge will provide protection from clearing and development, but not necessarily from catchment pollution or mining; and
- the primary community driver for the proposal is to prevent potential development (rural, urban, mining), retain the scenic amenity of the area and support local recreational opportunities. These are not the primary drivers for the creation of national parks.

As you may be aware, Bargo River Gorge comprises Lots 7006/1055356, 7003/1121450, 7308/1141189 and part 7001/118617, which is Crown land, (see enclosed map). While Council's desire to protect the land is acknowledged, NPWS considers the local government environment management land zoning, Crown reserve status and Council's role as the land manager is an appropriate level of protection while preserving its scenic amenity and providing the local community recreational opportunities.

A broad range of conservation activities across the whole landscape on both public and private land is required to achieve healthy and sustainable ecosystems valued by the community. As the Council's proposal involves Crown land administered by the Department of Trade and Investment, Crown Lands Division, I would encourage the Council to contact the Department to explore other mechanisms to protect this locally important area.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 30 841 387 271
www.environment.nsw.gov.au

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 1 - 1255 - 18 MAY 2015

Page 2

If you have any questions regarding this matter please contact Ms Karen Eardley, NPWS Reserve Establishment Project Officer on 9585 6510 or email karen.eardley@environment.nsw.gov.au.

Yours sincerely



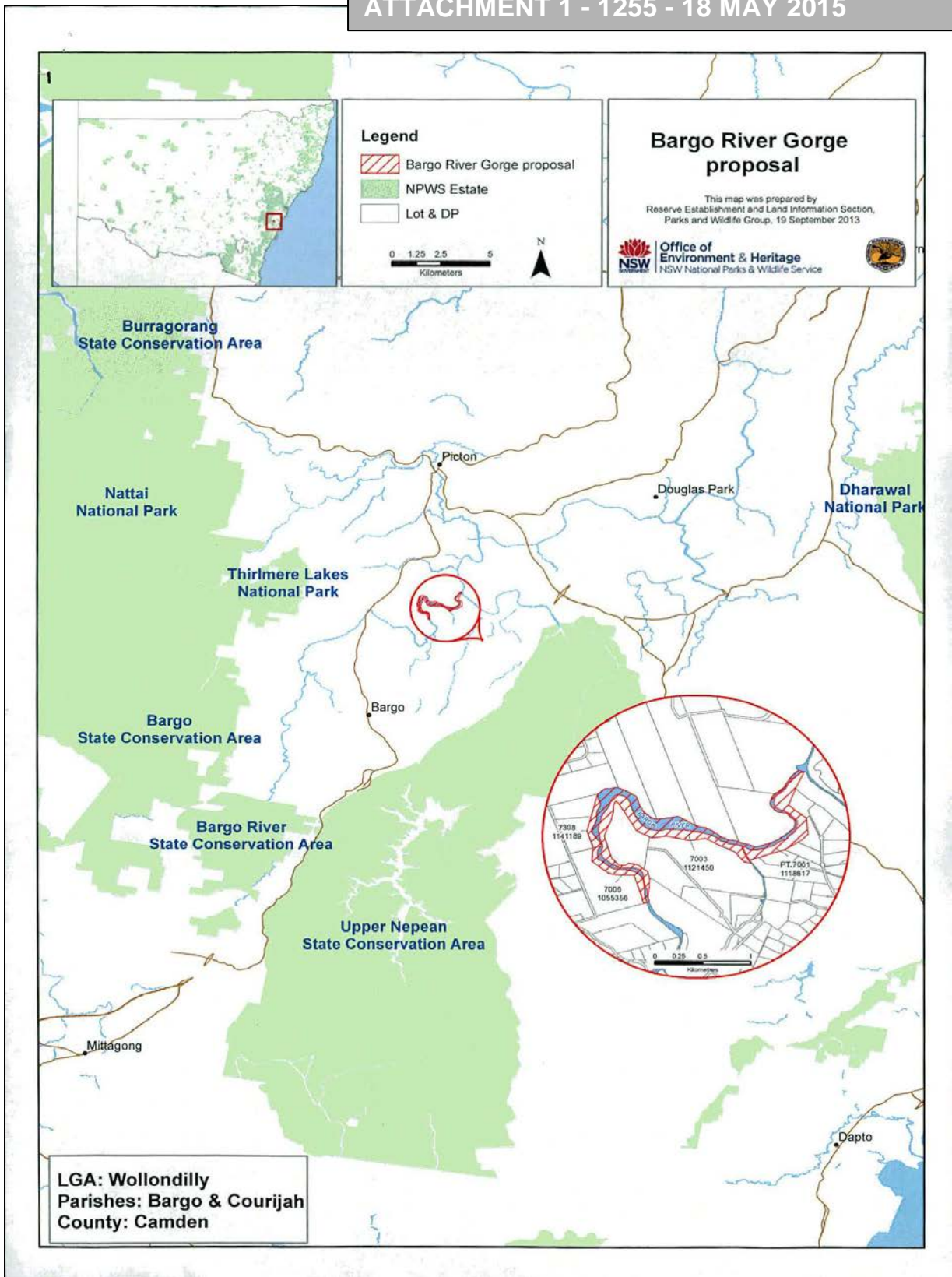
SALLY BARNES
Chief Executive

Enclosure

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 1 - 1255 - 18 MAY 2015



Environment

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

C13/28605

Mr Les McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	
PROJ ID	1149
	- 4 SEP 2013
AUTH ID	
ASSIGNED TO:	DHunt

Dear Mr McMahon

Thank you for your letter of 29 July 2013 to the Minister for the Environment, Heritage and Water, the Hon Mark Butler MP, requesting consideration of the Bargo River Gorge in the National Heritage List. The minister has passed your letter to me for reply.

The National Heritage List comprises places of outstanding natural, historic or Indigenous heritage value to the nation. Any member of the public can nominate a place for the National Heritage List. However under the relevant legislation, the *Environmental Protection and Biodiversity Conservation Act 1999*, nominations must be on an approved form.

The public call for nominations for the National Heritage List for the assessment period 2013-14 has now closed. However a call for nominations for 2014-15 is expected later this year or early next year. Eligible nominations received before the Minister calls for new nominations will be considered after the call is made.

Further information on the List, including the places currently listed, and the high threshold of significance required for a place to be listed, is on the Department's website at: <http://www.environment.gov.au/heritage/places/national/index.html>.

I have enclosed a copy of the nomination form and some supplementary information.

Should you wish to discuss this matter further, the contact person in the department is Lawrence Bourke on 02 6274 2182.

Yours sincerely

Ken Heffernan
Acting Assistant Secretary
Heritage Branch

29 August 2013

Enclosure

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015



Australian Government
Department of Sustainability, Environment, Water, Population and Communities

National Heritage List
NOMINATION FORM

The National Heritage List is a record of places in the Australian jurisdiction that have outstanding natural, Indigenous or historic heritage values for the nation. These places they are protected by federal law under the *Environment Protection and Biodiversity Conservation Act 1999*. Nominating a place for the National Heritage List means identifying its national heritage values on this form and providing supporting evidence. If you need help in filling out this form, contact (02) 6274 2149.

Form checklist

1. read the *Nomination Notes* for advice and tips on answering questions in this form.
2. add attachments and extra papers where indicated (Note: this material will not be returned).
3. provide your details, sign and date the form.

Nominated place details

Q1. What is the name of the place?

Q2. TIP

Give the street address, or, if remote, describe where it is in relation to the nearest town. Include its area and boundaries. Attach a map with the location and boundaries of the place clearly marked. See the *Nomination Notes for map requirements*.

Q2a. Where is the place? Address/location:

Q2b. Boundary:

Q2c. Type of map you have supplied:

Q3. TIP

For information on where to obtain details of who owns a place, contact your local government. See the *Nomination Notes for ideas*.

Q3a. Who owns it? Owner's name (If more than one owner, attach a list):

Address:

Telephone:

Fax:

State:

Postcode:

Email:

Q3b. Is the owner(s) aware of the nomination?

NO

YES

SOME ARE (Please list):

Environment

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

Q4. Who has an interest in the place? This could include the property's manager, local environment or historical groups, local council, Indigenous people and developers or industry groups. Please provide names and contact details.

About the importance of the place

Q5. What is its significance? How would you tell people that this place has great importance to Australia? For example, why does this place, unlike other similar places, best highlight an outstanding aspect of Australia's heritage?

Q6. TIP See the Nomination Notes for examples on how criteria might be interpreted.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

Q6. Which criteria does it meet? Please try and identify each criterion from the list below applies to the place and explain why it meets that criterion (attach evidence in relation to each criterion claimed to have been met).

The National Heritage criteria for a place are any or all of the following:

- a - the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history
- b - the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history
- c - the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history
- d - the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - i. a class of Australia's natural or cultural places or
 - ii. a class of Australia's natural or cultural environments
- e - the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group
- f - the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period
- g - the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- h - the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.
- i - the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

Q7a. TIP

In describing the place, think about its physical aspects and surrounds, its uses by people, aesthetic qualities and any spiritual or cultural associations. You should include photographs and a site map or sketch plan if appropriate. See the Nomination Notes for details.

Q7a. How would you describe the place?

Q7b. What condition is it in? Describe whether the place is intact or if there has been any damage or disturbance.

Q8. What is its history? Summarise its origins and development. You may need to attach additional information.

Q9. TIP

We'd like to know about other places that have similar characteristics to the place that you are nominating. For example, these other places might have similar species or rock formations; they might be similar buildings or places with similar histories, traditions or beliefs attached to them. We want to know what makes the place you've nominated a better example than these other places, in short, why is it outstanding? See the Nomination Notes for more tips.

Q9. What other places have similar characteristics? How do these places compare with the place you are nominating?

Q10. What other information is available on the place? List any articles, books, reports or heritage studies that may provide evidence supporting your nomination. You may also have information from Traditional Owners and Custodians, scientists or heritage specialists. If they have agreed to share their knowledge, please include their contact details.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

Considerations

Q11. Are there sensitive issues associated with the place? These may be issues that need to be kept out of the public eye such as matters relating to sacred or religious sites, or the location of rare fossils, plants or fragile places.

NO YES

If you answer yes, we will contact you to discuss the issues.

Q12a. TIP An explanation of themes is available in the Nomination Notes. For information on current themes for National Heritage List nominations, visit www.environment.gov.au/heritage or call (02) 6274 2149.

Q12a. Do the values reflect a National Heritage Theme announced by the Minister?

NO YES

Q12b. If you answered yes, please state which theme:

Your details

Your details are needed in case we require more information on the nominated place. Your identity is protected under the Federal Privacy Act 1988 and will not be divulged without your consent or as allowed for under that Act.

Title: _____ First name: _____ Family name: _____

Are you nominating a place on behalf of an organisation? NO YES

If you answered no, please complete the address details below, if yes, please name the organisation and your position in it and then complete the address details for the organisation below:

Organisation: _____ Position: _____

Address: _____

State: _____ Postcode: _____

Telephone: _____ Fax: _____ Email: _____

FINAL CHECKLIST

Before signing and dating your nomination form, please make sure that you have:

- completed name, location, boundary, significance and criteria questions
- attached and labelled the location/boundary map and/or site plan
- attached and labelled any photographs and supporting evidence or extra information.

Signature of nominator _____

Date _____

Send your completed nomination form and attachments:

By mail to:

The Nominations Manager
Heritage and Wildlife Division
Department of Sustainability, Environment, Water,
Population and Communities
GPO Box 787
CANBERRA ACT 2601

If the person making this nomination is, or is representing, a *small business* (a business having fewer than 20 employees), please provide an estimate of the time taken to complete this form. _____ hours _____ minutes

Please include

The time spent reading the instructions, working on the questions and obtaining the information; and
The time spent by all employees in collecting and providing this information.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

National Heritage List

NOMINATION NOTES

Nominations for the National Heritage List must be made on the official nomination form. These NOTES will help you complete the form. They explain each question and the information that you will need to supply. Nominations with insufficient or inadequate information may be rejected.

Some questions will require more space than has been allocated on the form or will require additional material such as photographs, maps or site plans. If adding extra materials or pages, you must clearly mark which questions they apply to.

Nominating a place with national heritage values

Anyone can nominate a heritage place with outstanding national heritage value for inclusion in the National Heritage List. The Australian Heritage Council assesses the values of places against the national heritage criteria and provides its assessments to the Minister for Sustainability, Environment, Water, Population and Communities. The final decision on listing is made by the Minister.

The List records the values or characteristics of places that have special meaning for Australians as a whole, not just for a state, territory or community. These values may be natural or cultural (historic and/or Indigenous), or a combination of the two types.

Nominating a place for the National Heritage List means identifying and nominating its national heritage values and providing supporting evidence. Following these notes carefully will assist the assessment of your nomination.

For help

Contact (02) 6274 2149.

Access the Internet at www.environment.gov.au/heritage

What happens next?

Once your nomination is received, the delegate for the Minister decides:

- whether your nomination is vexatious, frivolous or not in good faith or
- whether your nomination complies with the Regulations under the Act in relation to the manner, form and content required.

Nominations that do not pass these tests may be rejected.

Nominations that pass these tests will be given to the Australian Heritage Council after the cut-off date for the annual invitation to nominate places.

Once a year, the Council must prepare a priority assessment list for consideration by the Minister. This list, when approved by the Minister, sets the new assessments which the Council will begin work on in the assessment period. The final assessment list is published on the Internet. The Council must invite public comments on whether the places under assessment have national heritage values and whether they should be included in the National Heritage List. The Council must also consult owners and occupiers of any place that it finds, during assessment, might have national heritage values.

What is the National Heritage List?

The National Heritage List, established under the *Environment Protection and Biodiversity Conservation Act 1999*, is a record of places in the Australian jurisdiction that have outstanding natural, Indigenous or historic heritage values for the nation.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

The Council then gives the Minister an assessment report on the place together with copies of all comments it has received from its statutory consultations.

The Minister must consider the assessment report and comments and decide whether to list or not to list the place. The nominator is advised of the decision and, if the place is listed, the owners and occupiers are advised.

Information on nominated places is available on the Internet at www.environment.gov.au/heritage/ahdb. Details of listed places are published on the Internet at <http://www.environment.gov.au/heritage/national/index.html> and in the Commonwealth Gazette. You should check the National List, and the places rejected for listing, to give you an indication of the level of significance required for listing. In some cases it may be more appropriate to nominate places for State or local heritage lists.

Disclaimer: The use of examples in these notes is not intended to convey the impression that all places with a particular attribute will be entered in the National Heritage List.

Nominated place details

Q1. What is the name of the place?

You should use the name that is most commonly known. Please include any other names by which it is known. For Indigenous sites, Indigenous names may be used and the common non-Aboriginal name should also be given. **Answering this question is compulsory.**

Q2a. Where is the place?

This is vital information. Please provide a clear word description of its location. If a place is within a town or city, it should include a street address. If a place is outside a town or city, it should include major roads and nearby towns and whether these towns are to the north, south, east or west of the place. If the place has a number of buildings or specific sites, these should be identified in the word description, for example, 'Police Station and Court House Group comprising Police Station and lock-up, Court House, stone wall at rear and gateposts facing Smith Street'. Note the 'place' should have a close spatial unity or geographical connection (see 'boundary' below). **Answering this question is compulsory.**

Q2b. Boundary

Nominated areas (as distinct from structures or groups of structures) require a clear boundary in words and shown on a map or plan. You may be able to get information on the boundary of a place from state or territory government authorities or from the appropriate local government. Contact the Australian Local Government Association on (02) 6122 9401 for advice on which local government is relevant to the area, or access the association's website at www.alga.asn.au.

You may decide that the boundary of the place that you're nominating is very different from that defined by surveyed or published area boundaries. This may be because the heritage values occur in only one part of the area in which case you can describe the boundaries using topographic features such as catchment boundaries and contours and features such as roads and railway lines, which are clearly marked on maps.

Under the relevant legislation, a 'place' must have some spatial proximity or geographic connection. Several locations or sites which may be considered as a group thematically linked or significantly associated in some way but where each location/site is separated from each other by substantial distances would not be a 'place' in the terms of the legislation.

Answering this question is compulsory.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

Q2c. Type of map you have supplied

A map showing the location and boundary of the place is required to back up your word description in question 2b. In areas covered by street directories, a photocopy of the relevant directory map with the location of the place clearly marked is adequate. For other places outside areas covered by street directories, a copy of the relevant area of a suitable large-scale map showing the location should be included. *[If submitting a partial photocopy of such a map showing the relevant area, please ensure that you mark on the photocopy the full name of the map].* Maps printed by Commonwealth or state or territory authorities should be used.

A note on sensitive information: If the precise location of a place is sensitive because it is an Aboriginal sacred site or may be damaged by visitors it will be kept confidential. However, precise locations are still required to make sure that advice can be given to decision makers about the impact of any proposed actions at that site. See notes on Question 11 about providing more information on sensitive places.

Q3a. Who owns it?

This information may be obtained from local government. You can get information on the appropriate council or local government body from the Australian Local Government Association (ALGA) by contacting them on (02) 6122 9400 or accessing the association’s website at www.alga.asn.au and following the ‘links’ button. The Australian Heritage Council is required to seek out and contact the owner(s) of the place if, during its assessment, it finds that the place might have the heritage values necessary for listing.

Q3b. Is the owner(s) aware of the nomination?

Please indicate whether the owner is aware of your nomination.

Q4. Who has an interest in the place?

To identify the main people, groups and organisations with an interest in the place you have nominated, you could consider a number of questions. Who has legal responsibility for the place? Who keeps records about the place? Who makes decisions that affect this place? What groups take a particular interest in this place? Who is interested in using this place? Who are the Indigenous Traditional Owners and/or custodians? Who manages the place? Your list may include the local council, property owners, property managers, Indigenous custodians of the country, ethnic groups, conservation groups, community groups such as historical societies or friends groups, developers and industry groups, licence holders who may be allowed to take or use the natural resources of the place, recreational users and others. Please identify as many as you can.

About the importance of the place

Q5. What is its significance?

Describing the significant values of the place that you’re nominating is one of the most important parts of the process. Ask yourself - does this place have values that are important to Australia? In this brief statement you will need to summarise the outstanding natural, Indigenous and historic heritage values that make it a heritage place of national significance. Try to include only those heritage values that you believe are nationally important.

You should refer to the criteria outlined in Question 6 and argue the degree to which the place meets the criteria you’ve identified. Answering this question is compulsory.

Q6. Which criteria does it meet?

Places that are assessed for inclusion on the National Heritage List will be done so against a set of criteria (see below) as outlined in the nomination form. Answering this question is compulsory and

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

you must provide evidence showing how the place meets each selected criterion. The national heritage criteria for a place are any or all of the following:

- a. the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history**

Examples include:

A place that best shows how the landscape formed over time and/or has a unique variety and combination of plants and animals that tell us something about how our land, plants and/or animals have responded to changing climate or other extreme events.

A place that was the site of important events that have helped define Australia, and/or is strongly associated with particular economic, political or social processes that have significantly shaped Australia, and/or it has an outstanding array of features that collectively tell a story important to the nation.

- b. the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history**

Examples include:

A place that has nationally rare or threatened species or plant or animal communities, or possesses rare geomorphological or palaeontological attributes.

A place that is associated with processes, activities, beliefs or other aspects of culture that are rare, threatened or are no longer practised.

- c. the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history**

Examples include:

A place that has helped us to understand an aspect of Australia's natural history, for example, places of scientific studies or discoveries, or teaching sites.

A place that has research or teaching value or the potential to provide important new national information.

- d. the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:**

- i. a class of Australia's natural or cultural places, or**
- ii. a class of Australia's natural or cultural environments**

Examples include:

While other places with similar characteristics exist, this place shares all or most of those characteristics and emerges from that group as the best example of a major feature of Australia's immense variety of plants or animals, or earth formations.

While other places with similar characteristics exist, this place shares all or most of those characteristics and emerges from that group as the best example of a particular period, way of life, use or land use, method of construction, industrial or technological process or design style such as in architecture, landscape design, or engineering.

- e. the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group**

Examples include:

The place has significant visual or non-visual aesthetic characteristics that have or had a strong impact on human thoughts, feelings and/or attitudes. A variety of sources should be used to support your claim. This could include artwork, literature, film, oral traditions and others.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

- f. the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period

Examples include:

The place shows skilfulness or inventiveness of design, art, craftsmanship or technical achievement, or shows innovation in introducing something new in a particular period. This could include the way built features and natural or designed landscapes work together. The original design or use should be recognisable. The key aspect is that it is an important Australian achievement.

- g. the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

Examples include:

The place holds traditional, religious, ceremonial or other special meanings for a recognised community or group of people who may share a locality, government, cultural background or common interest.

- h. the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history

Examples include:

The place has enduring or strong associations with people or groups of people of importance, and has had an impact on their philosophy, or events associated with their life. The place may have had an important formative effect on a person or group, and/or the major national achievements of a nationally recognised person or group occurred at the place. You should be careful to make sure that the person or group of people is of national importance or renown and that they have been closely associated with a place. Incidental association of a prominent person or group with a place does not necessarily mean that place is important.

- i. the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition

Examples include:

The place has heritage values that are held by Indigenous people as part of their culture and traditions.

Q7a. How would you describe the place?

Describe the main features of the place. For historic places this might include the style, materials and construction of buildings and their surroundings. For natural places it might include what happens in various seasons. Your description should include the physical aspects of the place, its uses by people, aesthetic qualities and any spiritual or cultural associations. In choosing what you describe, concentrate on those elements of the place that are the most significant.

You should also try and include recent images of the place, with particular emphasis on the heritage values of the place. A sketch plan showing any boundary and identifying all elements within the area, which are of heritage significance should be included with the images. Images can be prints, slides or digital photographs. If the place you are nominating has particular sensitive issues (see Question 11), then you need not provide photographs. All photographs should be clearly identified and include the name and contact details of the photographer and what is shown. These images will not be returned.

Q7b. What condition is it in?

Explain the current condition of the place, describing any damage, disturbance, degradation or alterations or regeneration of which you are aware. How intact is the place and how much of its original condition exists? Do you know of any long-term factors that may influence the condition,

5

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

such as development or inappropriate use? You may need to attach this information if you do not have sufficient room on the form.

Q8. What is its history?

When you're considering the history of the place, ask yourself how has the place evolved? Can you identify clear stages? Some places may have changed, had additions or elements removed over time. Can you identify them?

Q9. What other places have similar characteristics? How do these places compare with the place you are nominating?

We are asking you to compare a place with others because we want to be able to determine its relative significance. If the place is the only one of its type, you will need to note that. Be aware though, that comparing the significance of places may not be appropriate for places of Indigenous heritage significance.

Q10. What other information is available on the place?

Information on your nominated heritage place may already be available. Sources of useful information may include heritage registers, past researchers, state and territory government agency records, national, state and local libraries, national and state archives, universities, scientific research organisations and museums, the Australian Institute of Aboriginal and Torres Strait Islander Studies, Native Title Tribunal records, Indigenous land council and community organisations, local history and environment groups, and knowledgeable people (oral history).

Considerations

Q11. Are there sensitive issues associated with the place?

There may be matters associated with particular places, for example where there are problems in managing visitors, where places are particularly fragile or have rare elements that are easily removed or damaged or where a place might have particular sacred, cultural or religious issues. If you indicate that there are sensitive issues associated with a place, we will contact you to discuss these issues. This information will be treated as confidential.

Q12. Do the values reflect a National Heritage Theme announced by the Minister?

Themes help us to group places that tell an important story of Australia's heritage. The Minister may announce themes to provide a focus for telling these stories. Places may have importance to more than one theme.

The Minister has not yet determined whether to have a heritage theme in relation to nominations for the National Heritage List for 2014-15.

Sending in your nomination

Nominations must include all attachments along with a completed and signed nomination form. Nominations should be sent to:

The Nominations Manager
Wildlife, Heritage and Marine Division
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
Canberra ACT 2601.

Nominations can be submitted in electronic form, eg on a computer disc.

Your nomination will not be complete until the attachments and the signed form are received.

Where to go for more information

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

For information, books and background on heritage, visit the Australian Department of Sustainability, Environment, Water, Population and Communities' website at www.environment.gov.au/heritage and follow the links.

Many government and non-government organisations with an interest in heritage conservation provide information and advice on natural and cultural heritage issues. Some have produced detailed guides and references related to heritage. You may find the Australian Heritage Directory www.heritage.gov.au a useful starting point in your research. This is a gateway jointly sponsored by Commonwealth and state and territory government heritage agencies. It provides links to online information including government and non-government heritage organisations, databases and legislation.

EN1 – Establishment of a National Park for Bargo River Gorge

ATTACHMENT 2 - 1255 - 18 MAY 2015

Regulations Extract, pages 93 and 94, Environment Protection and Biodiversity Conservation Regulations 2000

10.01B Nominations of places for inclusion in the National Heritage List

For paragraphs 324J (3) (b) and (c) of the Act, a nomination of a place for inclusion in the National Heritage List must:

- (a) be in writing or electronic form; and
- (b) be made on a form approved by the Minister; and
- (c) include the full name, signature, address, telephone number and e-mail address (if any) of the person making the nomination; and
- (d) include the following:
 - (i) the name of the place, and any alternative name;
 - (ii) a description of the location of the place;
 - (iii) a map or plan showing the location and boundaries of the place;
 - (iv) a statement of the heritage significance of the place;
 - (v) a statement identifying 1 or more National Heritage criteria that the place satisfies;
 - (vi) evidence showing how the place satisfies the criterion or criteria.

EN 2 - Argyle Street - London Plane Trees

EN2

Argyle Street - London Plane Trees

225

TRIM 260

EXECUTIVE SUMMARY

- Council at its meeting on 16 March 2015 resolved:
 1. *That a report come to Council urgently on the plane trees in the main street of Picton.*
 2. *That the report include all options.*
 3. *That consultation with the Picton Chamber of Commerce, Shop Keeper and the community be conducted prior to the report coming back to Council.*
 4. *That any new street scapes be considered as well.*
- It is recommended that consultation be undertaken with the Picton Chamber of Commerce, Shop Keepers, the Community and other Council's managing plane trees in similar situations. Options 1-4 should be considered, and those determined to be most favourable be presented during consultation.

REPORT

Concerns have recently resurfaced about the London Plane Trees (*Platanus x acerifolia*) growing as street trees in the business district of Argyle Street, Picton.

The trees in question were planted in 2003 and trees have grown substantially and now provide shade and amenity to the main street of Picton.

Removal of the Plane trees was investigated in 2011, with risk assessments, consultation strategies and reports to Council prepared. Council resolved not to remove the trees.

The following issues have been raised and will be addressed in this report:

- Risk of Slip/Trip/Fall injuries associated with fruit drop in late summer/autumn
- Risk of damage to above ground infrastructure such as rooves and gutters
- Risk of Damage to underground services, predominantly stormwater
- Potential allergies and irritation
- Costs associated with long term management of existing Plane Trees vs removal and replacement with another species
- Loss of amenity if trees are removed.

EN 2 - Argyle Street - London Plane Trees

Risk of Slip/Trip/Fall injuries associated with fruit drop in late summer/autumn.

Plane trees produce large volumes of seed pods, approximately the size of a ping pong ball in late summer/early autumn. These pods drop and easily break apart into many short, furry fibres. The fruit present a significant trip hazard, particularly before they have broken apart. It is possible, but not likely, that someone could suffer a serious injury or death by tripping and hitting the pavement. This risk is currently being managed by sweeping the area two or three times per day during the fruiting season, at a cost of approximately \$2000 per year. Although the volume of fruit will increase as the trees grow, the amount of time required to manage this is unlikely to increase in the same way, as the amount of area to be swept has more impact than the volume of material.

This action is likely to be seen as "taking reasonably practicable measures to mitigate the risk" and is likely to be similar to, or exceeding, the level of management of other Council's in similar situations.

It should be noted that heat stroke is also a significant risk to the demographics most vulnerable to trip/fall injuries and shade trees generally decrease the temperature by approx. 10 degrees Celsius.

All trees drop some debris which requires management; the differences are in type, volume and duration. Some trees which seem like they would drop less debris can in fact create a greater risk. For example the flowers from crepe myrtles or jacarandas rapidly break down and become very slippery when wet, creating a very significant slip/fall risk, which is less obvious than the debris created by plane trees.

Risk of damage to above ground infrastructure such as rooves and gutters

Plane trees tolerate pruning well and it will not be difficult or excessively costly to ensure physical interaction between branches and rooves/buildings is minimised. Strategic directional pruning in the next 12 months and the repeated in 3-5 year cycles should be enough to achieve the required separation from infrastructure.

Large volumes of seed material are produced, and a substantial amount will end up in gutters. The duration of seed drop is approx. 6 weeks per year. Cleaning gutters once during this period and again following leaf dropping in autumn should be sufficient to prevent significant issues. Trees are shedding organisms and all species growing higher than the rooves will cause some material to accumulate in gutters. This may require regular maintenance at an ongoing cost to privately owned buildings.

EN 2 - Argyle Street - London Plane Trees

It is noted that there has been one claim to date regarding damage.

A risk assessment prepared for Council outlines that there may be high risk of impact from the trees on private buildings.

Risk of Damage to underground services, predominantly stormwater

The risk of roots entering stormwater infrastructure is significant. The risk presented by plane trees is likely to be greater than many other tree species, but may not be significantly worse than other trees of similar size and vigour. Plane trees are extremely tolerant of root pruning, so removal of large volumes of roots from stormwater pipes is unlikely to be detrimental to the trees. The cost of this is unknown at this stage as it has not been required to date.

A risk assessment prepared for Council addresses damage to other underground infrastructure and that there is a high potential for the roots to be invasive and affect infrastructure.

Potential allergies and irritation

The seed fibres of Plane trees are a known contact irritant for some people, as are the hairs from the leaves.

Plane trees produce large volumes of pollen for a short period in spring/summer; however, evidence is emerging that this pollen is not a primary cause of allergies. A recent study of 64 people in Sydney, whom claimed allergies to plane tree pollen, found that only 25% of those were actually allergic when tested. Rye grass and Bermuda grass were found to be more significant allergens, with 64% and 41% of those tested being allergic to these grasses. It was also found that all participants that were allergic to plane tree pollen were also allergic to the pollen of at least one of the grasses.

While pollen allergies may not be as common as first thought, it is still an issue for some and exposure to plane tree pollen can lead certain people becoming allergic to other similar particles. It should be noted that none of the studies are conclusive.

Costs associated with long term management of existing Plane Trees vs removal and replacement with another species

Other than the potential for litigation and infrastructure damage, which cannot be predicted, there is unlikely to be a substantial cost difference between retaining and managing or replacing the trees. Replacing with smaller trees would almost certainly reduce the long term cost of maintenance (e.g. sweeping/pruning) and reduce the risk of damage; however, this would also greatly detract from the amenity of the area.

EN 2 - Argyle Street - London Plane Trees

Replacing with another large tree, that is somewhat less vigorous and drops less debris would reduce the ongoing maintenance cost (i.e. sweeping) but it would take quite a few years (at least 10) to recoup the cost of removal/replacement.

Loss of amenity if trees are removed

The trees have now grown to a size where they contribute substantially to the amenity of Argyle Street and provide significant shade in summer. Their removal will be a very obvious impact to the streetscape. It would take at least 10 years to get back to the same point with replacement trees, if large vigorous trees were selected (e.g. Elms or Ash). If smaller trees were used (e.g. Crepe Myrtles) they would never provide the same level of shade and visual impact that a large tree can impose.

A calculation of the amenity and environmental value of the trees has been undertaken, using the *Thyer Tree Valuation Methodology*, as used by The City of Sydney, and many others. This process conservatively estimates the value of each tree to be approximately \$16000, making the total value of the tree's contribution to the streetscape in excess of \$160000. These estimates will increase as the trees grow and could easily double immediately if a less conservative approach was taken.

Four (4) options were identified and assessed for potential implementation:

Option 1 - Retain and Increase Maintenance and Monitoring.

Strength – Council does not face a community backlash for removing the trees. Council avoids the cost of removal in the short term.

Weaknesses - this option primarily only addresses the visible issues i.e. the root system will still be concealed and monitoring would only identify root damage as it occurs. Therefore this option still may result in Council facing significant costs in the medium to long term to repair damages to its own infrastructure, face litigation regarding private property or injury to persons or face significant costs to repair services such as water, sewerage and electricity. This option would also require resources (funding) for increased vigilance and maintenance of the trees and would compromise the natural (safer) form of the trees.

EN 2 - Argyle Street - London Plane Trees

Option 2 - Remove and Replace with more Suitable Species.

Strength – The removal of the trees would minimise any damage to that which may exist and would ensure that no further damage occurs. This option would give Council the opportunity to decide if the removal should happen at one time or be staged in order to lessen the visual impact of the removal. It would also allow Council to select more appropriate trees for the site. These could be selected with reference to Councils Draft Approved Species List for Planting in Wollondilly and be consistent with the various outcomes desired by the various sections in Council. This option also allows Council to be innovative with its plantings e.g. themes such as local natives, fruit trees, bush tucker trees, colour and texture themes etc. It will also allow aspects such as shade, solar access, water requirements, maintenance requirements, public risk and environmental benefits to be taken into account. The correct selection would ensure Council has lower ongoing maintenance costs.

Weakness- This option may create the perception that Council was negligent in its tree selection in the first place and hence incurring costs for the community to remove the trees in such a relatively short period after planting. There may also be residents who could be disappointed with Council for removing them at all simply because they like those trees.

Option 3 - Remove and not Replace.

Strength – The immediate removal of the trees would minimise any permanent damage to that which may exist and would ensure that no further damage occurs. It would also relieve Council of any further street tree maintenance or issues in Argyle Street.

Weakness – There will be no street trees in Argyle Street. The community may regard it as Council “removing” a community asset without replacing it. Businesses in the street may also regard it as an impact on the atmosphere and ambience of Picton’s main street.

Option 4 - Do Nothing.

Strength – Council does not face a community backlash for removing the trees. Council avoids the cost of removal in the short term. Retain the current amenity of the area.

Weakness - This option would possibly result in Council facing significant costs in the medium to long term to repair damages to its own infrastructure, face litigation regarding private property or injury to persons or face significant costs to repair services such as water, sewerage and electricity. As this option does not address community or council risks, it is not considered as an acceptable option for further consideration.

EN 2 - Argyle Street - London Plane Trees

SUMMARY

With respects to the options above, Option 4 does not adequately control Council and Community risk and is not considered an appropriate action for further consideration. It is appropriate for consultation to occur on options 1 to 3 to ensure community feedback is captured and reported to Council.

CONSULTATION

Consultation has previously been undertaken in 2011/2012 with a number of stakeholders, including staff, Picton Chamber of Commerce, Councillors, Arborists, Retailers and the Community.

This report recommends that further consultation should be undertaken prior to making a final determination on the matter.

FINANCIAL IMPLICATIONS

No funding has been allocated for this project/item.

If the trees are to be retained and managed, pruning etc can be funded from the general tree maintenance budget, as this would be considered routine tree works. The expected cost of pruning is approx. \$5500 (2015) and is likely to be required in the next 12 months, then again in approximately every five (5) years.

If the trees are to be removed and replaced, funds may need to be provided from another source, as this substantial expense would not be considered routine tree works and has not been factored into the general tree works budget. It is expected that tree removals, if done in a block, would cost approximately \$13,200 (2015), with traffic management a significant component. If the trees were to be removed in stages the cost is likely to be significantly more expensive, due to the additional traffic control setup/takedown. Sourcing and installation of replacement trees, from advanced stock, is likely to cost approximately \$1000 per tree.

The cost of sweeping up seeds is approximately \$2000 (2015) annually and is unlikely to change substantially as it is based more on area rather than the seed volume. The cost of sweeping leaves has not been considered, as that would be required for any deciduous tree; however, this activity does reduce the time available to undertake other maintenance activities in the Picton town centre.

ATTACHMENTS

Nil

Report of Environment to the Ordinary Meeting of Council held on Monday 18 May 2015

EN 2 - Argyle Street - London Plane Trees

RECOMMENDATION

That a stakeholder consultation process be undertaken to garner views on the three acceptable options, i.e. Option 1 - Retain and Increase maintenance and monitoring, Option 2 - Remove and Replace with more suitable species and Option 3 - Remove and not replace; with the results of the consultation being reported to council for a final determination on this matter.

EN3 – Review of Street Sweeping Services Contract 2009/09

EN3

Review of Street Sweeping Services Contract 2009/09

266878

TRIM 8501

EXECUTIVE SUMMARY

- The purpose of this report is to provide background on the issues around the approaching end of the term of the Suction Street Sweeping Services contract and to recommend a proposed method of determining whether to extend the contract for the optional two (2) years.
- It is recommended that:
 1. A total of \$50,000 be introduced, from the Legal Claims Restricted Cash Account, to fund a review of the Suction Street Sweeping Services Contract; \$15,000 in 2014/15 and \$35,000 in 2015/16.
 2. A Contract Review Board (the Sweeping Services Contract Review Board) be formed, consisting of Monica Kelly as Chair, a Procurement Specialist from Local Government Procurement NSW and a Waste/Sweeping Services advisor (a local government manager from a non-contiguous local government area), to undertake the review of the Suction Street Sweeping Services Contract.
 3. The Sweeping Services Contract Review Board be delegated, in accordance with Section 377 of the Local Government Act 1993, to undertake the review of the Suction Street Sweeping Service Contract and determine, on Council's behalf, whether to extend the contract by the optional two (2) years, or part thereof, or terminate the Contract at the end of the contract term.

REPORT

BACKGROUND

Council has been providing a suction sweeper based Street Sweeping Service to the community for approximately 21 years through the engagement of a specialist contractor. The form of the Contract and the works schedule have remained substantially unchanged for approximately 21 years and has been successfully won, through a competitive tendering process, by RJ & S Law for all Contracts to date.

In July 2010, Council entered into a Contract (Contract No. 2009/09) with RJ & S Law for the provision of Suction Street Sweeping Services under a rise and fall adjusted schedule of rates contract for a period of five (5) years i.e. to July 2015; with an option to extend the contract by a further two (2) years.

Environment

EN3 – Review of Street Sweeping Services Contract 2009/09

RJ & S Law have confirmed that they are supportive of the contract being extended for the additional two years and have expressed their view that it is the best and most economical outcome.

The estimated value of the two year extension is \$630,000 and the contract allows the extension as a variation. However, as the estimated value of the extension exceeds the Local Government (General) Regulation 2005 expenditure limit of \$150,000 requiring tenders to be called, it is appropriate that the extension be reported to Council for determination rather than under delegated authority.

In 2012, Mr Law was elected as a Councillor for the East Ward of Wollondilly Shire Council. With respect to the consideration of extending the Suction Street Sweeping Contract, Mr Law's election has resulted in declared conflicts of interest as follows:

- Pecuniary conflict of interest - Councillor R Law (absenting from discussion and decision forums)
- Non-pecuniary significant conflict of interest - Council K Terry (absenting from discussion and decisions forums)
- Non-pecuniary non-significant conflict of interest - Councillors C Mitchell, S Landow, R Amato, B Banasik, M Banasik, J Hannan and H Gibbs (attending discussions and decisions forums)
- Non-pecuniary non-significant conflict of interest - General Manager L Johnson, Executive Director A Dench and Director M Malone (attending discussions and decision forums).

OPTIONS FOR DETERMINING THE CONTRACT

Given the pecuniary and non-pecuniary conflicts of interest, as well as the need to consider the extension of the Contract in a procedurally fair and transparent manner that delivers best value for the community and maintains community confidence in the process, a number of options were considered as follows:

Option 1

Letting the Contract come to an end at the completion of the five year term

Advantages - a simple process that does not require consideration by the Council or the Executive; enables Council to consider adjustments to service levels and contract conditions for a replacement service contract.

EN3 – Review of Street Sweeping Services Contract 2009/09

Disadvantages - may result in Council and hence the community not reaping the benefits of the current contract rates; may be perceived by the community as being unfair by denying a the contractor an opportunity to continue providing the service; may be seen as unfair by the contractor given contract extensions granted under previous contracts; will require seeking quotes for hourly hire sweeping services for approximately three (3) months during the procurement process for a replacement service.

Option 2

Executive determination to extend the contract

Advantages - enables two year period to review services levels and contract conditions for a replacement contract at the end of the extension; would not require the calling of quotes for an hourly hire based street sweeping due to the continuation of service.

Disadvantages - the extension may be beyond the amount that could be delegated under normal delegations; may be perceived by the community as being a biased outcome for the current contractor; is not an open decision making process; does not provide the opportunity to ensure that the community is being delivered best overall value for the provision of the service.

Option 3

Report to Council recommending the extension of the contract

Advantages - enables two year period to review services levels and contract conditions for a replacement contract at the end of the extension; would not require the calling of quotes for an hourly hire based street sweeping due to the continuation of service; would be an open decision making process.

Disadvantages - may be perceived by the community as being a biased outcome for the current contractor; may give rise to accusation of conflicts of interest of both the Executive and Councillors; does not provide the opportunity to ensure that the community is being delivered best overall value for the provision of the service.

Option 4

Delegation under Section 377 of the Local Government Act (1993) to the General Manager to make a determination on the Contract on Council's behalf

Council can resolve to delegate any of its functions, except those stipulated in sub-clause (1). The administration of an existing contract, including the determination to extend or terminate a contract, is not prohibited under sub-clause (1) and therefore can be delegated.

Environment

EN3 – Review of Street Sweeping Services Contract 2009/09

Advantages - a process that does not require further consideration by the Council; depending on the determination may enable Council to consider adjustments to service levels and contract conditions for a replacement service contract.

Disadvantages - any determination will be open to accusations of positive or negative bias or conflicts of interest; depending on the outcome, may require seeking quotes for hourly hire sweeping services for approximately three (3) months during the procurement process for a replacement service.

Option 5

Delegation under Section 377 of the Local Government Act (1993) to "any other body or person" to make a determination on the contract on Council's behalf

Council can resolve to delegate any of its functions, except those stipulated in sub-clause (1). The administration of an existing contract, including the determination to extend or terminate a contract, is not prohibited under sub-clause (1) and therefore can be delegated.

Advantages - a process that does not require further consideration by the Council or the Executive; enables Council to consider adjustments to service levels and contract conditions for a replacement service contract; removes all potential or actual conflicts of interest from the decision making process.

Disadvantages - will incur a cost as the body receiving the delegation will require remuneration for their services (investigation, consideration and determination: estimated at \$50,000); may be perceived by the community as an overly complicated way of managing non-pecuniary conflicts of interest; may be seen by the community as abnegating a normal contract management function; may result in Council and hence the community not reaping the benefits of the current contract rates; depending on the determination, may be perceived by the community as being unfair by denying the contractor of an opportunity to continue providing the service; may be seen as unfair by the contractor given contract extensions granted under previous contracts; depending on the determination, may require seeking quotes for hourly hire sweeping services for approximately three (3) months during the procurement process for a replacement service,

In considering the above Options:

Option 5 is the only option that appears to remove all potential conflicts of interest or perceptions of bias from the process that may result in an extension or termination of the contract; however, it incurs the highest additional non-service cost as the delegated body will have to be remunerated (estimated at \$50,000).

Environment

EN3 – Review of Street Sweeping Services Contract 2009/09

Option 1 removes potential conflicts of interest and bias for the extending the contract but not for terminating the contract

Options 2 to 4 retain potential conflicts of interest and bias, perceived or actual.

PROPOSAL

Given the need to undertake a transparent and procedurally fair process, Option 5 is being recommended as detailed below.

A three person Contract Review Board be formed by direct engagement (the Sweeping Services Contract Review Board) as follows:

- Chair - Monica Kelly of Prevention Partners NSW, a solicitor with extensive experience in local government law, procurement, governance and probity
- Procurement advisor - a Procurement Specialist from Local Government Procurement NSW
- A Waste/Sweeping Services advisor - a local government manager from a non-contiguous local government area with relevant experience in specifying and managing street sweeping type services.

The Board be delegated to undertake the review, as outlined below on behalf of Council, under Section 377 of the Local Government Act.

The terms of reference for the Board for to review the current Suction Street Sweeping Services would include:

- Review of existing specification and contract conditions to determine appropriateness and issues
- Comparison with current industry best practice with respect to provision of service and contract
- Review of appropriateness of services specification and payment schedule
- Identify opportunities/mechanisms for varying the levels of service or servicing schedule to achieve Council's objectives or budget limitations
- Review of current contract administration issues and opportunities
- Delegated determination for extension for the remaining balance of a two (2) year extension, or part thereof, or cessation of current contract
- Communication of the outcome of the determination to the contractor
- Report to Executive and briefing of Executive on determination
- If the determination is for a contract extension, provision of advice for contract and probity management improvements for the extension (limited to non-substantial changes that would require the calling of tenders).

EN3 – Review of Street Sweeping Services Contract 2009/09

The outcomes of this process will provide:

1. A determination on the extension, or otherwise, of the existing contract; and
2. Inform the procurement process for either an immediate or delayed (at the end of a two year extension) procurement process for a future contract. This will ensure that a proportion of the review costs will decrease the costs incurred by Council in the eventual procurement process.

Should Council resolve to adopt this approach, the contractor would be advised of the decision, as well as the process; and requested to consider accepting an intermediate extension of the contract for the duration of the review period that would be beyond the current contract term, estimated as two months. Legal advice is that the option to extend the contract term can be exercised on this basis if required.

Should the Board's determination be that the contract be extended, the extension would be for the remaining balance of the two year option, estimated as 22 months.

CONSULTATION

- Independent Commission Against Corruption
- Office of Local Government NSW.

FINANCIAL IMPLICATIONS

No funding has been allocated for the estimated \$50,000 cost of the contract review and it is proposed that funding be introduced from the Legal Claims Restricted Cash Account; \$15,000 in 2014/15 and \$35,000 in 2015/16.

The financial impacts of the ongoing provision of street sweeping services are the subject of the annual planning and budgeting processes. Any change to the expected cost of providing the street sweeping service as a result of this review or a future procurement process will be the subject of a further report to Council.

ATTACHMENTS:

Nil

EN3 – Review of Street Sweeping Services Contract 2009/09

RECOMMENDATION

1. That a total of \$50,000 be introduced, from the Legal Claims Restricted Cash Account, to fund a review of the Suction Street Sweeping Services contract; \$15,000 in 2014/15 and \$35,000 in 2015/16.
2. That a Contract Review Board (the Sweeping Services Contract Review Board) be formed, consisting of Monica Kelly as Chair, a Procurement Specialist from Local Government Procurement NSW and a Waste/Sweeping Services advisor (a local government manager from a non-contiguous local government area) to undertake the review of the Suction Street Sweeping Services Contract.
3. That the Sweeping Services Contract Review Board be delegated, in accordance with Section 377 of the Local Government Act 1993, to undertake the review of the Suction Street Sweeping Service contract and determine, on Council's behalf, whether to extend the contract by the optional two (2) years, or part thereof, or terminate the contract at the end of the contract term.

NOTICE OF MOTION/ RESCISSION

Notice of Motion/Rescission to the Ordinary Meeting of Council held on Monday 18 May 2015

NOTICE OF MOTION/RESCISSION

TRIM 6416-5

RES1 **Rescission Motion No. 1 submitted by Cr B Banasik on 20 April 2015 regarding Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of two Dual Occupancies (three new dwellings)**

RESCISSION MOTION

That Council rescind the resolution of the Ordinary Meeting held on 20 April 2015 as listed below.

RESOLUTION

54/2015 a) *That Council undertake a review of the appropriate application of Clause 4.1A of Wollondilly Local Environmental Plan 2011. The review will include a Councillor Workshop and further report to a future Ordinary Meeting.*

b) 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.

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.

**Notice of Motion/
Rescission**

- (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.

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.
- (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.
- (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.

Notice of Motion/Rescission to the Ordinary Meeting of Council held on Monday 18 May 2015

- (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.
- (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.
- (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.

- (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.

- (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.
- (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.

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.

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.

Notice of Motion/Rescission to the Ordinary Meeting of Council held on Monday 18 May 2015

- (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.

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
- 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.
- (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.

- (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.
- (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.

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.

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.

Notice of Motion/Rescission to the Ordinary Meeting of Council held on Monday 18 May 2015

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.

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.

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:

- (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:
 - (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.
- (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.
- (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.

ALTERNATE MOTION

That Development Application 010.2014.00000502.001 for a three stage residential subdivision and dual occupancy development, creating an additional three 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 refused for the following reasons:

- a) The Wollondilly Local Environmental Plan 2011 contains a zone objective for the R2 Low Density Residential zone which seeks to "provide for the housing needs of the community within a low density residential environment". The need for small lot residential development has been catered for at the nearby Bingara Gorge development.
- b) The development would be contrary to clause 4.1A of Wollondilly Local Environmental Plan 2011 as the development would result in the proposed dual occupancy (detached) development in Stage 3 being located on a lot (Lot 152) with an area less than 975m².
- c) The development is contrary to the existing density and subdivision pattern in this part of Wilton. The development, if approved, would create an undesirable precedent and will detract from the quality and amenity of the public domain in this locality.
- d) The form and external appearance of the proposed development does not present an appropriate scale. In particular, the side boundary setback to Peel Street and lot widths fronting Wonson Street are not consistent with the existing streetscape character in this locality.
- e) The site is not suitable for the residential density proposed by this development, given the functional nature of the reticulated sewer system in Wilton.
- f) The development would be contrary to the public interest and taking into consideration the submissions made in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

Notice of Motion/Rescission to the Ordinary Meeting of Council held on Monday 18 May 2015



NOTICE OF RESCISSION MOTION

NOTICE OF ALTERNATIVE MOTION

COUNCILLOR NAME:
CR BENN BANASIK

RESCISSION MOTION
That Minute number..... Or the decision in respect of Item number PE1 of the Ordinary Meeting of Council held on 20.04.2015 be rescinded.

MATTER
The Rescission Motion relates to the following subject matter:
PE1 - Development Application No. 010.2014.00000502.001 - Demolition and the construction and subdivision of 2 Dual Occupancies (three new dwellings)

DEFINITION
A rescission motion
is a motion to withdraw formally or alter a Council resolution.
Councils are able to change their decisions by way of a later decision. A motion to rescind or alter a resolution is the usual means of changing a council resolution. To make sure that council's intention is clear, it is considered **best practice** to expressly state that a later resolution is to replace an earlier one. In this way, the public, council staff and subsequent councillors can understand and act with certainty on council decisions.

HOW CAN A RESCISSION MOTION BE LODGED?
Section 372(4) of the Local Government Act (the Act) provides that:
(4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

Administration Centre, P O Box 21 PICTON, 62-64 Menangle Street, PICTON NSW 2571
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TRIM 827
Last Revised: 22/02/13

Notice of Motion/
Rescission



Notice of Motion/Rescission to the Ordinary Meeting of Council held on Monday 18 May 2015

WHEN MUST A RESCISSION MOTION BE LODGED?

Section 372 of the Act contains two (2) time restrictions on the lodging of rescission motions. The first, in section 372(1) requires notice of a rescission motion to be given in accordance with Council's Meeting Code. The second in section 372(5) stops a similar motion being brought within three (3) months after a rescission motion has been defeated.

In accordance with Council's Code of Meeting Practice (the Code) a motion to rescind a resolution must, if not given at the meeting at which the resolution is carried, in accordance with clause 9 of the Code, be lodged with the General Manager by 11.00am the day following the meeting in which the resolution was carried.

LIMITS ON WHEN OR HOW OFTEN A RESCISSION MOTION CAN BE REVISITED

Section 372(5) of the Act prescribes that to 'rescind' or undo an earlier resolution can only be lost *once* before a three (3) month ban is placed on any councillor 'bringing forward' another motion to the same effect.

'Brought forward' means moved at a council or committee meeting. It is possible for notice of the motion to be given (but not for the motion to be moved) before the expiry of the three (3) month period referred to in section 372(5) of the Act.

CAN A RESOLUTION GRANTING DEVELOPMENT CONSENT BE RESCINDED?

Under section 83 of the *Environmental Planning and Assessment Act 1979* development consent has effect from the date endorsed on the written notification (subject to any appeal action). It would be possible for a council to rescind a resolution giving consent if the applicant has not been formally advised of the consent. Once the applicant has been formally advised of council's decision, there may be issues of compensation to the applicant if consent is later rescinded.

SIGNATURES

This rescission motion is supported by:

COUNCILLOR NAME	SIGNATURE	DATE
1. <u>Bern Bonasik</u>	<u>[Signature]</u>	<u>20/04/15.</u>
2. <u>Kate Perry</u>	<u>[Signature]</u>	<u>20/04/15</u>
3. <u>Michael Bonasik</u>	<u>[Signature]</u>	<u>20/4/15.</u>

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NOTICE OF ALTERNATIVE MOTION

In accordance with clause 29 of the Code, an alternative motion must be lodged with the General Manager by noon Friday or three (3) calendar days prior to the day of the Ordinary Meeting of Council.

THAT: That Development Application 010-2014-00000502-00 for a three stage residential subdivision and dual occupancy development, creating an additional three 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 DP754094 2 Wilson Street Wilton be refused for the following reasons:

- a) The Wollondilly Local Environmental Plan 2011 contains a zone objective for the R2 low density residential zone which seeks to "provide for the housing needs of the community within a low density residential environment". The need for small lot residential development has been catered for at the nearby Bingera Gorge development.
- b) The development would be contrary to clause 4.1A of Wollondilly Local Environmental Plan 2011 as the development would result in the proposed dual occupancy (detached) development in Stage 3 being located on a lot (Lot 15) with an area less than 975m².
- c) The development is contrary to the existing density and subdivision pattern in this part of Wilton. The development, if approved, would create an undesirable precedent and will detract from the quality and amenity of the public domain in this locality.
- d) The form and external appearance of the proposed development does not present an appropriate scale. In particular, the side boundary setback to Peel Street and lot width fronting Wilson Street are not consistent with the existing streetscape character in this locality.
- e) The site is not suitable for the residential density proposed by this development, given the functional nature of the articulated sewer system in Wilton.
- f) The development would be contrary to the public interest if taken into consideration the submissions made in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

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TRIM 6416-5

NOM1 Notice of Motion No. 1 submitted by Cr Mitchell on 28 April 2015 regarding Financial Assistance Grants to Local Government

RECOMMENDATION

1. That Council acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Council services and infrastructure and that Wollondilly will receive \$3,431,629 in 2014/15.
2. That Council write to our Federal Members of Parliament, Mr Angus Taylor MP and Mr Russell Matheson MP, drawing attention to the impact on Wollondilly of the Financial Assistance Grants indexation freeze, seeking support for the restoration of the indexation of the grants; and
3. That Council ensures that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.

QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday
18 May 2015

QUESTIONS FOR NEXT MEETING